

UPPER MERION TOWNSHIP BOARD OF SUPERVISORS  
WORKSHOP MEETING  
SEPTEMBER 11, 2014

The Board of Supervisors of Upper Merion Township met for a Workshop Meeting on Thursday, September 11, 2014, in the Township Building. The meeting was called to order at 6:05 p.m., followed by a pledge of allegiance and a moment of silence in honor of the memory of the victims of 9/11.

ROLL CALL:

Supervisors present were: Greg Waks, Bill Jenaway and Carole Kenney. Also present were: David Kraynik, Township Manager; Joseph McGrory, Solicitor; Andrew Olen, Solicitor's Office, Dan Russell, Director of Parks and Recreation and Angela Caramenico, Assistant to the Township Manager. Supervisor Spott and Supervisor Philips were absent.

CHAIRPERSON'S COMMENTS:

Chairperson Waks stated an Executive Session was held prior to this meeting regarding potential litigation.

Chairperson Waks indicated the trail project between Heuser Park and the Valley Forge National Historical Park was put out to bid and the bids came back higher than anticipated. He asked for a motion to reject all the bids and start the bidding process again.

Board Action:

It was moved by Mr. Jenaway, seconded by Mrs. Kenney, all voting "Aye" to reject all the bids for the Heuser Park trail for reasons described above. None opposed. Motion approved 3-0.

Mr. Kraynik commented staff is prepared to go out to rebid tomorrow so that the Board of Supervisors will be in a position to award a contract in mid-October.

DISCUSSIONS:

RESOLUTION FOR SEPTA TO DROP CONSIDERATION OF THE  
NORRISTOWN HIGH SPEED EXTENSION RAIL LINE ON US ROUTE 202

Mr. Waks stated this proposed resolution refers only to the US 202 proposal, not dropping the entire potential extension of the SEPTA Norristown

High Speed Extension Rail Line into King of Prussia. He noted this action was suggested by SEPTA representatives at the last workshop meeting as an effective way to communicate the Board of Supervisors position regarding the US 202 alternative.

Mr. Jenaway commented he is not hearing any support from the business community or general public for the US 202 option.

Mrs. Kenney voiced similar comments about this specific route.

Mr. Jenaway pointed out the US 202 alternative would eliminate two existing lanes in a significant segment of roadway.

Ms. Liz Smith, Manager, Long Range Planning, SEPTA, provided details on the process moving forward with regard to the proposed Resolution. The Federal Transportation Administration (FTA) provided her with the requirements and various stages of the process. FTA is the organization that would fund half if not more of the capital expenses associated with the process.

Ms. Smith explained some reasons why SEPTA is still considering US 202 and some reasons why they should not. She noted the station locations have not been set at this point, although it was always envisioned to have at least one stop on US 202 before getting to the Mall, and possibly two or three stops.

Ms. Smith reviewed the Tier 1 screening process which began with 30 alternatives and is now down to 16 which are fully elevated with the exception of North Gulph Road which is down at grade. It is envisioned to have 3 to 4 alternatives. The current Tier 2 screening is more quantitative and will look at such things as ridership, order of magnitude costs, impacts and benefits and should be finished in October 2014. A public meeting will be held mid-November to present the results to the public and receive their input. The Tier 3 screening will get down to the locally preferred alternative and will be much more detailed and quantitative and will be done along with the Draft Environmental Impact Statement (DEIS).

Ms. Smith indicated they had a chance to speak with FTA Region 3 about the impact of a Board-approved Resolution. She noted the DeKalb Pike/US 202 alternative would still remain in Tier 2 screening. The screening is not detailed enough at this point in time to take into account the impact of the Resolution. Once into the next round of screening at Tier 3 local support will be added into the criteria. FTA was clear that this is a technical process and there has to be some level of technical analysis to accompany the Resolution to push the US 202 alternative out.

Since the impact of the Resolution will be most felt within the Tier 3 screening it would be possible to wait until early 2015 to do a Resolution at that time.

Mrs. Kenney indicated she has only heard negative comments about the US 202 alternative. She questioned Ms. Smith's statement that there would be no loss of lanes on US 202. Ms. Smith responded that is what their engineering team told them. The column supports would require about 6 to 8 feet in width which is the existing width of the median.

Mrs. Kenney followed up by about the favorable comments she has received regarding the new look of King of Prussia and the landscaping work on the medians by the Business Improvement District.

Mr. Byron S. Comati, Director, Strategic Planning and Analysis, SEPTA, stated SEPTA sees its planning role to give the Board of Supervisors the facts and pros and cons to assist with the decision-making process. He indicated a Resolution is a good way to send a very strong message and the FTA and planners recognize its power. Mr. Comati indicated the timing of the Resolution is important to maximize its effect and it should be done at the earliest in November during the Tier 3 review level when there would be more of a public and factual record. He pointed out doing it right now does not fit well in the technical process.

While remaining supportive of the SEPTA Norristown High Speed line extension, a discussion followed regarding the best timing for the Board of Supervisors to enact the resolution of opposition to the US 202 alternative.

Mr. Jenaway pointed out the inadequacy of the median from Town Center Road toward Norristown to support the rail line.

Mr. Forman, a member of the audience commented on the traffic generated by recent developments along US 202. Mr. Waks pointed out these are private land owners who hold rights to develop their land.

Mr. Eric Goldstein who spoke on behalf of the Business Improvement District and Rob Henry from the Transportation Management Association recommended the best timing for the resolution would be after the public meeting later this year.

Mrs. Kenney asked if there is a downside to holding off on the resolution until after the public meetings. Mr. Comati responded there is no risk at all. He said FTA wants to make sure that technically it fits into the process and he pointed out a resolution would then become part of the evidentiary record. Mr. Comati said they will take the resolution and insert it into the technical review of the Tier 3 which would complement the public record which is anticipated to be unsupportive of that [US 202] alternative. He also commented that alternative is

technically most likely going to be very difficult getting through Tier 3.

A discussion followed about the timing of the Resolution.

Mr. Waks asked if someone expresses strong opposition to the US 202 option at the public meetings that it be mentioned the Board of Supervisors is proposing a Resolution to express opposition to that option.

Ms. Smith suggested that the supervisors tell the public to submit formal comments in opposition to the US 202 alternative since it would help the documentation. Comments can also be submitted through the SEPTA website.

Mr. Jenaway asked if the website has the option information. Ms. Smith responded it contains maps that show each of the current alternatives.

Mr. Jenaway asked if someone on the SEPTA staff could draft some language to be read at the Board of Supervisors business meetings to direct people where to send their comments. Ms. Smith responded they will provide an appropriate statement.

#### DISCUSSION OF EXISTING OPEN SPACE PLAN

Eric Medrow, King of Prussia, discussed the background for the open space draft that was developed in 2004/2005 as part of Vision 2020. During that time, Montgomery County established an Open Space Environmental Resource Protection grant program wherein funds were provided to various townships throughout the county. Before moving forward it was necessary for Upper Merion Township to develop a particular plan and the County provided \$25,000 for this purpose. The plan was approved by the Board of Supervisors and submitted to the County in accordance with the requirements and as a result Upper Merion Township received \$1.7 million in funds to purchase open space. The Open Space committee at that particular time decided to go to the public with a referendum to raise another \$5 million in a bond issue. In the summer of 2005 with the assistance of Boening and Scattergood a referendum was prepared and placed on the ballot in November which was approved by 84% of the voters. Mr. Medrow suggested it might be time to develop another bond issue for \$5 million or \$10 million. Much of the document that was prepared for the previous referendum is still valid, and the document can easily be updated or revised.

Mr. Waks commented the Open Space Committee was never formally dissolved and has not met in several years. He recalled the \$5 million was supposed to be a test referendum and if successful another referendum would be proposed again; however, the Board of Supervisors at the time decided not to pursue this.

Mr. Waks stated he favors the idea of updating the Open Space plan as an initial step which makes sense regardless of what is ultimately decided as a course of action.

Mr. Jenaway asked how this plays into the Park and Recreation Master Plan process beginning next week. Mr. Dan Russell, Park and Recreation Director, responded, "it plays into it 100%." He said the Master Plan will encompass not only the open space plan, but the trail plans as well.

Mr. Medrow stated Mr. Russell provided him with a printout of exactly what happened to each of the properties purchased with the \$5 million that would need to come off of this particular open space plan.

Mr. Kraynik followed up on Mr. Medrow's comment and stated 16 properties were purchased with \$6.7 million (\$5 million from the referendum and \$1.7 million from the County).

Mr. Waks indicated there was a suggestion floated to possibly add another member to the Park and Recreation Master Plan team, and he asked if Mr. Medrow would consider serving in this capacity in view of his open space experience. Mr. Medrow was reluctant to accept this offer in view of his other committee assignment and commitments.

Mr. Waks emphasized while considering a referendum it is necessary to remain mindful of what the School District is doing.

Mr. Waks commented that he likes the possibilities that may exist. He pointed out there are new ideas that are floated every few years. For example, the dog park was not thought of as a possibility five or ten years ago.

Mr. McGrory asked if staff has looked into a Park and Recreation Impact Fee. He said after certain studies are done the Municipalities Planning Code permits the establishment of a Park and Recreation impact fee that is assessed against new residential units. This could be a funding source for some of the township's plans. Mr. Waks stated that it is something that should be looked into.

Mr. Jenaway stated if this can be rolled into part of the Park and Recreation Master Plan process it makes a lot of sense because it will be possible to update the plan, determine what the options are, and then make some informed decisions.

Mrs. Kenney asked if there is any more federal, state or county money available. Mr. Medrow responded he has not spent time looking into this.

Mr. Waks asked if the county has spent all their "green" money.

Mr. Russell responded the state has been considering the idea of “Growing Greener II or III. If the state adopts it then counties will do as well.

Mr. Medrow mentioned a prime property for consideration as open space would be the riverfront property.

Mrs. Kenney said access to the riverfront property is hindered because of the railroad. Mr. Medrow commented there may be some other options to consider and it is possible the railroad executives are thinking differently these days. Mrs. Kenney noted this property was in the 2020 Plan. She said the railroad has cleaned up some of that area. Mr. Jenaway commented it is still in process this week.

Richard A. Dougert, President, Gulph Mills Civic Association, stated his civic association is supportive of any opportunities to preserve open space. He reminded the supervisors of one instance where it benefitted the township, particularly Gulph Mills, when the property directly across from the Gulph Mills train station was purchased for green space which now acts as a buffer from the expressway. Mr. Dougert said there are other opportunities at that end of the township along Gulph Creek from Trinity Lane all the way down towards the river. He said the land was donated to the township by a former resident when he sold his property. It is a narrow strip of land which borders the creek which the Gulph Mills residents believe would be ideal for a trail. Mr. Dougert asked if there is anything that can be done to prioritize and activate the Open Space Committee, incorporate it with the Park and Recreation [Master Plan] and look to create a well of funds so that when the opportunity arises there is some real money available to apply and act quickly.

Mr. Waks stated the Gulph Mills Civic Association played a part in the original open space referendum and that Pam Rende was one of the 14 on the Referendum Committee.

Mr. Waks asked about incorporating open space planning in the Park and Recreation Master Plan. Mr. Russell responded it has already been done.

Mr. Jenaway said the results can help determine potentials for purchase opportunities and related costs.

Mrs. Kenney asked that the Assistant Township Manager, Sally Slook, look into grants. Mr. Kraynik agreed. .

Mr. Jenaway mentioned he just did a quick search and there are three or four options for Pennsylvania “open space” money.

Mr. Medrow said he would agree to do several meetings to bring people up to date on the open space issue, but he is unable to make a long term commitment.

Mr. Waks asked Mr. Russell to inform Mr. Medrow of the Park and Recreation Board schedule, and Mr. Russell agreed.

#### USE OF DIRT BIKES IN TOWNSHIP

Mr. Waks stated over the last few months complaints have been made by residents in two or three different sections of the township about individuals behaving inappropriately, driving dirt bikes at inappropriate times, and making a significant amount of noise. He said the Police Department has looked into the matter and Chief Nolan will provide the results of their research.

Police Chief Tom Nolan stated he has checked with the Police Chiefs of Montgomery County to see if anyone has an ordinance currently preventing someone from riding a dirt bike on private property. It appears that only a few have tried to use it as a disturbing the peace ordinance; one specifically does mention dirt bikes (the unnecessary noise created by mini bikes, dirt bikes, cycles and go carts which is considered excessive and is causing a disturbance of the peace). The question then arises about who makes the interpretation. A municipality on the other side of the state has also enacted an ordinance specifically banning dirt bikes, ATV's in their city. The problem in the township is dirt bikes are not registered vehicles and you cannot ride a dirt bike on the street. When riding on private property the bikes cause a disturbance with neighbors. Saying some times are better than others is not workable. It is not so much that complaints result when driving at night; complaints are received at all hours of the day because of dust and noise disturbances. Chief Nolan said he would want to enact something that could actually be enforced.

Evelyn Ankers, Spring Lane, stated the lot next door to her house is owned by a resident on Valley Forge Road. For the last year teenagers have been riding their dirt bikes and have been creating a noise disturbance. While she has nothing against dirt bikes or motorcycles, she said there has to be reasonableness. The larger issue is noise in general and the 2005 noise ordinance does not seem to help. Ms. Ankers would like to see a revision of the noise ordinance.

Mr. McGrory stated there are three ways to address this type of noise – a noise ordinance, nuisance ordinance, or total prohibition. He said he does not favor a total prohibition because he does not believe it can be ruled “cart blanche” that all noise from a dirt bike and/or motorcycle is automatically a nuisance and is totally prohibited. This leaves the nuisance ordinance and the noise ordinance. Mr. McGrory indicated he is in favor of looking into the noise ordinance, but that becomes an issue because staff is needed with noise meters

to measure the ambient noise and then decide what exceeds the ambient noise and for what time period. He said every time someone mows their lawn they have violated every noise ordinance that could possibly be passed. Mr. McGrory stated the best way, in his opinion, to address the problem is a nuisance ordinance which specifically lists dirt bikes. He said he would defer to Chief Nolan if there would be enough to enforce if it were just a nuisance designation for dirt bikes, motorcycles, 4-wheel vehicles, etc. with very discretionary terms. Chief Nolan responded the discretionary terms would be what would be enforceable. Mr. McGrory indicated he cannot list certain decibel levels because the ambient noise has not been measured. He said a noise/nuisance ordinance is something that should be considered and he could come up with some language that will not address all the situations because that would be impossible, but would give the police some "teeth" to intervene when someone is being unreasonable.

Ms. Ankers said a complete ban is not appropriate, but she favors giving police officers a tool when people are being unreasonable.

Mr. McGrory indicated he could work on this if the Board so desires.

Ms. Ankers suggested having some have setback requirements.

Mr. McGrory commented if general standards are set up Chief Nolan or one of his officers can use their discretion as they do with any other criminal offense to determine if it has risen to a level of unreasonableness.

There was a discussion about the particular situation in Ms. Ankers neighborhood.

Mr. Waks commented complaints have also been received about dirt bikes running along Gulph Creek on township-owned property. Mr. Waks asked if is known if township-owned property is open to the use of dirt bikes and ATV's currently or if there are any current prohibitions. Chief Nolan responded there is a ban in township parks.

Referring to the land Mr. Waks previously noted along Gulph Creek, Mr. Dougert said it is not designated as a public park it is just township land and there is no outright ban. Chief Nolan commented while there is no outright ban, the police could certainly say such activity is not allowed.

Mr. Dougert mentioned as additional green space is being pursued it may become more and more of an issue and a nuisance ordinance to address this issue would be worthwhile.

Mr. McGrory indicated he can incorporate a total prohibition on township property in this ordinance so that there will not only be control over township-owned property, but there will also be an ordinance which can be enforced.

Ms. Ankers asked when this issue will next be discussed by the Board of Supervisors. Mr. Waks responded this matter will again be discussed at another workshop once Mr. McGrory drafts an ordinance and receives comments from the Police Department and Township Manager.

REVIEW OF CONSTRUCTION PLANS – LAFAYETTE AMBULANCE; 180 N. HENDERSON ROAD, 7,617 SF, 2 STORY AMBULANCE AND RESCUE SQUAD BUILDING; 0.83 ACRES (GROSS) R-2

Alan Boroff, Esq., Lafayette Ambulance & Rescue is proposing the demolition of their existing ambulance facility and the construction of a new ambulance and rescue squad building. The proposed plan meets all of the zoning regulations. Although no variances are required, the applicant is requesting some waivers for landscaping.

Mr. Boroff noted that Holstein Avenue is behind the Lafayette property. It is an unopened, 40-foot wide street. All the property owners along Holstein have agreed to each take 20 feet. The applicant's proposal assumes going 20 feet into Holstein Avenue. Based on private discussions the applicant has filed a request with the township to vacate Holstein giving half to the applicant and half to the Rossi's. That petition is pending and must be resolved first before requesting approval of the building plans. Without the applicant's use of half of Holstein there would only be 5 or 6 feet for the backyard which would place the applicant into a variance situation. Mr. Boroff indicated Fred Wentz, Esq., is present to oppose the petition to vacate.

Scott Greenly, Associate Planner, stated the applicant is proposing a 7,617 square foot ambulance facility which would replace the existing building on the site which is currently a retrofitted residential dwelling. The plan incorporates more parking with more access to the site. A portion of the structure is a two-story ambulance facility and one-story garage. Access is off of North Henderson Road. The proposed facility would incorporate 2,304 square feet of permeable pavers into portions of the walkways and parking areas.

Mr. Waks questioned the timing of the construction plan in view of the planned long term feasibility study dealing with the future of all our fire and rescue services. He asked if there has been any thought on holding off to see the results of the study.

Jen Schauble stated their architect, Rhett Jones, has recommended bringing the plan through the land development phase and then placing it in a holding pattern to see what happens. In that way they will be covered by the

current building code for the next five years. Ms. Schauble indicated she has also received an email from Supervisor Philips about Prince Frederick Street tying into Saulin Boulevard. She said there is also the vacation of Holstein Street to deal with as well, but the applicant wants to get the plan to a certain phase and keep it in a holding pattern.

Mr. Jenaway commented he understands the need for a new facility. With regard to the Prince Frederick Street Extension project, he said he does not know what this project looks like in concept and does not know if it affects the Lafayette property for setbacks to the Prince Frederick Street side or not.

Mr. Boroff indicated the applicant is aligning the driveway with Prince Frederick Street. Currently it is offset. It is also understood that some work will have to be done with the traffic lights so the applicant has anticipated township issues.

Mr. Jenaway noted there is an agreement with the golf course developer for an additional station which may or may not alleviate some of Lafayette's needs in the long term. He also pointed out the request for proposal for the Fire EMS study was received today from the Fire Marshal's office and it specifically mentions the evaluation of current facilities, projects and needs for improvements in the existing assets.

Mr. Boroff stated the applicant would still like to move ahead preliminarily with township approval and clear up the vacation of the road.

Mr. Kraynik stated Supervisor Philips wanted him to mention that we met with the Transportation Authority last night at their monthly meeting and it is looking more and more like the Prince Frederick Street extension will be a project that the Authority will most likely prioritize highly and fund beginning in 2015.

Mr. Waks stated public feedback is needed on that project.

Fred Wentz, Esq., representing the Rossi family, stated there has been litigation over Holstein Road and, in his view, the township cannot do what Mr. Boroff is requesting and offered his thought process. Mr. Boroff disagreed with Mr. Wentz' conclusion and believes the township could move ahead with a vacation of the road. He pointed out the dedication or vacation of the road is not why the applicant is before the Board of Supervisors. It is only a work session on the subdivision plan.

Mr. McGrory suggested there may be other alternatives. After a brief discussion of some of the details provided by Mr. Wentz, Mr. McGrory asked to be provided with a copy of the court order and it would be further discussed among the three attorneys.

## PRESENTATION OF LED SIGN BY THE MEDIA BOARD

Mr. Waks stated the Media Communications Advisory Board has been working on the idea of having an LED message board which would be visible from all four directions at the corner of Valley Forge Road and Henderson Road to disseminate information to the citizens of the township.

Mr. Jenaway said this is something that many suburban communities have been doing effectively in providing timely information in an attractive, landscaped setting.

Mr. Waks pointed out testing has already been completed and the light from the sign will not be an issue for the neighbors.

Don Herbert stated initially the Media Board recommended two signs in front of the Township Building, however, Mr. Jenaway pointed out there would be more exposure at the intersection. PennDOT traffic study information revealed there are approximately 8,350 cars a day on Valley Forge Road and 16,000 on Henderson for a total of almost 25,000 cars on a daily basis. By moving the sign out to the intersection possible views were tripled.

Mr. Herbert indicated there are some challenges one of which was the angle of view. Since the signs have a 160 degree angle of view, there are two signs (V-shape) – splitting the difference between the two exposures. Another challenge in the chosen location is the need for a tree removal. After speaking with members of the Shade Tree and Beautification Commission they indicated their approval for the tree removal. The township will donate \$500 to the Tree Vitalize program so that new trees may be purchased and planted at Heuser Park.

Mr. Herbert noted several other aspects required for installation as well as other enhanced design features for the sign. Initially about \$70,000 was estimated for the installation in front of the township building. With the relocation of the sign to the intersection, it was necessary to secure emergency power and the tree removal which was not in the first proposal. Only \$6,000 was added to the overall cost of the project.

For the record, Mr. Jenaway asked for some comments as to why relocation to the other side of Henderson Road was not considered. Mr. Herbert responded the other side of Henderson Road was looked at and not considered for a couple of different reasons. The communication to the sign is going to be wireless and the individual who did the demo expressed concerns about the distance. Also, there was a physical disconnect from the township building, the challenge of trenching power, and a lot more tree removal would have been necessary.

Mr. Jenaway indicated he had gone to about half a dozen different municipalities with signs and they were all located on the corners of the properties where there are multiple access roads for visibility. He said the due diligence that was done after the first workshop was excellent.

As Board Liaison to the Media Board, Mr. Waks appreciates the timely work that was done on this project.

Mr. Herbert said the Chairperson of the Media Board wanted to make sure mention was made that the sign has an automatic FEMA update feature. Mr. Herbert asked if there are any grant programs in Homeland Security that would help with the FEMA feature.

Mr. Jenaway said he would ask the Assistant Township Manager to search FEMA because there are programs available under Disaster Management that are always coming up. Mr. Herbert responded staff will definitely investigate the possibilities.

Mrs. Kenney commented she had an opportunity to see the test sign and the lighting would be as bright as it needs to be seen, but would not pose any lighting disturbance. Her other concern was the challenge to keep the sign updated, fresh and relevant.

Mrs. Kenney asked if there was any decision or recommendation about how often that message will change. Mr. Herbert responded about every 15 seconds and no faster than 10 seconds.

Mr. Jenaway said the PennDOT regulations on frequency of change would come into play here. Mr. McGrory asked if it is a PennDOT road at the intersection. Mr. Herbert responded in the affirmative and indicated he spoke with PennDOT and the only thing they indicated was to stay out of their right of way. Nothing was said about frequency of changes.

Mr. McGrory stated the township should have standards even greater than PennDOT imposes. Mr. Greenly said there have been studies that have been done showing safety standards for frequency of change.

With regard to brightness of the lighting, Pete Kuhn noted at 50% it was noticeably dimmer than both the red and green traffic signals. At 35-40% range there is still a clear image and was not a driving distraction.

Mr. McGrory asked if there would be scrolling, flashing or split screen instantaneous changes. Mr. Herbert responded it is just going to be a change from one still image to another still image and no animation on the screen.

An unidentified woman asked if the township spent a lot of money for the yellow and black signage at the access points in the township, and she was informed the King of Prussia Business Improvement District funded these lighting features.

Jim Rapine, a member of the audience, commented message length should be consistent with the line of sight. He asked if there were any traffic accidents associated with signs. Mr. Herbert responded he checked with multiple sources for surveys and found there were no concerns.

Mr. Waks indicated this project has been fully vetted and will be a major asset to the township.

#### RESIDENTIAL GARAGE ON PROPERTY – 433 E. CHURCH ROAD

Edmund J. Campbell, representing the applicant, indicated Mr. Branca has owned the property (a small service station) located at 433 E. Church Road for about 12 years. Utilizing the aerial, Mr. Campbell pointed out the location of the subject property.

Mr. Campbell stated his client applied to the township for a permit to build a garage behind the property immediately adjacent to his business and the Zoning Officer denied that application. The applicant was aware he needed side and rear setbacks because the property is very narrow, but in addition to that the Zoning Officer determined that the use is not a permitted use. Mr. Campbell stated that is the issue. He said it is now necessary to go to the Zoning Hearing Board for a variance for side yard and rear yard setbacks. It is his understanding that this issue came to the Board's attention about two or three months ago and voted to direct Mr. McGrory or his staff to appear and oppose this application. Mr. Campbell indicated his client is asking for reconsideration since it is not a remarkable application.

Utilizing the aerial, Mr. Campbell pointed out the location of the proposed 32 by 44 foot garage and showed the various aspects of the surrounding the property. Mr. Campbell had photographs to show the supervisors if there was a concern about how this will affect the character of the neighborhood. He said almost everything on Church Street has garages and multiple supplemental structures of varying sizes, heights, widths and depths and nearby properties with huge construction vehicles and other pieces of equipment.

Mr. Campbell said he does not want to belabor arguments that will be made to the Zoning Hearing Board, but is asking for a reevaluation of the decision as to whether the Zoning Hearing Board would be allowed to decide this during the normal course of action or whether township staff will appear to oppose it. His client is asking for a reconsideration of the Board's decision.

Mrs. Kenney asked what kind of a business it is. Mr. Branca responded it is an auto repair business with a garage in front.

Mrs. Kenney asked if the house is a residence. Mr. Branca responded it is a rental property.

Mr. Campbell stated Mr. Branca would like to put a garage on his rental property; it will not be for the use of his business. Mr. Branca said the lot is approximately 270 feet deep and 50 feet wide. There is currently no garage on that particular property. Mr. Campbell said Mr. Branca's tenant has a "bunch of stuff" in the backyard and the garage would actually improve the neighborhood in that the "stuff" would be under cover. Mr. Campbell indicated his client's tenant is in stoneware and has equipment related to that business in the back of his house.

Mr. McGrory said it is within the purview of the Board to oppose it or not. When the Board decided to oppose, it was based on size. The garage is permitted if it is accessory to the dwelling and based on the size he believes the Board thought it may not necessarily be an accessory to the dwelling. Mr. Campbell said it is smaller than the dwelling and smaller than many of the other garages in the immediate area.

Mr. McKee said he is familiar with the area and believes Mr. Campbell did a good job of explaining the surrounding buildings. He said it is his understanding that it is going to be an enclosed garage primarily for classic vehicles. Mr. Campbell indicated that was not correct. Mr. Branca commented about three years ago an application was made and that was an issue discussed before the Zoning Hearing Board. This garage is going to be for the tenant's use.

Mr. Jenaway said, "it would be an accessory use." Mr. Campbell responded in the affirmative.

Mrs. Kenney asked how many vehicles would be involved. Mr. Campbell responded it would be for two trucks (cement mixers).

Mr. McKee said the existing property owner is industrial zoned even though there is a residential tenant living on it. He wondered if there are any neighbors either supporting or opposing it. Mr. Branca said there were no neighbors who objected when they were before the Zoning Hearing Board the last time.

Mr. Waks asked for documentation.

Mr. McGrory stated if the Board were to consider withdrawing their opposition, he would recommend that it be done in exchange for a condition of approval that it be limited to the use of storage of household items related to

house in the front . Mr. Campbell indicated the applicant has said in his application that the use would be consistent with garage which is a plan term and an accessory use. He said the accessory use that is subordinate to the residents is a private garage defined under the township's zoning code. He said asking his client to agree to "tweak" that further is beyond what he should be asked to do.

Mr. McGrory said he was not asking the applicant to tweak it further he was asking that it be what is actually in the code that it be accessory to the house. Mr. Campbell responded he does not disagree with that and that point was made in the application.

Mr. Waks said he cannot give an answer since there are two supervisors who are not present at this meeting and he has no idea how they feel. He asked that a brief summary of this meeting be sent out to the Board prior to making a decision.

Mrs. Kenney commented the applicant went before the Zoning Hearing Board once before. Mr. Campbell said it was three years ago. Mrs. Kenney asked if it was a larger building and asked the difference in size. Mr. Campbell responded it is now approximately 20% smaller. Currently it is approximately 44 by 32 square feet and previously it was approximately 60 by 33 square feet and required more side yard setback relief.

Mr. Waks said the Board will take this matter under consideration.

VALLEY FORGE SHOPPING CENTER DEVELOPMENT PLAN; 250 DEKALB PIKE (TOWN CENTER); DEMOLITION AND RECONSTRUCTION OF ± 12,046 SF OF EXISTING CENTER AND RECONFIGURATION TO RESULT IN 14,160 SF PET STORE RETAILER; 7.79 ACRES, SC

Mr. Scott Greenly, Associate Planner, stated the Valley Forge Shopping Center completed their first phase of redevelopment and has returned for a second wave of development on the upper level west of Town Center Road. The applicant is proposing a 14,000 square foot pet store. Utilizing the aerial, Mr. Greenly pointed out the location of the proposed development. The applicant is proposing a very direct plan of taking down existing tenant space and building the 14,000 square foot tenant space for use as a pet store. There is no increase in building coverage or impervious coverage and no impact to overall parking or internal circulation.

Mr. McGrory asked why it is land development. Mr. Cornelius, Bohler Engineering, responded the applicant tried to make that argument, but the staff was being cautious. Mr. McGrory said maybe the reallocation of tenant space, but it does not involve any improvements. Mr. McGrory asked if there are any improvements associated with the plan. Mr. Brown responded part of the building will be torn down and replaced. Mr. McGrory asked if it involves the

same footprint. Mr. Brown responded there is no increase in floor area, although the footprint may not be exactly the same. An unidentified representative of the applicant indicated the footprint is changing, but the overall change is right where it is, there will be a reconfiguration of existing space.

Mr. McGrory asked for more details on the extent of the new footprint. Mr. Brown responded there is currently an open notch behind the back of the building of Marion's Attic and the Laundromat, but there is a dumpster that will be enclosed to shape up the building. The new footprint will fill in the gap so that it is more of a box – a regular shaped structure.

Mr. McGrory asked if there is any impact on stormwater. Mr. Brown responded in the negative.

Mr. Jenaway asked about the extent of the tear down. Utilizing the aerial, Mr. Brown pointed out the boundaries of the tear down and indicated the applicant is in discussions with every tenant about the project.

Mr. Jenaway stated he uses that parking lot frequently and never goes back to Town Center Road, but rather comes down the rear driveway that goes out onto US 202. He pointed out that is a tight sight area and with increased traffic it is something that needs to be looked at closely during this process.

Mr. Waks stated that alone is enough to make sure this plan goes through the land development process. Mr. Jenaway said that is the only concern he has about the property and suggested that the intersection be looked at from the sight line and accessibility standpoints.

Mr. Greenly commented for the record that this was before the Planning Commission at the meeting and approved with minimal comment and also reviewed the Township Engineer with minimal comment.

If they have not already done so, Mr. Jenaway indicated the Police Department should review as well.

Barbara Horniak expressed concern about pet store customers who would be crossing the street [from the location of Bed, Bath and Beyond] with their pets since there is always some congestion at that location.

Mr. Waks stated the consensus is to have traffic safety take look at this, and Mr. Greenly indicated he would do this.

Mr. Waks said this additional review should not take too long and it possibly could be included on an additional workshop session October 9<sup>th</sup> and if all goes well it could be on the business agenda for October 16<sup>th</sup>.

Mrs. Kenney asked that the applicant provide some photographs of what the elevations of the building would look like. One of the applicant's representatives responded they are working on this.

Mr. McGrory stated if the applicant agrees to do the improvements it would require a Highway Occupancy Permit (HOP). He asked if the Board would agree at that time to file their plan and begin construction pending the HOP since the HOP is going to take six months and timing might be a disincentive to accomplish necessary improvements.

#### O'NEILL PROPERTIES: RENAISSANCE, TRANSPORTATION ORIENTED DEVELOPMENT ORDINANCE

Mr. Greenly stated this proposed Transit-Oriented Development ordinance was before the Planning Commission yesterday evening. While the Planning Commission liked the idea of adding the uses to the SM-1, they did not seem to be 100% on board with the idea of this ordinance itself and were thinking in terms of having this as a model for possibly other Transit-Oriented districts in the township. Opinions were voiced that it lacked "teeth" and wanted to discuss further in more detail and see some things changed before formally recommending approval to the Board of Supervisors.

Mr. Waks said the Planning Commission wants more time to look at this and a reasonable amount of time is fine.

Mr. Waks asked Mr. Campbell for an update on the meeting he had yesterday at the Senior Service Center and some thoughts on the Planning Commission meeting.

Mr. Campbell indicated he met and reviewed the proposed ordinance at the Senior Center yesterday morning before the Planning Commission meeting later in the day. Many of the sentiments that were expressed at the meeting with seniors were repeated at the Planning Commission. The comments expressed about expanding continuing care, assisted living facilities, and nursing homes in Upper Merion were warmly received. There was broad consensus that the uses proposed would be a positive addition to the SM District and that a TOD District was something that should be encouraged and supported.

Mr. Campbell stated individual Planning Commission members thought more "teeth" were needed in terms of the pedestrian amenities that were proposed, although suggestions were solicited there were none made. There is a disagreement about the language requested for inclusion in the ordinance at one of the last workshops to make parking available to the public at the facility. There was a debate as to whether or not that would mean additional parking at the facility, but no one wanted to see more parking or more impervious coverage. There were other minor discussions about the proposed setback and a debate as

to whether or not the setback regulations should be strengthened. Setbacks were discussed at workshops previously and the desire is to have buildings farther away from residential properties and further “tweaking” might impair that. The vast majority of the discussion was about whether a road would be open from Renaissance to Crooked Lane. Very little of the hour and 45 minute discussion was about the substance of the ordinance which overwhelmingly had the support of almost everyone in attendance at the Senior Center earlier in the day. Everyone seemed to recognize that the uses being proposed in conjunction with TOD is actually a good thing.

Mr. Waks stated his colleagues join him in support of the TOD which would be the first opportunity to see senior housing in Upper Merion Township. Mr. Waks offered his personal observations on his walking tour to the Hughes Park train station from the site during rush hour and found it to be a safe walking experience. With regard to parking, he also drove around to the Hughes Park train station where there is some nearby industrial space and is wondering if something can be done to create diagonal parking spaces in that area. Mr. Waks mentioned it might be worth having staff check out as a possibility for dealing with some of the parking in the area. He did not observe anyone crossing over at the bridge on the side without a sidewalk as discussed at a previous meeting.

With regard to the issue of opening up Renaissance Boulevard, Mr. Waks emphasized this is not an Upper Merion Township decision alone. It is also a decision that has to be made by the state. Upper Merion has been told by the state they will not consider granting permission to open up Renaissance Boulevard unless Upper Merion assumes ownership of the Church Road bridge. When this was looked at several months ago, the potential for the cost for repairing Church Road Bridge several years in the future was extraordinarily expensive. Mr. Kraynik commented although the bridge is in fairly good shape now, in 30-40 years it will require replacement. PennDOT is requiring the township to assume the bridge, assume maintenance and replacement of the bridge before granting permission to open up Renaissance.

Mr. Waks stated he does not want to burden future Boards of Supervisors since the cost would be prohibitive now or 30 years from now.

Mr. Jenaway was not able to be at the Planning Commission meeting last night and asked Mark McKee for his comments on the TOD issues that were discussed.

Mr. Mark McKee stated there was a lot of give and take and this was the Planning Commission’s first look at the TOD. He noted the Chairperson questioned the arbitrary 1,250 feet distance cited in the ordinance. He said it seems to be designed to incorporate the developer’s three parcels. There are other SM districts on Henderson Road directly across the street from the Gulph Mills Village apartments and Kingswood Golf that is existing multi-family that

would be excluded even though it is within the same walking distance of the train station. Mr. McKee questioned why it is limited and perhaps should be expanded and said this is part of the issue.

Mr. Greenly stated the Chairperson of the Planning Commission has worked in TOD's all over the country and he believes what she stated was a quarter mile; half a mile is what the average person would comfortably walk to get to a train station.

Mr. Waks indicated part of the rationale during discussions was that this is the first time this is being done in Upper Merion Township and this is an area where the idea can be tested without necessarily affecting any other area in Upper Merion Township until we see how it works.

Mr. McKee said the threshold seems to be where the closest property line would be within 1,250 feet of the train station. He noted the ordinance seems to be generous in terms of changing the existing building height in the SM District which is 50 feet. The draft ordinance gives the developer by right a building coverage of 65 feet where all the neighboring stakeholders in the Renaissance Court are capped at 33 1/3%. Mr. McKee questioned whether 1.2 parking spaces per multi-family is going to be enough and also had concerns about enough access to the site. He noted the Chairperson of the Planning Commission questioned the requirement for the developer to put in parking on his lot to facilitate the SEPTA train station.

Mrs. Kenney asked if the Planning Commission has any specific recommendations or best practices about the TOD with respect to heights versus the need for parking, percentage of impervious versus green space, and parking under the building. With regard to parking, Mr. McKee responded since the developer cannot go underground, they might be able to have one level parking. He said the Planning Commission would give this more thought and come back to the supervisors.

Mr. Campbell commented the Planning Commission did not provide any constructive suggestions at last night's meeting about what should be done differently about the ordinance and felt an inordinate amount of time was devoted to the road opening issue.

Mr. Waks pointed out the issue of the road opening is a Board of Supervisors decision outside the purview of the Planning Commission. He asked how long would it take for the Planning Commission to have some concrete suggestions for the proposed ordinance. Mr. McKee responded, "at the next meeting." Mr. Greenly said he would ask the Planning Commission to compile some notes and that he and the Township Planner would work on making some changes.

Mr. Campbell pointed out the ordinance was narrowly tailored to evaluate whether a TOD works and if it met with success it could be expanded in other ways and places.

Mr. Waks said it would not take more than a month or two for the Planning Commission to work something out with planning staff so that there can be another discussion. He noted everyone wants some form of senior housing in Upper Merion Township.

With regard to last night's Planning Commission meeting, Mr. Greenly observed that the uses that were proposed in this ordinance are very well accepted by the public and compared to office use that is currently permitted there by right, residential and continuing care facilities would be much more appreciated.

Mr. Jenaway commented the proposed ordinance is new and different and not clearly understood by many and that is creating part of the challenge. He has also heard in discussions if the distance is 1,250 feet, 1,500 feet or whatever that is guidance the planning commission can clearly suggest. With regard to the size and height of the building, he has not heard any objection to occupancy, but if size and height are issues then we should get the Planning Commission's ideas on these. With regard to the site plan and access, it is a separate issue of land development plan versus the TOD, but access of the proposed structures to the TOD is an issue and how that access would occur by foot, rail, etc.

Mrs. Kenney stated she is definitely a proponent of the type of senior housing that is being proposed but it must be done right and input from the Planning Commission will help.

Suzanne Baxter commented more ingress and egress is needed on the property

Mr. Dougert expressed support for opening up another access point on the site.

Dennis Rocco, Philadelphia Avenue, commented about water runoff into his house.

Patti Erickson said most of the people in Hughes Park appreciate the prospect of bringing in senior housing rather than office. She was surprised when the road issue was brought up at last night's Planning Commission since the meeting was supposed to be about the ordinance.

Mrs. Kenney pointed out that none of the supervisors live in Hughes Park or Gulph Mills and any decision will be made for the common good of everyone as a whole.

ADJOURNMENT:

It was moved by Mrs. Kenney, seconded by Mr. Jenaway, all voting "Aye" to adjourn the workshop at 9:45 p.m. None opposed. Motion approved 3-0.

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DAVID G. KRAYNIK  
SECRETARY-TREASURER/  
TOWNSHIP MANAGER

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Minutes Approved:  
Minutes Entered: