

UPPER MERION TOWNSHIP BOARD OF SUPERVISORS  
JULY 21, 2016

The Board of Supervisors of Upper Merion Township met for a Business Meeting on Thursday, July 21, 2016, in Freedom Hall, in the Township Building in King of Prussia. The meeting was called to order at 7:41 p.m., followed by a pledge to the flag.

ROLL CALL:

Supervisors present were: Greg Philips, Greg Waks, Bill Jenaway, Erika Spott and Carole Kenney. Also present were: David Kraynik, Township Manager; Joe McGrory, Township Solicitor; Rob Loeper, Township Planner; Tom Beach, Township Engineer, Angela Caramenico, Assistant to the Township Manager, and Allison Pimm, Chief Public Information Officer.

MEETING MINUTES:

It was moved by Mr. Waks, seconded by Mr. Philips, all voting "Aye" to approve the May 19, 2016 Business Meeting Minutes; June 2, 2016 Zoning Working Meeting Minutes; June 2, 2016 Workshop Meeting Minutes; June 16, 2016 Business Meeting Minutes, and July 7, 2016 Zoning Workshop Meeting Minutes as submitted. None opposed. Motion approved 5-0.

CHAIRMAN'S COMMENTS:

Chairman Jenaway stated an Executive Session was held prior to this meeting to discuss litigation.

NEW BUSINESS

RESOLUTION 2016-27 RE: RECOGNITION OF FIRST RESPONDERS TO THE KING OF PRUSSIA MALL KIDNAPPING INCIDENT

Police Chief Tom Nolan reported on March 31, 2016 at 5:45 p.m. members of the Upper Merion Township Police Department responded to the King of Prussia Mall with a report of an abduction of a seven week old boy. It was noted the police response to this incident occurred before receiving a phone call since Upper Merion Police dispatchers were monitoring the Plaza security radio and heard about the abduction as soon it was being discussed. Through the cooperative efforts of surrounding police departments, the Montgomery County Detective Bureau, the Montgomery County Department of Public Safety, the FBI and citizens who got the word out on social media, the abducted child was safely recovered within five hours and returned to his family.

Mr. Jenaway stated every year there are 4,747 children who go missing and are not found. The first hour is the most critical if a child is truly abducted and not a runaway. If they are not found within that first hour the chances of them being found or found alive diminishes with each passing hour. Mr. Jenaway pointed out what an extraordinary accomplishment this was and the result of the effective use of training, technology, interagency cooperation, expertise and professional law enforcement response.

On behalf of the Upper Merion Township Board of Supervisors, Mr. Jenaway read Resolution 2016-27 which was presented to representatives of all the agencies assisting the Upper Merion Police Department with this abduction investigation that resulted in the swift and successful outcome of this case.

CONSENT AGENDA RE:

1. Authorization to Sign Settlement Stipulations re:
  - a. SJS-Cedar Run, LP v. Board of Assessment Appeals of Montgomery County and Upper Merion Area School District, et al.
  - b. PG Properties, LP v. Board of Assessment Appeals of Montgomery County and Upper Merion Area School district, et al.
2. Approval of a Perpetual Easement Agreement with Montgomery County for 5.27 acres along Hansen Access Road for the construction of a portion of the Chester Valley Trail Extension
3. Community Center Change Order re: *(project still remains under budget)*
  - a. SMJ Contracting, Inc. (General Contractor) Change Order #25 in the amount of \$115,511.43 for the following work: 1 – Change of carpet, 2 – Connection of roof leaders to underground systems, 3- Installation of additional gym divider curtain, 4 – Extend and refinish gym floor, 5 – Install drains to catch pool deck runoff and connect to overflow.
  - b. SMJ Contracting, Inc. (General Contractor) Change Order #26 in the amount of \$40,679.85 for the following work: 1 – Installation of protective guardrail along roof, 2 – Install concrete pad for accessible exit at door, 3 – Add exposed aggregate concrete and drains along senior walkway.
4. Resolution 2016-26 re: Multimodal Transportation Fund Grant Application through the Commonwealth Financing Authority to be used for the Crow Creek Trail Project - \$2,029,406.92
5. Supplemental Budget Appropriations re:
  - a. Increase of \$3,130.00 for medals and prizes for the Library's Write & Illustrate Book Contest
  - b. Increase of \$110,300 for expenses related to pool maintenance at the Upper Merion Township Swim Club
6. Approve Extension Letter through September 30, 2016 re: Mancill Mill Road Company – Application for Preliminary Land Development Approval
7. Agreement to Permit King of Prussia Business Improvement District to Contract with Selected Bidder for the First Avenue Linear Park Demonstration Project
8. Recommend Comprehensive Plan Steering Committee
9. Equipment Replacement Requests re:
  - a. Public Works – Replace HVAC Units in Township Building - \$50,000.00
  - b. Public Works – Replace Two Exterior Main Doors at the Public Works Garage - \$5,000.00
10. Park and Recreation Facilities Use Agreement

From the Public:

Dave Burns, Regimental Road, (Park and Recreation Board Member). asked that the user agreement (Item #10) be deferred until the sports teams have a chance to review and provide feedback. He also felt the Park and Recreation Board should be the entity to hear and address their concerns.

Dan Russell, Park and Recreation Director, stated while the sports organizations have not had a chance to look at the agreement they are aware of the changes coming to the uses, mainly at Heuser Park. He said he will be

meeting personally with each of the organization presidents to review the agreement and the Park and Recreation Board will have an opportunity to meet with each sports organization board and the users of park facilities.

Mr. Jenaway pointed out this use agreement applies to all parks that are being used for a variety of township activities by sports teams. He also mentioned time is of the essence in moving the process along since football starts on August 1<sup>st</sup>.

Board Action:

It was moved by Mr. Philips, seconded by Mrs. Spott, all voting "Aye" to approve the Consent Agenda as submitted. None opposed. Motion approved 5-0.

PUBLIC HEARING RE: RESOLUTION 2016-29 RE: REQUEST FOR INTERMUNICIPAL LIQUOR LICENSE FOR OUTBACK STEAKHOUSE OF FLORIDA

Mr. Joseph McGrory, Township Solicitor, opened the hearing and introduced into the Record Board Exhibit #1, the letter of application and attached Resolution; Board Exhibit #2, Proof of Publication in the *Times Herald* on June 30, 2016 and July 7, 2016.

Paul Namey, Flaherty and O'Hara, representing Outback Steakhouse of Florida LLC, indicated the applicant is requesting approval of a resolution permitting the intermunicipal transfer of a restaurant liquor license from outside the township to within it pursuant to Section 461(b.3) of the Pennsylvania Liquor Code. Section 461 (b.3) permits the Pennsylvania Liquor Control Board to approve the transfer of a license from any municipality within a county to a different municipality within that same county so long as the receiving municipality issues a resolution approving that transfer.

Mr. Namey provided background information on Outback Steakhouse. Outback's parent corporation, Bloomin' Brands, owns and operates 1,400 restaurants in 48 states and 22 countries. It was noted 755 of those restaurants are Outback Steakhouse, 26 of which are located in Pennsylvania. Outback Steakhouse is a family-oriented, table service restaurant offering a casual dining experience with an Australian-inspired décor. While specializing in steak offering 7 different cuts, seasoned with a spice blend created almost 30 years ago by the restaurant founders, Outback provides a broad range of other food offerings including chicken, seafood, lamb and vegetarian offerings. Alcoholic beverages are offered at all 755 Outback Restaurants sold in a responsible manner and as a complement to the food service. All persons who serve alcohol will first undergo Responsible Alcohol Management Program (RAMP) training.

Of the 26 locations in Pennsylvania there is a cumulative citation history of 11 citations four of which would be considered significant violations by the Bureau of Liquor Control Enforcement.

The restaurant will have seating for 287 guests. The main dining and kitchen area total 61% of the 8,741 square feet of the restaurant. There will also be a patio dining area, but no amusement on that patio. Outback will not be applying for an amusement permit; only a Sunday sales permit.

In response to Mr. Namey's questions, Mr. Shy Burke, joint venture partner with Outback Steakhouse, provided the following additional details:

- The Outback Steakhouse will open for lunch at 11 a.m. and close during the week at 10:30 p.m. – Sundays at 9 p.m. and on Fridays and Saturdays at 11 p.m.

- The percentage of alcohol sales versus total sales at Outback. At their current location (about a mile and a quarter from their proposed site) it is estimated to be a 12% liquor mix. Since the size of the bar will be larger in the proposed location that percentage will increase slightly.
- It is estimated there will be 150-200 employees. It will be one of the largest Outbacks in the world and between \$3.5 and 4 million to build at this location.

Mr. Burke stated he has been with Outback 15 years and one of their goals is to give back to the local community at each one of their locations.

Mr. Namey noted the Outback will be located at 160 North Gulph Road at the former Sears service facility and next door to the Yard House.

Mr. Waks asked if the Outback location in Tredyffrin Township at the Gateway Shopping Center would be vacated and relocated in Upper Merion. Mr. Burke responded in the affirmative.

Mr. Waks asked for confirmation that there is no need in this particular situation for a redevelopment plan to be filed. Mr. Loeper confirmed that is correct. He said the plan was reviewed and it is essentially for internal alterations. There will be a new vestibule and canopy for the outdoor seating area which is over an existing impervious area.

Mr. Waks inquired about the potential opening date. Mr. Burke responded the end of March 2017.

Following up on Mr. Burke's comment regarding Outback's goal to give back to the community by way of organizations or municipal environments, Mr. Jenaway mentioned the Upper Merion Township Foundation as a possible way to achieve this goal.

From the Public:

Mary Jo Kenney, Lawndale Avenue, asked for clarification about the location of the proposed Outback Steakhouse, and it was confirmed it would be located at the former Sears site.

Mr. Jenaway asked where the license is coming from. Mr. Namey responded (off microphone). N.B.: Resolution 2016-29 indicates it is being transferred from Marjeane Caterers, Lansdale, PA.

Hearing and seeing no further comment from the Board of Supervisors or public, Mr. McGrory closed the hearing and reconvened into the public meeting portion of the agenda placing the resolution in a position for consideration by the Board of Supervisors.

Board Action:

It was moved by Mr. Philips, seconded by Mrs. Kenney, all voting "Aye" to approve Resolution 2016-29 as submitted. None opposed. Motion approved 5-0.

RESOLUTION 2016-28 RE: GLAXOSMITHKLINE DEVELOPMENT PLAN; BUILDING 400; 893 RIVER ROAD DEMOLITION OF EXISTING WAREHOUSE BUILDING AND PORTION OF ANOTHER BUILDING. CONSTRUCTION OF A NEW 30,000 SF WAREHOUSE WITH 60,650 SF OF GROSS FLOOR AREA. A PORTION OF THE BUILDING WILL CONTAIN A GREEN ROOF AND A NEW SUBSURFACE STORMWATER MANAGEMENT SYSTEM.

Utilizing the aerial, Mr. Rob Loeper, Township Planner, pointed out various aspects of the GlaxoSmithKline (GSK) campus, including the location of the proposed building which will be attached to what is commonly referred to as the Biopfarm which is located in close proximity to River Road.

The plan calls for the demolition of an older existing warehouse and a portion of another building and the construction of a new building that will be connected to the Biopfarm. GSK has made it clear there are no new additional employees working in this new facility which will be used to support the activities of the 400 people working in the Biopfarm building. There will also be additional warehouse space on the bottom or ground floor. One of the unique aspects of the proposed new warehouse building is the planned green roof which will be incorporated into the building in such a way that it will be available for use by the employees. There will also be additional stormwater management in an underground system as well as improved truck circulation for the site.

Mr. Jenaway stated the Board of Supervisors has reviewed this plan a couple of times during public workshop sessions. He asked if the applicant had anything further to add about the project that has not been presented before.

Chris Potterjoy, representing GlaxoSmithKline from Pennoni Associates stated the operation within the facility will remain as it is today and there will be no new employees as a result of this plan which is designed to better the warehousing situation.

Mr. Jenaway commented the stormwater management will be improved. Mr. Potterjoy said it will be greatly improved and there will be a reduction in impervious on the site. A subsurface basin will be added for detention purposes and a green roof is being provided as a major benefit for stormwater.

Mrs. Kenney asked how the green roof would be utilized for employees as previously mentioned by Mr. Loeper. Referring to the rendering of the building, Mr. Potterjoy stated there will be a small plaza area on the roof where employees could walk outside and view the roof. He further clarified it would be a visual feature.

Mr. Philips asked about the material composition of the green roof. Mr. Potterjoy responded there will be a membrane placed down to protect the inside of the building and then soil media consisting of a special mix of soil and gravel placed on top. The vegetation is called sedum and will be spread out to establish the vegetation on the roof.

Mr. Philips asked if the vegetation would have to be watered. Mr. Potterjoy responded the green roof would be self-surviving and if watering were needed they would have the ability to do that; however, it is unlikely that should occur. He said the material is meant to survive in extreme climates and has performed well in Center City Philadelphia and elsewhere.

Mrs. Kenney asked for clarification about the plants on the green roof. Mr. Potterjoy responded it is called sedum which is a mixture of different vegetation. He pointed out the green roof design is still coming together as far as what actual plant life will be there but sedum is the general term.

Board Action:

It was moved by Mr. Philips, seconded by Mrs. Kenney, all voting "Aye" to approve Resolution 2016-28 as submitted. None opposed. Motion approved 5-0.

CONTINUANCE OF CONDITIONAL USE HEARING RE: O'NEILL  
PROPERTIES GROUP; 2901 RENAISSANCE BOULEVARD; 300-UNIT MF  
RESIDENTIAL BUILDING; 10,928, SM-1 (continued from June 16, 2016)

Mr. Joseph McGrory, Township Solicitor, opened the continued hearing.

Edmund J. Campbell, representing the applicant, stated this hearing will include the testimony of one witness Frank Tavani, the applicant's traffic engineer.

Mr. Campbell addressed the question posed at the last meeting about the number of environmental wells on the site and pointed out on the screen the various wells around the site including two wells between the proposed development and the Hughes Park neighborhood.

Mr. Frank Tavani was sworn in and recognized as an expert in the field of traffic engineering.

Mr. Campbell asked Mr. Tavani to explain his role as traffic engineer with this project. Mr. Tavani responded he was tasked with preparing a Transportation Impact Assessment (traffic study) aimed at examining the impact of the proposed 300-unit apartment building at 2901 Renaissance Boulevard. The traffic study consists of data collection for AM and PM traffic counts at seven intersections surrounding the site as well as projections or estimates of trip generation for the site for the alternative use of the site, projections of future levels of service and a determination of whether or not there was a significant degradation of traffic performance as a result of the proposed use.

Mr. Campbell asked how the seven intersections were chosen for the study. Mr. Tavani responded without very specific measurable guidelines as to how far intersections need to be from a site he drew from his 23 years of experience and understanding of how much traffic would be generated and chose a generous study area as a result.

Mr. Campbell asked Mr. Tavani to discuss the conclusions he reached as a result of his study and to identify the intersections studied. Mr. Tavani identified the intersections as follows: Yerkes Road and Church Road, Crooked Lane and Church Road, Church Road and Horizon Drive, Crooked Lane and South Gulph Road, Crooked Lane/Yerkes Road and Holstein Road, Crooked Lane and Philadelphia Avenue and Renaissance Boulevard and Swedeland Road (PA- 320). Mr. Tavani indicated the aforementioned intersections were the subject of traffic counts which were conducted in November 2015 during weekday AM and PM peak periods. Levels of service were determined for these intersections under existing conditions.

Mr. Campbell asked about the standard referred to in the levels of service. Mr. Tavani explained the levels of service grading system. Level of service A represents the highest and most desirable condition with the least amount of congestion or delay and Level of service F represents the lowest condition. PennDOT indicates if the overall intersection delay increases by more than 10 seconds as a result of a project it may be necessary to mitigate the impact of that project. If there is a particular movement that experiences unusual delay or unusual conditions that may also be the focus of particular improvements. Mr. Tavani said the general rule is the overall level of service and the overall delay is calculated on a per intersection basis on a per peak hour basis.

Mr. Campbell asked if any of the seven intersections studied had a failing grade. Mr. Tavani responded not in an overall state; however, he noted there were a handful of individual turning movements that had failing levels of service in the future for no build condition as well as in the future build condition, but the overall rating was generally A, B and C.

Mr. Campbell asked how Mr. Tavani arrived at the projected amount of traffic for the proposed development. Mr. Tavani responded the Institute of Transportation Engineers (ITE) publishes a trip generation report which is now in

its 9<sup>th</sup> edition. These manuals are compendiums of empirical data found at existing facilities. When consulting this publication, one would use an appropriate variable, for example, in this case you would use the number of proposed units for an apartment building and ITE will provide a prediction of how many total AM or PM peak hour trips will be added whether entering or exiting. Mr. Tavani said that is the standard PennDOT has suggested for all traffic studies.

Mr. Campbell asked how many trips this development is anticipated to create based on the ITE standard. Mr. Tavani responded 153 total trips entering and exiting during the AM peak hour and 186 trips entering and exiting during the PM peak hour.

Mr. Campbell asked how Mr. Tavani projected where those trips will go in terms of the seven intersections studied. Mr. Tavani responded the usual way to predict trip distribution patterns for any site is to examine the existing patterns that are found today. He said new traffic is a subset of existing traffic and his analysis for the trip distribution was based on a review of the aforementioned seven intersections.

Mr. Campbell asked if any of those seven intersections fail as a result of this development. Mr. Tavani responded in the negative.

Mr. Campbell asked Mr. Tavani what types of improvements, if any, would be recommended based on his analysis and for which intersections. Mr. Tavani responded there are two intersections that could benefit from some modifications to existing signal timing programs. These would include the intersection of Church and Crooked and also at the intersection of South Gulph and Crooked Lane. Mr. Tavani emphasized a cornerstone of this application and what is very different from any past studies that have been examined is the nature of the use as a proposed apartment building for residential use. He said the site would benefit from traffic patterns for the proposed use that are opposite to what is currently found in the study area.

Mr. Campbell asked if the two significant components of Mr. Tavani's study is (1) the proposed use as residential rather than office and (2) a residential use will have far less traffic impact than an office use would. Mr. Tavani responded in the affirmative.

Mr. Campbell asked if Mr. Tavani has an opinion to a reasonable degree of traffic engineering certainty that the proposed development will not have a negative impact on the existing roadways and intersections in the immediate study area. Mr. Tavani responded he believes the existing roadways and intersections will not be adversely impacted by the development.

Mr. Campbell asked if the identified improvements proposed in his report are essentially signal changing, timing of the signals rather than physical improvements to those intersections. Mr. Tavani responded in the affirmative.

Mr. Campbell asked Mr. Tavani if it is correct that his study does not recommend opening the cul-de-sac at the end of Renaissance Boulevard to Crooked Lane. Mr. Tavani responded in the affirmative.

Mr. Campbell asked if Mr. Tavani is aware of any other studies which have drawn that conclusion. Mr. Tavani responded he is aware of a prior study that was prepared examining this site developed as an office use that comes to some different conclusions and was published some time ago.

Mr. Campbell asked if Mr. Tavani is aware of any traffic study recommending opening the roadway for a development that includes residential uses in the park. Mr. Tavani responded in the negative.

Mr. Campbell asked if Mr. Tavani is aware that this is what is called a Transit Oriented Design development a component of which is that the applicant makes parking available for public access to the train station. Mr. Tavani responded in the affirmative.

Mr. Campbell asked if Mr. Tavani has seen plans showing where the proposed parking would be and if the furthest the parking would be is between 750 and 800 feet from the train station. Mr. Tavani responded in the affirmative.

Mr. Campbell asked if parking within 750 to 800 feet of a train station is significantly close to be effective parking for that train station. Mr. Tavani responded in the affirmative.

Mr. Campbell asked if it is correct in order to use that parking for the train station it would be necessary to drive into the office park. Mr. Tavani responded in the affirmative. He said this could be done using either of the two available driveways or points of access found today.

Mr. Campbell asked if driving into the park would make the parking inadequate or otherwise deficient. Mr. Tavani responded in the negative. He said people would drive into a parking lot that would be accessed by one of two roads and possibly add another half mile or three quarters of a mile to their overall journey.

Mr. Campbell stated some people may continue to park on the street on Yerkes Boulevard because it is in closer proximity to the train station. He stated if the township wanted to direct more use to the proposed parking it is not uncommon for parking regulations to be employed. He said that is one possible way to move parking from Yerkes and encourage parking in this secondary facility.

Mr. Michael Sheridan, representing two entities as party litigants, reviewed exhibits he entered for the record. Highlights of Mr. Sheridan's cross examination of Mr. Tavani are as follows:

At the request of Mr. Sheridan, Mr. Tavani quoted from his Executive Summary.

In response to questioning about the May 10, 2010 Pennoni study and a design for a proposed connection between Renaissance Boulevard and Crooked Lane, Mr. Tavani stated he does not believe this has any relevance to these proceedings since the applicant is here regarding use and not under the auspices of land development. This is an argument Mr. Tavani reiterated several times during this hearing.

Mr. Sheridan asked Mr. Tavani if his study assumed a simple T intersection at the point of connection. Mr. Tavani responded he assumed there would be no restrictions on turning limits.

Mr. Sheridan asked Mr. Tavani if he could have redone his initial investigation or subsequent investigations to consider in that design certain restrictions on certain turning movements, specifically right turns exiting. Mr. Tavani responded in the affirmative and said it is possible to do that investigation.

Mr. Sheridan asked if this had been done the results about a new failure of service at Church and Crooked Road would no longer be valid. Mr. Tavani responded it is possible.

Mr. Sheridan asked if the level of traffic passing through that residential neighborhood between that point of connection and Church Road would decline because of no right hand turn. Mr. Tavani responded in the negative. He explained the reason is Mr. Sheridan did not specify a restriction on entering left



turn traffic and without that restriction also employed there could still potentially be additional traffic volumes along Crooked Lane between Church Road and the site.

Mr. Sheridan asked for clarification about Mr. Tavani's previous statement. Mr. Tavani responded with the restriction on the exiting right turn movement, there would only be a left turn out. It would be possible to make a right turn in or a left turn in since Mr. Sheridan did not specify that restriction. If a left turn in is permitted then the added traffic which would be presumed to be originating from somewhere near Church Road would therefore be added to the segment of Crooked Lane between the proposed point of access and Church.

Mr. Sheridan asked about a left turn in restriction. Mr. Tavani responded, by definition, there would be no added trips.

Mr. Sheridan asked if Mr. Tavani explored any of those alternatives in his study. Mr. Tavani responded in the negative.

Referring to charts covering the intersections of Church Road and Yerkes and Church Road and Crooked Lane for AM and PM peak hours, Mr. Sheridan compared the 2010 township study with Mr. Tavani's 2016 study. Mr. Sheridan pointed out the 2010 township study for Church Road and Yerkes Road shows the intersection failing at the AM peak and shows the intersection failing at the PM peak. He said Mr. Tavani's study for the same intersection and same peak hours show it at a level C for both times.

Mr. Sheridan indicated looking at the intersection of Church Road and Crooked Lane for the 2010 study and the 2016 study the same difference appears in that there are E's and F's for the baseline under the township 2010 study and C's and B's for level of service for the 2016 study.

Mr. Sheridan said although the township's 2010 study showed the failing level of service at those intersections with the connection it showed a significant improvement in the level of service.

Mr. Sheridan indicated Mr. Tavani does not have similar information in his study, specifically an intersection by intersection analysis of traffic distribution with a connection to Crooked Lane. Mr. Tavani responded that is correct, especially with assumed development of office space as this study [2010] was based.

Mr. Sheridan referenced the McMahon review letter of February 23, 2016 wherein it mentions the importance of examining all the benefits and issues on the area at large with the land use as proposed. It stated the study should further evaluate the broader advantages and disadvantages of extending Renaissance Boulevard to Crooked Lane, especially regarding impacts to area traffic operations and safety on surrounding roadways. Mr. Tavani stated the specific wording is "evaluate the broader advantages and disadvantages" and that is what he read into the record as identified from his Executive Summary, page 1.

Mr. Sheridan asked if Mr. Tavani was aware of PennDOT's conclusion that a connection may improve overall circulation and mobility in the surrounding area, but that the specific design of the intersection and any respective restrictions or signage was still under discussion and had not been resolved during prior coordination. Mr. Tavani responded he believes this conclusion has no relevance at this hearing since it was based on studies of this lot being developed as an office.

Mr. Sheridan asked for clarification about the dates of the data collected by Mr. Tavani in November 2015. While Mr. Tavani did not have the backup information with him, he said it appears that some counts were conducted the Thursday before Thanksgiving and one week earlier on the 19<sup>th</sup> of November.

Mr. Sheridan referenced the Montgomery County Planning Commission review dated January 2016 recommending the opening of the existing emergency access road to be used by regular traffic due to the low level of road connectivity currently available for residents of the proposed development. Mr. Tavani expressed disagreement with that statement.

Mr. Sheridan asked if Mr. Tavani took into account for his study the new Fed Ex operation. Mr. Tavani responded in the negative.

Mr. Sheridan asked if Mr. Tavani is aware of the proposed new school that may be built near the subject area in question near Crooked Lane. Mr. Tavani responded in the negative.

Mr. Sheridan referred to the TOD standard that parking shall be made available to the public for access to the train station. He asked if it is Mr. Tavani's understanding that the parking lot is roughly 750 feet from the Hughes Park station. Mr. Tavani responded in the affirmative.

Mr. Sheridan asked if people using that parking lot would walk along a sidewalk and cross Crooked Lane at some point to get to the train station. Mr. Tavani responded in the affirmative.

Mr. Sheridan asked if it is correct that there is no vehicular access to that parking lot from Crooked Lane. Mr. Tavani responded in the affirmative.

Mr. Sheridan asked what someone coming from the south passing the train station would have to do to get to that parking lot from that point. Mr. Tavani responded for someone coming from some point south before making their way to the train station they could easily pull off in anticipation onto Holstein Road, continue up Swedeland and into the Renaissance Park development and go into the parking lot.

Mr. Sheridan asked how he would he get from the train station to the parking lot in his car. Mr. Tavani responded there would be two options if originating at the train station. If he drove to the train station stopped and decided he wanted to use the parking lot he would either continue up Crooked Lane out to Church Road, down to Horizon and to the site or continue down Crooked Lane, South Gulph to PA 320 and into the site. However, if he were originating from points north and wanted to use the train station he would make a left at Horizon and go into the parking lot.

Mr. Sheridan asked if a more efficient design for the parking lot would be to have access to the parking lot from Crooked Lane. Mr. Tavani responded he believes the regular users of a train station would very easily recognize how to access the parking lot depending on where they originate from and could easily alter their path to get to and from that parking lot without meaningfully adding to their travel time or distance.

Mr. Sheridan asked with this design for the parking lot would it not be expected that people who park along Yerkes next to the train station would continue to do so. Mr. Tavani responded some may continue to park as they are but he believes it is equally likely that some would reroute themselves to use the parking lot.

Mr. Sheridan asked if providing an access to the parking lot from Crooked Lane would increase the efficiency of design of the parking lot. Mr. Tavani responded for certain users it would be more efficient. He said he believes other users could easily reroute themselves depending on where they originated from.

Mr. McGrory asked of the seven intersections studied if it is correct there were no movements that were level of service F. Mr. Tavani responded he

believes the statement was there were no overall levels of service F under existing conditions.

Mr. McGrory asked if any turning movements resulted in a level of service F as a result of this development. Mr. Tavani responded there are a handful of movements that deteriorate but it is those intersections featuring those movements where he previously testified that some optimization of signal timing could help remediate impacts. For example, South Gulph Road and Crooked Lane during the PM peak hour in 2023 no build the eastbound approach is level of service E with an estimated delay of 70 seconds. That increases with the addition of site traffic to an F with 120 seconds of delay; however, 2023 build with optimized splits brings it back down to the E category and with less delay than the no build condition.

Mr. McGrory asked Mr. Tavani if the improvements he is proposing will eliminate any level of service F on any of the movements in the seven intersections that were studied. Mr. Tavani responded there is one movement that is an F under existing no build and build conditions for which he is not recommending any remedy but one could certainly be possible. He specifically referred to the intersection of South Gulph and Crooked Lane. During the AM peak hour the southbound approach features a level of service F with 110 seconds of delay on average and with the addition of site traffic that degrades an additional 5 or 6% with an added six seconds of delay. The typical PennDOT standard which most traffic studies utilize is when there is an increase in overall delay by 10 seconds that is typically when mitigation measures are considered. For this particular intersection during this particular hour the overall delay only increases by one second with the addition of site traffic and is in a D category without the site and stays in a D category so in recognition of that he did not recommend any changes; however, if compelled there is probably an opportunity to have some additional signal timing tweaks at that location during that hour and if that were the case then the answer to Mr. McGrory's question would be "yes" there would be no level of service F condition.

Mr. McGrory asked Mr. Campbell if on behalf of his client he would accept as a condition of approval that of the aforementioned seven intersections there be no turning movements that would result in a level of service F. Mr. Campbell responded in the affirmative.

Mr. McGrory asked that the seven intersections be identified again for the record. Mr. Tavani responded the intersections are as follows: (1) Yerkes Road and Church Road, (2) Crooked Lane and Church Road, (3) Church Road and Horizon Drive, (4) Crooked Lane and South Gulph Road, (5) Crooked Lane, Yerkes Road, Holstein Road; (6) Crooked Lane and Philadelphia Avenue and (7) Renaissance Boulevard and Swedeland Road.

Mr. McGrory stated during cross examination Mr. Tavani was answering questions about different levels of service overall that are in conflict with Penonni's levels of service list. Mr. McGrory asked for an explanation of the discrepancies. Mr. Tavani responded the most fundamental difference between the Penonni 2010 study and his 2016 study is the 2010 study assumes development of this lot as an office use so any level of service calculations are projections based on that use. He stated the benefit the township would enjoy if this proposed use were approved is the fact that this traffic is countercyclical to the existing employer based use.

Mr. McGrory asked if Mr. Tavani's explanation is that it is a different use - residential versus office. Mr. Tavani responded that is one explanation among others. He said some of the data collection is for 2007, 2010 and a study from 2003 was referenced and is now dated. Traffic patterns have evolved. Another potential reason is the new Schuylkill Expressway ramp constructed between then and now that could have affected patterns. Just the nature of how traffic engineers determine levels of service has changed in the last six years.

PennDOT periodically updates their own suggested parameters such as saturation flow rates, suggested lane capacities expressed as passenger cars per lane per hour. The software program traffic engineers use gets periodically updated and that further underscores how misleading it is to draw any conclusions between a 2010 study and a 2016 study.

Given the late hour, Mr. Jenaway stated this hearing will be continued on August 4<sup>th</sup>.

Mr. McGrory adjourned the hearing and reconvened into the public meeting portion of the agenda.

#### ACCOUNTS PAYABLE & PAYROLL:

##### Board Action:

It was moved by Mr. Philips, seconded by Mr. Waks, all voting "Aye" to approve the Accounts Payable for invoices processed from June 16, 2016 to July 13, 2016 in the amount of \$1,552,877.49 and the Payroll for June 17, 2016 and July 1, 2016 in the amount of \$1,497,581.84 for a total of \$3,050,459.33. None opposed. Motion passed 5-0.

#### ADDITIONAL BUSINESS

##### HEAT WAVE

Mr. Philips reminded everyone to check on the homebound or those without air conditioning during the July heat wave.

##### DEMOCRATIC NATIONAL CONVENTION

Mr. Philips mentioned the Democratic National Convention to be held next week in Philadelphia and encouraged residents to show their welcoming hospitality to some of the visiting delegations from different states staying in Upper Merion Township.

##### UPPER MERION TOWNSHIP POOL

Mr. Waks marked the one year anniversary of the Upper Merion Township pool which has been a tremendous success. Revenues from annual memberships have already exceeded the budgetary projections by more than \$20,000.

##### FARMERS MARKET

Mrs. Spott reminded everyone about the Farmers Market on Saturday.

##### TOWNSHIP POND

Mr. Jenaway reported on the receipt of an \$85,000 grant from the Pennsylvania Department of Community and Economic Development to remediate the retention basin "pond." These funds will help improve the basin including some mapping, erosion control, dredging and restoration of the disturbed areas to their original condition. This will be in keeping with the township's Comprehensive Plan, zoning code and most importantly sustainable environment. Because of the nature of the remediation process the project will begin sometime during the winter months.

##### PASSING OF SUE WAGENMANN

Mr. Jenaway expressed the heartfelt condolences of the Board of Supervisors and Upper Merion community upon the passing of Sue Wagenmann,

wife of former Township Manager, Ron Wagenmann.

JUDY VICCHIO, FORMER ASSISTANT TOWNSHIP MANAGER

Mr. Jenaway asked for prayers for Judy Vicchio, former Assistant Township Manager, who has been hospitalized at Jefferson Hospital. *[it is sadly noted that Judy passed away on Saturday, July 23 after a brief illness].*

ADJOURNMENT:

There being no further business to come before the Board, it was moved by Mr. Philips, seconded by Mrs. Spott, all voting "Aye" to adjourn the meeting. None opposed. Motion approved 5-0. Adjournment occurred at 9:55 p.m.

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DAVID G. KRAYNIK  
SECRETARY-TREASURER  
TOWNSHIP MANAGER

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Minutes Approved:  
Minutes Entered