

UPPER MERION TOWNSHIP BOARD OF SUPERVISORS
WORKSHOP MEETING
FEBRUARY 11, 2016

The Board of Supervisors of Upper Merion Township met for a Workshop Meeting on Thursday, February 11, 2016, in the Township Building. The meeting was called to order at 7:35 p.m., followed by a pledge of allegiance.

ROLL CALL:

Supervisors present were: Greg Waks, Bill Jenaway, and Carole Kenney. Also present were: Dave Kraynik, Township Manager; Sally Slook, Assistant Township Manager; John Walko, Solicitor's Office; Rob Loeper, Township Planner; Kyle Brown, Associate Planner; Angela Caramenico, Assistant to the Township Manager. Supervisor Philips and Supervisor Spott were absent.

CHAIRMAN'S COMMENTS:

Chairman Jenaway stated prior to this meeting a zoning workshop was held regarding zoning enhancements for Upper Merion Township.

DISCUSSIONS:

SIMON – AMENDMENT TO SIGN CODE FOR REGIONAL SHOPPING CENTER TO PERMIT LARGE ARCHITECTURAL BANNER SIGNS ON BUILDING FAÇADE

Denise Yarnoff, Esq., representing Simon Property Group, stated the front of the King of Prussia Mall is vibrant and exciting and with the construction of the new connector there are very large expansions of walls in the rear which could accommodate an artistic design element. Discussions have been held with the township staff about the possibility of an amendment to the Regional Shopping Center Sign Code to allow for a large architectural banner sign on the rear wall. Designers at Simon have been studying this very carefully and consistent with what they are doing at all upscale malls around the country they would like the ability to create some aesthetically pleasing graphic element banner signs. Ms. Yarnoff indicated the proposal would be to allow these signs only on the south side on Mall Boulevard.

Sam Fattah, project manager for the King of Prussia Expansion, provided a status report on the connector project which he termed "getting to the home stretch." He indicated the building is essentially complete from the outside and they are now paying attention to all the finer details to attract high end tenants and their clientele.

Mr. Fattah's presentation included samples of the graphic element banner system that is proposed for the Mall Boulevard side of the building. The heavy duty canvasses are 30 by 30 feet, can be changed out, and are also proposed for the inside of the building. The proposed LED back-lit banners will incorporate a very heavy duty frame system. Mr. Fattah pointed out it is a major team operation with two lifts and would remain in place for several months at a time. It was noted the messaging will be related to the mall and change seasonally four times a year. It might also be done for a special event, for example, the opening of a store.

Mr. Jenaway recalled when the applicant came before the Board of Supervisors two years ago there was a discussion about breaking up the blank wall with some design treatments. With regard to lighting, Mr. Jenaway asked if the banner would be lit 24 hours and if it has to be as bright as shown on the example. Mr. Fattah responded there is no point in having the banner lit for 24 hours and said it would depend on the mall hours. He surmised their property management people would time the banner to go off the same time as the parking lot lights after closing. With regard to light intensity, Mr. Fattah said he could get the information on light levels and indicated the lighting is very well diffused.

Mr. Loeper stated PennDOT and some others require auto-dimming at night on billboards and asked if the applicant's proposed banners have an auto dimming feature. Mr. Fattah responded he would check this out. Mr. Waks pointed out the township's LED sign has an auto-dimming capability. Mr. Jenaway said the billboard behind the fire house has auto-dimming as well.

Mr. Waks mentioned there are hotel rooms not far from the proposed banner site.

Mrs. Kenney expressed concern over the signage of one of the mall's other tenants and wanted to assure the proposed banner would be aesthetically pleasing. Mr. Fattah responded the tenant Mrs. Kenney referred to has a different customer demographic and gave assurance the banner graphics will have a sophisticated tone.

Mr. Waks noted his first glance at the proposed revised draft ordinance has nothing that restricts how often these signs can change. Ms. Yarnoff responded there is nothing in the draft at this time.

Mr. Waks pointed out the regular sign code has language restricting how often electronics can change and assumes Ms. Yarnoff's client would be open to language restricting how often the signs can change. Ms. Yarnoff responded, "absolutely." She noted in addition to the restriction on sign changes her client would be open to having a shutdown at a certain time.

Mr. Fattah suggested having the opportunity to change with the seasons.

Ms. Yarnoff indicated both John Waters and Mark Zadroga gave her a call and asked a number of questions to which she responded.

Mr. Jenaway emphasized traffic safety needs to take a look at this since there will be moving traffic through that area as well as pedestrian traffic underneath. Ms. Yarnoff responded that is a good idea.

Mrs. Kenney asked for clarification on the recommended locations for the banner. Utilizing the aerial, Mr. Fattah responded by pointing out various aspects of the site as one drives towards US 202. He said if there are concerns the applicant would make adjustments as needed.

Mrs. Kenney commented she views the banner more like a billboard. Mr. Fattah said instead of having a blank wall there would be a wall with some interest and a message.

Mrs. Kenney asked what guarantees the applicant can provide that the banner will not be used to advertise sales at some point in the future. Mr. Fattah responded that is a very valid point. Ms. Yarnoff said some thought would be given to coming up with language with regard to sale information.

Mr. Fattah indicated they could talk to their marketing group since there is a whole initiative to unify the Simon brand.

A member of the group said it is necessary to focus on a definition of what a graphic element sign is and indicate a percentage of graphic versus text.

Ms. Yarnoff stated language will be reworked and sent back to staff and the supervisors.

Mr. Jenaway reiterated the need to check with traffic safety.

GSK – CENTRAL UTILITY PLAN, EAST CAMPUS: DEMOLITION OF EXISTING UTILITY FACILITIES (30,000 SQ. FT.) AND CONSTRUCTION OF NEW CENTRAL UTILITY FACILITY (45,000 SQ. FT.)

Mr. Peter C. Anderson, P.E., Anderson Engineering, introduced David L. Horst, P.E. from Anderson Engineering and John Loeper, GlaxoSmithKline (GSK).

Utilizing the aerial, Mr. Anderson pointed out various aspects of the GSK site and surrounding area. He stated the applicant intends to demolish existing utility facilities and construct a new Central Utility Facility (CUF). While formal application for land development has not been submitted as yet, in order to keep

their schedule moving the applicant would like the ability to obtain proper permits and do the demolition work and some utility relocation work while in the process of land development.

Mr. John Loeper stated the East Campus is very active for GSK's R&D facilities and a lot of the equipment in the existing utility facility has reached the end of useful life. The urgency is to build the new facility to support the whole campus. The ability to proceed with some preliminary demolition and identify utilities for relocation will make it faster, more efficient and probably safer in moving forward to have a clean slate for construction.

Mrs. Kenney asked if there are any dangerous components in the building or facilities that will be demolished. Mr. Anderson responded the building is primarily vacant now. There is some equipment that needs to be properly decommissioned under GSK's procedure which is currently being done. He said any dangers would be removed before demolition starts.

Mrs. Kenney said she was thinking more in terms of the building itself with something like asbestos. Mr. Anderson responded if there is asbestos there are strict regulations that would have to be followed and remediated under the guidelines.

A question was asked as to what utilities are being moved. Mr. Anderson responded there is a fire line that serves the site and it is their understanding it has to be relocated as well as some communication, electrical, sanitary and storm sewer. The utilities are being evaluated to see what can be done to mitigate service and preparation of the site.

Mr. Tom Beach, Township Engineer, stated the only utilities the township would determine would be the storm sewer.

Mr. Anderson stated he does not have a problem providing a plan showing the relocation and making it possible for the township to inspect if it is deemed necessary.

Mr. Beach asked if the applicant is just asking for demolition and relocation at this point and not for any other improvements on the site. Mr. Anderson responded in the affirmative.

Mr. John Loeper stated GSK intends to file plans probably in 4-5 weeks and run through the process, but they are trying to recover a couple of months while going through that process to get the site prepared for their ultimate construction.

Mr. Jenaway asked how utilities will be provided for the occupied space while the CUF is being torn down. Mr. Anderson responded the site will remain

active and served by current equipment which is housed in the basement of Building 3 and will remain intact until the new facility is brought up.

With regard to the relocation of the fire line, Mr. Jenaway asked how fire protection will be sustained. Response: The applicant is considering some alternatives and does not have that answer as yet.

Mr. Rob Loeper stated demolition will go through the normal permitting process.

Mr. Jenaway recalled there was a discussion about a year ago about the demolition or renovation of another GSK property. Utilizing the aerial, Mr. John Loeper pointed to Building 40 which is close to River Road and the adjacent Building 18 which used to be a maintenance building. Building 40 is making a profit and GSK wants to expand the product and plans to demolish Building 18 and put in a new warehouse. That plan will be submitted in a few months.

YARD HOUSE RESTAURANT DEVELOPMENT PLAN, KING OF PRUSSIA MALL. RECONFIGURATION OF PORTION OF FORMER SEARS FOR A FULL SERVICE RESTAURANT AND CONSTRUCTION OF 1,816 SQ. FT. DECK FOR SEASONAL DINING ON THE WEST SIDE OF THE BUILDING

Utilizing the aerial, Mr. Loeper pointed out the overall development plan for the Yard House Restaurant at the corner of the former Sears auto center site near Maggiano's. The plan also calls for a 1,800 square foot seasonal dining deck.

Frank Carerra, representing Yard House provided an overview of the plan and provided some operational information about the restaurant and deck and some of the architectural elements of the proposed Yard House space. He said this will be a full service casual dining restaurant with a kitchen area in the back. Utilizing the aerial, Mr. Carerra showed the outline of the existing building on the corner and the outdoor seasonal deck which will face the Ring Road. Architectural elements will be added and the applicant is completely changing the exterior façade and character of the building.

Mr. Carerra discussed the pedestrian connectivity at the front entry and the adjacent public walkway that connects to the rest of the mall tenants. He pointed out one of the challenges is a sewer easement that runs very close to the proposed deck. Mr. Carerra mentioned the applicant is proposing to cantilever the deck over a portion of the sewer easement. This will necessitate an agreement with the Upper Merion Municipal Utility Authority (UMMUA). Mr. Carerra was under the assumption this has already been agreed upon; however, later in this presentation the matter was clarified by Mr. Kraynik.

An unidentified representative of Nave Newell emphasized how the plan

will “clean up” the corner. He indicated the applicant is looking for a waiver of land development. It was noted most of the work will be done internal to the building. There is some work behind the curb line to allow for the sidewalks and build the deck that would be cantilevered over the space.

Mr. Jenaway asked how far the deck comes down toward the Sears loading dock. Utilizing the aerial, Mr. Carerra pointed out the retaining wall and indicated where the loading dock is located at the lower level. He said the application is going to add some very thick vegetation and more trees not only to shield the loading dock area but also to enhance the entire corner of the building. Mr. Carerra said the applicant’s goal is to shield the loading dock area so that anyone standing or driving anywhere in this area will not notice it is there.

A series of slides were shown depicting the façade and architectural enhancements and other elements of the land development plan including the deck featuring a partial roof.

Mr. Jenaway asked for an explanation of the televisions on the outside. Mr. Carerra responded the televisions are for the enjoyment of the diners and are usually used for sports events.

Mrs. Kenney asked if the televisions will be visible to the driving public. Mr. Carerra responded in the affirmative.

Mrs. Kenney indicated that was her concern and asked for more details about the TVs. Mr. Carerra responded there will be about 6 TVs (48 to 50 inches in size).

Mrs. Kenney asked if any of the greenery and landscaping would block any of the view from the road. Response: It may block some, but not totally.

Mr. Jenaway asked if there could be some type of decorative sheeting outside to drop down 2 or 3 feet from the ceiling to block the view of TV’s from the roadway and shield diners from the sun. Mr. Carerra responded the applicant would give that idea consideration.

Mr. Jenaway suggested another option might be to mount the TV’s facing inward and not outward so only the patrons can view.

Mr. Waks commented he favors the TV’s on the deck for patrons to be able to watch sporting events and agrees there should be some type of shielding.

Mrs. Kenney mentioned she is Board Liaison on the Upper Merion Municipal Utility Authority and asked for clarification on the previous reference in

this presentation that there has been an agreement with regard to the sewer easements.

Mr. Kraynik indicated an agreement still has to be finalized. He stated a representative of Yard House attended a Municipal Utility Authority meeting about 7 or 8 months ago for a preliminary discussion. Questions were raised as to whether it was in the Authority's best interest provide that easement. Mr. Kraynik explained this is a 30 foot wide easement, 10 feet deep with a 16-inch major trunk line. It was noted there is a slope on that side. The Authority had some serious concerns about the ability to get to that line. If there is ever a problem with the line, the deck or portions of it would have to be removed. Mr. Kraynik indicated he and Mr. Loeper had a conference call this morning with the Authority's Solicitor. He said the Authority has never seen an actual written agreement.

Mr. Kraynik emphasized there is more work that needs to be done and clearly stated on the easement. He said the Authority has some concerns and questions that still need to be addressed as well as an opportunity to review the actual agreement language that has been proposed.

A question was asked if there is a stairway. Mr. Carerra responded it was removed when they realized it was not necessary for emergency egress and that it caused a lot of issues with the easement and sidewalks because of the slope.

Mr. Jenaway summarized (1) the agreement issue has to be worked through, (2) the applicant has been given some thoughts to consider about deflection of all the visual activity, and (3) the applicant will work with traffic safety to obtain their perspective in dealing with incoming vehicles.

Mr. Waks reported the Transportation Authority reached out to him regarding an individual who was interested in what the traffic count might be for the sports bar in view of the previous use as a garage. Mr. Carerra responded they usually base their calculations of vehicles on parking and they have sufficient parking on site.

Mr. Waks said he was not referring to parking and indicated when there is a development or redevelopment the traffic impact is assessed. He wanted to know if there is an applicable situation for commercial since there will be significantly higher traffic. Mr. Kraynik responded the Township Planner has been asked to do an analysis. He said that issue came up last night at the Transportation Authority. Mr. Loeper indicated he received an email from the Finance Director to look into this matter. He said there have not been traffic impact fees for changing permitted uses within the mall, but he would have to take a closer look.

Mr. Waks asked if there is a difference since this plan is under different

ownership than Simon. Mr. Loeper said he would have to check.

Mrs. Kenney asked if there is access to the restaurant from inside the mall. Mr. Carerra responded in the negative. It was noted that is why it was important to have the sidewalk. With the redevelopment of the auto center and the other potential uses that might go in, there will be connectivity around the corner.

Mrs. Kenney asked if that was done on purpose or if it is just a function of the way the building is situated. Mr. Carerra responded it is a function of the way the building is situated. He said when Sears was there it was necessary to be in Sears to get to the auto center because of the way everything was configured. It was also possible to walk through Sears to get into the mall and now that is not the case.

Rob DeFelice, resident, asked if there will be live entertainment on the deck and was told the Yard House would not have live entertainment. He asked if alcohol beverages would be set up outside and was told beer will be served. Mr. DeFelice asked about the setback from the curb line to the deck and was informed it is 20-30 feet.

APPROVE PROFESSIONAL SERVICE CONTRACTS WITH GORSKI ENGINEERING, INC. AND GLP ARCHITECTS, PC FOR CONSULTING SERVICES RELATED TO THE COMMUNITY CENTER

Board Action:

It was moved by Mr. Waks, seconded by Mrs. Kenney, all voting "Aye" to approve the professional service contracts as submitted. None opposed. Motion approved
3-0.

APPOINTMENTS TO THE ENVIRONMENTAL ADVISORY COUNSEL AND LIBRARY BOARD OF DIRECTORS

It was moved by Mrs. Kenney, seconded by Mr. Waks, all voting "Aye" to appoint Brittany Grala to the Environmental Advisory Council and Dr. Jonathan Black to the Library Board of Directors. None opposed. Motion approved 3-0.

ADDITIONAL BUSINESS:

WINTER FARMERS MARKET

Mrs. Kenney reminded everyone about the Winter Farmers Market from 10 am to noon on Saturday, February 13th.

From the Public:

A group of residents came by for the discussion on the O'Neill Renaissance project; however, it was removed from the agenda last week at the applicant's request to work out some additional details. Mr. Kraynik suggested the residents check back on the website for future meeting agendas.

ADJOURNMENT:

There being no further business to come before the Board, it was moved by Mrs. Kenney, seconded by Mr. Waks, all voting "Aye" to adjourn the meeting. None opposed. Motion approved 4-0. Adjournment occurred at 8:55 p.m.

DAVID G. KRAYNIK
SECRETARY-TREASURER/
TOWNSHIP MANAGER

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Minutes Approved:
Minutes Entered: