

UPPER MERION TOWNSHIP BOARD OF SUPERVISORS
AUGUST 4, 2016

The Board of Supervisors of Upper Merion Township met for a Business Meeting on Thursday, August 4, 2016, in Freedom Hall, in the Township Building in King of Prussia. The meeting was called to order at 7:10 p.m., followed by a pledge to the flag.

ROLL CALL:

Supervisors present were: Greg Philips, Greg Waks, Bill Jenaway, and Carole Kenney. Also present were: David Kraynik, Township Manager; Joe McGrory, Township Solicitor; Rob Loeper, Township Planner; Tom Beach, Township Engineer, Angela Caramenico, Assistant to the Township Manager, and Allison Pimm, Chief Public Information Officer. Supervisor Erika Spott was absent.

MEETING MINUTES:

It was moved by Mr. Philips, seconded by Mrs. Kenney, all voting "Aye" to approve the July 7, Workshop Meeting Minutes as submitted. None opposed. Motion approved 4-0.

CHAIRMAN'S COMMENTS:

Chairman Jenaway stated an Executive Session was held prior to this meeting to discuss personnel and litigation. The Executive Session was preceded by a Zoning Workshop Meeting.

NEW BUSINESS

RECOGNIZE THE RETIREMENT OF KARL HELICHER, DIRECTOR OF THE LIBRARY WITH CITATIONS FROM SENATOR DAYLIN LEACH AND REPRESENTATIVE TIM BRIGGS

The Board of Supervisors recognized Mr. Helicher's 37 years of service to the community and the Library. Mr. Helicher was presented with certificates of appreciation from Senator Daylin Leach and Representative Tim Briggs. Supervisor Kenney presented Mr. Helicher with a proclamation on behalf of the Board of Supervisors. Mr. Kraynik announced the appointment of Laura Arnhold as the new Library Director, who was previously the Children's Librarian.

CONSENT AGENDA RE:

1. Approval of a Utility Licensing Agreement with ExteNet Systems, Inc. for a telecommunications tower at the Upper Merion Community Center
2. Equipment Replacement Request re:
 - a. IT Department – Replacement of PC's, Servers and Network Equipment which is currently older than 5 years - \$20,000
3. Approval of the 2017 Budget Guidelines
4. Approval of ARRO Professional Services Agreement re: Sanitary Sewer Standard Specifications - \$7,795.00
5. Approval of T&M Associates Professional Services Agreement re: Upper Merion Township Various Bridge Repair Project - \$79,900.00

6. Authorization to Sign Settlement Stipulation re: 588 Associates, LP v. Board of Assessment Appeals of Montgomery County and Upper Merion Area School District, et al.
7. Resolution 2016-31 re: Adoption of the Articles of Incorporation of the Upper Merion Municipal Utility Authority to change the Authority's name and expand the Authority's purpose. (*voted on separately*).
8. Appoint the firm of Spector, Gadon & Rosen as special solicitor for Township vs. Valley Forge Inc.

Board Action:

It was moved by Mr. Philips, seconded by Mrs. Kenney, all voting "Aye" to approve Consent Agenda items 1, 2, 3, 4, 5, 6 and 8 as submitted. None opposed. Motion approved 4-0.

Mr. Kraynik discussed Item 7 of the Consent Agenda. He stated a few years ago legislation was signed into law in Harrisburg expressly authorizing the creation of municipal stormwater authorities. Early last year the Municipal Utility Authority came before the supervisors at a workshop meeting and discussed the idea of expanding its sanitary sewer role to assume stormwater management responsibilities and dealing with stormwater issues on a township-wide comprehensive basis. These discussions occurred because of the new MS4 requirements and the amount of flooding and stormwater issues in the township. It was noted in 1995, a study was commissioned to look at stormwater management issues and potential remedies township wide.

Mr. Rob Loeper, Township Planner, stated the Gannett Fleming 1995 study looked at each of the individual watersheds within the township. Data was collected to look at stormwater management including culverts and drainage channels as well as land uses within the township. There was also extensive public outreach to identify locations where stormwater related issues were experienced. As a result of the 1995 study, a number of projects were documented throughout the township by watershed. The capital improvement cost for the projects was \$6.8 million dollars (in 1965 dollars) and there was an additional \$2.7 million in other associated projects. Quite a few of the projects have been done but many were deferred for a variety of reasons. It is anticipated the new study will take a similar approach and look at stormwater from a comprehensive standpoint to determine the needs of the township. Mr. Loeper pointed out one of the outcomes of the original study was a whole new series of stormwater regulations were implemented by the township that are more stringent than the ones recommended in the Gannett study.

Mr. Jenaway reported an \$85,000 grant has been obtained to restore the retention basin (commonly referred to as "the pond") to the rear of the Township Building.

Mr. Jenaway stated the supervisors in recent years have been extremely diligent in making sure stormwater is handled responsibly to prevent adverse impacts to the general population. When someone builds a building which they can do by right on their own property they must adhere to certain stormwater retention provisions.

Mrs. Kenney reported on a seminar regarding MS4 stormwater issues she attended about two years ago at Villanova University with the township manager, township staff and many members of the sewer authority. The seminar focused on various aspects of the MS4 provisions and the role of municipalities in adhering to this mandate from the federal government. It also clarified the state's legislative role in approving the establishment of an authority.

Mrs. Kenney commented on the “to do” list in the 1995 study. She said when the new study is done it would be helpful to have the projects prioritized as was done in the previous study.

Mr. Waks stated he views stormwater the biggest municipal environmental challenge that not only our municipality but many other municipalities face in the Commonwealth. He said what is being developed and what has been developed recently often comes in with vastly superior stormwater management programs and projects. Mr. Waks pointed out the concept of stormwater management has evolved over the years to a point where it is now an integral part of the development process.

Mr. Waks said he has faith in the people who have been appointed to the Upper Merion Sanitary and Sewer Authority and he encouraged everyone to pay close attention to what they do over the next few weeks, months, and years to deal with some of our stormwater problems.

Mr. Philips provided some examples of the older parts of the township where intersections are flooded during severe storms. He said the new authority with their expanded stormwater role will provide an opportunity to identify and correct some of the deficiencies throughout the township. Mr. Philips emphasized water will be our most precious commodity going forward and we need to do everything we can to replenish the aquifer. What used to go back into the ground to recharge the aquifer now goes into stormwater. He said this is an environmentally friendly issue and a homeowner friendly issue in terms of maintaining and ensuring damage does not occur because of floods that are manmade.

Mrs. Kenney mentioned over the past two years there was much discussion during sewer authority meetings whether to have two separate authorities or combine into one existing authority. It was decided not to create a new authority for stormwater but rather incorporate stormwater issues into the already existing authority and just change the name of the authority to reflect its expanded role.

Mr. Jenaway stated stormwater management is extremely important given the limestone deposits in the township. He said if we can better manage the way water moves we will better understand where the potentials for sinkholes and various other types of openings are going to occur. Mr. Jenaway mentioned in his many years as a fire officer in this township he went to many water rescues. He noted those water emergencies have actually reduced over the past couple of years. One of the reasons is the township has been working with PennDOT on all of the roadway upgrades to make sure water can move off the roads much faster. In addition, the public works crew has been doing a good job clearing the various drains before rain storms occur.

Mr. Jenaway commented the implementation of stormwater management efforts in Pennsylvania occurs at the community level because individual municipalities are ultimately responsible for adopting zoning ordinances. There are land development regulations and other programs to keep their localities runoff under control. Mr. Jenaway said proper planning for stormwater can accomplish this goal while speeding the permitting process and saving on construction costs with projects that enhance the community in many ways.

From the Public:

Michael Napolitan, Garrison Way, asked the Board of Supervisors to table the Resolution and publish the study and information regarding the Upper Merion Sanitary and Stormwater Authority before taking final action. Mr. Napolitan also had other comments on this issue which were clarified during the business meeting by various supervisors.

Board Comment:

Prior to taking final action on the Resolution, Mr. Jenaway mentioned the resolution does nothing more than provide the Upper Merion Sanitary and Stormwater Authority permission to move forward and look at the issues relative to stormwater. It was noted there is nothing in the resolution about the establishment of a rate of any type.

Mr. Jenaway stated the Commonwealth of Pennsylvania has established authorities across the state for this and other purposes and authorities work extremely well. Mr. Jenaway stated the Upper Merion Township authorities are, in fact, models for other municipalities across the state.

Board Action:

It was moved by Mr. Philips, seconded by Mrs. Kenney, all voting "Aye" to approve Resolution 2016-31 as submitted. None opposed. Motion approved 4-0.

PUBLIC HEARING RE: REQUEST FOR INTERMUNICIPAL TRANSFER OF LICENSE TO URBN KOP PAVILION LLC – RESOLUTION 2016-32.

Mr. Joseph McGrory, Township Solicitor, opened the hearing and introduced into the Record Board Exhibit #1, letter to the township dated June 27, 2016 requesting a liquor license transfer hearing; Board Exhibit #2 legal notice of this public hearing; Board Exhibit #3 Proof of Publication showing advertisements on July 20 and July 27, 2016; and Board Exhibit #4 proposed Resolution of Approval of the license transfer.

Francis X. O'Brien, attorney for the applicant, stated URBN KOP Pavilion is owned by Urban Outfitters, a very well-known large general retailer who has entered into a restaurant business. Earlier this year URBN purchased the sixth Vetrie Pizzeria in Philadelphia. URBN is proposing to take over its own area within part of the King of Prussia Mall and place the restaurant operated under the Vetrie Pizzeria name within a cluster of an existing Urban Outfitters Store, Free People Store and Anthropologie Store.

Mr. O'Brien indicated his clients' business plan and the operation of the restaurant require a liquor license. A beer only license is the only license they have been able to find for purchase. It was noted with passage of Act 39 effective August 8, 2016, the Pennsylvania Liquor Control Board began accepting requests for various new licenses and permits. URBN will be able to convert the beer license to a restaurant liquor license and is seeking approval from the Board of Supervisors for the proposed inter-municipal transfer of a restaurant liquor license.

Mr. Ken Nemeth, senior development manager for Urban Outfitters, was sworn in and confirmed the Offer of Testimony presented by his counsel.

Mr. Jenaway asked where the liquor license is coming from. Mr. Nemeth responded the license is coming from Abington Township, Montgomery County.

Mr. Philips asked for clarification about how the restaurant will function within the cluster of stores. Mr. Nemeth responded the pizzas will be cooked off to the side of the restaurant where food will be ordered for takeout or taken to the eating area. A bar is located in an enclosed area in the middle of the store cluster which is actually a leased common area in the middle of the mall corridor.

Mr. Philips asked about the number of seats. Mr. Nemeth responded there will be seating for 80 people.

Mrs. Kenney asked when the restaurant will open. Mr. Nemeth responded the opening is anticipated October 27, 2016.

Hearing and seeing no further comment from the Board of Supervisors or public, Mr. McGrory closed 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:

It was moved by Mr. Philips, seconded by Mr. Waks, all voting "Aye" to approve Resolution 2016-32. None opposed. Motion approved 4-0.

PUBLIC HEARING RE: REQUEST FOR INTERMUNICIPAL TRANSFER OF LICENSE TO MISTRALKOP, LLC – RESOLUTION 2016-33

Mr. McGrory opened the hearing and introduced into the Record Board Exhibit #1, letter to the township dated July 21, 2016; Board Exhibit #2 legal notice of the public hearing; Board Exhibit #3 Proof of Publication showing advertisements on July 23 and July 28, 2016; and Board Exhibit #4, proposed Resolution for approval of the liquor transfer.

Mr. Jonathan A. Jordan, Riley Riper Hollin and Collagreco on behalf of MistralKOP, stated his client has entered into a lease for the first floor of the King of Prussia Mall underneath the Grand Lux Café. Steve Distler is a co-owner of Mistral and is seeking an inter-municipal transfer of a restaurant liquor license from La Cocina Gordita in Skippack Township to a space in the King of Prussia Mall.

The supervisors were provided with a sample menu from Mistral in Princeton which is also owned by Steve Distler and his Executive Chef Scott Anderson. They own two highly acclaimed restaurants in Princeton one is Mistral and the other is Elements. Both restaurants have been on New Jersey's Best 25 restaurant list as published by *New Jersey Monthly* magazine for the last several years. Chef Anderson has been a semifinalist for the last four years for the James Beard Foundation's best chef. Mistral in King of Prussia would be a similar concept to Mistral in Princeton.

The Mistral menus will be chef driven and their concept is to have Michelin quality chefs. Mistral would be a contemporary small plate sharing restaurant. The bar will feature eclectic craft cocktails and a full array of wine, beer and spirits. The current plan is for the restaurant to be open from 11 a.m. to 10 p.m. Sunday through Thursday and 11 a.m. to 11 p.m. Friday and Saturday, but those hours are subject to change.

The manager and all persons serving alcohol will receive Responsible Alcohol Management Program training from the Liquor Control Board.

The restaurant will contain approximately 3,700 square feet of indoor floor area and have seating for 111 including an 18 seat bar. There will be outdoor seating for 48 patrons. The restaurant will have approximately 45 employees. Estimated sales revenue from alcohol will be approximately 25% and this will be subject to change. There will be no dancing or live entertainment.

Mr. Stephen Distler, owner of Elements and Mistral, was sworn in and confirmed the accuracy of his attorney's statements.

Mr. Jenaway asked for confirmation that the Mistral restaurant will be located underneath the Grand Lux Café in the former Citizens Bank location. Mr. Distler responded in the affirmative.

Mrs. Kenney asked for clarification about the outdoor seating and if there would be any kind of buffer or visual barriers. Mr. Distler responded there would be about 1,000 feet of patio space and visual barriers are being discussed with Simon Properties. He said there may be planters and a railing.

Mrs. Kenney asked if there would be tables with umbrellas or awning. Mr. Distler responded tables with umbrellas are planned, but nothing would be affixed to the building.

Mr. Waks mentioned he is familiar with the Mistral in Princeton, New Jersey and assumes the Mistral in King of Prussia may not have the same menu. Mr. Distler responded it will likely not be the same. He said unlike the typical restaurant group the Mistral idea is to get very high quality chefs and provide them with the freshest and best ingredients and let them do what they do best. The similarities are that it will be a small plate sharing restaurant with contemporary international American flavors.

Mr. Waks asked about the scheduled opening for Mistral. Mr. Distler responded their opening is anticipated in early 2017.

Hearing and seeing no further comment from the Board of Supervisors or public, Mr. McGrory closed 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:

It was moved by Mr. Philips, seconded by Mrs. Kenney, all voting "Aye" to approve Resolution 2016-33. None opposed. Motion approved 4-0.

CONDITIONAL USE HEARING RE: LOSTY SUBDIVISION, 231 MATSONFORD ROAD; 10.35 ACRES, 7 RESIDENTIAL LOTS (1 EXISTING) AND 3.26 ACRES OF OPEN SPACE, R-1A SINGLE FAMILY CLUSTER OVERLAY Plan Expiration: 8/31/16

Mr. McGrory opened the hearing and introduced into the Record Board Exhibit #1 application for conditional use received by the township on July 6, 2016; Board Exhibit #2 the legal notice; Board Exhibit #3 Proof of Publication showing ads on July 21 and July 28, 2016; Board Exhibit #4 letter to the Upper Merion Planning Commission dated July 20, 2016; Board Exhibit #5 letter to the Montgomery County Planning Commission dated July 20, 2016; Board Exhibit #6 an affidavit of posting signed by the Township Planner attesting the parcel was posted on July 27, 2016; Board Exhibit #7 a series of 29 letters to property owners in the vicinity of the property.

Stephen H. Kallis, Fox Rothschild, representing the applicant, stated James and Carolyn Losty are the record owners of the property, at 231 W. Matsonford Road in Upper Merion Township. He said the Lostys have an application and a company plan for subdivision and land development approval that is pending in the township. The plan calls for the property to be subdivided into seven lots with one lot being the existing homestead and six additional new lots which will contain carriage style homes along with several acres of open space. The most recent version of the plan was viewed by the township's planning commission during a meeting held on June 22, 2016. Following a review of the plan together with all review letters generated and referenced and admitted as exhibits by the Township Solicitor the planning commission unanimously recommended preliminary and final approval of this plan which depicted the utilization of the cluster overlay district as provided for in the township's ordinance. The applicant is formally seeking approval from the Board of Supervisors to utilize as a conditional use the cluster development overlay in connection with this pending plan. Mr. Kallis said he is joined at this hearing with Mr. Art Bosler from Czop Spector who is the project engineer and

Mr. Ed Mahoney, the proposed builder for this project along with Mrs. Carolyn Losty who with her husband Jim are the applicants in connection with this project.

Mr. Arthur Bosler was sworn in and found to be qualified to testify as an expert. Highlights of Mr. Bosler testimony are as follows:

- Mr. Bosler is the engineer overseeing the Losty Subdivision project and assisted in the preparation and submission of the application for land development approval.
- The application seeks as a conditional use utilization of the township's cluster overlay district.
- Total acreage of the property is slightly under 10 acres and the slope of the property goes back to Gulph Creek. There are wetlands and woodlands in the area as well as the existing structure which is one of the more historically significant properties in the county.
- Record plan shows an approximate 10 acre site with a subdivision of 7 different lots one of which is the existing dwelling.
- Property accessed by a cul-de-sac coming off Matsonford Road which is located toward the corner of the property and away from the homestead. This is done in order to preserve the historic integrity of the existing home and out buildings as well as to preserve wetland and woodland areas located near the property.
- in order for the applicant to be granted approval for conditional use for the cluster development overlay it must meet the eligibility criteria as outlined in the ordinance.
- The subdivision and land development application was filed on behalf of the Lostys as the record owners and the entire tract would be developed in accordance with the approved plan.
- Although the applicant is seeking approval of conditional use, the property in its current condition is one that would allow for development of at least five dwellings on the property.
- The plan submitted calls for all homes to be serviced by public water and sewer.
- In this particular project the flood plain is on at least 25% of the tract. In addition the property at issue is an irregular tract; uses of which make the development according to conventional methods or lot patterns difficult or undesirable.
- the plan satisfies the eligibility criteria as outlined in the township's ordinance.
- Upper Merion Planning Commission unanimously recommended preliminary and final approval of the project and took into consideration the utilization of the cluster development overlay and further unanimously supported approval of this conditional use application.
- the conditional use is in accordance with the township's comprehensive plan.

- the conditional use is consistent and harmonious with the design character and appearance and intended character and quality of the development of the immediately surrounded community.
- The conditional use project will be serviced by all public utilities and be properly designed with regard to internal circulation, parking, building relationships, landscape architecture, access, buffering and energy efficiency.

Mr. Jenaway observed the location of the barn is positioned differently from when the Board of Supervisors reviewed the plan at a recent workshop meeting. Mr. Bosler responded a very minor adjustment was made to the alignment of the cul-de-sac which did not have any impact on the lot patterns. The cul-de-sac was moved; not the barn.

Mrs. Kenney asked for an explanation of the partial waiver of the requirement to reduce the 10-year post development flow to the two year pre-developed rate. Mr. Bosler responded the applicant no longer requires the waiver since it has been satisfied. The applicant worked with the Township Engineer and made some adjustments, so that the waiver is no longer needed and will be taken off the plan prior to the request for preliminary final plan.

Mrs. Kenney indicates she would still like to know what the waiver means even though it has been satisfied. Mr. Bosler responded after all the houses are built and the road is installed the ten year runoff cannot exceed the two year which is a much lighter storm predevelopment runoff. In the case of this tract, two-thirds is in a flood plain. Employing Best Management Practices the applicant was able to capture enough to meet the stormwater requirement. There will be a wetland basin with recharge so that no water will be released up and beyond the 10-year storm. At that point a little water will go over the spillway directly into the creek but that will be diminished by the size of the spillway so that all storms will be 10% less than they were in predeveloped state from what they are now after all development takes place.

For the benefit of the audience and those viewing at home, Mr. Waks asked Mr. Loeper to explain the R-1A zoning. Mr. Loeper responded R-1A is a single family residential district and under a normal subdivision has a one acre lot minimum. The cluster overlay provision allows certain criteria to be met to develop in a manner consistent with the R-1A; however, many of the dimensional requirements are changed. The purpose of the cluster overlay as seen on the plan is to preserve more open space.

Mr. Waks asked if a determination has been made as to the median price for some of the proposed homes. Mr. Kallis responded in the negative.

From the public:

Richard Dougert, Trinity Lane, asked if any sidewalks are associated with this development. Mr. McGrory responded generally a conditional use hearing does not address the sidewalk issue and this would come up during land development. Mr. Kallis commented it was listed as a waiver on the application when the applicant appeared before the planning commission. He said the planning commission unanimously recommended support of the sidewalk waiver for which they are still seeking approval.

Mr. Philips noted the plan calls for sidewalks in front of the houses but not along Matsonford Road.

Hearing and seeing no further comment from the Board of Supervisors or public, Mr. McGrory closed the hearing and indicated the Board of Supervisors will be voting within 45 days.

CONTINUANCE OF CONDITIONAL USE HEARING RE: O'NEILL
PROPERTIES GROUP; 2901 RENAISSANCE BOULEVARD; 300-UNIT MF
RESIDENTIAL BUILDING; 10.928 ACRES, SM-1 (continued from July 21, 2016)

Mr. Joseph McGrory, Township Solicitor, opened the continued hearing and stated the last meeting concluded with the protestant's cross examination of the applicant's traffic engineer. Mr. McGrory asked if the Board had any questions regarding the traffic engineer's testimony.

Mr. Waks stated Mr. McGrory addressed some of the questions he was going to ask at the last meeting one of which was the difference between the 2010 and the more recent 2016 traffic study. It was noted at the last meeting the 2010 traffic study focused on office buildings as opposed to the more recent 2016 traffic study which focused on residential and as such are not comparable. Mr. Tavani provided additional detailed clarification about the protestant's exhibits P3 and P8.

Mr. Waks said there were comments at the last meeting about people possibly getting lost and asked if the applicant has given thought to directional signs to the train station. Mr. Tavani responded in the affirmative. He said in his previous testimony he stated the people who use the train station to some extent are habitual users and once they learn where the parking is would remember how to get there. For those who are not habitual users some measure of wayfinding signage would be appropriate.

Mr. Waks asked about people using the technology on their smart phone. Mr. Tavani responded his cell phone shows the train station and imagined if the parking lot would be designated as part of the train station there is probably a way to incorporate and footnote that information as part of the train station.

Mr. Philips asked if Mr. Tavani is of the opinion that the number of cars and the number of trips that will be added by this development would not adversely impact the neighborhoods. Mr. Tavani responded in the affirmative. He said his response is based not only because of the number but because of the direction of traffic flow, especially relative to the direction of existing traffic flow entering and exiting the two driveways currently serving the park.

Mr. Philips asked if there would be complaints from the residents of Swedeland and Hughes Park about people driving through their neighborhood. Mr. Tavani responded in the negative. He said during the AM peak hour when people are trying to leave this lot they will be met with no resistance from the two driveways serving the park because most of the traffic will be entering at that time. People leaving this apartment building will probably get right to the head of the queue easily and serviced by the traffic signals on the very next opportunity.

Mr. Philips asked what the trip generation analysis revealed as the primary route to get into the park. Mr. Tavani responded about 34% or one third of the traffic would be coming from either the east or west on Church and a little more than 50% from PA 320 with the balance coming from feeder roads off to the side such as Crooked Lane to and from the north above Church Road.

Mr. Philips asked if Mr. Tavani's analysis is that most of the people will be coming off of PA 320. Mr. Tavani responded in the affirmative.

Mr. Philips asked if it would be Mr. Tavani's recommendation to prevent parking along Yerkes and force commuters to use the parking lot. Mr. Tavani responded he did not study the current parking demands along Yerkes Road and would not be in a position to advocate for a prohibition or any other changes. He said once the motorist realizes there is a secure parking opportunity they would feel more secure there rather than parking on the street.

Mr. Waks asked if parking meters along Yerkes would act as a disincentive when there is free parking in a lot. Mr. Tavani responded in the affirmative. He said there could also be signage for two-hour parking.

Mrs. Kenney asked for clarification about Mr. Tavani's comments at the previous meeting regarding options for disbursing traffic. Mr. Tavani responded any traffic impact assessment or traffic impact study is to determine if there is an impact by a proposed use. He explained his exhibit attempted to identify given the nature of traffic volumes and patterns, there is a very *de minimis* impact especially to the site driveways. The only impact that is to any degree noticeable or measurable is at off-site intersections. Mr. Tavani said if a land use is contemplated that adds traffic to the least impacted turning movements at two site driveways that currently exist and a measurable drop in performance cannot be identified at those two existing driveways because of the counter flow nature of use, then it is necessary to consider what is gained by adding a third or fourth access. Doing so could be at the expense of some other negative consequences such as introducing non-residential traffic into a residential community. Mr. Tavani indicated he does not advocate or believe it is necessary to suggest a third access as part of this proposed development.

Mrs. Kenney asked for clarification about Mr. Tavani's testimony from the last meeting regarding the route for those coming from South Gulph Road. Mr. Tavani responded his recollection of the last meeting was the protestant's counsel gave the example of traffic originating from the south and heading north. Mr. Tavani said he failed to identify last week that it is more likely anyone coming from the south probably would not use this train station but would use instead the station in the immediate vicinity [Gulph Mills]. Mr. Tavani pointed out people from the south would probably be disincentivized from going to the subject train station. With regard to adding to traffic, Mr. Tavani said it would be the same number of cars whether a car is continuing along Crooked and going directly to the train station or continuing up PA-320 and going into the park. He said from the perspective of either travelers along or residents near Crooked Lane it is actually a benefit to have the traffic go into the office park to use the parking lot.

Mrs. Kenney asked about the efficiency for the driver. Mr. Tavani responded it is hard to speculate with any certainty about what the overall length of this trip is for this motorist. He said it is probably relatively close, but these are relatively finite distances with an average speed of 30 miles per hour. Adding another 1,500 feet to what might be a two or three mile trip is not a meaningful difference in terms of time or distance for an average motorist. Mr. Tavani said to keep in mind we are focusing heavily on traffic to the south and there could be other opportunities where the parking lot as it is proposed actually results in a shorter trip for certain motorists such as those who live to the north and want to use this train station. For those motorists it is a shorter trip for them to come into the park and use the parking lot than to continue along Crooked Lane and park somewhere in the community or along Yerkes. Mr. Tavani summarized on balance some trips will be longer and some will be shorter and in both cases it is probably not meaningful.

Mr. Jenaway asked about the intersections that could benefit from modifications to signal timing as referenced at the last meeting. Mr. Tavani responded slight modifications of the existing timing patterns are warranted at the intersection of Church Road and Crooked Lane at PM peak and South Gulph Road and Crooked Lane at PM peak.

In view of the adaptive timing system, Mr. Jenaway asked if Mr. Tavani looked at the entire system up and down Gulph Road. Mr. Tavani responded in the negative.

Mr. Jenaway observed noon time traffic in the Gulph Road/Henderson Road corridor is as bad as morning and night. He suggested going forward

consideration should be given to noon time traffic studies for projects in that area in that area.

Mr. Jenaway stated SEPTA should be brought into these discussions at some point about modifications they could make and be part of the long term solution.

From the Public:

Denise Rathore, Philadelphia Avenue, asked questions about noise control on Crooked Lane and he was informed traffic studies do not take into account traffic noise.

Patricia Cunnane, White Avenue, asked about access to Gulph School using Henderson Road, and was informed none of the studies mentioned at this hearing or the more recent review prepared by the township's traffic engineer made specific reference to the school.

Pete Ciaramello, Philadelphia Avenue, offered comments about the parking lot.

James Carracappa, Jr., Edgewood Road, asked if Mr. Tavani's study took into account just the impact of the proposed apartment building or if it takes into account the apartment plus any other vehicles entering Renaissance that may use the third access. Mr. Tavani responded this is something that was included in his executive summary where it indicates how traffic could potentially triple along Crooked Lane if the third access was actually built. He said a detailed analysis has not yet happened because the impact of the proposed apartment is negligible at the driveways. Recognizing there is already acceptable performance there is no need to make the third connection and introduce the non-residential traffic into the community.

Rick Boyer, Lawndale Avenue, asked a series of questions about the opening of a third access, some of which Mr. Tavani discussed in previous testimony. Mr. Tavani stated opening the third access would potentially triple existing volumes in the area and introduce a component of non-residential traffic into a residential area. Mr. Boyer asked if having more local parking on Yerkes Road would be a closer option for potential commuters than a parking lot in Renaissance. Mr. Tavani responded it would depend where the parking took place on Yerkes as some could be closer and some could be farther. Mr. Boyer said there is a lot of foot traffic on the road and not necessarily on the sidewalk and providing a sidewalk and curbside parking option directly next to the train would be better than having a new construction and limited access.

Mark McKee, Jones Road, asked a series of questions attempting to establish the distance one would travel from the train station to the parking lot via various scenarios. Mr. Tavani indicated many of these issues were addressed in previous testimony.

Mr. McKee asked why the intersections of Yerkes and Shoemaker or Henderson and Shoemaker were not studied. Mr. Tavani responded the reason why it is unnecessary to study these intersections and the reason why he said he would not do so is because he believes his report aptly summarizes how the impact of the proposed use is minimal not only to the two existing points of access but also to the other five intersections surrounding the park. He stated with that established any further study of other off site intersections appears unnecessary.

Cathy Middleton, Winding Way, mentioned the "sloppy" parking situation at the train station. Mr. Philips responded the township has raised that issue with SEPTA and some of it has to do with their right-of-way and private property.

Rob Erickson, Lawndale Avenue, discussed the diversion of traffic into the Renaissance Office Complex off of Crooked Lane. He said this proposed realignment forces existing through traffic to make a left turn in the vicinity of Philadelphia Avenue and instead the main street becomes a “swoosh” into the park. The traffic that wants to enter Renaissance continues along and traffic that wants to continue on Crooked is sent into a left turn lane. Mr. Erickson asked about the approximate stacking distance of the left turn lane. Mr. Tavani responded it is minimal and estimated it would be two car lengths. Mr. Erickson said if this “swoosh” were created three quarters of the traffic on Crooked Lane would be forced to queue up into this left turn lane and then try to make a left hand turn against opposing traffic coming out of the Renaissance complex.

Mr. Jenaway asked about the date on the “swoosh” diagram exhibit. Mr. Tavani responded it appeared to be April 12, 2001. Mr. Jenaway said the fact that it was 2001 is well before this project and pointed out there is no parking lot on the diagram itself; therefore the assumption in 2001 would have been to drive right into Renaissance Park. Mr. Jenaway said there is also no pedestrian walkway and no train station to consider since that would have been all pre-TOD ordinance. Mr. Jenaway asked for Mr. Tavani’s opinion if this would invalidate the idea there was a parking lot anticipated here because there was nothing indicated where people could get to the train station. Mr. Tavani responded in the affirmative. Mr. Jenaway said now people would have to walk across four lanes of traffic instead of two lanes of traffic. Mr. Tavani responded that is possible.

Mr. Jenaway asked if Mr. Tavani in his capacity as traffic engineer would have the local police traffic safety unit involved in evaluating and rendering an opinion since people will be walking approximately 750 feet to the train station. Mr. Tavani responded in the affirmative.

While reserving the right to have rebuttal witnesses, Mr. Campbell indicated he does not anticipate any other live witnesses and would like to leave the record open for the purpose of clarifying some exhibits. He said there were citizens who asked questions about an environmental witness and he would like to dialog with that citizen and submit a supplemental letter resolving those questions.

Mr. McGrory stated when the hearing continues on September 15th the protestant’s attorney will start with their case.

ACCOUNTS PAYABLE & PAYROLL:

Board Action:

It was moved by Mr. Waks, seconded by Mrs. Kenney, all voting “Aye” to approve the Accounts Payable for invoices processed from July 14, 2016 to August 1, 2016 in the amount of \$525,996.28 and the Payroll for July 15, 2016 and July 29, 2016 in the amount of \$1,533,445.77 for a total of \$2,059,442.05. None opposed. Motion passed 4-0.

ADDITIONAL BUSINESS

GOOD NEWS RE UPPER MERION POLICE PENSION PLAN

Mr. Waks announced the results of the 2016 distress determination from the Pennsylvania Public Employee Retirement Commission. The Upper Merion Township Police Pension Plan received a distress score of zero and is 95% funded which indicates it is in great shape. Mr. Waks expressed appreciation to the Pension Advisory Board for their good work and diligence in fulfilling their fiduciary responsibilities.

SULLIVAN'S BRIDGE OPENING

Mr. Waks announced the official opening celebration and ribbon cutting for the new Sullivan's Bridge over the Schuylkill River in Valley Forge National Historical Park will take place on Friday, August 19th. The new pedestrian bridge will replace the old wooden bridge that was connected to US 422. Additionally the pedestrian and bicycle bridge will also function as an emergency access bridge if needed and will provide another way for them to cross over U.S. 422.

KING OF PRUSSIA MALL CONNECTOR

Mr. Waks mentioned the King of Prussia Mall Connector opening is scheduled for Thursday, August 18th. He said this expansion will provide hundreds of jobs to people who live in the area and hundreds of thousands of dollars in added revenue to our township, school district and county.

STATEWIDE MUNICIPAL PENSION REFORM HEARING

Mr. Jenaway commented Upper Merion Township hosted a statewide municipal pension reform hearing in Freedom Hall [October 1, 2015] with the Pennsylvania House and Senate. He had the opportunity not only to welcome members of the House and Senate that day but to provide testimony on behalf of Upper Merion Township. Mr. Jenaway's main message was that whatever is done to bolster failing and weak pension plans should not be done at the expense of strong plans like that in Upper Merion.

SOME RELIEF FOR DRIVERS ALONG U.S. 202 IN CHESTER COUNTY

Mr. Jenaway reported PennDOT has opened to six lanes the 2.5 mile stretch of U.S. 202 coming from Chester County into Upper Merion. This will be welcome news to the 7,535 people who drive into Upper Merion every day.

UPPER MERION COMMUNITY CENTER OPENING

Mr. Jenaway stated the opening date of the Upper Merion Community Center has been announced. The ribbon cutting event will take place on Monday, September 5th from 1 p.m. to 3 p.m. The official opening date is Tuesday, September 6th at 5 a.m.

ERRATA NOTICE

Mr. Jenaway corrected various incorrect statements that took place during the public comment portion of the meeting. He also encouraged residents to keep informed of township happenings by attending the public meetings which are listed on the township website.

NEW CHIEF PUBLIC INFORMATION OFFICE

Mr. Jenaway announced Allison Pimm is the new Chief Public Information Officer and will be making some recommendations on the communication process.

ADJOURNMENT:

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

DAVID G. KRAYNIK
SECRETARY-TREASURER
TOWNSHIP MANAGER

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Minutes Approved:
Minutes Entered