

**Upper Merion Township Planning Commission
Regularly Scheduled Meeting for September 14, 2022**

The Upper Merion Township Planning Commission met for its regularly scheduled meeting on September 14, 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 7:15 PM followed by the Pledge of Allegiance.

IN ATTENDANCE:

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

ABSENT:

APPROVAL OF MEETING MINUTES:

Minutes for the prior meeting on August 24th were not completed and were tabled until the next meeting.

320 West Dekalb – Popeyes – Land Development

Proposed 2,500 sf. Fast food drive-through

The applicant's attorney, Amy Farrell, provided a summary of past actions indicating that the project was previously reviewed by township professionals and that current review letters were fairly clean. Ms. Farrell indicated that a comment in the traffic reviewer's letter regarding parking along the drive aisle will be addressed to their satisfaction. Ms. Farrell indicated that the required waivers are: peak runoff for the entirety of the site, and seal and signature of a landscape architect. Mr. Foley indicated that there would also be a waiver for preliminary/final plan submissions and Ms. Farrell affirmed Mr. Foley's statement.

Wayne Kiefer, applicant's engineer, indicated that the project has been redesigned to expand curbing in order to minimize uncontrolled access points at the main drive aisle of the rest of the shopping center. Additionally, some reserve parking has been added at the back of the center's parking lot. As to stormwater, Mr. Kiefer explained that about 12 of the 15 acres drain to the existing basin, and that the project's contemplated disturbance, both now and in the future, is about 4.5 acres. The stormwater waiver is to reduce the 100-year storm to 90% of existing for only the 4.5 acres that are being disturbed, not for the entirety of the site.

Mr. Popek asked if other changes were made. Mr. Kiefer indicated that the only other changes were to widen drive aisles (internal to the site) as requested by the fire marshal.

Mr. McKee indicated that the shopping center is two separate parcels. Ms. Farrell indicated that the court settlement put a restrictive covenant over the entire center which allowed the two parcels to continue. Mr. McKee asked about application timing, and Ms. Farrell responded that the applications are separate due to contractual agreements, though Kravco entities own both lots. Mr. Kiefer responded that the Popeyes site would stand alone as related to stormwater, traffic, PennDOT, DEP, etc. Mr. McKee further indicated concerns regarding parking queues and employee parking, and Mr. Kiefer responded that all concerns as to the Popeyes site would be addressed with the pending application. Mr. McKee further discussed stormwater and indicated that a 500-year flood would top the basin (emergency spillway). Mr. Kiefer responded that the site has been designed to the 100-year flood (1% chance). Mr. Jenaway indicated reservations as to stormwater and the

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issues of maintenance and asked if the basin is being reduced. Mr. Kiefer responded that the basin was being reduced but that the new underground basin would add additional storage capacity.

Mr. Jenaway asked about queuing capacity and building a project for a specific location. Mr. Kiefer indicated that they will get data from Popeyes and provide it to the traffic engineer. Mr. Jones further indicated that the township traffic consultant has indicated that the Board of Supervisors consider a resolution condition imposing additional traffic studies should traffic become a concern.

Mr. Jones reiterated a statement from a previous meeting regarding the zoning requirement for a pedestrian/bicycle path along DeKalb Pike. Mr. Kiefer indicated that a note has been added to the plan indicating that should the sidewalks be replaced in the future, they would be replaced to a conforming standard. Ms. Farrell indicated that these nonconformities do not require a variance because the applicant has the right to carry nonconformities until such time that work is being done. There was a discussion between Ms. Farrell and Mr. Jones as to the need/or lack thereof to replace sidewalk along the Popeyes street frontage.

Mr. Foley indicated that RVE had some outstanding comments that will be coordinated with the applicant. Ms. Farrell indicated that the response to the outstanding comments will be "will comply". There was a continued conversation of conditions and how they get addressed at the Board level. Mr. Jenaway indicated that the Board will likely want to see both this and the Republic Bank at the same time. Ms. Farrell indicated that would be an issue and reiterated that this site had been designed considering stormwater, traffic, etc. for not just this site but also for Republic Bank. Ms. Farrell indicated that this site could, as designed, stand on its own. Mr. Jenaway reiterated, that traffic issues with Republic Bank and the overall site design gives him cause for concern. Ms. Camp indicated that there is a risk that the approval of Popeyes, and all the conditions that may or may not be assigned, may negate the Republic Bank design. Mr. Popek indicated that while he does not know if or when Republic Bank will be back, according to the applicant, this plan could move forward on its own and has considered stormwater, traffic, parking, etc. Ms. Farrell indicates that Popeyes has addressed engineering concerns. Mr. Jones indicated that the Board of Supervisors job is to make decisions for the Township based on what they think is appropriate and while it is important to consider code compliance, this is not always the only consideration. Ms. Camp made it clear to the applicant that if the Planning Commission votes to advance the Popeyes application, there are issues that might make the bank project harder to solve. This was followed by a general discussion regarding plan coordination, development risks and the reality of project constraints.

Mr. McKee again discussed stormwater requirements and asked about stormwater on the bank site. Mr. Kiefer responded that stormwater would be collected and conveyed to the Popeye's site via underground basins. The bank site will be utilizing the exiting pipe, and this project will just be extending it to the reconfigured basin. Mr. McKee asked about circulation in the existing parking lot and Mr. Kiefer replied that the entrance was being reconfigured to address circulation issues and to direct traffic away from the entrance. Mr. Jones added that the traffic engineer is presumably OK with the lane reconfiguration (a comment previously indicated in their review, had been removed).

With no public comments, Mr. McKee made a motion to recommend approval recognizing that a stormwater maintenance plan should be required and that all outstanding items will need to be addressed. This was seconded by Mr. Trumpler, with a 5-0 vote.

320 West Dekalb – Republic Bank – Land Development

Proposed retail bank pad site

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This item was removed from the agenda and no discussion occurred.

411 Swedeland Rd – Discovery Labs – Land Development

Proposed 1 million+ office/research/lab space-

The applicant's attorney, Ed Campbell, indicated that they were there to discuss 3 items: 1) traffic study, which has been completed but not yet reviewed by the township traffic consultant, 2) minor plan revisions, and 3) sewer authority review (how to discharge). Mr. Campbell provided a reintroduction to the project. Mr. Campbell indicated that his client's site was previously known as GSK West and that GSK retains what was previously called GSK East. GSK still has its own sanitary sewer facility while Discovery Labs (formerly GSK West) installed compact individual user specific treatment facilities (sewer is treated in these facilities and then discharged into the township system).

Ms. Camp sought clarity about the particulars of discharge regarding research use discharge vs. other use types. Mr. Campbell indicated that depending on the type of waste discharge, these facilities (package plants) would handle and treat specific use contaminants before discharging to the township system, further adding if waste is of an office type usage, it is directly discharged into the township system.

Mark Thompson, the applicant's engineer, indicated that plan revisions included: the parking garage on the western side of the property being pulled away from the adjacent residential zone (in order to meet the 150 ft. setback requirement), sidewalks being added to the plan (particularly from the bus stop into the site), and the front parking lot (technically not part of this application) entrance being indicated as a right-out only. Mr. McKee asked if the PennDOT HOP had yet been approved, and Mr. Thompson indicated that they were still in process but the driveway change, discussed above, had now become part of that discussion.

Mr. McKee asked about the widening of Swedeland Road and the extension of Renaissance Blvd. As to Renaissance Blvd., Mr. Campbell indicated that they are still in discussions with PECO but unfortunately it is in PECO's court right now. Mr. Campbell further indicated that his client has offered land but that getting feedback has been difficult.

Mr. Foley indicated that a stormwater waiver (10-year to 2-year reduction) was being requested and the applicant should be prepared to discussed at the Board as the topic has become critically important. Mr. Foley additionally asked about the phasing and how that relates to final submission. Mr. Thompson indicated that final submission will be by phase. Mr. Foley indicated that an E&S plan was required at preliminary but that it might make sense to ask for a waiver and then submit with each final phase or with basin design. Mr. McKee reiterated concerns regarding the stormwater waiver and the usage of an existing basin as a temporary sediment basin (located along Jones Road). Mr. Thompson understood and indicated further investigation would be done. A general conversation regarding stormwater design ensued with Mr. McKee wondering if the trees in the quarry (proposed discharge point) were water tolerant and asked the applicant consider this issue.

Mr. Popek again asked about where sidewalks would be located. Mr. Thompson indicated that sidewalks were added from the existing bus shelter (located on Swedeland Rd. at the facilities main entrance) to the building entrance, from the proposed parking garages around the site, and other internal locations. Mr. Thompson indicated that sidewalk waivers along Jones and Swedeland Rd. were being sought.

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Mr. McKee asked about underground storage and ultimate water discharge. Mr. Thompson indicated that some of it would be discharged to the wooded area via a low impact system (drip irrigation).

Ms. Camp asked if accommodations for electric vehicles (EV) were being made and Mr. Campbell indicated that they were anticipating EV usage (mostly in parking structures). This was followed by a general conversation surrounding EV.

Mr. Jones indicated that the Township was still waiting on an updated letter from the Township Engineer and a copy of the traffic report.

Brian Keaveney, the applicant's traffic consultant, provided a general overview of the status and scope of study. Ultimately the end result will be a combination of physical improvements and the utilization of the impact fee for other improvements throughout the township. As part of this study, intersections in the area were analyzed and the recommendations concluded the following would be required: some road widening for left turn lanes and the signaling of some unsignalized locations. Additionally, Mr. Keaveney indicated that the traffic study was predicated on the extension of Renaissance Blvd. If an extension is not constructed, traffic will be forced on to Swedeland Road. While Jones Road might work with some intersection improvements, most likely (in consultation with PennDOT) traffic would have to go right out of the facility towards River Road. Mr. Keaveney indicated that if the Renaissance Blvd. connection is made, there would likely be a light or roundabout at Horizon Drive. Additionally, Mr. Keaveney indicated that River and Swedeland Roads would need some additional improvements to improve flow.

Mr. McKee asked about flooding along River Road and the need to address ongoing issues. Mr. Jenaway indicated that there had been past conversations with elected officials, but that those conversation did not move forward. Brian Keaveney, indicated that there are ideas floating out there regarding improvements in West Conshohocken but the status is unknown.

No action was taken by the Planning Commission.

555 Flinthill Rd. - Land Development

Proposed 112,000 sf warehouse

The applicant's attorney, Debbie Shulski, provided a brief project summary (redevelopment of a site located in LI zone, reduced impervious, greening and added stormwater management). Ms. Shulski indicated that she will not go through the township review letters at the PC meeting but that they will largely comply with all comments.

Paul Hughes, the applicant's engineer, provided a brief summary of project highlights including, project location and summary, traffic impact fees, landscaping, and waivers requested. Mr. Popek asked about sidewalk from the facility's front door to the street, and Mr. Hughes indicated that they would look into making sidewalk connections. Mr. Popek asked about consideration for electric vehicles, and Mr. Hughes indicated that the building is speculative but that there would be the possibility to integrate infrastructure ready spaces in the future. This was followed by a conversation regarding vehicles and pollution. Ms. Camp asked that this issue be considered by the applicant. The project developer indicated that the building will be designed to support solar, but EV will need to be based on tenant needs but that the running of conduit in order to minimize future disturbance should be possible. Additionally, this building (and 446 Swedeland Rd. to be discussed later in the agenda) are being designed to meet LEED standards.

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Mr. Popek asked about site remediation and the project developer indicated that they had a clean Phase 2 Environmental Site Assessment. There will be a soil management plan and asbestos abatement. The other site (446 Swedeland Rd, discussed later in the agenda) will be under Act 2 with DEP.

Mr. Brown indicated that there was a bus stop located where the applicant proposes a driveway entrance, the applicant indicated that they were unaware but that it would need to be relocated. The traffic consultant indicated that they are working with SEPTA to identify the exact owner of the facilities. Mr. Popek indicated that the vision for bus service in the area was up in the air regarding SEPTA's future plans.

Mr. McKee asked about on site circulation with Mr. Hughes responding that trucks can enter any access but that Flinthill Rd. is restricted to a left out only. Mr. McKee asked if restrictions are proposed on Hertzog, and the applicant responded that there would be no restrictions. Mr. McKee further asked about hours of operation and the project developer indicated that hour restrictions have yet to be contemplated (unknown tenant at this time). Mr. McKee asked about the type of warehousing anticipated and truck routes considering the historic residential neighborhoods in the area, further reiterating that traffic is a concern and will likely be discussed in front of the Township Board of Supervisors. Specifically, Mr. McKee indicated that the truck routes for this site should be Church Road and Route 23 (Mr. McKee also brought up the extension of Hertzog to Route 23).

Mr. McKee also mentioned the sinkhole issues, and wanted to make sure that construction considered the sink-hole prone nature of the area. The project developer indicated that they are fully aware of the sinkholes and have designed their stormwater management accordingly.

Mr. Jenaway suggested that the applicant discuss with the current owner alternative routes, as its assumed tractor trailers must need to access the site currently.

Mr. Jones indicated that the applicant is seeking a recommendation, further indicating that the submitted plan is pretty much compliant, except for minor touch-ups and traffic-related fixes (nothing insurmountable, just general issues). The project will still need approval from PennDOT regarding additional traffic concerns. Mr. Hughes indicated that once they have PennDOT comments they will have a clearer picture of what improvements maybe necessary.

Mr. Hughes ran through waiver items which included: park land fee in lieu and grading within 5 ft. (with additional administrative waivers being necessary). Mr. Foley indicated that it would make sense to try and soften transitions so to minimize the need for the waiver. Mr. Foley also indicated that there may be an issue as to the code citation regarding park land fee in lieu (corrected section should be 145-43 - the applicant is providing a fee in lieu and a waiver is not required). With no public comments, Ms. Camp made a motion to recommend approval with requested waivers. Mr. McKee added that tractor trailer traffic should avoid the historic neighborhood to the southwest, primarily westbound traffic should use Henderson and Church to access the site and that eastbound traffic use Route 23. Mr. Hughes reiterated that he would agree to the condition that routing be as determined by PennDOT and the township traffic consultant. Mr. Hughes indicated that he did not want to be saddled with a specific condition but Mr. McKee indicated that he would like to see the residential areas avoided and some sort of agreement to avoid those areas. Ms. Shulski indicated that they are willing to work with the township and PennDOT. This was followed by a Planning Commission conversation regarding traffic issues and the ROW easement on FedEx site. Mr. Jenaway indicated that there has been some past success with contacting traffic apps to indicate traffic restrictions and regardless when at the Board of Supervisors there should be an

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answer as to addressing traffic concerns. Mr. Jenaway further indicated that the applicant should have a good understanding as to stormwater and the Phase 2 study, as this will likely also be discussed at the Board of Supervisors (BOS). Mr. Brown asked if the current surface of the site was cement. The applicant responded that yes, much of it was. Mr. Jenaway indicated that the applicant should be prepared to discuss environmental issues with the BOS. Mr. McKee softened his motion comment to indicate that tractor trailers should avoid the residential areas. This was seconded by Mr. Brown, with a 5-0 vote.

446, 456, and 588 Swedeland Road - Land Development

Proposed 150,000 sf warehouse

The applicant's attorney, Ms. Shulski, reiterated that everything stated in regards to 555 Flinthill Rd. holds true regarding this application. Ms. Shulski reiterated that this application will decrease impervious coverage, add stormwater management, and was a by-right use. Mr. Popek asked about the review timelines for the two projects and Mr. Hughes indicated that applications and tracking have been intentionally together. Mr. Hughes, again provided a brief summary of project highlights including: project location and summary (indicating that the building was slightly larger than the one previously discussed), traffic impact fees, landscaping, waivers requested, and stormwater basins. Mr. Hughes indicated that there is both a sewer line and storm pipe at the location of the proposed building and that they will need to be relocated. Mr. Hughes was proposing a good faith effort, but if lines could not be relocated off site, was hoping to move forward with the project with just an onsite relocation. To facilitate relocation, both temporary and permanent easements would be necessary.

Mr. Hughes indicated that they don't have sidewalks but this should be discussed because a waiver is being sought. Mr. Jenaway indicated that there will be a restaurant across the street and that sidewalks would be preferred. Mr. Hughes indicated that sidewalks would be included, and as such the curb and sidewalk waivers were being withdrawn. Mr. Hughes indicated that the remaining waivers were the same as the 555 Flinthill Rd. project: park fee in lieu and grading within 5 feet.

Mr. Popek asked about ROW consideration and if the full roadway has already been accepted, especially considering the activity across the street and the possible need for future road expansion. Mr. Hughes asked if an offering of ROW would be appropriate with Mr. Popek confirming. Mr. Hughes indicated that this issue would have to be sketched out in the HOP plans as any improvements would not be offered as part of this plan. Mr. McKee asked about site circulation with Mr. Hughes indicating that trucks will need to enter at the northern entrance but that passenger vehicles could enter and exit at either. Mr. McKee followed this answer up with a question regarding the southern entrance. Mr. Hughes indicated that he understands there are restrictions regarding truck traffic going through Gulph Mills and while not designed as such he understands that there may be a restriction put on the project. Mr. Hughes indicated that he understands Gulph Mills is off limits for truck traffic.

Mr. Jones indicated that the traffic engineer does bring up curb radii. Mr. Hughes indicated that he will comply with the township standard. Mr. Jones indicates that the previous application had the same comment regarding radii (which is necessary to force traffic in a certain direction).

Mr. McKee indicated that the County review letter discussed underground detention. Mr. McKee questioned the ability to provide water quality. Mr. Hughes indicated that water quality will meet the requirements of the NPDES permit.

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Ms. Camp indicated that her comments were largely the same as in the previous review and the project applicant indicated that the previous comments regarding solar and the electric grid are the same for this site (buildings will be same construction).

Mr. McKee asked about the ability to create a center turn lane due to truck traffic, further indicating that the best access to this site is Route 23. The project developer indicated that there is space for onsite queuing should it be necessary.

Mr. Foley asked about creek relocations. Mr. Hughes indicated that the creek likely has already been relocated but no conversation has been had with DEP. It is not possible to leave the storm pipe and site as is, so piping will need to be relocated.

Mr. Jenaway asked if traffic safety had looked at the application and Mr. Jones responded they had not.

Mr. McKee indicated that due to traffic comments, utility comments, etc. the application should come back once they are closer to obtaining a tenant or addressing other outstanding items (utility lines, etc.). Mr. Hughes and Ms. Shulski indicated that the utility issue will need to be conditional and they will not be closer to obtaining a tenant any time soon. The property developer indicated that they are seeking approval so that they can market to perspective tenants. Mr. Jones reiterated that while the sewer relocation is a major deal, nothing will be happening unless the sewer authority agrees to relocate the line.

Mr. Popek indicated that it is his opinion the issue won't be resolved in a short time frame. Ms. Camp indicated that she does not feel as though it is necessary to delay a recommendation due to the long-term issues regarding traffic and sewer relocation and believes those are matters for the board to take into consideration (not necessarily the Planning Commission). Mr. Brown agreed with Ms. Camp. Ms. Camp further reiterated that the conditions under discussion include the possibility of a ROW widening, the installation of curb and sidewalk, waivers regarding grading, curb radii, fee in lieu of park, relocation of sewer and stormwater pipes, features within 200 ft. (would be done with aerial imagery), and preliminary/final plan submission. Mr. McKee asked if the property developer would continue to own the facility. It was indicated that the property developer would continue to own the facility and would lease to a tenant. Mr. McKee asked for a commitment to work with Township regarding traffic issues as was indicated in the previous application. Mr. Jenaway asked about the hazardous materials on site (the application indicated that they are in the process of getting an Act 2 closure). Mr. Hughes reiterated that they will make a good faith effort regarding the utility relocation but would like the ability to move forward if adjacent property will not participate.

With no public comments, Mr. Popek made a motion to recommend approval with requested waivers and conditions. This was seconded by Ms. Camp, with a 5-0 vote.

ADJOURNMENT:

With no other business to discuss, Mr. McKee moved to adjourn the meeting with Mr. Trumpler seconding and all in favor at 10.01 PM.

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Respectfully Submitted:

Martin Trumpler, Secretary