

UPPER MERION TOWNSHIP BOARD OF SUPERVISORS  
BUSINESS MEETING  
JANUARY 11, 2024

The Board of Supervisors of Upper Merion Township met for a Business Meeting on Thursday, January 11, 2024, in Freedom Hall, in the Township Building in King of Prussia. The meeting was called to order at 7:05 p.m., followed by a pledge to the flag.

ROLL CALL:

Supervisors present were: Greg Phillips, Bill Jenaway, Tina Garzillo, Carole Kenney and Greg Waks. Also, present was Anthony Hamaday, Township Manager; John Walko, Esq., Solicitor's Office; Jarrett Lash, Township Planner and Andrew Poco, RVE Township Engineer.

CHAIRPERSON'S COMMENTS:

Chairperson Garzillo announced that there was an Executive Session prior to tonight's meeting to discuss legal matters. She mentioned on January 2<sup>nd</sup> the Board had their Reorganization Meeting.

Chairperson Garzillo also asked to modify tonight's Agenda to move Item 9 from the Consent Agenda and making it Letter C under New Business which moves the Consent Agenda to Letter D.

Board Actions:

It was moved by Vice-chair Jenaway, seconded by Supervisor Kenney, all voting "Aye" to modify the Agenda. None opposed. Motion passed 5-0.

CITIZEN BOARD VACANCIES:

Chairperson Garzillo gave an update on current vacancies on the Upper Merion Citizen Boards.

CC Advisory Board	- 1 Vacancy
CC Advisory Board Student Member	- 1 Vacancy
Economic & Comm Dev Committee	- 1 Vacancies
ECDC Student Member	- 1 Vacancy
Farmers Market Student Member	- 1 Vacancy
Human Relations Commission	- 2 (Alternates)
Media Advisory Board	- 1 Vacancy
Media Advisory Board Student Member	- 1 Vacancy
Property Maintenance UCC Board	- 1 Vacancy (Alternate)
Public Safety Board Student Member	- 1 Vacancy
Upper Merion Foundation Sub-Committee	- 1 Vacancy

- Upper Merion Historical Commission - 2 Vacancies  
UM Historical Comm. Student Member - 1 Vacancy  
Zoning Hearing Board - 1 Vacancy (Alternate)

NEW BUSINESS:

A. POLICE PROMOTIONS:

Chief Nolan introduced Sergeant Tobias Fisher giving a synopsis of his time in Upper Merion. Tobias was hired as a Police Officer in 1999, he was promoted to Corporal in 2017, in 2019 to Sergeant and in 2022 became a Sergeant in the Detective Division. Tonight he is being promoted and sworn in by Magisterial District Judge Patrick Krouse as Lieutenant Tobias Fisher.

B. SWEARING IN OF NEW POLICE OFFICERS:

Chief Nolan introduced the four (4) new police officers sworn in tonight by Magisterial District Judge Patrick Krouse.

- Officer Scott Bogley, a former Upper Merion Dispatcher
- Officer Rod Fancher from MONTCO District Attorney's Office
- Officer Luke Turner who graduated in 2023 with a Master's Degree in Data Analytics
- Officer Brian Kovic Garcia, a former Police Officer from Reading, PA

Chief Nolan asked Chief Johnson for Fire and EMS division to come to the podium for the presentation of two (2) EMS Paramedics and one Fire-Fighter. The following were sworn in tonight by Magisterial District Judge Patrick Krouse.

- Veteran Volunteer Firefighter Glen Montgomery from Lower Merion for 19 years. He has numerous certifications in plan examiner, fire inspector and investigation.
- Paramedic Lisa Dolan worked at Delaware County Memorial Hospital and Haverford Township paramedics department for many years.
- David Bouie who served a short time with Upper Merion A Power Truck Paramedic and will finally be sworn in tonight. The Township received a complimentary email regarding David from Einstein Medical Center, after a quick assessment he took a patient to the Cath Lab in record time which saved the person's life.

C. RESOLUTION 2024-3 – Appointing Lieutenant Blaine Leis as Emergency Management Coordinator:

Board Actions:

Vice-Chair Jenaway read Resolution 2024-3 appointing Lt. Blaine Leis as the new Emergency Management Coordinator. He also read a letter to PIMA allowing him to act on Upper Merion's behalf for emergency management issues. Motion was made by Vice-Chair Jenaway, seconded by Supervisor Phillips, all voting "Aye" approving Resolution 2024-3, which appoints Lt. Blaine Leis as Emergency Management Coordinator. None opposed. Motion passed 5-0.

#### D. CONSENT AGENDA:

1. Authorization to Advertise Conditional Use Hearing – Netflix.
2. Land Development Plan Extension – Abbonizio Real Estate Partnership, 316 W. Church Road.
3. Authorization for the Township Manager to sign Real Estate Tax Settlement Stipulations:
  - a) Macy's Retail Holding, Inc., 680 W. DeKalb Pike, for the tax years 2022-2023 resulting in an overpayment of real estate taxes in the amount of \$10,638.81.
  - b) Bloomingdales King of Prussia, 660 W. DeKalb Pike, for the tax years 2022-2023 resulting in an overpayment of real estate taxes in the amount of \$21,849.51.
  - c) PA Turnpike Commission, 371 W. DeKalb Pike, for the tax year 2023 resulting in an overpayment of real estate taxes in the amount of \$1,953.99.
  - d) PFI VPN Portfolio Fee Owner, 555 Croton Road, for the tax year 2023 resulting in an overpayment of real estate taxes in the amount of \$4,689.09.
  - e) Park Ridge Hotel Development, 480 N. Gulph Road, for the tax years 2021-2023 resulting in an overpayment of real estate taxes in the amount of \$61,522.15.
4. 2024 Road Program: Approval of a Professional Services Agreement (PSA) for survey, engineering, and construction inspection services with ARRO Consulting of Birdsboro, Pennsylvania in the amount of \$41,093.00 as recommended by the Director of Public Works.
5. Financial Escrow Security Release No. 6 (Final) Genterra, Columbus Street. Approval of Escrow Release No.6 in the amount of \$ 32,771.25 for the completion of required site improvements to date as part of the Land Development project as recommended by the Township Engineer.
6. First Avenue Linear Park, Phase 3: Approval of Change Order 1 authorizing Hobbs & Co. of Boothwyn, PA to perform additional electrical services in the amount of \$12,985.00, as recommended by the Director of Public Works.
7. Trout Run WPCCC Sludge Mixer & Conveyor: Approval of Payment Application 01 in the amount of \$12,843.90 to PSI Pumping Solutions, Inc. of York Springs, PA for contract work completed to date, as recommended by the Director of Public Works.
8. Resolution 2024-2 – 2024 Fee Schedule.
9. Resignation of Amrinder Singh from the Property Maintenance Appeals Board and the UCC Board of Appeals.

#### Board Action:

It was moved by Supervisor Waks, seconded by Supervisor Kenney, all voting "Aye" to approve the Consent Agenda as presented. None opposed. Motion approved 5-0.

E. PRELIMINARY LAND DEVELOPMENT PLAN – DISCOVERY LABS – 411 Swedeland Rd. Consideration of a preliminary Land Development Plan for Discovery Labs, 411 Swedeland Rd, prepared by Taylor Wiseman and Taylor, dated February 16, 2022, last revised May 5, 2023, as revised for the development of the 141.87 acre tract with ten (10) new industrial buildings and six (6) parking garages, completed in six (6) phases for an approximate total of 1,000,000 square feet of new building space and associated site improvements including waivers as outlined in said resolution. LI & R-1.

Mr. Ed Campbell representing Brian O'Neill, the owner of the property at 411 Swedeland Road presented plans showing all six (6) phases of the proposed site which would take about 10 to 12 years. The first phase would include two buildings and surface parking, the next phase would be two more buildings along with parking with each phase taking about two years each to complete.

Supervisor Kenney asked Mr. Campbell what the final percentage total would be between pervious and impervious areas after the final phase is completed. Mr. Campbell said the impervious coverage after all the phases are completed will be approximately 21%, which also includes the additional parking spaces if needed.

Supervisor Waks asked Mr. Campbell to explain why the site is broken down into different phases. Mr. Campbell explained that this area is being developed for different Life Science entities. As more businesses become interested in coming to Upper Merion at this site they will develop the next phase of this campus per the specific identified user. Then he explained that his client will come back to The Board of Supervisors for final approval for the next proposed phase and again each time a phase begins.

Next, Mr. Campbell went over the waivers that they might need as well as a deferral that Supervisor Philips suggested previously about Stormwater soil erosion or sediment leaving the site during construction. Since this project is broken down into phases the applicant is asking to defer designing that from an engineering standpoint until each phase comes in for final approval. Additional waiver requested are as follows:

- Partial waiver for street trees due to PECO wires in the way, they will pay in lieu of or plant trees somewhere else.
- Partial waiver for sidewalks, no sidewalk on Jones Rd. just on Swedeland Rd. but due to a conflict with Gulph Mills Civic Assoc. some not wanting it and one person that wants a sidewalk. Mr. Campbell asked since this need's clarification can they characterize this as a deferment. Mr. Walko said they can defer it for now and decide later.
- Partial waiver for curbing on Jones Road - Mr. Campbell suggest that they list it as a deferral same as the sidewalk until that phase is ready then decide once things get clarified.
- Waiver for disturbing the grounds within 5' of a property boundary which overlaps onto West Conshohocken and is a separate parcel. Then there was a long discussion about ground water leaching, wells and methane in some wells which don't come into play until phases four, five and six.

Finally, Chairperson Garzillo asked if Mr. Campbell and his client would come to The Board's next public meeting on January 18<sup>th</sup> so they will have more time to make their decision.

Public Comments: None

Board Action:

It was moved by Vice-Chair Jenaway, seconded by Supervisor Philips, all voting "Aye" to continue this discussion next week at the January 18, 2023 meeting. None opposed. Motion approved 5-0.

F. PRELIMINARY/FINAL LAND DEVELOPMENT PLAN – SPARK CAR WASH, LLC – 161 W DeKalb Pike. Consideration of a preliminary/final Land Development Plan for Spark Car Wash, LLC., 161 W DeKalb Pike, prepared by Bohler Engineering, dated April 4, 2023, last revised December 11, 2023, as revised for the redevelopment of the 0.9-acre parcel into a 2-story, 3,166 Sq. Ft. car wash and associated site improvements including waivers as outlined in said resolution. CG. Resolution 2024-4

Ms. Denise Yarnoff representing Spark Car Wash stated that they have obtained the Planning Commission recommendations as well as the County's recommendations and reduced the majority of the waivers. They are adding about 100 trees and 300 shrubs and other perennials. They also agreed to remove some of the back-paving area turning it into a landscaped area, which will reduce the impervious.

Chairperson Garzillo asked Ms. Yarnoff to explain the safety features that they have incorporated along the way. Ms. Yarnoff offered the following improvements:

- add an ambulance turnaround area for emergency vehicles.
- eliminated one cuing lane so you enter in one lane to pay then split off into two stacking lanes so there's better circulation.
- added additional curbing and landscaping at the rear of the property to prevent vehicles backing into the car wash stacking lanes.
- reduced the building size width and length to increase the drive aisle allowing more room on the site.
- Increased the setback of the building & the first parking space from Route 202 to allow more distance between everything.
- added a striping line down the center of the drive aisle so it's clear what's happening on either side.
- Added radiant heat where the cars exit the car wash and again before the exit the driveway onto Rt. 202 as well as drainage grates to improve any water issues.
- someone will be on site to salt the area if there are below freezing temperatures & in preparation there will be salt on site by early Fall
- someone will be on site to assist with internal circulation
- revised the radius of the driveway entrance from Rt. 202 improving turning movements in and out of the site
- reduced the vacuum spaces from 17 to 15 spaces
- in the process of obtaining approval from PennDOT to close the medium on Rt. 202 to stop left turns or U-turns into the site

Public Comments: None

Board Action:

It was moved by Supervisor Waks, seconded by Vice-Chair Jenaway, to approve Spark Car Wash, LLC. Development Plan. Motion approved 4-1 with Supervisor Philips opposing.

**G. PRELIMINARY/FINAL LAND DEVELOPMENT PLAN – LAZY DOG RESTAURANTS, LLC – 160 North Gulph Rd Suite 211. Consideration of a preliminary/final Land Development Plan for Lazy Dog Restaurants, LLC, 160 North Gulph Rd. Suite 211, prepared by Bohler Engineering, dated May 24, 2023, last revised January 2, 2024 as revised for the proposed demolition of existing building and construction of a new 11,005 sq. ft. restaurant and associated site improvements including waivers as outlined in said resolution. SC. Resolution 2024-5**

Mr. Jared Taylor joined the meeting by Zoom on behalf of Lazy Dog Restaurant saying they would like to build a full dine in restaurant with a covered outside seating area. The restaurant will offer a full line of alcoholic beverages. Also, they will sell food and beer for off-site consumption. They will have new landscaping and new on-site storm water detention in the parking lot as well as removing three (3) parking stalls for better circulation.

Mr. Taylor said since they don't own the property where the restaurant will be built they don't have the right to build a cross walk on the road between their restaurant and the main Mall property they are willing to pay \$34,000.00 in lieu fee to be held for future crosswalk construction.

Their representative from Bohler Engineering said the new building would increase about 40 sq. ft. and they are requesting four waivers. Township Planner Mr. Jarrett Lash presented the four waivers.

- to allow concurrent preliminary & final development review
- from providing existing & proposed property lines and other features on the plan
- from providing a traffic impact study
- from providing dedicated parkland

Vice-Chair Jenaway asked about dogs being allow at the restaurant. Mr. Taylor explained that the dogs would enter through external gate for the covered dining area the same as they do at their other 48 existing locations around the country. This is the same Lazy Dog national operation in its entirety, it is not a franchise, it will operate with the same integrity and same quality of food service.

Chairperson Garzillo asked what process does the restaurant have to handle an unruly owner with a dog. All servers are trained to handle the 3 B's if an unruly owner or dog does not comply they will be asked to leave if there's biting, barking or bad behavior. Usually, they will comp their meal so they leave peacefully to keep the surrounding guest and their dogs comfortable and happy.

**Board Action :**

It was moved by Supervisor Philips, seconded by Supervisor Kenney, all voting "Aye" to approve the Preliminary/Final Land Development for Lazy Dog. None opposed. Motion approved 5-0.

**H. PRELIMINARY/FINAL LAND DEVELOPMENT PLAN – MALVERN ANDERSON LP – 0 Reedel Road. Consideration of a preliminary/final Land Development Plan for Malvern Anderson LP, 0 Reedel Road, prepared by Landcore Engineering Consultants P.C., dated June 27, 2022, last revised December 21, 2023, as revised for the subdivision of the 18.95-acre parcel into twenty-four (24) parcels and common open space for the construction of twenty-four detached single-family homes**

and associated site improvements including waivers as outlined in said resolution. Resolution 2024-6.

Mr. Eric Wert representing the applicant introduced Mr. Rolf Graff from Landcore Engineering who stated his client Gambone Developers wants to re-develop the abandoned 19-acre swim club off of Anderson Road. Mr. Graff said his client would like to build 24 single family homes on 9 acres of the property and leave the other 10 acres for open space. Some of the open space will stay natural and some will have stormwater facilities on it. There is already an existing sanitary easement within it. Also, the site is serviced by public sewer and water.

Next, Mr. Graff went over the four waivers that Gambone is requesting.

- to reduce the minimum center line radius from 200' to 150' since it will be a private street and is large enough for a fire truck to pass.
- to allow the driveway for the first lot on the right-hand side next to the intersection to be reduced from the 60' distance to 40' so they can keep the driveway on the high side which makes grading of that property much easier since the property is steep.
- to allow fee in lieu for planting additional trees
- to accept a smaller plan scale of only 60 scale so they can show the entire property plan layout on one sheet but all the other design drawings are at 50 scale or bigger.

PUBLIC COMMENTS: None

Board Action :

It was moved by Supervisor Philips, seconded by Vice-Chair Jenaway, to approve Preliminary/Final Development Plan for Malvern Anderson LP Land Development Plan with the above noted waivers. Motion approved 4-1 with Supervisor Waks opposing.

ACCOUNTS PAYABLE & PAYROLL:

Township Manager Mr. Hamaday said Mr. Nick Hiriak, Finance Director asked to move the final warrant to next weeks meeting on January 18<sup>th</sup> due to a problem with the Township's computer system.

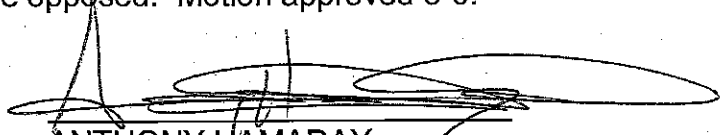
ADDITIONAL BUSINESS: None

Board Comments:

Supervisor Waks mentioned that the BCA grant application is open until April 1, 2024 for organizations who provide services to UM residents and this year High School Juniors along with Seniors can apply for scholarships.

ADJOURNMENT:

There being no further business to come before the Board, it was moved by Vice-Chair Jenaway, seconded by Supervisor Philips, all voting "Aye" to adjourn the meeting at 8:52 pm. None opposed. Motion approved 5-0.

  
ANTHONY HAMADAY  
TOWNSHIP MANAGER

Minutes Approved: 1/8/24  
Minutes Entered: 1/8/24

