



ECDC Student Member	- 1 Vacancy
Farmers Market Student Member	- 1 Vacancy
Human Relations Commission	- 1 (Alternates)
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 DEPARTMENT PROMOTIONS.**

Chief Tom Nolan presented two police officers for promotions. First he called Officer Dylan Cole forward to be promoted to Corporal. Upper Merion hired Officer Cole in May of 2014 for the Patrol division in which he served as a Field Training Officer, responsible for training new Officers as they join the department. Officer Cole is a member of the Bike Unit and a former member of MONTCO Regional SWAT Team.

Next Chief Nolan called forward Corporal Joe Davies to be promoted to Sergeant. Corporal Davies was hired in September of 2008 as a Police Officer and in 2018 he was assigned to the Community Oriented Policing Division and was a certified member of the Bike Unit. In December of 2021 he was promoted to Corporal and served as a Firearms Instructor, controlled Tactics Instructor and a Taser Instructor. Corporal Davies is also a sniper on the MONTCO Regional SWAT Team.

Chief Nolan called District Judge James Gallagher forward to administer the Oaths promoting Officer Dylan Cole to Corporal and Corporal Joe Davies to Sergeant.

**B. PUBLIC HEARING RE: REQUEST FOR INTERMUNICIPAL  
TRANSFER OF LIQUOR LICENSE – Lazy Dog Colorado Ops, LLC –  
160 N. Gulph Road, #211, King of Prussia, PA Resolution 2024-11.**

Solicitor Alex Baumler asked for a motion to start the Hearing, Supervisor Phillips motioned and Supervisor Kenney second. Mr. Baumler stated that the Liquor License R-55189 is transferring from a restaurant on South Bethlehem Pike in Upper Dublin, PA to Lazy Dog Colorado Ops, LLC restaurant in King of Prussia, PA. Before starting the proceedings Mr. Baumler presented the following exhibits:

- 1) Exhibit T1 is a cover letter providing the request for the Hearing.
- 2) Exhibit T2 is proof of publication in the newspaper for this Hearing.
- 3) Exhibit T3 is the proposed Resolution.

Solicitor Baumler then turned the meeting over to the applicant's attorney Mr. Ed McCue, representing Lazy Dog Restaurant. Mr. McCue asked his associate Mr. Jared Taylor to distribute to the Board a packet showing details for the planned restaurant at the old Fox & Hound location. This restaurant will be new construction with inside dining and a covered patio area for outside dining. This will be a rustic design with casual dining atmosphere and the patio will be dog friendly with seating, a fire pit, flat screen TVs and outside bar.

Mr. McCue said that Lazy Dog started 20 years ago as a Huntington Beach based family restaurant and it now operates over 40 restaurants in multiple states. The building in KOP will be approximately 8,000 sq. ft. with an outside service area of about 1,000 sq. ft. for trash and the covered patio will be about 2,000 sq. ft. The capacity for inside the restaurant is 80 seats in the bar area and 15 stools around the bar itself, the dining area will have 155 seats and the outside patio will have about 72 seats. He also mentioned they have a full American menu from appetizers to desserts for dining in or for takeout.

Chairperson Garzillo asked about selling 4 packs of beer and Mr. Taylor said Lazy Dog offers a beer membership club which Michelle Patterson can explain. Ms. Patterson said members pay quarterly to be able to purchase exclusive beer that is only available at Lazy Dog Restaurants.

Supervisor Kenney asked them to clarify their hours, Mr. Taylor said they would like the ability to open from 9 am to 1 am each day if the demand is there. Mr. Taylor also said that most likely Monday thru Friday they would be open from 11 am till 12 am and on Saturday & Sundays from 9 am to 12 am since they offer brunch on the weekends. Supervisor Kenney also asked since they are rebuilding on this parcel what the stormwater plans are. Mr. Taylor said there will be two very large underground stormwater treatment facilities under the existing parking lot. Also, the landscaping all the way around their building is beautiful with a modified rocky mountain palette and a lot of different trees and ground coverage.

With that said Solicitor Baumler officially marked all of Lazy Dog's exhibits into the actual record, marking them from A1 thru A5 and then called for a motion to close the Hearing.

Board Action:

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

Board Action:

It was moved by Supervisor Philips, seconded by Supervisor Kenney, all voting "Aye" to approve the transfer for the Liquor License and the adoption of Resolution 2024-11. None opposed. Motion approved 5-0.

C. PUBLIC HEARING RE: REQUEST FOR INTERMUNICIPAL TRANSFER OF LIQUOR LICENSE – Tommy Bahama R&R Holdings, Inc. – The Court, Unit C263A, 690 W. DeKalb Pike, King of Prussia, PA Resolution 2024-12.

Solicitor Alex Baumler asked for a motion to start the Hearing. Supervisor Philips motioned and Supervisor Waks seconded the motion. Mr. Baumler stated that the Liquor License R-19112 for Tommy Bahama R & R Holdings, Inc. is transferring from a restaurant in Hatfield Borough, Upper Dublin, PA to be used at Tommy Bahama's King of Prussia location at the KOP Court, Unit C263A on 690 W. DeKalb Pike. Before starting the proceedings, Mr. Baumler presented the following exhibits:

- 1) Exhibit T1 is a cover letter providing the request for approval.
- 2) Exhibit T2 is proof of publication in the newspaper for this Hearing.
- 3) Exhibit T3 is the proposed Resolution for this particular application.

*Solicitor Baumler then turned the meeting over to the applicant's attorney Mr. Anthony Beldekas representing Tommy Bahama along with the restaurants Mid-Atlantic District Manager Jared Bokish. While Mr. Bokish handed the Board, a packet showing details plans for the restaurant that will be located at the Mall, Mr. Beldekas explained that Tommy Bahama, R&R Holdings, Inc. is a domestic subsidiary of Oxford Industries. They are a US-based publicly held company that specializes in high-end clothing.*

Tommy Bahama has expanded since 1990 into the food and beverage industry with 23 locations open in 9 states and 10 additional in approval design phases. Some are full restaurants and others are the Marlin Bars, which is the one that would be going into the King of Prussia Mall. Mr. Beldekas said the Tommy Bahama clothing store that has been at the Mall for 11 years will close and be incorporated into the new Marlin Bar location. This is a new concept where you can get a burger and a beer while buying one of their clothing items. This business is approximately 4,500 sq. ft. of restaurant area with 3,500 sq. ft. of retail clothing which will be open 7 days a week during Mall hours.

*With that said Solicitor Baumler officially marked all of Tommy Bahama's exhibits into the actual record then asked for a motion to close the Hearing.*

Board Action:

It was moved by Supervisor Philips, seconded by Vice-chair Jenaway, all voting "Aye" to close the Hearing. None opposed. Motion approved 5-0.

Board Action:

It was moved by Supervisor Waks, seconded by Supervisor Kenney, all voting "Aye" to approve the transfer for the Liquor License and the adoption of Resolution 2024-12. None opposed. Motion approved 5-0

D. CONSENT AGENDA re:

1. Resolution 2024-9 to authorize the submission of DCNR grant application for the Heuser II Site Master Plan and Improvements Project and further authorize the designated Township Officials to execute all grant applications and agreements.
2. Resolution 2024-13 establishing and adopting a Township Maintenance and Stewardship Plan for Heuser Park for the annual maintenance of the property by Township employees/subcontractors.
3. Resolution 2024-14 – DCNR Grant Application – Moore Road Multimodal Trail and Linear Park Project. Authorization for the Township Manager, in partnership with the KOP BID, to submit a DCNR Grant in the amount of \$625,000 to be used for Preliminary Design, Environmental Site Assessment and Environmental / Cultural Studies, Easement Acquisition and Administrative Costs for the Moore Road Multimodal Trail and Linear Park project and further authorize the designated Township Officials to execute all grant applications and agreements.

4. Resolution 2024-15 - Statewide Local Share Account Program – Swedesburg Volunteer Fire Company Station Repair Project. Authorization for the Township Manager, in partnership with the Swedesburg Volunteer Fire Company to submit a Statewide Local Share Assessment Grant to the Commonwealth Finance Authority in the amount of \$177,000 for fire station repairs and further authorize the designated Township Officials to execute all grant applications and agreements.
5. Financial Escrow Security Release No. – Chick-fil-a, 135 W. DeKalb Pike – Approval of Escrow Release No. in the amount of \$620,821.75 for the completion of required site improvements to date as part of the Land Development project as recommended by the Township Engineer.
6. Resolution 2024-10 - Amend Resolution 2024-2 re: 2024 Fee Schedule.
7. Resignation of Tina Smith from the Upper Merion Historical Commission.
8. Citizen Board Appointment – Media Communications Advisory Board.
9. Abrams PS, Valley Brook PS and Trout Run WPCC MPS Upgrades: Approval of Final Payment Application 09 for the General Construction Contract in the amount of \$27,210.41 to Blooming Glen Contractors, Inc. of Skippack, Pennsylvania for the completion of all contract work, as recommended by the consulting engineer. This includes Change Order No. 3, which results in a deduction of \$7,249.00 from the contract price.
10. Abrams PS, Valley Brook PS and Trout Run WPCC MPS Upgrades: Approval of Final Payment Application 04 for the Electrical Contract in the amount of \$2,509.00 to Pumping Solutions, Inc. (PSI) of York Springs, Pennsylvania for the completion of all contract work, as recommended by the consulting engineer.
11. Upper Merion Township Building Cooling Tower Project: Approval of Payment Application 05 in the amount of \$21,660.03 to West Chester Mechanical of Aston, Pennsylvania for contract work performed to date, as recommended by the Director of Public Works.
12. Upper Merion Township Building Cooling Tower Replacement: Approval of Payment Applications 06 and 07 (Final Payment) of \$30,143.00 to West Chester Mechanical of Aston, Pennsylvania for the completion of contract work and the release of retainage, as recommended by the Director of Public Works.
13. Balligomingo Streambank Stabilization PSA: Approval of the Professional Services Agreement in the amount of \$59,000.00 to ARRO Consulting of Birdsboro, Pennsylvania for the design, permitting, bidding, and construction administration services for the streambank stabilization project at Balligomingo Pump Station, as recommended by the Director of Public Works.

14. First Avenue Linear Park, Phase 2: Approval of Final Payment Application 09 in the amount of \$102,663.32 to Road-Con, Inc. of West Chester, Pennsylvania for the completion of all contract work, as recommended by the project consultant.
15. Upper Merion Township 2024 Municipal Separate Storm Sewer System (MS4) Professional Services Agreement (PSA): Approval of a PSA in the amount of \$70,000 with ARRO Consulting of Birdsboro, Pennsylvania to perform Best Management Practice (BMP) inspection, MS4 permit reporting, Pollutant Reduction Plan (PRP) implementation, storm sewer mapping, and other general services, as recommended by the Director of Public Works.
16. Authorization for Capital Purchase - Norview Farm Park Pavilion: Approval of the purchase and installation of a Polygon 40 x 84 Rectangular Pavilion in the amount of \$313,582.03 through the PA Costars Program to General Recreation, Inc. of Newtown Square, Pennsylvania, utilizing 2022 Bond and ARPA Funds.
17. Permission to Advertise the following Conditional Use Hearings for the April 11, 2024 Business Meeting:
  - A. Application of the Westover Companies, 550 American Ave for the conversion of the existing 3 story office building at 550 American Ave in the KPMU Zoning District into a multifamily dwelling with 20 residential apartments.
  - B. Application of Netflix CPX, LLC, 180 N. Gulph Road, for the establishment of a performing arts/theater use in the former department store at 180 N. Gulph Road (King of Prussia Mall) located in the SC- Zoning District.

Board Action:

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

Public Comments:

Resident Mrs. Janet Barcaro from Redwood Road asked about the size of the proposed Pavilion which will be located at Norview Farm. Chairperson Garzillo explained where on the property the pavilion would go. She noted that the Farmer's Market and other township programs would use the pavilion for their events.

E. RESOLUTION 2024-16 – AUTHORIZATION OF THE CONDEMNATION OF CERTAIN REAL ESTATE AT 216 ALLENDALE ROAD (Parcel ID 580000337001), Upper Merion Township, Montgomery County, PA for the recreational use and benefit of the public.

Board Action:

It was moved by Supervisor Waks, seconded by Supervisor Kenny, all voting "Aye" to approve Resolution 2024-16 authorizing the condemnation of certain Real Estate at 216 Allendale Rd. None opposed. Motion approved 5-0.

Public Comments: None

ACCOUNTS PAYABLE & PAYROLL:

Board Action:

It was moved by Supervisor Waks, seconded by Vice-Chair Jenaway, all voting "Aye" to approve the Accounts Payables for invoices processed from February 1, 2024 to March 13, 2024 and Payrolls dated February 2<sup>nd</sup> and 16<sup>th</sup> of 2024 for a total of \$4,535,367.58. None opposed. Motion approved 5-0.

ADDITIONAL BUSINESS: None

Board Comments:

Supervisor Waks mentioned that the Board of Community Assistance provides grants to Organizations that provide services to Upper Merion residents and Scholarships to high school Juniors and Seniors who live in Upper Merion and will be continuing their education. He also wants to remind everyone The BCA deadline is April 1<sup>st</sup> so all applications are due to the Township Building before 5 pm. Finally, he wanted to thank everyone who participated in the Scrub & Pub today, helping to cleanup Upper Merion Township.

Supervisor Philips and Chairperson Garzillo thanked Ms. Tina Smith for all her time and work on the Historical Commission and that she will be missed. Supervisor Kenney iterated the same and thanked everyone who volunteers on any of the Boards and Authorities.

Vice-Chair Jenaway mentioned the Board of Supervisors are going over and revising the Comprehensive Plan for Upper Merion Township and will be reaching out to talk to various civic associations and homeowners' associations. So, if you are a civic or homeowners' association in Upper Merion Township and believe the Township doesn't have your current contact information please call the Manager's office and leave the name of your association and the contact person's name and phone number. By doing this the Township will have the right contact when planning something in your area to keep you informed and for your public comment.

Public Comments:

Mr. Rob Fredericks from 515 Springbrook Lane is an officer and director of the Springbrook Lane Homeowners Association. He addressed the Board to talk about stormwater and Crow Creek. He told the history of Crow Creek and the dams which were part of the old swim club. When the swim club went out of business a developer bought the property and built Springbrook development, which is 9 homes on 10.5 acres of land.

Mr. Fredericks got copies of the Army Corp of Engineer records that was associated with this property stating when the property was being developed it needed retention equivalent to that which was there when it was a swim club. He

mentioned the Army Engineers said they need an acre of land that could fill up to about 10 ft. and the spillway designed to handle 350 cubic ft. per second. They also mentioned that a hundred-year storm was 500 cubic ft. per second on the stream. So, the developer did what it was supposed to do which lasted over 90 years. Unfortunately, in 2012 the spillway collapsed during a big storm and the homeowner's association was directed by the PDEP to remove the dam. They did, costing each of the 9 homeowners \$20,000.00. But before doing so they approached the Township for help and Mr. Wagenmann, former Township Manager said it was out of their means and the Township couldn't help.

Then, in 2015 Mr. Fredericks said the culvert underneath their street deteriorated and had to be replaced so they asked the Township for help again and Mr. Rob Loeper, Township Planner said it was out of the Township means. Mr. Loper did tell the association that the Township was looking into creating a Stormwater Authority to try to solve these kinds of problems from happening in the future. Unfortunately, this didn't help the homeowners costing them to pay the whole bill. So, Mr. Frederick said the association wrote a letter to the Township saying they are willing to work constructively with the Township with traffic problems the Township is dealing with in the vicinity and the Township can help solve their water problems which eventually effects properties downstream.

Now in August of 2018 the 100-year storm hit which cause significant damage to Springbrook development as well as other parts of the Township. Mr. Fredericks said he went to a Stormwater meeting with constructive suggestions and his association is willing to work with the Authority and Township to recreate a new dam like the one that was in place before it started to collapse in 2012. By doing this he feels the Township will benefit by avoiding any more flooding and damage to the communities downstream.

Finally, in 2020 there were two more big storms almost back to back with lots of property damage and a footbridge washing away as well as most of the construction on the stream washed away. Mr. Fredericks is disappointed that many comments and complaints from residents upstream from Radnor Street Road weren't included in the Stormwater Management Plan, which does not address retention of upstream portions of water. The Plan is focused on improving the flow only, just flushing the water out, it should include retention which can control the flow to avoid flooding. Mr. Fredericks said he took the time to identify sites that were upstream from his community that were potential candidates for retention which would eliminate flooding conditions on Radner Road & Springbrook Lane but if they're not an option then just rebuild the Croton Lake Dam, which the State said to demolish when it started to collapse.

With that said, Mr. Frederick mentioned it's been over a decade he's been trying to communicate with the Township about the flooding problems and request that the Township make it a priority to solve this problem.

Supervisor Kenney said the Stormwater Authority as well as the Township knows about the problems and is waiting to hear the Supreme Court's decision on whether the Township can charge a Stormwater Fee or if it has to be a Tax before they can start the many projects they have on their list.

Another resident Janet Barcaro approached the Board again this time to ask for an update on the Brownlie Road Bridge. Mr. Hamaday said the materials should be delivered mid-May and they're still waiting for Aqua to move a water line then they can start the demolition and rebuild the bridge (culvert) which will take about 6 weeks. The work should be completed by July if everything goes as planned.

Resident Mary Ann Ahern from 419 Weadley Road representing the Weadley Road Neighborhood Group said they have been involved with zoning issues where Weadley and South Gulph Roads meet. Ms. Ahern mentioned this area is part of the KPMU Mixed-Use zoning and wants it on Public Record that



the residents are opposed to combining the 3 properties (657, 665 & 671) where Weadley Road meets South Gulph Road. She said by combining these properties into one for development purposes to create the acreage needed for the developer to build the number of rental units it wants there will be dangerous and then sited many reasons.

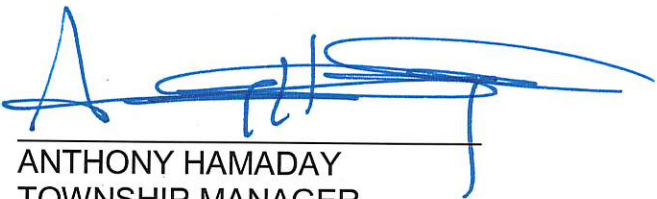
Next, Ms. Ahern asked on behalf of the residents if those properties can be removed or changed from the Mixed-Use zoning area so they can't be made into apartments due to that area already being over congested. She also asked if the residents can be notified in the future when anything will be happening in their area.

The Board responded to Ms. Aherns request that they haven't heard from the developer so there is nothing for them to relay and the Township follows the required procedure in notifying the residents when something will happen in their neighborhood.

Finally, resident Heidi Chong who lives in the new development at Stonybrook said she does not have a mailbox and has not been receiving her mail. When she asked Toll Brothers, the developers who built her home, they said they can't help her, she would need to go to the post office and sort through a bin of mail designated for their development. Mr. Hamaday said he will contact Toll Brothers to find out what's going on and asked Ms. Chong to give him her contact information. She also mentioned that there's a retention pond behind her house that never drains and wants to know when Toll Brothers will fix it due to the unhealthy conditions. Mr. Hamaday will look into that too.

ADJOURNMENT:

There being no further business to come before the Board, it was moved by Supervisor Waks, seconded by Supervisor Philips, all voting "Aye" to adjourn the meeting at 8:59 pm. None opposed. Motion approved 5-0.



ANTHONY HAMADAY  
TOWNSHIP MANAGER

lr  
Minutes Approved:  
Minutes Entered:

