

UPPER MERION TOWNSHIP BOARD OF SUPERVISORS  
AUGUST 7, 2014

The Board of Supervisors of Upper Merion Township met for a Business Meeting on Thursday, August 7, 2014, in Freedom Hall, in the Township Building in King of Prussia. The meeting was called to order at 7:43 p.m., followed by a pledge to the flag.

ROLL CALL:

Supervisors present were: Erika Spott, Greg Waks, Bill Jenaway and Carole Kenney. Also present were: David Kraynik, Township Manager; Sally Slook, Assistant Township Manager; Joseph McGrory, Township Solicitor; Rob Loeper, Township Planner; Tom Beach, Township Engineer; Angela Caramenico, Assistant to the Township Manager. Supervisor Philips was absent.

MEETING MINUTES:

It was moved by Mr. Jenaway, seconded by Mrs. Spott, all voting "Aye" to approve the June 5, 2014 Joint Meeting with Citizen Board Chairs Minutes, June 12, 2014 Workshop Meeting Minutes, June 26, 2014 Business Meeting Minutes, and July 10, 2014 Business Meeting Minutes as submitted. None opposed. Motion approved 4-0.

CHAIRPERSON'S COMMENTS:

Chairperson Waks stated an Executive Session was held prior to this meeting to discuss legal matters. He also noted Supervisor Philips is on active military duty and expressed appreciation for his service to our country.

NEW BUSINESS

PROCLAMATION RE: JAMES AND PATRICK SHELTON

On behalf of the Board of Supervisors, Chairperson Waks read and presented proclamations to James Shelton, Eagle Scout Troop 551 and Patrick Shelton, Life Scout from Troop 551, recognizing their extraordinary heroism in assisting accident victims and using their first aid skills to stabilize the injured until paramedics arrived.

CONSENT AGENDA:

1. Resolution 2014-39 re: 2014 – 2017 Master Casting Agreement with PennDOT for cost of re-setting township sewer manholes on repaved state highways.
2. Authorization for Solicitor to Sign Stipulation of Settlement re:
  - a. Upper Merion Area School District v. 750 More Road Associates, LP and Montgomery County Board of Assessment Appeals
  - b. Motel 6 Operating LP v. Board of Assessment Appeals CCP, Montgomery County
3. Approval of 2015 Budget Guidelines
4. Resolution 2014-41 re: PennDOT Agility Agreement. Reimbursement for Township providing street sweeping and line painting services on certain state highways.

5. Resolution 2014-42 re: Disposition of Township Property – UMGA-TV Equipment
6. Equipment Replacement Request re: Replace Patrol Car Equipment in five of the Police Department's unmarked vehicles - \$4,260
7. Budget Transfer re: Components for Sewer plant - \$75,000
8. Citizen Board Appointments – Thomas Minger, Jr. to the Pension Advisory Board and Matthew Popek to the Planning Commission

Board Comment:

Mrs. Kenney was pleased to note the 2015 Budget Guidelines include no tax increases for residents or businesses.

Board Action:

It was moved by Mrs. Spott, seconded by Mrs. Kenney, all voting "Aye" to approve the Consent Agenda as submitted. None opposed. Motion approved 4-0.

DEVELOPMENT PLANS: JBG ROSENFELD RETAIL ASSOCIATES, LLC; VILLAGE AT VALLEY FORGE. RETAIL/RESTAURANT & ENTERTAINMENT DEVELOPMENT; 18 BUILDINGS, 249,985 SF; 19.71 ACRES; RESOLUTION NO: 2014-40

Mr. Rob Loeper, Township Planner, provided an overview of the development plans for the retail component of the Village at Valley Forge. Since initially there was some confusion about the number of buildings because of the way they are numbered, after consultation with the applicant's engineer Mr. Loeper was informed there are 18 buildings consisting of 249,000 square feet. Uses consist of retail, restaurant and entertainment. The actual site within the golf course area is 19.71 acres and is located between the existing Wegman's and the new Bozzuto Apartments which will start construction in the next few months.

Utilizing the aerial, Mr. Loeper pointed out the street grid that has been established as part of the settlement and part of the master plan and noted this development plan has a different review process than the typical land development plan. The plan has been reviewed by the Township Engineer for compliance with the settlement agreement and he has found that the plan is compliant with the settlement agreement and the Township Solicitor has prepared the appropriate Resolution for action by the Board of Supervisors.

Mr. Waks expressed appreciation to the developer for presenting this matter to the Board of Supervisors at the various workshop meetings and for their cooperation during this land development process. He said there are many residents who are anticipating some of the amenities of the commercial portion of the Village at Valley Forge.

For the benefit of the viewing audience, Mrs. Spott encouraged the applicant to provide a short synopsis of what JBG Rosenfeld Retail Associates is planning for the Village at Valley Forge.

Tom Sebastian, JBG Rosenfeld Retail, stated his company is based in Chevy Chase, Maryland, and this is their first large development project in Pennsylvania. He said the project will comprise approximately 250,000 square feet of retail and constructed in one phase. This will be a walkable first class retail district with a mix of uses including a fitness club, a collection of fashion tenants and restaurants not found elsewhere in this market.

Mr. Waks asked about the expected construction timeline. Mr. Sebastian responded the Realen team is currently doing the infrastructure work, building the roads and installing utilities and will turn the site over to JBG Rosenfeld Retail Associates some time the end of this year or early next year.

Mr. Waks asked when the commercial portion is anticipated to be completed. Mr. Sebastian responded the current plan is to have all the tenants open and operating in the second half of 2016.

Mrs. Kenney asked for clarification about the entertainment component that was mentioned. Mr. Sebastian responded the site plan contains two park areas that will be nicely landscaped where it is intended to host community functions, potentially farmers markets, and live entertainment in this space with programming throughout the year. There will be play areas for children and adults to sit and talk and have lunch and dinner.

Mr. McGrory asked if the applicant has reviewed the proposed Resolution and is in agreement with it. Mr. Sebastian responded in the affirmative.

Mrs. Spott asked if the applicant is at liberty to indicate any of the tenants. Mr. Sebastian responded there will be a series of press releases announcing tenant names, but as yet is unable to indicate who they will be.

Mr. Waks asked for a motion to approve Resolution 2014-40, approval of the JBG Rosenfeld Retail Associates portion of the commercial development of the Village at Valley Forge.

Authority Action:

It was moved by Mr. Jenaway, seconded by Mrs. Spott, all voting "Aye" to approve Resolution No. 2014-40. None opposed. Motion approved 4-0.

DEVELOPMENT PLAN: DP 2014-08 251 WEST DEKALB PIKE, 3,434 SF BUILDING TO SERVE AS ENTRY/CONNECTION BETWEEN BUILDINGS A, B, & C, LANDSCAPE IMPROVEMENTS AND RAIN GARDEN. (REQUEST WAIVER OF LAND DEVELOPMENT), RESOLUTION NO. 2014-43

Mr. Rob Loeper stated the applicant who purchased these properties last year, formerly known as Marquis Apartments, is doing a rehab of the properties to bring them back to Class A category. This particular application deals with Buildings A, B, and C which are the first three buildings seen upon entering the site. The applicant is proposing to build a unified entry lobby connecting the three buildings which will provide for unified security for the buildings and clean up the area over the current condition. This plan has been before the Board of Supervisors at several workshop meetings and has been reviewed by the Planning Commission and Township Engineer.

Mr. Loeper noted there will be a slight increase in impervious surface which will be mitigated through rain gardens. The actual building coverage will be decreased by 1,600 square feet.

The applicant is requesting waivers, including a waiver from the formal subdivision land development approval and a waiver from formal submission of the stormwater grading and erosion control improvements as identified on the plans. The Township Engineer has reviewed the plan and found it acceptable. The applicant will be resubmitting plans to Mr. Beach for the final "clean up" in moving forward.

Mr. Loeper indicated there were some other issues regarding fire access regarding this site that were not specifically part of the application but were raised during the workshop meetings and discussed extensively with Supervisor Jenaway and Fire Marshal John Waters.

For the benefit of the viewing audience, Mr. Waks asked the applicant to show some renderings of the plan.

Utilizing the aerial, Ameer S. Farrell, Esq., representing Candlebrook Properties, pointed out various features of the plan including the completed connector piece between the D and E building, an existing lobby that was renovated, and the proposed lobby component being considered at this meeting. This lobby component will connect all three existing buildings so that A, B, and C will now have a single, unified secure entrance. In connection with this are existing porte cocheres that are being removed in favor of a much cleaner system. Other features highlighted include the completed lobby at D and E Building, the outdoor area at the completed lobby. Ms. Farrell provided a rendering of the new connector lobby and the new porte cochere created at the drop in area. Another rendering featured the green area and rain garden.

Mr. Waks expressed appreciation to Candlebrook Properties for purchasing the Marquis and is looking forward to much better days from that property in the future.

Mr. Jenaway asked why the applicant felt the waiver of land development was necessary. Ms. Farrell responded this is a 23 acre site and approximately 3,000 square feet of building is going in as part of the ABC connector. The applicant believes the cost of going through the entire land development process, including all that is associated with the new stormwater ordinance far outweighs the value of the lobby to the owner of the building and it would not make sense from an economic perspective.

Mr. McGrory asked if the applicant has reviewed the Resolution and is in agreement with its terms. Ms. Farrell responded in the affirmative.

Mr. Waks asked if there is a motion to approve Resolution 2014-43.

Board Action:

It was moved by Mrs. Spott, seconded by Mrs. Kenney, to approve Resolution 2014-43. Mr. Jenaway opposed. Motion approved 3-1.

DEVELOPMENT PLAN: DP 2014-10; JOHN MIDDLETON CO; 418 WEST CHURCH ROAD; CONSTRUCTION OF FLAVOR STORAGE BUILDING AND WASTEWATER TREATMENT; 4,896 SF; 7.45 ACRES; LI/R-2 (REQUEST WAIVER OF LAND DEVELOPMENT), RESOLUTION NO. 2014-44

Mr. Loeper stated this plan has two components. The first component is an approximate 2,500 square foot flavor storage building which would be located toward the rear of the site and utilized to store materials that are used in the flavorings of tobacco processing. The second aspect is the construction of a wastewater treatment plant located toward the front of the site where there are existing wastewater tanks.

Since John Middleton cannot place the wastewater into the Upper Merion sewer system, the liquid waste is transported out of the site by two to three tanker trucks every day. The plan moving forward is with the wastewater plant which would become a pre-treatment facility thereby meeting the limits for discharge into the Upper Merion system.

In the front of the property towards Church Road there is an area zoned R-2. Several dwellings located directly in front of the site are owned by John Middleton and are rental properties. The balance of the site is zoned Limited Industrial (LI). The site has been in operation since about 1960. The John Middleton Company was purchased by Altria several years ago and as a result there have been numerous upgrades.

Several waivers have been requested. The first waiver deals with the applicability of the stormwater regulations. There will not be an increase in impervious at the site. At the rear of the site there is an area of asphalt that will be removed. All of the areas where the buildings are being placed are currently on asphalt. In addition, the applicant is installing a rain garden at the rear of the site to help deal with stormwater problems. The second waiver is the requirement to submit a formal landscape plan. The site is an active industrial site and is already developed. The area at the rear with the flavoring building is located is paved.

The applicant will provide some additional trees as buffering in the area of the wastewater plant. The third waiver applies to open space requirements. Typically for new construction there would be an open space fee; however, these are storage and mechanical facilities. The last waiver concerns the requirement for a traffic impact study. The applicant has testified there will be no change in employment and one advantage that the township will receive is that the current three tankers per day will no longer be on the street with the construction of the wastewater treatment plant.

Ross Weiss, Esq., representing the applicant, indicated the applicant has already signed off on the Resolution.

Board Comment:

Mrs. Spott wanted to underscore the good result achieved in cutting down on the number of trucks going and out of Church Road.

Mr. Jenaway stated unlike the previous plan [Candlebrook Properties], this applicant is taking existing structures and simply replacing them versus building new. For that reason the waiver for the land development plan makes more sense.

Board Action:

It was moved by Mrs. Kenney, seconded by Mr. Jenaway, all voting "Aye" to approve Resolution 2014-44. None opposed. Motion approved 4-0.

ACCOUNTS PAYABLE & PAYROLL:

Board Action:

It was moved by Mr. Jenaway, seconded by Mrs. Spott, all voting "Aye" to approve the Accounts Payable for invoices processed from 07/01/14 to 07/30/14 in the amount of \$1,384,817.92 and the Payroll for July 18, 2014 in the amount of \$724,559.98 for a total of \$2,109,377.90. None opposed. Motion passed 4-0.

ADDITIONAL BUSINESS

WELL DONE UPPER MERION POLICE DEPARTMENT

Mr. Jenaway commended the Upper Merion Police Department for the quick response to a home invasion and abduction incident that recently occurred in the Gulph Mills section of Upper Merion. The Upper Merion police with mutual aid from neighboring departments apprehended the suspect quickly and ended a very dangerous situation with no adverse effects to anyone involved. This heroic response is a commendation to the Upper Merion Police Department and their skill sets, knowledge and ability to deploy at a moment's notice to help our residents stay safe.

Mr. Waks stated the entire Board of Supervisors as well as Upper Merion residents echo this commendation.

FARMERS MARKET

Mrs. Kenney reminded citizens the Farmers Market will be held on Saturday from 9 a.m. to 1 p.m.

DANIEL T. KELLETT SKATE PARK FUNDRAISING EFFORTS

Mrs. Kenney noted the Rotary Club has donated \$2,500 for the Daniel T. Kellett Skate Park and will donate an additional \$2,500 once the project gets underway.

The Farmers Market will be conducting a clothing drive in September for the benefit of the Skate Park. In addition, the King of Prussia Fire Company will hold a spaghetti dinner on September 15<sup>th</sup> from 4-8 p.m. for the Skate Park.

BIRTHDAY WISHES FOR SUPERVISORS JENAWAY

Mrs. Spott extended birthday wishes to Mr. Jenaway.

FARMERS MARKET HEALTH AND WELLNESS DAY

Mrs. Spott extended an invitation to attend the Health and Wellness Day on Saturday at the Farmers Market.

UPCOMING MEETINGS AND ANNOUNCEMENTS

Mr. Waks announced a number of upcoming Township meetings and community events.

LABOR DAY

Mr. Waks extended best wishes for a happy Labor Day and Labor Day weekend.

From the Public:

John Mattea, Sr., Tose Street, commented it would be helpful to have an informational booklet for homeowners and renters coming into the township so they know what the ordinances are, and he was informed this information is currently on the township website and will soon be available in printed form.

ADJOURNMENT:

There being no further business to come before the Board, it was moved by Mr. Jenaway, seconded by Mrs. Spott, all voting "Aye" to adjourn the meeting. None opposed. Motion approved 4-0. Adjournment occurred at 8:22 p.m.

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DAVID G. KRAYNIK  
SECRETARY-TREASURER  
TOWNSHIP MANAGER

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Minutes Approved:  
Minutes Entered