

UPPER MERION TOWNSHIP BOARD OF SUPERVISORS
JANUARY 11, 2018

The Board of Supervisors of Upper Merion Township met for a Business Meeting on Thursday, January 11, 2018, in Freedom Hall, in the Township Building in King of Prussia. The meeting was called to order at 7:44 p.m., followed by a pledge to the flag.

ROLL CALL:

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

MEETING MINUTES:

It was moved by Mr. Jenaway, seconded by Mrs. Kenney, all voting "Aye" to approve the December 7, 2017 Workshop Minutes; December 7, 2017 Business Meeting Minutes and January 2, 2018 Reorganization Meeting Minutes as submitted. None opposed. Motion approved 4-0.

CHAIRMAN'S COMMENTS:

Chairman Philips stated an Executive Session was held prior to this meeting regarding potential litigation. It was noted Mrs. Spott's absence is due to urgent family issues.

NEW BUSINESS

SWEARING IN OF PROMOTED POLICE OFFICERS BY JUDGE MARUSZCZAK

Police Chief Tom Nolan stated in November 2016 the Upper Merion Township Police Department conducted a promotional testing process to fill anticipated openings that would be occurring in the Police Department due to retirements. The list was established and used for promotions in 2017 and now in 2018. Although the formal swearing in ceremony for the next group from that list as well as an appointment to the captain position is occurring at this business meeting these promotions will not take effect until 4 p.m. on January 19, 2018. The promotions are due to the retirement of Captain Chris Bird, Sgt. Ken Steinhofner, Officer Harry Nuskey and Detective Steve Geckle. It was noted these retirements represent a loss of 120 years of collective experience.

After Chief Nolan provided a biographical sketch for each officer, District Justice William Maruszczak officiated at the swearing-in ceremony for the following officers: Detective Blaine Leis to be promoted to Corporal, Officer Jared Reiner to be promoted to Corporal, Corporal David Gershanick to be promoted to Sergeant, Corporal Drew Miller to be promoted to Sergeant, and Sergeant Jeremy Johnson to be promoted as Captain.

SWEARING IN OF THREE NEW POLICE OFFICERS BY DISTRICT JUSTICE WILLIAM MARUSZCZAK

Police Chief Nolan stated in anticipation of upcoming retirements the Upper Merion Police Department began a recruitment campaign for new officers in February 2017. This recruitment effort took place at several college campuses throughout the tri-state area and resulted in 232 applicants for the position of police officer in Upper Merion Township. Chief Nolan stated the Upper Merion Police Department has set very high standards for candidates to meet before

they are considered for hire with the department. After going through the selection process for several months an eligibility list was established and the next three new hires from that pool began their employment with the Upper Merion Police Department on January 8, 2018 and are currently assigned to field training.+

After Chief Nolan provided biographical information for each new officer from this eligibility list, Nicholas Vuotto, Justin Mains and Andrew Moll were sworn in by District Justice William Maruszczak.

Mr. Philips reflected on his personal experience as a military officer in charge of promotions and the great satisfaction he received pinning on the next rank for enlisted personnel as they progress through their career. He also recognized such accomplishments are due in large measure to their family support and sacrifice. On behalf of the Board of Supervisors, Mr. Philips welcomed the new officers and congratulated all the police officers recognized at this swearing in ceremony.

CONSENT AGENDA RE:

1. Resolution 2018-3 re: Appointing Sergeant Brendan Brazunas as Emergency Management Coordinator
2. Approval of Second Supplemental Sewer Agreement with Bridgeport Borough for a Sanitary Sewer Connection
3. Budget Transfers for the Police Department re:
 - a. Additional personnel entitled to clothing allowance - \$4,250.00
 - b. Additional costs from Comcast to run lines to the new police sub-station at the Village at Valley Forge - \$2,150.00
4. Accept Deed of Dedications for Right-of-Way re:
 - a. Resolution 2018-8 re: Realen Valley Forge Greenes Associates. Dedication of roadway resulting from improvements made at Village Town Center – North Warner at North Gulph Roads, 0.01 acres (533 square feet)
 - b. Resolution 2018-9 re: Realen Valley Forge Greenes Associates. Dedication of roadway resulting from improvements made at Village Town Center – North Warner at Swedesford Roads, 0.13 acres (13,508 square feet)
 - c. Resolution 2018-7 re: Acceptance of Deed of Dedication for 40 foot wide Right-of-Way on North side of FedEx Distribution Facility
5. Senate Bill 653 – Approve Letter of Opposition to proposed Bill 653 to consolidate the collection of all 511 taxes
6. Approve Change Order re: Community Center lower level renovations – net reduction in the amount of \$3,035.00
7. Approve Change Order re: Township Building Roof Project – net reduction in the amount of \$6,354.31
8. Resolution 2018-4 re: Approval of PennDOT Traffic Signal System Management Agreement
9. Motion to Amend the order granting Conditional Use approval for 2901 Renaissance Boulevard to require deeds of dedication at the time of plan release

10. Accept Extension Letters re:

- a. Francis E. Schultz, Jr. Development Plan: 541 Flint Hill Road. Construction of a 40,000 SF one-story building for recreational use and warehousing and paved parking for 116 vehicles along with a loading area. LI – Limited Industrial, 7.11 acres
- b. Brandywine Properties Development Plan: 500 N. Gulph Road. Building modifications resulting in approximately 2,000 SF of additional office space, one level parking deck, SM District, 4.5 acres
- c. Park Ridge Hotel Development, LP Development Plan: 480 N. Gulph Road. Construction of freestanding 120 unit hotel. Plan approval part of 2010 plan which reduced the number of rooms in the existing hotel. 8.5 acres, SM
- d. Mao Shu Zeng Subdivision Plan: 155 Hughes Road. Residential subdivision 2-lots 1 existing dwelling. 3.15 acres, R-1A
- e. Workhorse Brewing Development Plan: 250 King Manor Drive. Renovation of 50,000 SF of warehouse space into brewery and tasting room and construction of 132 new parking spaces. 7.16 acres, HI
- f. GSK – Building 40 Development Plan: 709 Swedeland Road

11. Resolution 2018-10 re: Reestablish terms for the Zoning Hearing Board

Board Action:

It was moved by Mr. Waks, seconded by Mrs. Kenney, all voting “Aye” to approve the Consent Agenda as presented. None opposed. Motion approved 4-0.

UPDATE BY THE VALLEY FORGE TOURISM & CONVENTION BOARD

Rachel Riley, Manager, Communications and Media Relations, Valley Forge Tourism & Convention Board (VFTCB), discussed the mission of the VFTCB which is a private, non-profit membership sales and marketing organization which actively promotes the Valley Forge area and Montgomery County as a convention site and leisure visitor destination by promoting patronage of its member hotels, restaurants, attractions and services. It was noted the VFTCB has more than 500 member businesses throughout Montgomery County. A PowerPoint was shown. Highlights as follows:

- Funding comes from a combination of Commonwealth of Pennsylvania grants, membership dues and a hotel tax imposed on visitors occupying the County’s more than 8,200 hotel rooms. The VFTCB does not receive funding from Montgomery County.
- In 2016 \$1.5 billion was spent in Montgomery County on tourism.
- There are almost 20,000 jobs directly related to tourism in this area.
- Cirque du Soleil will be coming to Montgomery County in 2018 at the Greater Philadelphia Expo Center in Oaks, PA with seating for 2,500. Ticket sales will be announced soon.
- Founding Farmers at the King of Prussia Town Center is proving to be a big draw and VFTCB will hold their speaker series there. It was noted Founding Farmers has an art element commissioning local and regional artists to make pieces for their restaurants.
- Also coming to the King of Prussia area will be Workhorse Brewing
- There are more than 1,600 restaurants and 50 golf courses in Montgomery County.

- VFTCB promotes events at the Valley Forge National Historical Park such as the “March to Valley Forge” commemorating General George Washington’s Continental Army march to Valley Forge to set up winter quarters.

Referring specifically to Upper Merion Township and King of Prussia, Mr. Jenaway commented it seems that the VFTCB has an individual outreach as opposed to one single source for information about what the community does and has to offer. Ms. Riley indicated the VFTCB is open to ideas if there is an easier way to communicate with the community and vice versa.

Mrs. Kenney asked if there is a demographic breakdown as to where visitors to Montgomery County are coming from. Ms. Riley responded VFTCB is working on that data.

Mrs. Kenney asked about the top three locations or venues that are attracting people. Ms. Riley responded that would be difficult to say and noted in Upper Merion Township alone the King of Prussia Mall and the Valley Forge Casino Resort are definitely big ones.

Mrs. Kenney asked when Cirque du Soleil will be in the area. Ms. Riley responded they would be here sometime this summer. She did not have specific dates.

RESOLUTION 2018-6 RE: WAIVE TOWNSHIP REAL ESTATE TAX PAYMENT FOR THE KING OF PRUSSIA VOLUNTEER FIRE COMPANY AFTER SHARED USE OF FIRE STATION WITH MONTGOMERY COUNTY AS A MAGISTERIAL DISTRICT COURT

Mr. Philips stated some space at the King of Prussia Fire Company is being repurposed to house the new District Court office for Judge William Maruszczak.

Mr. Jenaway indicated he would abstain from voting on the Resolution because of his role at the King of Prussia Fire Company.

Board Action:

It was moved by Mrs. Kenney, seconded by Mr. Waks, to approve this waiver of the real estate taxes. Mr. Jenaway abstained. Motion approved 3-0-1.

STORAGE PARTNERS OF KING OF PRUSSIA DEVELOPMENT PLAN: 550 ALLENDALE ROAD, 96,000 SF 4-STORY SELF STORAGE FACILITY, KPMU DISTRICT, 2 ACRES, Plan Expiration: 1/14/18, Resolution 2018-5

Utilizing the aerial, Mr. Rob Loeper, Township Planner, pointed out the various aspects of the 2-acre property located at 550 Allendale Road in the King of Prussia Mixed Use District. The current one-story structure, which is one of the older buildings along Allendale Road, has shared parking and entrance with an adjacent structure owned by Verizon.

The proposal is to demolish the building and construct a four-story storage facility. The Zoning Hearing Board granted needed use relief, but placed certain conditions on the plan including limiting the hours of operation as well as conditions that were requested by residents in the area that the glass on the back of the building be non-functional windows (opaque).

The Montgomery County Planning Commission and the Upper Merion Planning Commission both reviewed the plans and recommended approval. The Shade Tree Commission reviewed the plan and provided comments to the applicant. The Township Engineer reviewed the plan for code compliance and engineering issues.

Mr. Loeper pointed out as with many older sites, the current site does not have stormwater management and one of the benefits of redevelopment of the sites is that stormwater management will be compliant with the current codes.

The applicant proposes to use a similar building footprint to construct a larger, four-story facility with a functional basement. Parking will remain as is. The office will be located in the front corner where additional plantings will be provided. The main buffer planting along the rear of the property toward the residential properties will remain as is but will be supplemented. Previously questions were asked about the buffer on the south side, but in view of the shared parking it would be difficult to do.

Mr. Loeper noted this is a relatively new use and the second plan presented to the Board of Supervisors for this type of facility. He indicated an interesting aspect of the building is that the basic design intent is to make it look more like an office building rather than an industrial storage facility. It was pointed out these facilities provide a high level of security. There are specific regulations as to how tenants can enter their spaces.

Mr. Loeper stated the Resolution covers the various conditions of the plan including the agreement to pay certain fees that are typical with land development plans.

The applicant has requested the following waivers from the Upper Merion Township Code:

- To allow stormwater pipe sizes to be less than fifteen inches
- To allow grading within five feet of a property line in the common parking lot
- To not provide a softening buffer along the south property line which is an existing cross property parking lot
- To not provide 65 of the required 149 shrubs and 7 of the required canopy trees adjacent to the proposed building
- To not provide a sidewalk connection from Allendale Road to the building's main side entrance
- To use an aerial plan showing features within 200 feet of the subject property
- To not provide sanitary and potable water profiles

Mr. Loeper stated at the request of the Township the applicant is providing an emergency fire entrance which would allow vehicles to enter the site.

Mr. Jenaway reiterated concerns he raised at the workshop regarding the height of the building, the relationship of the proposed building to the height of the buffered area toward the residential properties, and the visibility of any lighting or roof mounted structure. He remarked there was no discussion about these issues at this meeting and is making the assumption that the building is still higher than the buffer, that it would be visible and that any type of lighting would still be projected back to the residential properties. Matt Witters, Eustace Engineering, referred to photos that were taken from the ground level looking between the houses which provide an idea of the height of the buffer. With regard to glare and light issues, Mr. Witters indicated the applicant has met the township requirements for the full cut-off lighting fixtures which will force light down instead of out. Mr. Witters feels the applicant's design and layout will be much better than the current condition.

Mr. Jenaway reiterated his concern and pointed out the proposed building is four times the height of the existing building and there are still significant gaps in the trees. He expressed his disappointment that following the workshop his comments were not more fully explored and taken into consideration.

Mr. Witters commented while all the light will not be blocked from getting through the applicant has done what needed to be done and filled in some of those gaps with additional planting along the rear property since the workshop session. He said this was based on some direct coordination with one of the property owners.

Mr. Jenaway expressed appreciation for working with the resident, but from his personal perspective the proposed building is too big and high for that particular parcel.

Mrs. Kenney agreed with Mr. Jenaway's observations. She asked about the total height of the four-story building. Mr. Witters responded the proposed building is 44 feet high.

Mrs. Kenney asked for an estimate of the height of the trees currently along the buffer line between the building and the homes on General Armstrong. Mr. Witters responded the mature row of evergreen trees is between 40 and 60 feet in height.

Mrs. Kenney asked if there is any way of filling in the buffer with evergreens or trees that will eventually reach mature heights. Mr. Witters responded in the negative and commented one of his concerns is that some of the trees would be compromised. With regard to the trees that are interior from the property line in the grassy area between the existing parking, he said they want to keep them as healthy as possible and in a cycle of maturing into canopy trees that will fill in gaps as some of the evergreen trees fade away over time.

Mrs. Kenney asked if the Shade Tree Commission has reviewed the plan. Mr. Loeper responded in the affirmative. He said the Commission made recommendations and the applicant made changes based on some of those comments. Mr. Witters commented the applicant added trees along the rear property line at the request of the Shade Tree Commission in response to one of their comments.

Mrs. Kenney asked if the proposed building would be in the same footprint and same distance from the homes on General Armstrong. Mr. Witters responded the footprint is essentially the same and will maintain approximately the same frontage in proximity to Allendale Road, but he noted the building expanded to the rear and is 153 feet from the rear property line. The requirement is 150 feet.

Mrs. Kenney asked if the back of the building is going to be closer or the same distance from the homes behind it. Mr. Witters responded the building will be closer. Mrs. Kenney asked how much closer. Mr. Witters responded the existing building is 184 feet from the rear property line and the proposed building is 153 feet to the rear property line.

Mr. Waks expressed the same concerns as previously stated by his colleagues. He said he would have preferred a building that was 30-35 feet in height and in his view 45 feet is too high for the site.

Mr. Philips asked for clarification about the opaque glass on the back and that no lighting from the inside would be emitted out from the inside. Mr. Witters responded that was correct.

Mr. Philips asked about the species of the two larger trees that will be planted in the back. Mr. Witters responded those trees are American Lindens. Mr. Philips asked about the mature height of those trees. Mr. Witters responded the American Lindens will reach a height of 40-50 feet.

Mr. Philips asked about the height of the building associated with the shared parking lot since it has a roof-top mechanical unit. Mr. Witters responded

it is a single story building and probably 18 feet tall to the roof level. Mr. Philips took issue with that figure and said it was more in the neighborhood of 30 feet and the penthouse is probably another 10 feet on top.

Mrs. Kenney asked for additional clarification about the opaque windows overlooking the residential backyards. Mr. Witters responded these are non-functional windows and the reason for the design is in response to the Zoning Hearing Board comments to break up the rear façade of the building.

Mrs. Kenney asked for assurance and wanted to make clear that the window design would afford privacy to the residents in back, is only for aesthetics and that the windows are totally non-functional as far as seeing in and out. Mr. Witters responded in the affirmative.

Mr. Jenaway reiterated he believes the building is too big for the site.

Mr. Philips asked for a motion on the Resolution.

While making the motion and seconding the motion, Mr. Waks and Mrs. Kenney both expressed their views that they are doing so regrettably for the previous reasons expressed by the supervisors.

Board Action:

It was moved by Mr. Waks, seconded by Mrs. Kenney, to approve Resolution 2018-5. Mr. Jenaway opposed. Motion approved 3-1.

RATOSKEY & TRAINOR – SEND SOLICITOR TO OPPOSE ZONING APPLICATION

It was moved by Mrs. Kenney, seconded by Mr. Jenaway, all voting “Aye” to send Mr. Joseph McGrory, Solicitor, to oppose the zoning application of Ratoskey & Trainor. None opposed. Motion approved 4-0.

ACCOUNTS PAYABLE & PAYROLL:

Board Action:

It was moved by Mr. Jenaway, seconded by Mr. Waks, all voting “Aye” to approve the Accounts Payable for invoices processed from December 8, 2017 to January 3, 2018 in the amount of \$1,714,862.60 and the Payroll for December 15, 2017 and December 29, 2017 in the amount of \$1,605,643.41 for a total of \$3,320,506.01. None opposed. Motion passed 4-0.

ADDITIONAL BUSINESS

RECENT COLD WEATHER AND SNOW AND ICE STORMS

Mr. Jenaway commended all the members of the Public Works Department and Public Safety operations for their hard work and exemplary performance over the past two weeks during the extraordinary cold spell and a number of snow and ice storms. He pointed out during this time period there were a number of rescues and two serious house fires.

Mr. Jenaway reminded residents about the interactive map on the Township website to track snow removal progress.

PASSING OF MARY F. MCCREE

On behalf of the Board of Supervisors, Mr. Jenaway noted the passing of Mrs. Mary McCree who was a member and driving force behind the Upper

Merion Senior Service Center for which she was Past President. He expressed the condolences of the Board of Supervisors to her husband, Don, and her family and friends in Upper Merion Township.

WINTER FARMERS MARKET

Mrs. Kenney noted the Winter Farmers Market on Saturday from 10 a.m. to noon.

30TH ANNIVERSARY CELEBRATION FOR THE MARTIN LUTHER KING, JR. HOLIDAY

Mr. Philips stated he was honored to participate in the 30th anniversary celebration for the Martin Luther King, Jr. Holiday. He recognized the work of the Martin Luther King Committee for their efforts throughout the years to make this celebration so meaningful as we remember the work and legacy of Dr. Martin Luther King. Mr. Philips encouraged everyone to take advantage of the many opportunities to participate in the Martin Luther King, Jr. Day of Service on Monday and continue in this spirit throughout the year.

CITIZEN BOARD VACANCIES

Mr. Philips noted there are vacancies on a number of citizen boards and encouraged those who have a special interest in any of the citizen board vacancies listed on the township website to apply and become involved in the community.

UPPER MERION TOWNSHIP FOUNDATION

Mr. Philips reported on the meeting of the Upper Merion Township Foundation that occurred earlier this evening. He said there will be more about the planned capital campaign and marketing of the Foundation which will do a lot of good work in the near future.

ADJOURNMENT:

There being no further business to come before the Board, it was moved by Mrs. Kenney, seconded by Mr. Jenaway, all voting "Aye" to adjourn the meeting. None opposed. Motion approved 5-0. Adjournment occurred at 8:55 p.m.

DAVID G. KRAYNIK
SECRETARY-TREASURER
TOWNSHIP MANAGER

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Minutes Approved:
Minutes Entered