

UPPER MERION TOWNSHIP BOARD OF SUPERVISORS  
MAY 18, 2017

The Board of Supervisors of Upper Merion Township met for a Business Meeting on Thursday, May 18, 2017, in Freedom Hall, in the Township Building in King of Prussia. The meeting was called to order at 7:42 p.m., followed by a pledge to the flag.

ROLL CALL:

Supervisors present were: Greg Waks, Greg Philips, Bill Jenaway, and Carole Kenney. Also present were: David Kraynik, Township Manager; Sally Slook, Assistant Township Manager; Joe McGrory, Township Solicitor; Rob Loeper, Township Planner; Tom Beach, Township Engineer; and Angela Caramenico, Assistant to Township Manager. Supervisor Spott was absent.

MEETING MINUTES:

It was moved by Mr. Waks, seconded by Mrs. Kenney, all voting "Aye" to approve the April 6, 2017 Workshop Meeting Minutes, the April 13, 2017 Joint Meeting Minutes and April 20, 2017 Business Meeting Minutes as submitted. None opposed. Motion approved 4-0.

CHAIRMAN'S COMMENTS:

Chairman Jenaway stated an Executive Session was held prior to this meeting to discuss litigation. He also reported on the recent Pennsylvania State Association of Township Supervisors Conference and mentioned the hottest topics for discussion were public safety, stormwater, zoning and planning. Chairman Jenaway indicated there were multiple sessions as these topics were discussed and Upper Merion Township was held up as a model for the way to get things done right.

NEW BUSINESS

SWEARING IN OF PROMOTED POLICE OFFICERS

Police Chief Tom Nolan stated in November 2016 the Upper Merion Township Police Department conducted a promotional testing process to fill the ranks of corporal, sergeant and lieutenant in anticipation of pending retirements. This list was established for promotions that were known to be occurring in 2017 and early 2018. Although the formal swearing in ceremony for the second group from that list is occurring at this business meeting these promotions will take effect on May 26, 2017 at 4 p.m. It was noted these promotions are triggered because Captain James Early is retiring later this month after more than 35 years of service to Upper Merion Township.

After Chief Nolan provided a biographical sketch for each officer, District Justice James Gallagher officiated at the swearing-in ceremony for the following officers: Lt. Christopher Bird promoted to Captain; Sgt. Declan Doyle promoted to Lieutenant; Cpl. Patrick Krouse promoted to Sergeant; and Officer Tobias Fisher promoted to Corporal.

PROCLAMATION RE: 75<sup>TH</sup> ANNIVERSARY OF SWEDESBURG VOLUNTEER FIRE COMPANY

Mr. Jenaway congratulated the Swedesburg Volunteer Fire Company on their 75<sup>th</sup> anniversary. He read and presented Chief Jerry Recupido with a Proclamation from the Board of Supervisors marking this milestone of community service. He spoke about the anniversary celebration he and some of his colleagues attended recently at the Radisson Valley Forge.

PROCLAMATION RE: 60<sup>TH</sup> ANNIVERSARY OF GOOD SHEPHERD  
LUTHERAN CHURCH

Mr. Jenaway congratulated Good Shepherd Lutheran Church on their 60<sup>th</sup> anniversary. He read and presented Pastor Julie Dewerth with a Proclamation from the Board of Supervisors marking their history of service to the community.

BOARD OF COMMUNITY ASSISTANCE – ANNOUNCEMENT OF GRANT  
RECIPIENTS

Ms. Lydia Dan Sardinas, Chairperson, Board of Community Assistance (BCA), stated last year there was a total of 95 grants (52 organizations, 10 sports and 33 scholarships). This year there was a total of 101 applications (63 organizations, 5 sports and 33 scholarships). It was noted last year there was approximately \$153,760 in available funds and \$152,273.64 was awarded to 65 recipients (33 organizations, 7 sports and 25 scholarships). This year \$149,540 is available for award.

Ms. Dan Sardinas announced the BCA 2017 recommendations for organizations and sports as follows:

- Upper Merion Cross Country - \$10,000
- College Settlement - \$2,500
- Dr. Martin Luther King, Jr. National Holiday - \$1,000
- Elmwood Park Zoo - \$5,000
- Friends of Black History - \$1,800
- Literacy Council of Norristown - \$2,500
- Montco Guild of Professional Artists - \$6,860
- Neighborhood Meals on Wheels - \$2,500
- SPRING - \$1,000
- Upper Merion Community Alliance CAST - \$1,000
- Upper Merion Community Center Complex - \$2,600
- Upper Merion Emergency Aid - \$4,000
- Upper Merion Mother's Club - \$1,500
- Upper Merion Park & Historic Foundation - \$2,500
- Upper Merion Senior Service Center - \$1,600
- Upper Merion Tree Tenders - \$10,000
- Upper Merion Area School District - \$1,500
- Upper Merion Area School District Film Club - \$5,000
- Upper Merion Township IT Department - \$5,000
- Upper Merion Township Library - \$830.00
- Upper Merion Township Parks & Recreation - \$6,850
- Upper Merion Township Parks & Recreation - \$2,000
- Upper Merion Township Safety/Codes - \$4,500
- Upper Merion Township Shade Tree Commission - \$10,000
- Valley Forge Tourism - \$5,000
- Victim Services Center of Montgomery County - \$2,500
- West End Civic Association - \$2,500

Ms. Dan Sardinas announced the 2017 scholarship recommendations as follows:

- Sonal Chaturvedi - \$2,500
- Jonathan Deuber - \$2,500
- Marissa Garcia-Kaliner - \$2,500
- Matthew Koresko - \$2,500
- Francesca Lindelow - \$2,500
- Katie McCabe - \$2,500
- Kimberley Melck - \$2,500
- Melissa Molinaro - \$2,500
- Sweta Patel - \$2,500
- Brandon Pearson - \$2,500
- Sarika Ram - \$2,500
- Sierra Reddi - \$2,500
- Anna Tepe - \$2,500
- Casey Krouse - \$5,000 Ronald G. Wagenmann Scholarship
- Melody Pryor - \$10,000 General Von Steuben Scholarship

As Board Liaison to the BCA, Mr. Waks expressed appreciation to all the members of the Board of Community Assistance (BCA) who made some very difficult decisions regarding award recipients. He explained the countless hours required in reviewing, comparing and re-reviewing 101 applications.

Mr. Waks pointed out there is only a finite amount of resources. He noted the total value requested for organizational grants was well over \$400,000 this year but only about \$100,000 was given to organizations which is less than 25%. Mr. Waks said this demonstrates the BCA's difficult decision-making process for these outstanding and highly competitive applications.

As Board Liaison to the BCA, Mr. Waks observed BCA members pay very close attention to which organizations received funding in the past. He encouraged any organization that did not receive funding this year to reapply in the future. In addition, it was noted in the past there were a lot of scholarships at \$1,000 or less. This year the BCA decided to have fewer scholarships, but raise the amount of the scholarship.

Board Action:

It was moved by Mr. Waks, seconded by Mrs. Kenney, all voting "Aye" to approve the grant and scholarship recommendations of the Board of Community Assistance. None opposed. Motion approved 4-0.

CONSENT AGENDA RE:

1. Equipment Replacement Requests re:
  - a. Police Department – Replace Patrol Vehicles - \$133,000
  - b. Public works Department – Replacement of Cooling Tower Mechanical Equipment - \$16,000
  - c. Public Works Department – Purchase 2018 Diesel Mack Heavy Duty 10 Wheel Cab/Chassis with Snow Plow Package - \$210,380
  - d. Public Works Department – Purchase a 2018 Diesel Mack Heavy Duty 6 Wheel Cab/Chassis with Snow Plow Package - \$200,340
  - e. IT – Replacement of PC's, Servers, and Network Equipment - \$20,000
2. Change Order #2 for Roof Repairs, Township Building, 175 W. Valley Forge Road to Premier Roofing Services, Inc. in the amount of \$5,224.00
3. Authorization to Sign Settlement Stipulation re: Hemar Realty Company, 950 Pulaski Drive, Parcel No. 58-00-15416-01-5
4. Bid Recommendation re: 2017-2018 Consortium Fuel Contract to Petroleum Traders Corporation - \$7,379,639.87
5. Resolution 2017-27 re: Authorization to sign Application for Traffic Signal Approval, Form TE-160 – South Gulph & Henderson Roads
6. Resolution 2017-31 re: Authorization to sign Application for Traffic Signal Approval, Form TE-160 – South Gulph & Crooked Lane
7. Awarding of a Professional Services Agreement to proceed with the Notice of Intent for Stormwater Permitting as required by PADEP to T&M Associates in the amount of \$50,500.00
8. Awarding of a Professional Services Agreement for Engineering Tasks required to construct the Trout Run Streambank Rehabilitation Project to ARRO in the amount of \$14,750.00 offset by a DCED Small Sewer Improvement Grant
9. Awarding of a Professional Services Agreement for Design and Construction Management Services for the Lower Floor Renovations at the Community Center to Remington, Vernick & Beach Engineers in the amount of \$4,800.00 (*This is where expanded programming will take place in the Community Center*).

Board Action:

It was moved by Mr. Philips, seconded by Mr. Waks, all voting "Aye" to approve the Consent Agenda as presented. None opposed. Motion approved 4-0.

KING OF PRUSSIA ASSOCIATES/EDDIE V'S DEVELOPMENT PLAN, KP MALL, 8,000 SQ. FT. PAD RESTAURANT, 127 ACRES, SC – SHOPPING CENTER, Plan Expiration: 6/6/17, Resolution 2017-28

Mr. Rob Loeper, Township Planner, stated King of Prussia Associates proposes to construct an 8,000 square foot Eddie V's Restaurant at the King of Prussia Mall on DeKalb Pike adjacent to the Wells Fargo Bank. Utilizing the aerial, Mr. Loeper pointed out various elements of the site, including the extent of the underground culvert which contains Crow Creek and creates some challenges for development of the site.

The plan was reviewed by the Upper Merion Township Planning Commission, the Montgomery County Planning Commission and the Township Engineer.

Mr. Loeper indicated there will be no direct access from DeKalb Pike; all access will be internal from the existing mall circulation system. There will be parking for 97 vehicles in this area. Mr. Loeper pointed out the mall has some unique parking provisions in that parking stall sizes can be reduced if they are a certain distance removed from entrances; however, the parking for this development will actually be enlarged.

With regard to pedestrian access, there is currently access along the US 202 frontage and there will be additional connections between the US 202 frontage and the entrance to the site as well as from the parking area to the mall garage.

There are no direct roadway improvements; however, the applicant will be paying an impact fee based on trip generation.

Mr. Loeper pointed out this portion of the mall site currently does not have stormwater management. There will be a stormwater management system installed consisting primarily of underground basins under the parking area with Best Management Practices (BMPs) for water quality and designed to meet the township code of reducing flows.

With regard to landscaping, part of the project will be completed by Simon and part by Darden, the owner of Eddie V's.

The applicant has requested the following waivers from the Subdivision and Land Development Ordinance:

- The request for a waiver from §140B-17.A(2), for relief to allow grading within five (5) feet of a property line
- The request for a waiver from §145-24.A, to provide single parking space paint lines
- The request for a waiver from §145-24.1.D(2)(a), for relief from landscape breaks between rows of 20 parking spaces
- The request for a waiver from §145-24.1.D(2)(e), for relief from the requirement that planting islands be a minimum of 9 feet by 18 feet and contain one shade tree, plus shrubs and/or ground cover

Mr. Jenaway asked if there were any elevations. Utilizing the aerial, Mr. Loeper pointed out various elements and views of the site, including the area where the trash receptacle will be located. It was noted the trash receptacle will be contained, locked, completely enclosed and hidden from view from the street.

Mr. Jenaway asked about the location of the mechanical room access. Mr. Loeper responded the mechanical room doors are located on the side and not facing DeKalb Pike.

Mr. Jenaway asked about the front setback. Mr. Loeper responded there is a variable setback. He said the minimum bump out reflected on the screen is 18 feet, 6 inches from the curb and the setback on the left side of the screen is approximately 36 feet and 30 feet on the right side.

Mr. Jenaway asked for clarification about the shrubs shown on the illustration. Keith J. Marshall, PE, Nave Newell, responded there are some trees and there are a lot of shrubs that will be foundation plantings around the building. Mr. Jenaway stated the Board of Supervisors remains concerned about the image of the key entrance into Upper Merion Township and having the backs and sides of buildings as attractive as possible.

Mr. Philips asked about the minimum setback along DeKalb Pike. Mr. Loeper responded there is no setback in the shopping center district and is all based on what is approved by the Board of Supervisors.

Mrs. Kenney asked for clarification about the location of the trash enclosure and the mechanical room. Mr. Loeper pointed out these locations on the screen.

Mr. Philips asked about the "sidewalk to nowhere" shown on the plan and if there is any reason it is not linked anywhere. Mr. Marshall indicated the sidewalk is located on bank property. Other unidentified representatives of the applicant offered additional comments off microphone from audience.

Board Comment:

Mr. Waks asked about the construction and completion timeline assuming Board approval. Mr. Marshall responded it would be 4-5 months on the building once the site is ready and total construction would probably be March 2018.

Board Action:

It was moved by Mr. Philips, seconded by Mrs. Kenney, all voting "Aye" to approve Resolution 2017-28 regarding subject property. None opposed. Motion approved 4-0.

JOHNSON DEVELOPMENT ASSOCIATES, INC. DEVELOPMENT PLAN, S. HENDERSON AND SHOEMAKER ROADS, 4-STORY, 120,000 SQ. FT. SELF-STORAGE BUILDING, 3.34 ACRES, LI LIMITED INDUSTRIAL, *Plan Expiration: 5/31/17, Resolution 2017-29*

Mr. Loeper provided an overview of the proposed development plan for the property at South Henderson and Shoemaker Roads. The applicant proposes to build a four-story, 120,000 square foot self-contained mini-storage facility for a company called CubeSmart Self-Storage. All access will be off of Shoemaker Road through an easement.

It was noted most mini-storage facilities tend to be one-story buildings with garage door entrances. This facility will all be internalized and anyone with a storage unit will enter, utilize elevators and internal hallways to access their storage units.

The plan has been reviewed by the planning commissions as well as the township engineer.

Mr. Loeper stated one of the issues previously discussed at the workshop were difficulties providing access because of a very large culvert with a guiderail. He reported on the meeting at PennDOT, District 6, he attended with the applicant. One of the options discussed was to move the guiderail back away from the road approximately 6-8 feet, and install the sidewalk; however, there was another issue at this location because of a sewer manhole raised above the

ground that would further encumber a sidewalk. Lowering the manhole was not advisable because part of this area is within a flood plain and it would create inflow and infiltration issues. The solution the applicant proposes is to place the sidewalk along the curb line along the southern area of the site and bring it through the property behind the culvert to connect with Shoemaker Road. Shoemaker and Henderson is a signalized intersection with crosswalks and provides a complete sidewalk connection.

Mr. Loeper pointed out this was previously an old landfill site which created some issues for the design of the property and it is a karst area prone to sinkholes. He said Bohler Engineering designed the plan and has been doing similar work in the Lehigh Valley where they have some of the same issues. The roof stormwater will be collected into drains, enter into a rain garden for BMP's for cleaning and there will be a series of deep injection wells. The stormwater runoff from the parking lot will go into a more traditional stormwater basin that will flow into Frog Run.

The applicant has proposed 22 parking spaces with 29 spaces along the Henderson Road side of the building that would be held in reserve; the Code requires 51 spaces. Mr. Loeper pointed out if the reserve parking spaces would come into play it would require some alterations to the stormwater design.

Mr. Loeper discussed the issue raised by the applicant about the calculation of the \$24,000 open space fee.

It was noted some of the waivers the applicant is requesting are due to the issues related to the deep well injection. The waivers are as follows:

- A waiver to allow a six foot wide detention basin top width in lieu of the required ten foot minimum.
- A waiver to allow a detention basin outlet control structure grate to serve as an emergency spillway in lieu of the required earthen spillway.
- A waiver to allow an outlet control structure orifice of less than four inches.
- A waiver to allow stormwater pipe sizes of less than 15 inches as a partial waiver.
- A waiver to permit grading within five feet of the property line.
- A waiver to permit the removal of existing trees greater than twelve inches without providing replacement trees.
- A waiver to omit structure perimeter plantings on the south and east sides of the proposed building.
- A waiver to not provide a traffic impact study.

With regard to the last waiver, the applicant is working on a traffic comparison with McMahan Associates which will be used to determine the highway impact fee. When staff initially looked at this there were some issues with this type of use since it traditionally has an extremely low trip demand. The applicant was asked for additional backup information.

Mrs. Kenney asked for clarification about the reserved parking spaces. Mr. Loeper responded the reserved area will remain green. He pointed out the plan shows an area on the Henderson Road side of the building which could be paved to provide for parking. It was noted the stormwater was designed as though parking was installed; however, if additional parking were installed additional changes would have to be made. Mr. Loeper mentioned other areas of the township have reserved parking and it is a way to maintain green space, especially if it is anticipated the parking would not be needed. He said the applicant is confident the 22 spaces are more than adequate for this size use.

Mrs. Kenney asked when and how someone would decide if parking was not adequate and at what point would that come up. Mr. Loeper responded either the applicant would approach the township and indicate a need or the

township would go to them based on problems or complaints that would have to be addressed.

Mrs. Kenney asked if the applicant has knowledge of the turnover and demands based on their other locations. Matthew Chartrand, Bohler Engineering, responded in the affirmative. He said the applicant is confident the 22 spaces are more than adequate for the site. It was noted if reserved parking were installed the raingarden would be paved and a supplemental design has been submitted to the township engineer in terms of grading, lighting and a stormwater retrofit.

Mrs. Kenney asked if most customers come to the site on weekends. Response from audience (off microphone) in the affirmative.

Mrs. Kenney asked if the Shade Tree Commission had any comments about the landscaping waivers. Mr. Loeper responded the Shade Tree Commission reviewed the plan twice and the most recent change was the request to remove the foundation plantings from the sides of the building. Recognizing some of the issues the applicant had to work with the first and second review by the Shade Tree Commission were favorable. Mr. Chartrand commented the topography was very difficult from an earthwork perspective because of the landfill. He noted much of the open spaces are berms and not just flat open fields which posed a concern in terms of planting the volume of trees that would be required to fully comply. It was noted the applicant provided trees to the greatest extent possible with those constraints in mind.

Mrs. Kenney asked how many trees will be removed versus the number of trees planted. Mr. Chartrand responded there are 50-60 trees that would qualify for removal under the ordinance. Historic aerials were researched and those trees were cleared as part of the land fill process and have reestablished over time. Mr. Chartrand believes that the landscaping that will be installed has more quality than what is there today.

Mrs. Kenney asked for clarification on the extent of the waiver to allow tree removal. Mr. Chartrand responded the replacement would be zero. He noted the applicant is providing all of the trees for other buffers and parking lot landscaping within the ordinance.

Mrs. Kenney asked if the applicant is planting trees in other places. Mr. Loeper responded the applicant proposes 40 new shade trees, 16 ornamentals, 16 evergreens, 55 evergreen shrubs, and 100 deciduous shrubs. Mr. Chartrand commented there are at least 20-30 trees at the intersection that will be maintained as well (near the culvert). He said those are the largest diameter trees on the property today.

A discussion followed about the applicant's request for the open space modification to reduce the \$24,000 fee-in-lieu. All the supervisors expressed concern about the amount of the requested reduction and presented their positions on why it should remain as is.

Although Mr. Jenaway remains concerned about the height of the building since it might look disproportionate in that area, he believes it will be an upgrade for that corner.

#### From the Public:

Mr. McKee suggested if the plan for the reserve parking is implemented at some point in the future it should be clearly addressed in the agreement how the rain garden filtration process would be handled and if there is enough stormwater management on site before any stormwater from that new parking area would be released into Frog Run. Mr. McGrory stated if the township engineer were inclined to recommend this to the Board of Supervisors and the supervisors were

inclined to do this it should not be in the land development agreement, but rather a note on the plan. Mr. Tom Beach, Township Engineer, commented he has already had preliminary discussions with the applicant on what should be done if it were necessary to install the additional paved parking.

Mr. Philips asked what would trigger the additional parking if the applicant would only have one employee. Mr. Loeper responded the parking calculation is based on a warehouse use which would be about 50 spaces. The applicant is saying based on their experience they think 20 is more than adequate and could probably be much less. Mr. Chartrand commented the applicant tested four or five facilities in similar markets and they have verified this parking is good and calculations have been provided to demonstrate this will work as installed.

Mr. Philips asked what would happen if it is necessary to pave over the BMP's in the reserved parking area. Mr. Chartrand responded supplemental calculations have been submitted to the township engineer. He clarified the applicant is not approved under the NPDES permit but to put those spaces in the disturbance would require that the applicant return and amend the approval.

Mr. Beach commented the trigger Mr. Philips asked for would be complaints to code personnel of insufficient parking on the site or backing up and going onto Shoemaker Road. Mr. McGrory stated whatever trigger is used there has to be a note on the plan. Mr. Beach indicated he would make sure it is noted on the record.

Mr. Philips said he is still trying to determine the trigger.

Mr. Philips asked what happens when patrons store their belongings and disappear without paying. Ms. Bailey Gaffney, Johnson Development, responded the facility operator and employee on staff do a site check every morning for people who have not paid. At the end of a seven day grace period if payment is still not received a second lock will be placed on the unit and contents will be disposed of if payment is not remitted within 45 days.

Mr. Philips stated he wanted to make sure there would not be an auction component. Ms. Gaffney provided assurance that was not the case with this business.

Board Action:

It was moved by Mrs. Kenney, seconded by Mr. Philips, all voting "Aye" to approve Resolution 2017-29 as written. None opposed. Motion approved 4-0.

BPGS CONSTRUCTION DEVELOPMENT PLAN, 260 MALL BOULEVARD,  
DEMOLISH EXISTING LA FITNESS CENTER AND CONSTRUCT A 9,970 SQ.  
FT. RESTAURANT, 9.53 ACRES – GC GENERAL COMMERCIAL, *Plan*  
*Expiration: 5/18/17, Resolution 2017-30*

Mr. Loeper discussed the proposal to demolish the four-story LA Fitness building and construct a one-story 9,000 square foot J. Alexander's restaurant on Mall Boulevard adjacent to the Toys "R" Us driveway. There will be a new connection to the Toys "R" Us driveway and internal connections with the Crowne Plaza and the Fairfield Inn.

Mr. Loeper stated this portion of the site does not have proper stormwater management. Utilizing the aerial, he pointed out the location of the proposed underground system to handle the newly disturbed area on the site.

There will be sidewalks along all the frontages. The main issue discussed at the last business meeting and then at a recent workshop meeting was the question of pedestrian crossings in this area of Mall Boulevard. Staff spent a great deal of time in discussions with the applicant, the township's transportation

engineer, and the applicant's engineers to figure out how to address the pedestrian crossings. A meeting was held with Simon and the applicant during which Simon made it very clear they are looking at future plans along what is normally referred to as the backside of the mall. The JCPenney store is closing and will be vacated and Simon has expressed an interest in looking at various concepts and options in developing that portion of the site. Simon made it very clear they will be looking at a lot of things not just internal to the site, but how one enters the mall property, their driveways, and their pedestrian connections, etc.

This area of Mall Boulevard currently has signage prohibiting pedestrian crossing; however, people continue to jaywalk regularly and it is still a concern. One of the associated problems is that on the mall side of the property there is no sidewalk so anyone crossing the street cuts through the bushes.

One of the problems is that on the mall side of the property there is no sidewalk. Anyone crossing the street can cut through the bushes. Mr. Loeper noted the provision in the resolution dealing with the applicant providing additional funding for improvements serving primarily as temporary solutions to this issue.

Mr. Loeper stated the Crowne Plaza and most of the other hotels offer free shuttle service for their guests to the casino or mall. He said it appears much of the problem is related to employees who take the bus and cross the street.

Police Chief Tom Nolan has been in touch with SEPTA and they have not indicated one way or another whether they are willing to relocate bus stops to provide safer passage for pedestrian crossings.

Mr. John Ambrose, BPGS Construction, reviewed the three pronged approach outlined in the resolution to address the pedestrian concerns discussed at previous meetings. The first option is to deter jaywalkers from cutting through the shrubs on Simon's property by filling in the shrubbery gaps. The next options are lighting to better illuminate that corner and wayfaring signage for the adjacent two hotels to discourage anyone from crossing in an inappropriate manner.

Mr. Ambrose discussed the pricing the applicant would put forward for landscaping and lighting.

Mrs. Kenney asked for clarification about the cost of the pedestrian safety measures Mr. Ambrose outlined in his three-pronged approach. Mr. Philips commented Simon is working with the applicant and whatever funds are approved will be used by Simon's landscaper to do whatever is needed on Simon's property to fill the gaps in the shrubbery. Mr. Ambrose noted it would involve approximately 1,300 linear feet of shrubbery planting which would bridge the distance between the two formal pedestrian crossings.

Mrs. Kenney asked about the location of the lights at the corner. Mr. Ambrose pointed out the location of the lights on the screen.

Mr. Ambrose said he would be remiss if he did not say illuminating a passage is counter intuitive when trying to deter people from crossing. He mentioned a particular fixture could throw light in different directions. The particular fixture identified for this location would be down and out to illuminate sidewalk to curb of street to ensure that corner is lit as well as possible.

Mrs. Kenney mentioned at previous meetings comments were made about how dark it is at night when drivers are speeding along and then not seeing pedestrians. She said she has some mixed feelings it might be counterproductive having too much illumination there since it might encourage people to see their way through the bushes that will be installed.

Mrs. Kenney stated she was informed by the Police Chief that the jaywalking fine established by the Commonwealth of Pennsylvania is \$10 plus \$39 for a total of \$49. She suggested appropriate signage visible to pedestrians with strong wording about “no jaywalking.”

Mr. Ambrose asked for clarification about the location for the signs suggested by Mrs. Kenney. Mrs. Kenney suggested if at all possible on both sides, but not in the median. Mr. Ambrose responded he could speak absolutely from the applicant’s side of the street but not for Simon.

Mr. Philips stated the wayfaring signs would not be in the median and would be solely within the proposed development and directed toward hotel guests.

Mr. Ambrose commented the applicant is agreeable to the intent of the language of the resolution.

Mr. Philips commented one of Simon’s long term plans in the next two or three years is moving the transportation center.

Chief Nolan stated the wayfaring signs are to help people coming out of the hotel to the sidewalk which will take them into the mall. He said the township currently has signs on the median indicating “no pedestrian” signage and additional signs directing pedestrians to the appropriate signalized crosswalks. He said the township can add language about the fine for violators.

Chief Nolan commented part of the reason for the lighting was for people coming out at night to see that their path is blocked with bushes rather than running across and being surprised by a shrubby barrier.

Mrs. Kenney asked for clarification about the amount for the lighting.

A discussion followed about one light on the property versus two. Mr. Jenaway commented if one light achieves what Chief Nolan is looking to do then one light will work.

Mr. Jenaway mentioned his observation during a three hour period is that 90% of the jaywalking problem is due to the SEPTA bus stop. He said he is willing to go with one light and the barrier on the Simon side.

Mr. Philips commented the barrier is a key component and having it illuminated at night so people know they cannot get through the hedgerow. .

Mr. Philips proposed the language for the resolution be modified for 2(h)1 to indicate one (1) light pole instead of two (2). After a discussion about the number of lights, it was decided to go with one (1) light and change the cost of the applicant’s share of the pedestrian safety measures from \$10,000 to not to exceed \$15,600.

Board Action:

It was moved by Mr. Philips, seconded by Mr. Waks, all voting “Aye” to approve Resolution 2017-30 with the following modifications to 2(h)1 to indicate one (1) light pole instead of two (2) and change the cost of the applicant’s share of the pedestrian safety measures from \$10,000 to not to exceed \$15,600. None opposed. Motion approved 4-0.

MANCILL MILL ROAD CO. DEVELOPMENT PLAN. NORTH SIDE OF  
MANCILL MILL ROAD, 112-UNIT HOTEL WITH ASSOCIATED PARKING,  
STORMWATER MANAGEMENT AND AMENITIES, 7.229 ACRES (SITE 22.86  
acres) DM-1, Plan Expiration: 5/31/17, Resolution 2017-7

Mr. Loeper stated this plan dates back to 2014 with amendments. The applicant proposes a 112-unit hotel on 7 acres on the eastern side of the property. It was noted the total property is about 22 acres. Mr. Loeper pointed out this is a revised plan from a previous plan that had a warehouse and office component as well as two hotel buildings.

The Board of Supervisors granted preliminary approval in September 2016 for the 112-unit development. As part of a preliminary plan additional engineering had to be completed and submitted to the township engineer for review.

Mr. Loeper pointed out one of the main concerns related to this property is the access which is currently limited to a 24-foot wide strip for a driveway providing access to the site. During the planning commission review it was suggested the applicant continue negotiating with the neighboring properties for the possible acquisition of additional property to widen the driveway.

There are 53 EDUs expected for a total of \$360,000.00, a \$13,000 fee-in-lieu of dedication of open space and a highway assessment in the amount of \$242,766.

Michael Gill, Buckley Brion McGuire and Morris, representing the applicant, stated all technical issues have been resolved and the wording of the resolution from the applicant's perspective is ready for consideration by the Board of Supervisors.

Mr. Tom Beach, Township Engineer, pointed out the access road crosses the trail where there are some issues with perked ground water table. He said he has been working with the applicant's engineer to come up with a viable solution for that intersection. It was noted some of the issues with the perked ground water table are no doubt due to the fill material that was placed there. Once the applicant comes in and does the improvements Mr. Beach anticipates continued cooperation during construction if it is necessary to do more in dealing with the trail crossing. He asked if the applicant has any problem with that. Mr. Ambrose responded in the negative. He said his client granted the trail easement to the township some years ago and there has always been the understanding that the development of the site, the trail and ultimately any future development of the remainder of the site which would require alterations to the access or expansion of the access would require coordination with the trail.

Mr. Gill stated the planning commission suggested the applicant work with the municipal utility authority on expansion of the access and his client remains ready to have that discussion.

Mrs. Kenney expressed concern there is only one access to this area. Mr. Gill responded there is an option to make the access better by engaging in a land swap or some other arrangement or transaction with the municipal authority. He said his understanding is the land where the access would be expanded is surplus land the authority is not using.

Mrs. Kenney asked for clarification about standing water left on the northern side of the trail. Mr. Beach responded a lot of that should be cleaned up as part of the applicant's site improvements. He explained the fill that was installed caused a lot of ponding along the trail and the township engineer's office is monitoring that and also the intersection where the trail crosses the access road. Mr. Beach stated the applicant was asked to rework their plan to make sure it is positive draining in all directions around the access road and it is hoped that will eliminate some of the ponding water.

Mrs. Kenney asked for details on traffic and pedestrian safety at the trail crossing. Mr. Gill responded there will be notification during ongoing construction activities. He said there was always the recognition the site would be developed

and there would be some interaction between the trail and the construction activities.

Mrs. Kenney asked if the entrance to the hotel would be at the trail crossing. Mr. Gill responded in the affirmative.

Mrs. Kenney stated she is not just referring to construction going forward, but also with people driving in and out of the hotel property. She asked if there would be a stop sign at the train crossing. Mr. Gill responded he does not think a stop sign is contemplated in that location nor, in his view, does he believe the volume of traffic would warrant a stop sign there.

Mrs. Kenney asked about safety measures at the trail crossing. Mr. Beach responded there would be signage on the trail not the access.

As one who frequents trails in the area, Mr. Waks stated he believes signage in both directions makes sense. He said it would not be an unreasonable request to have signage both on the trail so pedestrians and bikers can see it but also on the street.

Mr. McGrory addressed Mr. Gill about the signage. Mr. Gill responded the applicant will coordinate with the township.

Because of the berm on the access road, Mark McKee suggested additional signage for those coming out of the hotel alerting drivers to the trail crossing. He said this would be especially needed at night and during wintery slippery conditions. Mr. Beach responded he will work with the applicant's engineer and come up with something.

Mr. McKee expressed concern over the inadequacy of the 24 foot access for a hotel, particularly when the rest of the 22 acres is developed.

Mr. McGrory stated the resolution indicates for this particular hotel use the access is considered a driveway, but for any other development of the parcel it would become a road and have to meet township road specifications.

Board Action:

It was moved by Mr. Philips, seconded by Mrs. Kenney, all voting "Aye" to approve Resolution 2017-7. None opposed. Motion approved 4-0.

ACCOUNTS PAYABLE & PAYROLL:

Board Action:

It was moved by Mr. Philips, seconded by Mrs. Kenney, all voting "Aye" to approve the Accounts Payable for invoices processed from April 12, 2017 to May 10, 2017 in the amount of \$1,260,253.57 and the Payroll for April 21, 2017 and May 5, 2017 in the amount of \$1,485,522.64 for a total of \$2,745,776.21. None opposed. Motion passed 4-0.

ADDITIONAL BUSINESS:

SOME BCA GRANTS ARE CONDITIONED ON CERTAIN REQUIREMENTS

Mr. Waks pointed out some BCA grants are contingent on recipients agreeing to certain things. For example, the Elmwood Park Zoo grant is tied to their hosting a half price day for Upper Merion Township residents.

UPPER MERION TOWNSHIP POOL OPEN HOUSE

Mr. Waks reminded everyone the Upper Merion Township pool open

house is scheduled for Saturday, May 20<sup>th</sup> and invited everyone to check out the new renovations and meet pool staff.

APPRECIATION TO FAMILIES OF POLICE OFFICERS, FIREFIGHTERS, EMS AND VOLUNTEER MEMBERS OF COMMUNITY ORGANIZATIONS

Mr. Philips was pleased to see members of the police department recognized and promoted as well as the milestone anniversaries celebrated in the community. He reminded everyone behind all these public servants and community volunteers there are families supporting them. Mr. Philips expressed appreciation to all the supportive families and offered congratulations to all those who were honored at this meeting.

FARMERS MARKET

Mrs. Kenney noted the 8<sup>th</sup> season of the Farmers Market will begin on Saturday, May 20<sup>th</sup> with their traditional partnering with the Swedesburg Fire Company for the annual Chicken BBQ.

GREEN GOATS ARE BACK AT WORK

Mrs. Kenney reported the goats are coming back to Bob White Park to continue their work helping to rid the park of invasive vines and plants. She noted the cost savings realized in using this eco-friendly method for invasive species removal. Mr. Waks announced he just received a text message indicating the goats are expected to arrive tomorrow at noon.

UPPER MERION TOWNSHIP 2040 COMPREHENSIVE PLAN

Mr. Jenaway stated the 2040 Comprehensive Plan survey will be extended for two more weeks to allow more residents the opportunity to provide their comments/feedback.

CITIZEN BOARD VACANCIES

Mr. Jenaway noted the current vacancies on citizen boards in Upper Merion Township and encouraged those who have a special interest in any of the citizen board vacancies listed on the township website to apply and become involved in the community.

ADJOURNMENT:

There being no further business to come before the Board, it was moved by Mr. Waks, seconded by Mr. Philips, all voting "Aye" to adjourn the meeting. None opposed. Motion approved 4-0. Adjournment occurred at 9:58 p.m.

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DAVID G. KRAYNIK  
SECRETARY-TREASURER  
TOWNSHIP MANAGER

rap  
Minutes Entered  
Minutes Approved: