

UPPER MERION TOWNSHIP BOARD OF SUPERVISORS  
OCTOBER 16, 2014

The Board of Supervisors of Upper Merion Township met for a Business Meeting on Thursday, October 16, 2014, in Freedom Hall, in the Township Building in King of Prussia. The meeting was called to order at 7:34 p.m., followed by a pledge to the flag.

ROLL CALL:

Supervisors present were: Greg Philips, Erika Spott, Greg Waks, and Bill Jenaway. Also present were: David Kraynik, Township Manager; Andrew Olen, Solicitor's Office; Rob Loeper, Township Planner; Jim Majewski, Township Engineer. Supervisor Kenney was absent.

MEETING MINUTES:

It was moved by Mr. Philips, seconded by Mr. Jenaway, all voting "Aye" to approve the September 11, 2014 Workshop Meeting Minutes, September 18, 2014 Business Meeting Minutes, and the September 18, 2014 Joint Meeting with Citizen Board Chairs as submitted. None opposed. Motion approved 4-0.

CHAIRPERSON'S COMMENTS:

Chairperson Waks stated an Executive Session was not held prior to this meeting. The matter of the awarding of the contract for the Schuylkill River West Trail will be pulled off the Consent Agenda and voted on separately.

NEW BUSINESS

PRESENTATION OF THE GUTKOWSKI TOWNSHIP FIREFIGHTER OF THE YEAR AWARD TO JIM GALLAGHER

Chief Fire Marshal John Waters asked Bernie Gutkowski, Jr. to participate in the 48<sup>th</sup> annual presentation honoring *The Firefighter of the Year*, Chief Jim Gallagher, King of Prussia Fire Company, in recognition of his sacrifice and 38 years of service to the citizens of Upper Merion Township and surrounding area who have helped make our community a safe place to live and work.

PRESENTATION RE: FIRE & RESCUE APPRECIATION AWARDS

Mrs. Spott, Board Liaison to the Fire and Rescue Services Board, stated she knows firsthand about the important service provided by the volunteer firefighters and rescue personnel in Upper Merion Township and provided examples from her personal and professional experience when fire and rescue responded to provide assistance for her mother and also a major fire at her place of employment.

Mrs. Spott noted the volunteer system in Upper Merion Township saves taxpayers over \$8 million a year and our volunteers need to be commended not only for their great service but also the countless hours they spend training and working on their certifications.

Mrs. Spott commented that volunteer recruitment is an issue and she encouraged residents, particularly young people, to consider volunteering in the local volunteer fire and EMS service. As a former certified EMT, she emphasized what a great opportunity this is to learn leadership skills in these rolls.

Chief Waters stated currently there are approximately 250 volunteers serving in various capacities. He pointed out the 39 individuals receiving awards at this meeting represent 670 years of total volunteer service, and asked Chief

Dennis Orangers, Chairman of the Fire and Rescue Services Board to assist in announcing and presenting the Fire and Rescue Appreciation Awards.

Chief Waters stated the Chief Robert Little Memorial Fire Safety Education Awards were established in 1982 for presentation to the top nine fire companies in the Commonwealth of Pennsylvania. At the annual convention of the Firemen's Association of the State of Pennsylvania all three volunteer fire companies (Swedeland, Swedesburg, and King of Prussia) were recognized for their Fire Safety programs in the community. Chief Waters also pointed out Lafayette Ambulance prides itself on the public safety education initiatives they undertake each year.

Next month several members of the King of Prussia volunteer Fire Company will travel to Harrisburg to receive the prestigious Rescue Service Provider of the Year Award presented by the Pennsylvania Emergency Health Services Council. The King of Prussia Volunteer Fire Company is one of a small group of Pennsylvania Fire Service agencies certified to a highest level of technical rescue capabilities. The purpose of the award is to honor a rescue service for their contribution to the development and growth of quality rescue services within their community. Eligibility criteria include participation in community activities; demonstrated consistent response times with staffing levels, cooperation with surrounding agencies, continuous training and professional development and recognition of the importance of medically directed rescue operations.

Chief Waters mentioned that all three fire companies participate in the Southeastern Montgomery County Regional Rescue Task Force which is a group that meets and trains monthly to achieve the highest level of technical rescue capabilities.

On behalf of the Board of Supervisors, Mr. Waks expressed appreciation to the members of the fire and rescue service for their exceptional work on behalf of the community.

#### PRESENTATION OF THE LIBRARY FRIEND OF THE YEAR AWARD TO UMGA-TV

Mr. Waks read the proclamation honoring UMGA-TV as the Library Friend of the Year and presented the award to Chief Information Officer, Carla Showell-Lee. Mr. Karl Helicher, Director of the Library, and members of the Library Board of Directors were also in attendance.

#### CONSENT AGENDA:

1. Approval and Purchase of LED sign for the Upper Merion Township Building - \$76,000
2. Equipment Replacement Request re:
  - a. Replace Truck #727 – Used to maintain the township's sanitary sewer system. Vehicle also includes a Cues Television Inspection System used to inspect the inside of sewer systems piping - \$144,894
  - b. Replace UMGA-TV Equipment – New Editing PC is needed to run newer programs more efficiently - \$3,200
  - c. Replacement of IT Network Firewall - \$4,500
  - d. Replace Two Specialized Chairs used by the Telecommunicators in the Police Communications Center - \$1,358

3. Awarding of Contract re: Three Year Contract for the Rambler Bus Service
4. Awarding of Contract re: Schuylkill River West Trail to Horst Excavating being the lowest responsible bidder in the amount of \$1,737,831.00 *(to be voted on separately)*.
5. Supplemental Budget Transfer re: Park & Recreation Department – Discount Tickets - \$4,000. Offset by increased ticket sales.
6. Resolution 2014-50 re: Application for Traffic Signal Approval – Add Traffic Adaptive System to South Gulph & Gypsy Road, South Gulph & Crooked Lane, and Henderson & Shoemaker Road Traffic Signals
7. Resolution 2014-51 re: Application for Traffic Signal Approval – Add Wireless Vehicle Detection to South Gulph and Long Road Traffic Signal to Replace Video Detection
8. Replacement of Chief Vehicles re: Lafayette Ambulance (\$45,776.53). Swedeland Fire Company (\$51,556.50), and Swedesburg Fire Company (\$51,906.50)
9. Resignation of Carlton Stuart from the Economic and Community Department Committee
10. Authorization for Signatures re: Environmental Indemnity Agreements for properties along Renaissance Boulevard formerly part of the Crater Resources Site
11. Resolution 2014-48 re: Acceptance of Deeds of Easement for the purpose of maintaining Renaissance Boulevard
12. Authorization to Sign Stipulation re: Motel 6 Operating LP v. Board of Assessment Appeals of Montgomery County and Upper Merion Area School District
13. Resolution 2014-52 re: Disposition of Township Property
14. Enter into two agreements with Constellation Energy for the provision of electricity to all Township Properties and township Sewer Treatment Plants as per a bulk energy contract secured by the Pennsylvania Municipal Utility Alliance – Four (4) Year Term

Board Action:

It was moved by Mr. Jenaway, seconded by Mrs. Spott, all voting “Aye” to approve the Consent Agenda with the exception of Item #4 which will be voted on separately. None opposed. Motion approved 3-0 (Mr. Waks, Mr. Jenaway, and Mrs. Spott). Note: Mr. Philips was called away momentarily and was unable to participate in this vote.

PUBLIC HEARING RE: RESOLUTION 2014-45 – INTER-MUNICIPAL TRANSFER OF RESTAURANT LIQUOR LICENSE – GRAND LUX CAFÉ, LLC

Andrew Olen, Esq., Solicitor’s Office, opened the public hearing on this Resolution by introducing into the record: Board **Exhibit A**, proof of publication in the *Times Herald* dated September 26, 2014 and October 3, 2014, Board **Exhibit B**, a copy of the Resolution, and Board **Exhibit C**, a copy of the legal notice published in the *Times Herald*. Mr. Olen explained this is the application of Grand Lux Café, LLC for the transfer of a liquor license currently located in Schwenksville, Pennsylvania and held by JEO and LMO, Inc., two restaurant facilities located at 160 N. Gulph Road, Suite 2395, King of Prussia,

Pennsylvania.

Mr. Waks asked where the Grand Lux Café will be located. The attorney representing the applicant responded the Grand Lux Café will be located at the King of Prussia mall in the area of the new construction at 160 N. Gulph Road.

Mr. Waks asked if it is correct that it would not be opened until the Connector is developed some time next year. The attorney responded in the affirmative.

Mr. Olen opened the floor for any further Board or public comment, and hearing none he adjourned the hearing and reconvened into the public meeting portion of the agenda placing the resolution in a position for consideration by the Board of Supervisors.

Board Action:

By a unanimous vote of 4-0 Resolution 2014-45 was approved.

AWARDING OF CONTRACT RE: SCHUYLKILL RIVER WEST TRAIL TO HORST EXCAVATING BEING THE LOWEST RESPONSIBLE BIDDER IN THE AMOUNT OF \$1,737,831.00

Chairperson Waks stated as he has in the past he will continue to recuse himself from all discussions and/or votes on the proposed trail. He explained he has been recusing himself on this matter since the trail will run near the property where he lives. While technically not a conflict of interest according to Pennsylvania law, Mr. Waks emphasized how important it is to have a higher level of standard than just what the law mandates. He indicated Vice Chairperson Spott will be conducting this vote.

Mrs. Spott indicated the Schuylkill River Trail West will connect the trail network from Heuser Park into Valley Forge National Historical Park and will be a tremendous amenity for Upper Merion Township. This portion of the trail network will open up numerous recreational opportunities for our residents. Grants were obtained to provide additional funding.

Mrs. Spott asked the Township Manager when this portion of the trail is anticipated for completion. Mr. Kraynik responded by mid-summer 2015.

Mrs. Spott asked for a motion to approve awarding of the contract for the Schuylkill River West Trail to Horst Excavating as the lowest responsible bidder in the amount of \$1,737,831.00.

Public Comment:

John Maxwell, School Line Drive, asked for clarification about the funding of this trail project and if it is a budgeted item or covered by grants, and he was informed there were two grants received in the amount of \$500,000 and \$100,000. Of the \$1.7 million, \$600,000 will be offset by state grants and the rest is budgeted and under budget.

Mr. Maxwell asked about the length of the trail, and was informed it is approximately 1.7 miles.

Board Action:

It was moved by Mr. Philips, seconded by Mr. Jenaway, all voting "Aye" to approve item #4 on the Consent Agenda as submitted. None opposed. Mr. Waks recused himself. Motion approved 3-0-1.

PUBLIC HEARING RE: AN ORDINANCE AMENDING THE UPPER MERION TOWNSHIP ZONING ORDINANCE, ARTICLE XXIV, "SM-1 SUBURBAN METROPOLITAN DISTRICTS," TO PERMIT TRANSPORTATION ORIENTED DEVELOPMENT (TOD)

Mr. Olen opened up the hearing on this ordinance by introducing into the record: Board **Exhibit A**, proof of submission of the ordinance to the Montgomery County Planning Commission, dated September 12, 2014, Board **Exhibit B**, proof of submission to the Upper Merion Planning Commission dated September 12, 2014, Board **Exhibit C**, proof of submission to the Law Library dated October 2, 2014, Board **Exhibit D**, proofs of publication from the *Times Herald* dated October 1, 2014 and October 8, 2014.

Mr. Rob Loeper, Township Planner, stated this is a zoning text amendment that would apply to the SM-1 Suburban Metropolitan District. This amendment would permit additional uses in the SM-1 District specifically multi-family residential, nursing homes including skilled care residential facilities, continuing care retirement communities and other similar medical offices, convalescent residential and physical education facilities, and expressly excluding drug, alcohol and facilities for mental health.

The ordinance also provides provisions for development within the SM District for these uses including a maximum building height of 75 feet, regulations concerning roofing and also additional setbacks for additional height, building coverage, setbacks for parking, landscape buffers from residential zones, parking for multi-family uses and the density of multi-family units not to exceed 30 units per acre. The standards for the conditional use would be that the property must be located within 1,250 feet of a train station, that there should be adequate pedestrian walkway, sidewalks or trails to provide access to and from the TOD area to the train station and that parking shall be made available for public access to the train station.

This ordinance would apply to the area commonly known as Renaissance and would apply primarily to property located within 1,250 feet of the Hughes Park Route 100 train station. The ordinance was also submitted to both the Montgomery County Planning Commission and the Upper Merion Planning Commission as required by state law. The Montgomery County Planning Commission issued a letter on October 15, 2014 which recommended approval of the ordinance; however, they did make several comments regarding items such as walkability, open space requirements, parking lot placement, bicycle parking and storage, parking requirements, standards for conditional use and whether the township would consider bonus provisions. The Montgomery County Planning Commission recommended adoption provided these provisions were included into the plan.

The Upper Merion Planning Commission reviewed the ordinance in September and most recently on October 8<sup>th</sup> and issued a review and recommendation that should have been forwarded to the members of the Board today. Because of the complexity of the recommendation, Mr. Loeper read the letter verbatim as follows:

"...The Planning Commission is not comfortable with the TOD as it is currently drafted. The PC favors the uses in the proposed TOD within the SM-1 District, as well as other districts. The PC believes that before adopting a TOD ordinance that the BOS carefully examine how that ordinance might be applied throughout the township in the future. The Planning Commission has noted the following defects to the proposed TOD ordinance.

1. Setbacks for additional height should be defined to require additional setbacks from the adjacent residential property line in addition to the underlying setback;

2. The maximum building coverage that is proposed is greater than the existing building coverage and is not consistent with the language or intent of the recently adopted King of Prussia Mixed Use District;
3. The term mental health facility should be reworded to read “primarily psychiatric facility”;
4. The TOD should require connection for a property to be within a reasonable proximity, perhaps 700 feet to an arterial road.

In addition, the PC believes that future TODs should consider other uses and other non-residential districts, in addition to the SM-1 District, in an overlay that includes transit centers that are not limited to rail. As a result, the PC is unable to recommend the proposed TOD ordinance be adopted. The PC supports the creation of a TOD ordinance and would like to see the proposed uses in the area affected by this ordinance...”

Mr. Loeper indicated the aforementioned recommendation was a unanimous vote of the planning commission. The planning commission also commented that while the planning commission has made certain recommendations to this site and parcel that were specific to facilitate the development, they feel that the ordinance should have a broader look at the township as a whole.

Mr. Philips asked for clarification about the Montgomery County Planning Commission letter and asked if it lined up with what the Upper Merion Planning Commission put in their letter. Mr. Loeper responded the letters are similar. He said the Upper Merion Planning Commission did not provide suggestions as to how improvements could be made but simply indicated the provisions they did not favor. The Montgomery County Planning Commission comments were more general in nature with regard to a standard TOD ordinance since the county has drafted several model ordinances which tend to be more generic.

Mr. Jenaway referred to the Montgomery County Planning Commission comments recommending the ordinance be enacted provided the comments of the letter are addressed to the satisfaction of the municipal officials. He asked if these comments were addressed since he had no recollection of some of them being discussed. Mr. Loeper responded under the Municipal Planning Code (MPC) if changes are made at this point in time it would be necessary to go back through a formal 30-day review period with a resubmission to the planning commission. There were no changes made at the staff level and staff would look to the Board for direction on how to proceed. Mr. Olen indicated the comments from the Montgomery County Planning Commission are their comments on the draft that is before the Board at this hearing and no amendments were made.

Mr. Jenaway discussed his concerns about the proposal and the site as a commuter rail area. He raised questions about parking and believes it is a public safety challenge in the current situation. Mr. Jenaway believes the establishment of a TOD should be set with some type of general parameters that could be applied in other parts of the township and stated this amendment is not effectively and logically extended for multiple area use. He also asked if just the modification to the SM-1 types of occupancies might be an easier way to facilitate this project. In summary, Mr. Jenaway is concerned about parking, the movement of traffic and the number of recommendations made by both planning commissions that have yet to be addressed.

With regard to parking, Mr. Waks asked if that is something that could be addressed during land development process. Mr. Olen responded in the affirmative.

Mr. Philips indicated he shared Mr. Jenaway’s concerns that both planning commissions have extensive comments, but a lot of this would seem to be

subdivision land development based versus zoning. For example, open space requirements and standards for conditional use. Mr. Olen responded the county's planning commission for the most part could be addressed through an amendment to the SALDO and if the Board was interested they could pursue it that way and probably most appropriately.

Mr. Philips asked if skilled nursing facilities are already available to a developer in that district under SM-1. Mr. Olen responded these uses have a combination of alternatives and would not be available to a developer outside SM -1.

Mr. Jenaway said that was his point that a modification of the SM-1 might be an easier fit in the total zoning process.

Mr. Waks commented the reason why it was done this way is there has never been this type of concept in Upper Merion Township before and this is a way to go forward with this concept in a very good location for senior housing. If it works here the concept could go forward elsewhere without necessarily changing all SM-1 districts throughout the entire township.

Mr. Philips mentioned those in the audience may not understand this is being viewed as a pilot program.

Public Comment:

Richard Dougert, Trinity Lane, Gulph Mills, President, Gulph Mills Civic Association, expressed support for the development and the completion of Renaissance Boulevard to expedite traffic flow.

Rob Erickson, Lawndale Avenue, spoke on behalf of the Hughes Park Civic Association, and indicated their abiding opposition to the extension of Renaissance Boulevard.

Patricia Cunnane, White Avenue, expressed appreciation for the two stop signs at Yerkes; however, she indicated most drivers obey the first one and roll through the second one. Ms. Cunnane also pointed out the problem seeing pedestrians at night at the Hughes Park train station.

Stephen Snyder, Bella Lane, expressed concern over the lack of lighting at the Hughes Park train station and the difficulty seeing pedestrians at night. He mentioned he is an engineer at Lockheed Martin and commented about the I-76 ramps on Henderson Road and his other ideas about local traffic patterns.

Kenneth Forman, Natton Court, KOP, expressed support for the continuation of Renaissance Boulevard so that it is configured for a left-turn out and right turn in.

Sandy Rose, White Avenue, expressed her concern over a traffic pattern that would not permit residents to go north on Crooked Road to get into their neighborhoods. She also had safety concerns about pedestrians coming out of the trolley and crossing the road where there is no place to walk, particularly at night, when it is difficult to see them. *Mr. Waks stated he likes to walk and bike everywhere in the township. A few weeks ago he spent about two hours at the intersection watching people walk back and forth from the Norristown High Speed Line station to Hughes Park community. For those who stayed on the sidewalk it was safe. There are concerns for people crossing the road. Mr. Waks pointed out as far as making the area safer that is something that would be addressed in the land development process. He emphasized this Board places a high priority on improving pedestrian access, walking, and biking, and if this goes forward the Board will continue to work on safety concerns and insist that the developer do so as well.*

Michael Garcia, Philadelphia Avenue, asked where the apartment and nursing home is going to be and how many apartments will be in the apartment building. *Mr. Olen responded this is not a hearing on the development plan. This is a text amendment. This is not a hearing on a proposed apartment building. Mr. Philips further explained this means currently the developer has not submitted any plans indicating a number of proposed apartments. This is just a hearing to discuss whether or not some of the uses are available, whether or not the Board wants to amend this particular area in terms of the transportation overlay district to allow the developer to do some other things with this property with the idea that he will make this pedestrian friendly and transportation friendly. The discussion at this meeting is not about road openings or anything else.*

Karen Garcia, Philadelphia Avenue, expressed concern about changing the character of their neighborhood and does not want to be a demo neighborhood. She was also concerned about additional stormwater on Philadelphia Avenue.

Edward Tomchick, Philadelphia Avenue, expressed opposition to opening up Renaissance Boulevard.

Elaine Baer, Edgewood Road, expressed opposition to opening up Renaissance Boulevard and commented on her current difficulty making a left hand turn out of her driveway onto Crooked Lane.

Patti Erickson, Lawndale Avenue, expressed opposition to opening the road and commented on the TOD and one of the planning commission's recommendations to have access to an arterial road within 700 feet. She said the only way that would happen for those two buildings would be to connect the road and she wanted to make sure that would not be included. Ms. Erickson also took exception to a previous resident's comments that in putting the road through everyone is going to make a left hand turn.

Jessica Plechner, Lawndale Avenue, does considerable walking with her children and expressed concerns about pollution and safety with extra traffic volume.

Aleta Duey, Edgewood Road, also has difficulty now getting out of her driveway and any increase will add to current problems.

Dorothy Burgess-Goldberg, School Line Drive, commented she has a walkable neighborhood. When Crooked Lane or South Gulph back up drivers use School Line Drive to get around it. She is concerned about the impact of more traffic.

Patricia Hoffman, Lawndale Avenue, reiterated what a previous resident said about arterial road language being kept in the text amendment. She said the only way to read that is that they would have to open Renaissance Boulevard and asked that consideration be given to taking that language out of the TOD text amendment. *Mr. Waks noted that language is not in the text amendment and he reiterated there is no language in what is being discussed tonight that would open or not open Renaissance Boulevard.*

Ms. Hoffman commented the current exits out of Renaissance at PA 320 at the light and on Church Road at the light do not go directly into residential neighborhoods; they go into commercial areas. If the road were to open that exit would go right into residential neighborhoods. Ms. Hoffman also expressed concern about drivers ignoring stop signs. *Mr. Philips stated people blowing through stop signs is a big issue in Upper Merion Township. Mr. Waks stated the Police Department is trying to educate the public on the importance of coming to a complete stop at a stop sign through public service announcements with the cooperation of UMGA-TV. He noted new warnings that are attached to some stop signs indicating a complete stop is free and an incomplete stop is \$137.*

*Continuing efforts will be made to address this ongoing problem.*

Mr. Ed Campbell, representing O'Neill Properties, stated his client owns some of the property which would be directly affected by the text amendment being considered at this hearing. The site is a remediated superfund site that his client purchased 16 years ago and he has already received land development approval for two buildings. With the adoption of this ordinance his client would be allowed to do other things there because with the economic downturn of the last five to seven years office use is not in demand like once was. Other potential uses are multi-family and the broad spectrum of housing for elderly with relative different levels of care which is in great demand in this community. His client saw that opportunity and because of the proximity of the property to the train station a synergy presented itself to bring those uses here on a property which is currently not productively utilized.

Mr. Campbell stated adoption of the ordinance would allow residential uses and nursing and skilled care on that site which would not generate as much traffic as an office use. He noted this ordinance incorporates concepts his client was asked to include during the workshop process concerning such things as parking and pedestrian access from the train station to their development.

Mr. Campbell stated he has not heard any objections to a TOD or the uses proposed by his client. While there is great concern about a road, nothing in this ordinance requires a road. He said he attended two planning commission meetings during which he asked for specific recommendations. Most of the recommendations were generic in nature and the only specific comment is the inclusion of a requirement that the use be within 750 feet of an arterial road. Mr. Campbell coined that a "poison pill" and in his view sets up the battle about opening the road. He said his client has not asked for this to be included in the ordinance and is not asking that the road be opened.

Mr. Campbell said this is an opportunity to adopt a narrow ordinance to see if the TOD works well and if it does it can be used as a template for other locations.

Michael Garcia, Philadelphia Avenue expressed concern about changing the neighborhood.

Stephen Snyder, Bella Lane, commented further on a previous resident's comment about opening the road and configuring a left turn out and said the left turn is where the concern about traffic exists. He said the most efficient line of traffic to get to the major arteries would not be through the neighborhood, it would be through the main business roads.

Mr. Waks pointed out most of the traffic that occurs in Upper Merion Township outside of the holiday season does not come from residents or shoppers, it comes from the 53,000 people who are not Upper Merion Township residents who come into the township to work every single day and then go home every week night. O'Neill Properties already has a "by right" permission to build two office buildings on those two pads. The office use would generate far more traffic while this text amendment would solve a serious need in Upper Merion Township by putting in full spectrum senior housing which is something that is in great demand.

Mr. Loeper noted for the record the current approved land development for these properties includes 319,000 square feet gross of office space. For comparison purposes the existing 2701 O'Neill building is 122,000 square feet gross.

Rabbi Eric Lazar, Winding Way, asked for clarification about a requirement that has been mentioned if the land use is changed there must be a main road within a certain amount of feet. He said it was confusing because if

that is the case what other options are there other than Renaissance Boulevard being opened. *Mr. Waks responded there is nothing in the text amendment to that effect. That was a potential recommendation from the planning commission which functions as an advisory board. He explained their job is to advise, but the Board of Supervisors can agree or disagree, and what is being voted on tonight does not include that planning commission recommendation.*

Mr. Philips commented what most of the residents are reacting to is the fact that the planning commission made a recommendation. He pointed out the planning commission can only give advice; it has no power to enforce. If the Board of Supervisors decides tonight to approve the text amendment as it is which does not have that recommendation, the recommendation will be nonexistent. He said there is nothing in the text amendment for this TOD District being considered tonight that would include the TOD must be within 750 feet of an arterial road.

Rabbi Lazar expressed appreciation for the clarification because his immediate initial concern was that there not be any wording that lends itself to opening Renaissance Boulevard as the only option. If at some point in the future the recommendation surfaces again there will be a need to do some more serious discussion.

Mark McKee, Upper Merion Planning Commission, stated no one objects to the planned uses, and facilitating the assisted living needs and senior living in this township is a plus, particularly in this location and it is much preferable to an office use from a traffic standpoint. He said Mr. O'Neill could come in tomorrow with a development plan for assisted living without a text amendment because he has this already "by right," a conditional use in the SM-1 District. Mr. McKee noted this text amendment would facilitate a 75 foot multi-family housing, probably a six story building, on 65% coverage which is very different than the multi-family housing being considered for the King of Prussia Business. His second point was the connection issue or proximity and from a planning standpoint he questioned if these uses belong where they are inaccessible for emergency access. Mr. McKee also referred to traffic studies concluding the connection would reduce overall traffic.

Mrs. Spott addressed the emergency vehicle issue and said there are other developments that have emergency access roads not open to the public and that is something that could be considered.

Mr. Jenaway commented if or when this gets to the SALDO phase emergency access would be major point of discussion because the current emergency access would not be adequate for that proposed conceptual facility and something else would have to be done.

Mr. Waks emphasized this Board takes this very seriously and pointed out 251 DeKalb, formerly known as the Marquis, recently had to go through some improvements because of the emergency access issue.

Mr. Philips stated he is taking away three issues from this hearing that need to be addressed as follows: (1) lighting at the train station and intersection, (2) as Board Liaison to the Upper Merion Transportation Authority he will talk with the township engineers about the widening of Crooked Lane, and (3) work with the Police Department about drivers blowing through the traffic stops.

Mr. Jenaway stated the points that he brought up at the start of the hearing were designed to do two things. One was to bring focus that this is a complicated site with many public safety issues as well as development issues. The majority of the issues that have been discussed are SALDO issues. His point in bringing them up is two-fold. One is to look at the zoning issue, and then later down the road look at all the other infrastructure changes that would have to go along with this. Access is something that a SALDO plan would clearly have to

take into effect and be agreed upon by everyone before that would even be considered to move forward.

Mr. Jenaway asked a question about the zoning document. He indicated the planning commission in their recommendation suggested the term mental health facility should be reworded to read “primarily psychiatric facility.”

A discussion followed about definitions and what that could and could not include and how the rewording might affect facilities accommodating Alzheimer patients.

Mrs. Spott commented a statement was made that there is already a “by right” use permitted under SM-1 and she is not sure it is that clear cut. Mr. Loeper responded there is a “by right” use for a personal care facility. Personal care facilities in the township’s ordinance was adopted in 1991 and last amended in 1999 and at that point in time Brandywine Senior Living was looking at a facility. That ordinance was geared for those type of uses which would be for assisted living that would not allow cooking facilities in any of the units. It would require congregate dining facilities, and recreational facilities. The type of buildings that were contemplated under that ordinance were probably something different than what is being considered now. Mr. Loeper said while he agreed that could be built right now. He did not know if any of these type facilities have caught up with the state of the market for what people want now.

Board Comment:

Mrs. Spott emphasized there is nothing being voted on about the road issue.

Board Action:

It was moved by Mr. Philips, seconded by Mrs. Spott, to approve Ordinance 2014-832 as submitted. Mr. Jenaway opposed. Motion Approved 3-1. Ordinance 2014-832 was adopted and will be filed in Ordinance Book #17.

PUBLIC HEARING RE: AN ORDINANCE AMENDING THE UPPER MERION TOWNSHIP CODE BY REPEALING CHAPTER 51, “SANITARY BOARD,” IN ITS ENTIRETY AND RESERVING THE CHAPTER FOR FUTURE USE

Mr. Olen opened the hearing on this ordinance by introducing into the record some exhibits as follows: Board **Exhibit A**, Proof of Submission to the Law Library dated October 6, 2014; Board **Exhibit B**, Proof of Publication in the *Times Herald* dated October 8, 2014; Board **Exhibit C**, a copy of the Ordinance; and Board **Exhibit D**, a copy of the legal notice published in the *Times Herald*. Mr. Olen explained this ordinance repeals Chapter 51, Titled “Sanitary Board” in the Code of Upper Merion Township. This chapter has been rendered obsolete because the Sanitary Board as well as the Sanitary Officer and their respective powers and duties have been assumed by the Montgomery County Health Department. The Board has been dormant for quite some time and the Sanitary Officer position no longer exists. This ordinance proposes repealing Chapter 51 and simply reserving it for future use.

Mr. Olen opened the floor for any Board or public comment, and hearing none he adjourned the hearing and reconvened into the public meeting portion of the agenda placing the ordinance in a position for consideration by the Board of Supervisors.

Mr. Waks asked for a motion to approve this ordinance.

Board Comment:

Mr. Philips commented the process of cleaning up the code for obsolescence is an exemplary practice that should be followed at other levels of government.

Mrs. Spott asked how long this chapter has been obsolete. Mr. Kraynik responded approximately 15 to 17 years. Mrs. Spott asked that the record show we are doing something about it.

Board Action:

It was moved by Mrs. Spott, seconded by Mr. Jenaway, all voting "Aye" to approve Ordinance 2014-833. None opposed. Motion approved 4-0. Ordinance 2014-833 was adopted and will be filed in Ordinance Book #17.

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 RESOLUTION 2014-53

Mr. Loeper stated this is a partial redevelopment of the Valley Forge Shopping Center on the upper level west of Town Center Road. Utilizing the aerial he pointed out the proposed area to be demolished for a rebuild in kind with the same square footage in a slightly different configuration for use as a Pet Smart Pet store.

Recently at two workshops there were questions raised concerning the secondary driveway out onto DeKalb Pike. Staff conferred with the Traffic Safety Unit and the applicant addressed this issue with the Board last week. There were also some concerns raised by adjacent property owners concerning the existing stormwater issues in the area. The applicant was able to demonstrate that the water from this area of the site travels to the front of the site toward DeKalb Pike and would not generate additional stormwater toward the back of the site. As a good neighbor, the applicant has agreed to go over the issues to see if there is something that could be done to address the residents' issues and the applicant is committed to do that.

Both planning commissions did not have any real issues with this plan. The existing crosswalks at Town Center would remain the same. Mr. George Broseman, Esq., representing the applicant, indicated in an email to Mr. Olen that the owners of the shopping center concurred with the Resolution as presented.

Mr. Jenaway asked for clarification on the area that will be vacated as a result of the redevelopment. Mr. Broseman responded it would involve part of the existing building on the west side of Town Center (up to the two-story area where the offices are). Utilizing the aerial showing the conceptual elevations, Mr. Broseman pointed out the tower would remain and the area where the Pet Smart building was shown is what would be built with the same amount of square footage.

Mr. Jenaway noted for the benefit of the residents that the area to be demolished would essentially be from Express Med north to make way for the Pet Smart. Mr. Broseman concurred.

Mr. Jenaway expressed the hope that some of the tenants being displaced would be able to find new space at Town Center because there are people who are disappointed they are losing some of their favorite stores. He asked if a way could be found to keep some of those tenants there. Mr. Broseman responded he believes the shopping center owner has been in discussions with them because there are some vacancies and it is his understanding that some options will be offered.

Mr. Waks asked for a motion to approve Resolution 2014-53.

Board Action:

It was moved by Mr. Jenaway, seconded by Mr. Philips, all voting "Aye" to approve Resolution 2014-53. None opposed. Motion approved 4-0.

ACCOUNTS PAYABLE & PAYROLL:

Board Action:

It was moved by Mr. Jenaway, seconded by Mr. Philips, all voting "Aye" to approve the Accounts Payable for invoices processed from September 10, 2014 to October 8, 2014 in the amount of \$1,279,330.88 and the Payroll for September 12, 2014, September 26, 2014, in the amount of \$1,289,313.61 for a total of \$2,568,644.49. None opposed. Motion passed 4-0.

ADDITIONAL BUSINESS

EXPLANATION REGARDING MISSED VOTE ON CONSENT AGENDA

Mr. Philips stated he appreciates the Board's indulgence when he had to step away momentarily during the Consent Agenda vote at this meeting. He said as a member of the United States Navy Reserve his job does not necessarily end when the drill weekend is over and he had to briefly attend to a matter.

FARMERS MARKET REMINDER

Mrs. Spott reminded everyone to come out to the Upper Merion Farmers Market as the season winds down.

DON'T LEAVE A CHILD BEHIND

Mr. Jenaway announced the details of the Police Department campaign, "Don't Leave A Child Behind" which UMGA-TV has been promoting. Posters are being placed at the entrances of businesses as a reminder to parents and caregivers to look before they leave and lock their vehicle. Mr. Jenaway offered the following safety tips: (1) never leave a child unattended in a vehicle, (2) if you see a child unattended in a vehicle, call 911 immediately, (3) place your purse, brief case or cell phone in the back seat as a reminder that you have a child in the car, (4) have a plan that your child care provider will call you or your caregiver if your child does not show up at day care or at school, (5) always lock your vehicle and assure your children do not have access to keys or remote entry devices. For those local businesses interested in obtaining posters or more information about this safety campaign contact Officer Harry Nuskey at the Community Response Unit at 610-265-3232.

UPCOMING MEETINGS AND ANNOUNCEMENTS

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

2014 PLATINUM AWARD

Mr. Waks reported that Upper Merion Township was awarded the 2014 Platinum Award from the Greater Valley Forge Transportation Management Association at their annual Sustainable Awards event which recognizes its partners for their outstanding achievements in implementing programs that provide and promote commuting alternatives for their employees and the community overall. This is the third consecutive year that Upper Merion Township received platinum recognition which is the highest level of recognition for continued commitment to sustainability and to the environment.

From the Public:

Shawn Machese, Gypsy Lane, asked for clarification on Item #6 of the Consent Agenda regarding traffic adaptive systems, and an explanation was provided as to how the adaptive signalization works. Mr. Machese said he is trying to get a signal on his driveway which is located on South Gulph Road and Gypsy Lane. Mr. Kraynik responded if approval is granted from PennDOT on the application for the traffic signal at that time staff can look into his issue.

Mr. Machese stated he called the township when school started since he noticed on that same intersection going eastbound on South Gulph the “no turn on red” sign is no longer there. His daughter waits there for the school bus and the cars speed through the intersection whether it is red or green. Mr. Machese would like to make it safer for his daughter so that traffic would stop on red and not turn right. Mr. Kraynik indicated he has made a note of this and will have the Public Works department take a look at this situation.

ADJOURNMENT:

There being no further business to come before the Board, it was moved by Mr. Philips, seconded by Mr. Jenaway, all voting “Aye” to adjourn the meeting. None opposed. Motion approved 4-0. Adjournment occurred at 10:30 p.m.

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DAVID G. KRAYNIK  
SECRETARY-TREASURER  
TOWNSHIP MANAGER

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Minutes Approved:  
Minutes Entered