

**Upper Merion Township Planning Commission**  
**Regularly Scheduled Meeting for October 12<sup>th</sup>, 2022**

The Upper Merion Township Planning Commission met for its regularly scheduled meeting on October 12, 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 7:05 PM followed by the Pledge of Allegiance.

**IN ATTENDANCE:**

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

**ABSENT:**

William Jenaway, Board Liaison

**APPROVAL OF MEETING MINUTES:**

Minutes for the prior meeting on September 14<sup>th</sup> have been tabled because they are not yet complete.

**1100 First Ave. – Conditional Use**

*Proposed apartment, warehouse and office project*

Mr. Jones gave a brief description of the conditional use application which includes various uses including an apartment building, garage, office building and warehouse adjacent to the casino. Mr. Jones provided an explanation as to the process for which one might receive conditional use approval. Mr. Jones introduced the applicant, Ari Christakis.

Mr. Christakis introduced the project and explained that there is an existing office building as well as an existing warehouse on the site. Mr. Christakis stated that although they are planning on renovating the existing warehouse, it will remain at the same square footage (43,374 sf.). He also explained that the existing office building will be increased from a two-story/60,000 sq. ft building to a seven-story/207,000 sq. ft building

Mr. Christakis indicated the parcel's location and that there is currently a shared parking agreement with Parkview Tower. 350 parking spaces from the property in question are shared with Parkview Tower while 150 spaces from the tower are shared with this property. Mr. Christakis indicated that this proposal includes a 6-level parking garage to accommodate all uses on site, and will accommodate 180 parking spaces beyond that which is required. Mr. Christakis indicated that they will be utilizing current site access but would also be provided a new access from Moore Road. for the utilization of the warehouse.

Mr. Christakis provided a detailed overview of parking requirements and the project's compliance. Mr. Christakis further indicated that the parking counts have been updated from previous iterations due to input from the township's police and fire services.

Mr. Popek questioned the math indicated on the submittal and it was determined that there could be a math error. Mr. Christakis indicated that their intent is to comply with parking requirements.

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Mr. Popek asked the applicant what comment they have in regards to the proposed SEPTA King of Prussia Rail project, specifically to SEPTA's potential use of the site. Mr. Christakis indicated that there is very little comment on the SEPTA rail project. SEPTA has reached out to the applicant but they have yet to receive any formal notice that SEPTA will be taking any portion of the property. Mr. Christakis stated that if SEPTA does take formal steps, they would reevaluate the project. This was followed by a free flow conversation regarding SEPTA, condemnation and numerous development scenarios.

Ms. Camp asked about the warehouse use and traffic. Mr. Christakis indicated that the warehouse would largely stay the same, with the exception that there would be a dedicated access drive. Additionally, Mr. Christakis indicated that the warehouse was simply too small to be utilized as a distribution center.

Mr. Brown brought up a previous point regarding the parking garage. Mr. Christakis indicated that the top floor of the garage was not proposed to be built with this application, and that the applicant was seeking permission to make it reserve parking, so that the additional floor would only be built if necessary.

Mr. Trumpler asked about residents carrying groceries from the garage to the apartment building. Mr. Christakis indicated that fire and police personnel would also like some sort of pedestrian connectivity and that his client is looking into various possibilities, including sky bridges.

Ms. Camp made a comment about the intention of the mixed-use zone being the creation of service retail in the area, and asked if there was any effort made to include such uses. Mr. Christakis indicated that the applicant's team has considered but that market demand and privacy issues would be an important consideration. Mr. Popek indicated that zoning changes in this zoning district would likely be discussed at a future meeting.

Mr. Jones provided a summary of the conditional use standards and indicated that it was his opinion that the application does not meet all the requirements required as part of a conditional use but that it will ultimately be the decision of the board. Mr. Christakis add that while a conditional use is a permitted use, it provides the governing body with an additional opportunity for review. Mr. Christakis then described how their plan is conceptual and indicated that things may change slightly but that the plan before the planning commission is not the final design of the site.

Mr. Brown brought up the issue of the traffic study and the timing of the report. Mr. Christakis and Mr. Jones indicated that if the traffic study is no longer relevant or applicable at the time of land development, a new study will be required. Additionally, Mr. Jones indicated that conditional use applications require that a Land Development application to be submitted within a year. Mr. Popek indicated that currently old traffic data would likely be worst case scenario as trip generation has shifted during the last few years (work from home, etc.). This was followed by a conversation regarding traffic and possible future changes regarding the PA Turnpike.

Ms. Camp indicated that the stormwater management facility appeared to be undersized. Mr. Christakis indicated that he was aware that additional facilities would be needed and that they would likely be

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underground. It was also indicated that there may currently be a basin under the rear parking area but that this would need to be investigated further during land development. Ms. Camp questioned why the parking garage was not located between the two uses. Mr. Christakis indicated that per the Township ordinance the parking garage must remain behind apartments in order to meet code (wrapping requirement Section 145-24.5). This was followed by a conversation regarding good design, building layout, apartment open space and the township code generally.

Ms. Camp indicated that a common solution to the issue would be to wrap the garage with the physical building. Mr. Camp suggested that the residential and the parking structures should have points of connection so that residents would not have to leave the structure to get to/from their cars. The convenience retail could be part of the wrapped building, or open space could be not overlooking the parking lot. Mr. Christakis stated that it is something they would look into further but that he was aware of construction issues in the past related to the integration of pools/courtyards in parking structures.

Ms. Camp stated that by interconnecting the structures more, there would be an opportunity to eliminate on-site surface parking and provide more amenity space.

Mr. Popek indicated that while the code may have requirements, the applicant should fight for the best design possible, suggesting the applicant should seek waivers if it creates a better project design - this relates to building wrapping or other standards.

Mr. McKee asked about the acreage breakdown of various uses including parking, apartment, warehousing, office, parking garage, etc. Mr. McKee questioned the site's overall acreage as related to the proposed density of the residential use and its calculation - there was a slight interjection related to the applicants request for various conditional uses, indicating that density should possibly be calculated based on only the acreage indicated for the residential use. This was followed by a conversation regarding the Township's intent at the time the KPMU ordinance was drafted and Mr. McKee's concerns. Mr. McKee asked for a zoning officer interpretation as to density and developable acreage in the KPMU.

Ms. Pam Rende, a resident, stated that she wanted more details relating to mixed use (mixed-use vs. separated uses), and stormwater. Additionally, she indicated that the proposed project does not have curb appeal (units adjacent to warehouse).

The Planning Commission did not make a motion as the applicant indicated that they would return a second time.

**346 East Church Road – Land Development**

*Proposed building addition of approximately 6,000 sf.*

Mr. Jones briefly introduced the project and then turned it over to the applicant's team.

Patricia Burris, the applicant, gave a brief description of the project indicating that the project proposed an approximately 3,300 sf. addition (building footprint) to the existing indoor shooting range and retail gun shop.

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Ms. Burris indicated that the range has been operating for about two years and that this addition would add another 7 shooting lanes.

Mr. Popek indicated that the site is largely impervious and Ms. Burris stated that there is 15% green space. Mr. Popek further requested details regarding stormwater management. Mike Joyce, the applicant's engineer, indicated that roof runoff for the addition and portions of the old building would be piped to the rear of the site and released via a perforated pipe (level spreader). The water would then sheet flow to an offsite discharge point. Mr. Joyce further indicated that water quality would not be a part of the stormwater management plan. This was followed by a conversation regarding water quality as related to the new parking area and presumed runoff.

Mr. Popek asked about the loading dock in the front of the area. Ms. Burris explained that they don't use the front-loading dock for loading because it is currently part of the shooting range and that a rear loading area is proposed with the building addition.

Mr. Popek asked about truck traffic and it was indicated that the facility does not ship. Products manufactured on site are sold on-site as retail.

Ms. Camp asked about the storage of hazardous materials. Ms. Burris indicated that there is only smokeless powder gun powder and it is not hazardous within any threshold. Ms. Burris further indicated that the trailers on site have active uses and are not used for storage, they are used for manufacturing).

This was followed by a general conversation regarding various site topics including: pipeline ROW, parking areas being gravel vs. paved, etc.

Mr. McKee asked if a rain garden system could be accommodated in the grassy area adjacent to the parking lot. Ms. Burris indicated that was her original intent and that she thought she would be getting plants that could be accommodated. Mr. Foley indicated that the gas line may hinder anything that can happen in that area of the property.

Mr. Jones indicated that he did not see any waiver requests as related to landscaping requirements. Ms. Burris indicated that she did not think there were any landscaping requirements, but that if there were, she was requesting waivers. Mr. Jones indicated that it was his opinion that the plan did not comply and that if the plan as presented is the plan, additional waivers will need to be requested.

Mr. Foley indicated that RVE issued an engineer letter and that the applicant issued a response. Mr. Foley wondered if the applicant would comply with the remaining comments. Mr. Joyce indicated that the comment responses were largely "will comply", specifically to the stormwater comments. Mr. Joyce further indicated that as to the traffic reviewer letter, some additional waiver requests have been added to specifically permit the existing nonconforming conditions along the frontage (curb, sidewalk, parking). Mr. Popek indicated that waiving sidewalk and curb was tough because if it was waived for every applicant, the township would never have a completed pedestrian network.

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Ms. Camp discussed comments from the traffic review letter regarding site circulation and driveway proximity.

The applicant explained that both drives are utilized as two-way traffic. Mr. Jones indicated that the traffic consultant suggested two options, 1) eliminating the driveway to the south, and 2) combining the southern driveway with the property directly adjacent to make a shared driveway. Mr. Popek asked if the applicant has talked to the southern neighbor regarding this issue. The applicant mentioned that a shared driveway would require the removal of at least a portion of the fence and she's unclear what that would mean for future parking. Additionally, as a gun store, they would like to lock up the rear of the site when appropriate. Ms. Camp indicated that while the review letter discussed the issue of traffic, it is an existing condition and not a major concern.

Mr. Brown made a motion to recommend to the board of supervisors plan approval with all the waivers requested. There was then a conversation regarding landscaping requirements and the need for a discussion with the zoning officer regarding buffering. It was also indicated that the trees marked on the plans have in fact been removed. The motion was seconded by Mr. Trumpler, with all in favor.

**411 Swedeland Rd. – Land Development**

*Proposed 1 million + sf. office research development*

Mr. Jones indicated that the project was back after recent revisions.

Zachary C. Migeot, the applicant's attorney, indicated that they were seeking preliminary master plan approval, could comply with most of the comments contained in the traffic review letter, and introduced the applicant's team.

Mark Thompson, the applicant's engineer, indicated that they are seeking waivers from township code section 140B-17.A(2) to allow grading within 5 feet of the property line, from section 141-6 to not provide sidewalks along Swedeland Road, from section 145-20.C(2) to not provide curbing along Swedeland Road and Jones Road, from section 145-24.1.D(2)(d) to allow parking lots to have more than the maximum allowed parking spaces, from section 145-24.1.E(2) to not provide street trees between ultimate right away line and the building setback line due to the PECO overhead poles along Swedeland Road, and from section 145-27.A(24) to not provide preliminary E&S control plans.

After a discussion with Mr. McKee regarding stormwater, Mr. Thompson indicated that smaller sediment traps will be utilized for each phase of development and that each phase would ultimately submit for final Land Development approval.

Brian Keaveney, the applicant's traffic consultant, indicated that they have an improvement program outlined in their traffic study. Mr. Keaveney indicated that while the township's traffic engineers' letter is quite long, they will mostly comply. Mr. Keaveney indicated that they are scheduling a follow-up discussion with the Township traffic consultant regarding the material comments specifically the phasing of said improvement plan and Act 209 impact fees vs. the construction of improvements. Mr. Keaveney indicated that they are considering travel demand management (shuttle service)/multimodal coordination.

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Mr. Popek asked about the status of review on the Township/Transportation Authority side and Mr. Jones indicated that he was not aware of any status or if there have been discussions. Mr. Jones further indicated that all land development agreements include the payment of fees regarding traffic impacts and other items prior to plan recording.

Mr. McKee brought up the traffic review letter and asked if applicant has agreed to making Swedeland Road a 3-lane road. Mr. Keaveney indicated a left turn lane and approach widening would be installed. Mr. Keaveney also indicated that while his team is not necessarily opposed to a full three lanes, it is likely not necessary. Mr. McKee further asked about additional access at Renaissance Blvd. Kevin Kyle, the applicant, indicated that they were working with the county redevelopment authority to facilitate discussion with PECO, but that conversation was ongoing. McKee indicated that he believes the Renaissance Blvd. intersection improvements are key to this project.

Mr. McKee further indicated that even with proposed improvements, the traffic level of service would not improve above a level E and F. Mr. Keaveney indicated that while intersection improvements still need to be discussed in greater detail with all parties, the issue is balancing improvements with the neighborhood needs/practical improvements. Mr. McKee followed up with a comment regarding the additional trips made by this project and the need to protect historic residential neighborhoods. Mr. Kyle indicated that they currently provide the facility with shuttles and that they are heavily utilized. Mr. McKee continued to discuss his traffic concerns. Mr. Keaveney indicated that they are aware of the issues that they are still working through them. Mr. McKee expressed concern regarding a HOP along Swedeland Road for a separate driveway application. Mr. Thompson indicated that they looked into connecting the parking lot to the main campus directly but that security concerns (the standalone restaurant), the detention pond, and other existing utilities (PECO monopoles) prevent a connection. Mr. McKee questioned the safety of the curb cut and again discussed traffic concerns.

Mr. Foley added an additional waiver item regarding tree species to the applicant's list of waivers.

During public comment, Ms. Rende expressed concern about the increased traffic to the historic residential area and indicated the history of accidents on Trinity Ln. and Balligomingo Rd. within the past few years will be able to back up her statement. Mr. Rende believes that the area cannot support the increased traffic and indicated that her community is not getting any open space or recreational space in connection with all the development.

Mr. Popek clarifies that the waiver they are requesting is not about adding too many parking spaces but rather a parking lot area accommodating more than 100 spaces. Ms. Rende asks if she is correct about the waiver requesting to add more parking spots than what is permitted, and Mr. McKee indicated that the Township's ordinance requires landscape areas/islands to break up large parking lots containing over 100 spaces and the applicant is asking for a waiver for those areas/islands. Ms. Rende urged the commission to not grant the waiver because of the need to control stormwater and mentioned that due to the overbuilding and a lack of onsite water retention many homes have been flooded out.

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Mr. Popek asked the applicant what the justification for requesting the parking lot waiver is with the applicant indicating that they want the parking closer to the building so that employees don't have to walk as far to get inside. Mr. Popek indicated that he was not in support of the waiver.

Mr. Popek reviewed the complete list of waivers indicating that he is fine with grading within 5 feet of the property line because they own both properties in question.

Mr. Popek discussed that he was not in favor of the parking lot area waiver, and that curbing and sidewalk should be provided along Swedeland Road. Mr. Popek indicated that he was fine with all other waivers. Mr. McKee indicated that there should be no sidewalks on Jones Road due to tree removal. The applicant's team added that there will be a need to defer tree species and landscaping details from preliminary to individual final phases, to not provide street trees due to PECO overhead wires.

Mr. McKee further discussed big picture traffic concerns. This was followed by a discussion with Mr. Keaveney regarding the coordination of traffic concerns between municipalities.

Mr. Popek made a motion to recommend approval of the preliminary land development plan as presented excepting the requested waivers for sidewalk, curbs, and parking area delineation. Seconded by Ms. Camp, all were in favor.

**ADJOURNMENT:**

With no other business to discuss, Mr. Trumpler moved to adjourn the meeting with Mr. Brown seconding and all in favor at 10:05 PM.

Respectfully Submitted:

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Martin Trumpler, Secretary