

**Upper Merion Township Planning Commission
Regularly Scheduled Meeting for February 23, 2022**

The Upper Merion Township Planning Commission met for its regularly scheduled meeting on February 23, 2022, in-person in the Board Room, located in the Township Building, and via Zoom. The meeting information was fully advertised and a meeting agenda placed on the township website. The meeting was called to order at 7:14 PM followed by the Pledge of Allegiance.

IN ATTENDANCE:

Matt Popek, Chair
Mark McKee, Vice-Chair
Jauelin Camp
Kenneth Brown
William Jenaway, Board Liaison
Anthony Hamaday, Township Manager
Patrick Foley, on behalf of Leanna Colubriale, Township Engineer (Remington & Vernick)
Ashton Jones, Township Planner

ABSENT:

Martin Trumpler, Secretary

APPROVAL OF MEETING MINUTES:

Minutes for the prior meeting on February 9 had previously been distributed. Mr. McKee reiterated that his conclusions did not make it into the minutes and wanted to clarify this point. Mr. Popek made a motion to adopt the Minutes with Ms. Camp seconding. The motion carried 2-0-1.

450 West Beidler Road

12 residential dwellings and some additional waivers

The applicant's attorney, Jamie Jun, indicated that the project was last in front of the Planning Commission September, 2021 and received feedback at that time from both the commissioners and neighbors. Since that time the applicant reached out to the neighbors seeking additional feedback. A Zoom meeting was held in which 2 neighbors attended and reiterated stormwater and buffer concerns. An additional meeting with the Township was held and plans revised per that meeting. Whereas previously three waivers were being sought (buffer area, sidewalk, preliminary/final plan), the applicant is currently requesting a waiver regarding only preliminary/final plan submission. Ms. Jun further indicated that the applicant will comply with any and all outstanding comments in both the fire marshal and Township Engineer letters but that it would appear that the traffic engineer may not have had the most up to date documentation. Ms. Jun further indicated that the applicant believes they can comply with all other requirements and have provided previously requested renderings.

Mr. Popek asked about trash and a discussion was had with the applicant, Osman Aydemir, regarding trash pickup. Mr. Aydemir indicated that the dumpster, which would be enclosed by vinyl, would be located at the western end of the drive aisle and that snow would be deposited on the opposing corner. After an in-depth discussion, Ms. Camp and others indicated that this could be a situation where too much is being fit on the lot.

Mr. McKee sought clarity as to recycling/trash pickup and emergency access. Mr. Aydemir indicated that he could look into separate trash and recycling containers but that emergency access was discussed at previous meetings and is being located as indicated due to slope/grades. Mr. McKee reiterated that access is an issue and that he would like to see an alternative to a three-point turn. The applicant's engineer reiterated that

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access on the eastern side of property, as Mr. McKee was requesting, was physically impossible. Mr. McKee reiterated that too much is being put on the site and that at the time of the Zoning Officer's prior determination, only 9 units were being contemplated. A back and forth conversation continued between the applicant and Mr. McKee. Mr. Hamaday interjected regarding trash trucks possibly having maneuverability issues and suggested that the applicant consider individual cans as there is not much room for a large truck to turn around as backing onto Beidler Road would be a major issue.

Mr. Popek sought clarity regarding the change in plan from 9 to 12 units. Ms. Jun indicated that the previous concept indicated a twin on western side and townhomes on eastern side of site. Mr. Aydemir indicated that originally there were 16 units, 2 blocks of 8, then down to 9 units. Ms. Camp asked what was the density at time of zoning ruling. Ms. Jun indicated that it was 10 units but that the ruling was not related to density, but rather the standard of a 5-acre minimum. A discussion of unit count, density and changes in plan followed.

Mr. Popek sought clarity regarding the 20% open space zoning requirement and the use of the lot on the western side of the site as said open space. This was confirmed by Mr. Aydemir.

Mr. McKee indicated the need to address site erosion. The applicant's engineer indicated that he was not aware of erosion issues but that this project will be adding curbing which may help. Mr. Popek continued the discussion of stormwater seeking a general summary of stormwater management. The applicant indicated that stormwater will be drained into a swale along the rear of the property and to an onsite underground detention basin which will ultimately discharge into the existing low depression area. Mr. McKee asked about water lines going under the basin and the applicant's engineer indicated that they have been relocated to the front of the units and that they will comply with all outstanding stormwater comments.

Mr. McKee asked for additional signage due to travel speed/speed limits and the possibility of additional PennDOT review. Mr. Jenaway seconded the need for further traffic safety review. Mr. Jenaway followed that up with an indication that he has concerns between the previous 9 units and the current 12 units and understands what that might mean for traffic and residents. Mr. Jenaway indicated that under today's standard, this would not be permitted due to being under 5 acres, and that he has questions about how steep slopes are being calculated/addressed.

The applicants engineer indicated that per USGS, the steep slopes in the approximate area of units 1-3 were in fact man-made. Planning commissioners discussed the timing regarding date of property purchase, timing of the construction of the house on the site, and date at which a steep slope is considered manmade. Mr. Jenaway followed up with an indication that he has concerns about insuring that the houses to be built on slopes will not be problematic in the future. The applicant's engineer responded that the steep slopes being discussed were to be removed and should no longer be an issue.

Mr. Popek asked about bedrooms and Mr. Aydemir indicated that the units will be three bedrooms, with the possibility of a fourth. Mr. Aydemir is not sure of the exact specifications and is trying to see what the market dictates.

The meeting was opened up for public comment.

Jimmy Shaughnessy indicated various concerns regarding the size of the trash area, an indication of other projects by the developer, stormwater run-off/maintenance, name of selected contractor, corporate structure of business, density calculations, future plan compliance, sewage hookups, and propane heating for the units.

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Mr. Aydemir indicated that this is his first 12-unit townhouse project, but that he is currently working on affordable housing in Chester County, and home renovations. Mr. Aydemir further indicated that he was still shopping around regarding contractors, that sewage would be public hookups and that he would eliminate plans for propane heat systems and go electric. The applicant's engineer further added that the stormwater system is underground and Mr. Jones indicated that density is based on developable acreage, which still needs to be confirmed by the applicant.

Carter DeVol indicated that the illustration does not appear to be accurate regarding trees and sought clarity on the buffer issue and clarification regarding zoning. The applicant's engineer indicated that all trees would be removed, the stormwater system is underground, and the previous buffer issue has been addressed by relocating the water line to the front of buildings. Mr. Jones again indicated that density is based on developable acreage, which still needs to be confirmed. Ms. Jun indicated that the zoning officer's preliminary opinion determined that the lots could be developed, and plans were submitted prior to the zoning amendment requiring a 5-acre minimum. Interwoven in the conversation was a discussion of notice requirements and public participation.

Patricia McDonald indicated that she was not contacted by the applicant, has concerns regarding stormwater runoff, public outreach, location of the sewer line, road sinkholes, and traffic. Mr. Aydemir indicated that he hired a courier service to contact residents via a letter left at their front doors based on list provided by the Township Manager. Mr. Aydemir further indicated that while he can't solve other properties' stormwater issues, this project should make it better. The applicant's engineer indicated that sewer lines were located at the rear of the buildings, but they would look to see if there were alternative options. Additionally, stormwater should be less of an issue as grading will shift the high point elevation to the property line. Mr. Foley indicated that there is a reduction of stormwater being discharged to the road and maybe the stormwater report should be amended to address the roadway. Mr. Hamaday indicated that the previous issues on West Beidler Road were due to a pipe failure at Kimberly Court and erosion of a pipe coming under the road (West Beidler Road is a PennDOT-owned facility). Mr. Hamaday indicated that the Township followed the MPC regarding noticing, and more than that would require a change in township policy. Mr. Hamaday indicated that residents should check the township's website before the 2nd and 4th Wednesday of each month, or call township staff.

Gina McNevech indicated questions regarding next steps, updates on site plans, barrier during construction, dust control and date of next board meeting. Mr. Popek indicated that after the Planning Commission the applicant would go to the Board of Supervisors for actual approval. Mr. Popek further indicated that the next meeting is March 9th, but it is yet to be determined if the Planning Commission will need to see the application again. Mr. Aydemir indicated that construction code requires a 4 ft. tall orange fence along the perimeter and that he could imagine 3.5 months of site work (this is when most of the dust is created). Site work and inspections have the purpose of making sure nothing is going beyond the property lines. Mr. Hamaday indicated that next steps, timing and changes to plans would depend on what changes are necessary and the applicant's timeline. Additionally, Mr. Hamaday indicated that there would be final plans for review before the Board of Supervisor's final decision. Mr. Hamaday indicated that the next Board of Supervisors workshop would be March 3rd and the next business meeting, March 10th with Board of Supervisor meetings occurring the 1st and 2nd Thursdays of the month. Mr. Jenaway interjected that the following Board of Supervisors meeting would be April 7th (workshop) and 14th (business). Again, Ms. Jun indicated that due to timing and trying to move this application forward, the only waiver being requested is for preliminary/final simultaneous submission, and all other changes to the plan would be non-substantive.

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Mr. Shaughnessy asked about the shed at the rear of the property which straddles property lines, trash pick-up, buffer trees/sewer line. Mr. Aydemir indicated from his prospective the shed could stay where it is currently located, trash pickup will be individual cans, on site propane heating has been eliminated, and that there are difficulties with locating sewer lines near stormwater lines/detention.

June Saltzburg Rebmann asked about snow removal and bus stops. Mr. Aydemir indicated that the HOA will plow snow and school bus stops will be on the public street. Mr. Hamaday indicated that the township is responsible to notify the school district and that they will make the decision as to the final location.

A discussion of additional public outreach efforts continued with multiple parties participating.

Ms. Camp indicated that the applicant had provided a thorough job of addressing comments. Mr. Hamaday indicated that it was his understanding that PennDOT has yet to review the proposed access and that review should take place prior to the application moving forward to the Board of Supervisors (Mr. Jenaway added that this should include traffic safety and fire marshal reviews). Mr. McKee indicated a desire to see additional efforts regarding emergency access and an indication of the Planning Commission's agenda being promptly added to the township's website. Mr. Jenaway had additional concerns with fire truck access to the site while Ms. Camp again indicated that there is nothing more to do. The Planning Commission indicated that they would like the applicant to come back with the outstanding review items more buttoned up, but that they would be OK with the waiver request for a combined preliminary/final submission.

No action was taken by the board.

320 Wes Dekalb Pike – Republic Bank
2,800 sf. bank pad site

Rob McNelly, Esq. gave a project overview regarding the site's redevelopment. The bank was part of the recent DeKalb Plaza property rezoning, shown on plan and contemplated as a use. The application is still in front of the zoning hearing board. The applicants initially requested 7 variances, but that is down to 3 variances (2 of which are related to a single sign), while the other is for the loading area.

Cliff Clay gave a site overview, including architecture, layout, glass, drive through, access, easement with adjacent Mattress Warehouse, parking lot reconfiguration, etc. Mr. Clay provided a summary of variances: freestanding sign - two signs, total sign area; loading space. Mr. Clay then provided a summary of waivers: submission of preliminary/final plans, cross slope on drive aisle/parking space, street trees, trees around building, shrubs around building perimeter, planting width around building.

Mr. Popek indicated a note from the county planning commission regarding the need for a drive-through stacking variance. Mr. Clay indicated that this has been addressed. Mr. Popek indicated an issue with the sites access point closest to the center's entrance drive. Mr. Clay indicated that they are working on this issue and could even stripe the main drive aisle to help with turning radius.

Ms. Camp indicated that the access to the site is a difficult turn and located at the main intersection of the shopping center. Mr. Hamaday interjected that every customer to the bank is in essence making a u-turn to the bank and then driving completely around it just to access the drive-through. Mr. Popek further indicated concerns from a traffic circulation stand point.

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Mr. Foley brought up the fire access on the front of the site and Mr. Clay indicated that they are working through that issue with the fire marshal. Mr. McKee brought up circulation as a general concern and reiterated issues regarding the western-most access point. Mr. Clay indicated that all comments regarding access would need to be discussed with the bank. Ms. Camp indicated that however the site is ultimately configured, a blank wall facing DeKalb Pike is not desirable.

Mr. Popek changed the topic to that of pedestrian circulation, and why the development is showing sidewalk on only one side. Mr. Clay indicated that the sidewalk on one side was sufficient to get to the back of the shopping center and is an existing condition.

Mr. Foley asked for clarification regarding stormwater and the site's redevelopment in conjunction with Popeyes. Mr. Clay indicated that if the proposed Popeyes does not go forward, the site will need to be redesigned. The bank site has a very modest increase in impervious, so they have contemplated putting a small system on site if necessary.

Mr. Popek indicated that the county looked for more variety in relation to the site's proposed plantings. There was a quick discussion of street trees and the waiver request. The applicant indicated that the architecture of the building acts as a sign. Mr. Hamaday interjected indicating that the board is not likely to grant a waiver for street trees.

Mr. Foley indicated additional comments from his letter regarding parking space size, queuing/circulation, trash management, updating the zoning chart, stormwater note referencing the other site's plans/site responsibility, and how will the Conservation District/DEP handle the development phases.

Mr. Jones indicated additional comments from his letter regarding buffer, possible subdivision, development plan condition, parking requirements, and the requirement for a multi-use path. Wayne Kiefer, Popeyes engineer, indicated that no subdivision is being requested and that the parcels are in separate but overlapping ownership structures. Ms. Camp questioned if parking will need to be redesigned due to the fire access lane and Mr. Clay responded that those spaces could just be hatched out as a no parking area. Planning Commission members had a back and forth discussion/critique of the site's design and circulation.

No action was taken by the board.

201 South Gulph Road - Sewer Planning Module

After project discussion, Mr. McKee moved to approve with Mr. Brown seconding. Approved 4-0

Bridgeview Development (Bridgeport) - Sewer Planning Module

After project discussion, Mr. Brown moved to approve with Ms. Camp seconding. Approved 4-0

ADJOURNMENT:

General discussion regarding ways to improve public outreach was followed by Mr. McKee moving to adjourn the meeting with Mr. Brown seconding and all in favor at 10:47 PM.

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Respectfully Submitted:

Martin Trumpler, Secretary