

UPPER MERION TOWNSHIP BOARD OF SUPERVISORS
ZONING WORKSHOP MEETING
DECEMBER 3, 2015

The Board of Supervisors of Upper Merion Township met for a Zoning Workshop meeting on Thursday, December 3, 2015 in the Township Building. The meeting was called to order at 5:30 p.m., followed by a pledge of allegiance.

ROLL CALL:

Supervisors present were: Greg Waks, Erika Spott, Bill Jenaway (arrived late) and Carole Kenney. Also present were: Dave Kraynik, Township Manager; Sally Slook, Assistant Township Manager; Joseph McGrory, Township Solicitor, Rob Loeper, Township Planner. Supervisor Philips was absent.

DISCUSSIONS:

WATER LINE REPLACEMENT WORK BY AQUA PA

Mr. Dave Kraynik, Township Manager, introduced Steve Tagert, President, Aqua PA and Mike Fili, Aqua Area Superintendent, who were present at this meeting to offer their apologies for the unacceptable base work that was done by a subcontractor on certain streets. They also addressed the numerous complaints received by the township and township supervisors as a result of Aqua's water line replacement project. One of the biggest complaints was the temporary paving.

Mr. Tagert stated Aqua is replacing about 100 miles of water main a year in southeastern Pennsylvania. He indicated the notification process begins with a letter to the resident which explains the scope of the project and the construction process.

Mr. Waks asked how much advance notice the letters provide. Mr. Tagert responded notification letters go out approximately two weeks ahead of time.

Mr. Tagert reviewed the various steps involved in the construction process which begins with the first cutting of the road to the final connection of the new water main. It was noted that Aqua waits 30-60 days before doing the final milling and paving.

Mrs. Kenney asked if the water has to be turned off during the transfer from the old to the new main. Mr. Tagert responded when making the switch to one house the water is off for an hour or so. If for some reason a whole block has to be shut down to make a connection everyone on the block is notified.

Mrs. Kenney asked about the notification process for this situation. Mr. Tagert responded they go door to door and if no one is home there will be a door hanger indicating the water will be shut off from, for example, "9 a.m. to 3 p.m. today."

Mrs. Spott discussed her firsthand experience with the water main construction in her neighborhood and the lack of communication in latter stages of construction. She indicated her notification letter was received in mid-July and the work started in August. Mrs. Spott mentioned that the first paving was pretty good and most people thought everything was done. While the notification letter indicated permanent restoration of the road would be complete in October 2015 the crews did not return until mid-November at which time, without any communication or even a knock at the door, the crew opened up a three foot drop in front of her driveway making it impossible for her to get to work. Others in her neighborhood were affected in the same way. To make matters worse, over the course of the next few days, the roads were left in an abysmal condition.

Mrs. Spott emphasized the need not only for better communication, but also some type of quality control on Aqua's subcontractors.

Mr. Waks stated the importance of constant communication. He mentioned his experience knocking on doors during his reelection campaign and how surprised he was that the number one complaint he received was Aqua PA everywhere in Upper Merion Township.

Mr. Waks asked besides more communication and terminating certain subcontractors what Aqua is substantively going to do to assure that the shoddy work that occurred on Croton Road, Anderson Road, Weadley Road and other places in Upper Merion Township does not happen again.

A discussion followed about ways for Aqua to disseminate information to residents including various township resources. Also discussed were ways for Aqua to refine the notification letter to alert residents not to discard the important information about their water service. Also discussed was the possibility of a follow up notification letter.

Mr. Tagert discussed the inspection process for the pipework.

Mrs. Spott commented while good technical work is being done things are falling apart on the execution side with community outreach.

Mr. Waks asked if the same contractors are typically used in Upper Merion. Mr. Tagert responded there is a contractor that has an annual contract.

He noted Aqua is not required to do public bidding and the bidding goes to approximately eight contractors in total.

Mr. Waks asked if the contractors Aqua intends to use in the area know there have been a significant number of complaints received throughout Upper Merion Township. Mr. Tagert responded in the affirmative.

Mrs. Kenney asked if the difficulty is with just one subcontractor. Mr. Tagert responded it was the paving contractor for the general contractor.

Mr. Ed O'Brien, Public Works Director, commented Aqua is protecting their infrastructure to their satisfaction with the level of their pipe inspection. He pointed out the township would like the same level of inspection on the roadway. In addition, he suggested Aqua signage make it clear it is an Aqua infrastructure project with their appropriate contact information since Public Works staff is pulled away almost half their work day to check on Aqua paving issues.

Mrs. Spott said that is a good point because the resident complaints she received believed it was the township doing the work.

Mr. Tagert said Aqua does have signs for their projects and he will have to make sure it is clearly stated as an Aqua infrastructure project.

Mr. Kraynik asked when the Aqua infrastructure project would be completed in Upper Merion Township. Mr. Tagert responded it would take five to six years. He explained Aqua does a five-year plan because they work with the township, PennDOT paving schedules, and Peco gas replacements. Projects are selected by the number of main breaks, what happens in that outage, the number of affected customers, and whether there is major damage because of the break. It was noted anywhere in King of Prussia where there is a huge sinkhole area is a major concern to Aqua and involves a huge cost for any breaks. Mr. Tagert said they look at water quality issues and if it is unlined cast iron piping and people are getting tuberculated or rusty water that is a project that gets done.

Mr. Waks asked if it is known what roads are scheduled to be paved in 2016. Mr. Kraynik responded in the affirmative and indicated it is a coordinated effort.

DEVELOPMENT PLAN RE: 611 DEKALB PIKE AND 107 FORGE ROAD,
REDEVELOPMENT OF FORMER GINO'S RESTAURANT SITE

Mr. Rob Loeper, Township Planner, discussed the site at Forge Road and US 202 (formerly Gino's and McDonald's) and the proposed plan by Hector Viñas to consolidate the two properties, demolish the existing house on Forge Road as well as the Gino's and construct a two-story 18,000 square foot building

for two users. The existing access onto DeKalb Pike which currently creates problems with ingress and egress will be eliminated and all access will be off of Forge Road. It was noted this will be a better access in that it will be moved back from the intersection. As with other recent commercial developments the building is moved closer to the street. Parking will be in the rear and there will be extensive landscaping associated with the plan. The plan has been submitted to the Township Engineer and the planning commissions for review.

Utilizing the aerial, Mr. Loeper highlighted various aspects of the proposed plan and the existing area.

Mr. Waks inquired about the nature of the retail. Mr. Hector Viñas, applicant, responded it will be a high quality Bassett furniture store.

Mr. Loeper asked if Bassett will occupy the whole second floor. Mr. Viñas responded in the affirmative.

Mr. Kraynik asked if there is a second retail. Mr. Viñas responded it will be a Zoës Kitchen serving Mediterranean and organic food. He noted there will be no drive-thru. The restaurant is on the first floor and Bassett furniture will be on the second floor.

Mr. Waks asked for clarification about the restaurant and if there was any discussion with residents who were concerned about having a restaurant on that site. Mr. Viñas responded that was his other site [near Chili's]. He said originally a Starbuck's was proposed on the site between Verizon and Gino's and that was when the concern was raised.

Mr. Loeper asked if something can be done for a more urban type of landscaping. Mr. Viñas responded he has been in communication with the Business Improvement District (BID) to take their comments into consideration and the landscaping has been revised to accommodate the BID. He indicated wider 8 foot wide sidewalks will be provided in front of the property and there will be a small outside eating area on the Forge Road side.

Mr. Waks asked if the parcel next to the parking lot on Forge Road is a residential parcel and if someone is living there now. Response: Someone is living there and it is a privately owned house.

Mr. Waks asked if the applicant has reached out to the resident about the plans. Mr. Viñas responded in the affirmative. He indicated he tried to buy the property but that did not work out and they have been aware of this for a long time.

Mrs. Spott asked if the township has heard from the neighbors. Mr. Loeper responded in the negative. He noted letters were sent out regarding the planning commission meeting next week.

Mr. Loeper pointed out one of the benefits of the redevelopment is the increased stormwater management.

Mr. John Diemer, engineer for the applicant, noted there will be an underground stormwater management system that will go into an inlet in the PennDOT right-of-way.

Mr. Loeper indicated a covenant will be required with PennDOT. Mr. Diemer responded, "the same as we did for Verizon."

Mrs. Spott asked when construction will start. The applicant responded the project would start in February 2016 and will take 6-8 months.

Mrs. Kenney asked about the total impervious on this project and how it differs from what it is there now. Mr. Diemer responded he believes there is a net decrease in impervious surface because currently the rear is all parking and the paving goes up to the property line. A 10 foot buffer is being created in the whole rear area.

Mrs. Kenney asked for more information about the buffer in the rear. Mr. Diemer responded at this point it is landscaped with trees and also a fence. The fence will be replaced similar to the one at Verizon.

Mrs. Kenney asked for more details about the landscaping in front and back. The applicant responded landscaping plans will be finalized with the architect and engineer working together to show where windows and display cases will be located.

Mrs. Kenney asked if the 8-foot sidewalks go all the way from the curb to the building. Mr. Diemer responded in the negative and indicated there will be a green space in between.

Mr. Waks suggested the applicant be prepared with the actual percentage of reduction in impervious prior to going before the planning commission and Board of Supervisors business meeting.

Mr. McGrory asked the applicant to give some thought to adding some undulation to the side facing DeKalb Pike or in the alternative add some roof delineation to break up the "boxyness" of the façade. The applicant responded the engineering plan does not show it but the architectural plan is going to have some offsets.

Mr. McGrory asked about the tenant for the rest of the first floor. Mr. Viñas responded Bassett is taking all of the first floor except 3,000 square feet and Zoës is taking up the rest of the first floor.

Mr. McGrory asked if Bassett will be on both the first and second floors. The applicant responded in the affirmative.

Mr. Jenaway asked about the distance of the proposed building from the roadway versus the property across the street. Mr. Loeper responded the plan is showing 25 feet back from the curb. The applicant noted 4 feet green grass, 8 foot sidewalks, and 13 feet landscaping.

JOHN MIDDLETON, W. CHURCH ROAD, UPDATE

Mr. Loeper stated representatives from John Middleton are present to provide an update on the property now that the flavoring building has been upgraded.

Ms. Paula Childers, applicant's engineer, discussed the applicant's proposal for the demolition of the three houses that John Middleton owns in front of the plant site. She indicated this will enable a better line of sight for ingress and egress of trucks. It was noted that the power is being taken underground, and power poles are being removed. Ms. Childers indicated this would be the first step towards eventually being able to widen the driveway to facilitate turns.

Mr. Kraynik asked if the applicant has applied for a demolition permit. Ms. Childers responded in the affirmative.

Ross Weiss, Esq., stated there are no plans for redevelopment of the lots which will have green space and be landscaped.

Mr. McGrory asked if the deeds will be consolidated. Mr. Weiss responded in the affirmative.

Mr. Loeper pointed out the area along Church Road zoned residential and in the rear of the property towards the railroad where it is zoned industrial. The three homes are in the R-2 District, and utilizing the aerial, Mr. Loeper indicated where the three homes are located.

Mr. Waks asked if there are any renderings of what this would look like. Ms. Childers responded in the negative. She indicated once the houses were demolished it would be a grassy area.

Mr. Waks asked if the applicant would be willing to meet with the Shade Tree and Beautification Commission and obtain their input on what plantings they

might suggest for this area. Mr. Childers responded the applicant would definitely be able to do this.

Mrs. Spott asked if additional traffic is anticipated as a result of this change. Ms. Childers responded in the negative and said the applicant is just trying to accommodate what is happening there now.

Mr. Jenaway asked if there are plans to widen the throat so that trucks can get in more easily. Ms. Childers responded the applicant is not prepared to do that right now, but would like to accomplish the demolition so that it could be done later.

Mr. Loeper asked the applicant to consider doing what John B. Ward did with series of plantings in front of a stockade fence. Ms. Childers responded the applicant could do that and asked how to proceed. Mr. Loeper responded Ms. Childers could coordinate with him and he would make the arrangements with the Shade Tree Commission.

A discussion followed regarding additional coordination following the demolition permitting process.

Mr. Weiss indicated there is an expectation timing wise to get into demolition on December 14th.

Mr. Loeper asked how the Board feels about the demolition.

Mr. McGrory asked if the Board is amenable to indicating they have no opposition to the demolition as long as the applicant satisfies all the permit requirements. He said there is going to be a deed of consolidation, not a reverse subdivision and the plantings are good faith on the part of the applicant because it is not a requirement in the code.

Board Action:

It was moved by Mr. Jenaway, seconded by Mrs. Kenney, all voting "Aye" to enable John Middleton Company to pursue the demolition of the three proposed properties which would enable consolidation of the lots, enhancement of the stormwater management and impervious coverage conditioned upon the applicant's compliance with the permitting process. None opposed. Motion approved 4-0.

ADJOURNMENT:

Without further comment from the Board and public, it was moved by Mr. Waks, seconded by Mr. Jenaway, all voting "Aye" to adjourn the zoning workshop meeting at 6:49 p.m.. None opposed. Motion approved 4-0

DAVID G. KRAYNIK
SECRETARY-TREASURER/
TOWNSHIP MANAGER

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Minutes Approved:
Minutes Entered: