

**Upper Merion Township Planning Commission  
Regularly Scheduled Meeting for February 9, 2022**

The Upper Merion Township Planning Commission met for its regularly scheduled meeting on February 9, 2022, in-person in the Board Room, located in the Township Building, and via Zoom. The meeting information was fully advertised and a meeting agenda placed on the township website. The meeting was called to order at 7:05 PM followed by the Pledge of Allegiance.

**IN ATTENDANCE:**

Matt Popek, Chair  
Martin Trumpler, Secretary  
Jauelin Camp  
Kenneth Brown  
William Jenaway, Board Liaison  
Anthony Hamaday, Township Manager  
Patrick Foley, on behalf of Leanna Colubriale, Township Engineer (Remington & Vernick)  
Ashton Jones, Township Planner

**ABSENT:**

Mark McKee, Vice-Chair

**APPROVAL OF MEETING MINUTES:**

Minutes for the prior meeting on January 26 had previously been distributed. Mr. Brown made a motion to adopt the Minutes with Ms. Camp seconding. The motion carried 4-0.

**Mancill Mill Townhouses**

*119 residential dwellings and some additional waivers*

Subdivision application for 119 residential dwellings. In preparation for the Board of Supervisors meeting, there came to light the need for 5 previously unlisted waivers: stormwater pipe size, roadway width, sidewalk on both sides of a roadway, length of depressed curb and the inclusion of a planting strip. The Board of Supervisors are seeking a new recommendation from the Planning Commission regarding these additional waivers.

The applicant's attorney, Joseph Brion, provided a summary of past actions indicating that the project was previously before the Planning Commission on Oct 27, 2021 and Nov 10, 2021 and received a recommendation for approval. Mr. Brion again indicated that while nothing on the plans has changed, there was a realization that there was no list of waivers shown on the plans. The applicant returned to the Board of Supervisors for a discussion and it was indicated that the matter should be revisited by the Planning Commission. Mr. Brion indicated that they were removing one of the initial waiver requests, regarding stormwater pipe diameter.

Mr. Brion introduced those in attendance at the meeting: Larry Dugan, developer; Andrew Eberwein, civil engineer; the applicants traffic engineer from TPD, and two members of the Valley Forge Towers community association (Richard Vitrone and Jay Kasmen). Mr. Brion further stated that the landowners control the warehouse project, which is still actively being pursued, whereas Orleans is under contract and would put in the townhouses. Mr. Brion started to describe the necessary waivers:

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1. Waiver would be to provide only a sidewalk on the south side of the access easement at the sewer authority property. Providing a sidewalk on the north side (directly in front of the sewer plant) would interfere with landscaping and users would have to cross over the drive aisle.
2. Waiver to eliminate the grass area between the curbing and sidewalks. Requesting waiver as it would be better to have longer front yards, and would help prevent cars from overhanging the sidewalk.

Mr. Trumpler asked about the normal design of curb, grass, sidewalk, front yard vs. what the applicant is looking to do with respect to curb, sidewalk, larger yard. Mr. Brion indicated that it is his understanding that the township engineer has no issue with that.

3. Mr. Eberwein indicated that they are seeking a waiver for depressed curbs across the entirety of the townhouse driveways, due to unit proximity and that the up, down and dips of sidewalks would be hard to do and look ugly/doesn't function well.
4. Mr. Brion indicated that the last waiver is for the road system, which has not changed on the plans, that being 24 feet wide roads. The road system is designed in part due to the number of units and the narrowness of the lot. Additionally, Mr. Brion indicated that the township's current roadway design standards were changed after the applicant initially filed a conditional use application and therefore it is his opinion that the project is vested under the Municipalities Planning Code (MPC). If a waiver were not granted, this would cause the whole development to be infeasible due to the loss of density.

Ms. Camp asked about the relationship between the 24 ft. cartway and the waiver request. Mr. Hamaday responded that in October, 2020 the supervisors passed an ordinance to increase local roadway widths from 24 to 28, and collectors from 28 to 32. Mr. Hamaday further stated that Mr. Brion has stated that they believe they are vested due to their submittal of a conditional use plan prior to the ordinance change.

Mr. Dugan indicated that all things being discussed were already in the plan, there are no changes since the last review in 2021. There are items still being worked through for overall approval of the development proposal, such as emergency access via an easement being discussed with the Towers. Mr. Dugan believes they have an agreement in principle regrading access and that the applicant will repave what is on site to provide access for both users. Emergency access will be maintained by the Towers Association and streets within the proposed community will be private and owned and maintained by the HOA/condominium association. In other communities the applicant has granted the township the authority to enforce ordinances for the police to ticket traffic violations, including no parking.

This was followed by a discussion between Mr. Trumpler and Mr. Brion regarding emergency access, gate access to the Towers property, multi-directional turning movements (access to both sites from either direction), and potential road blockages on Mancill Mill. The applicant's traffic engineer agreed that they would work with staff to make sure emergency vehicles could make turning movements.

Mr. Popek indicated that he was under the impression that all waivers were in the plan, just not memorialized on the plan set as a requested waiver. Mr. Brion indicated that was correct. What was approved last fall is

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the same as now but that those waivers were not previously indicated and thus not specifically requested. Mr. Popek followed up to clarify if a previous Planning Commission recommendation of incorporating a tot lot was included. Mr. Dugan indicated that there have been discussions regarding a tot lot being located on the northwestern corner of the property. Mr. Dugan believes that any resolution would include that a tot lot be provided.

Mr. Brion indicated that in response to the Board of Supervisors discussing concerns with street parking, they have considered putting additional parking on site. He indicated that there are currently 45 guest/visitor parking spaces around the site at different locations and additional parking could be added. Mr. Brion indicated his main concern, that there is simply not enough space to add 4 more feet of roadway and not lose units. He indicated that there have been additional conversations about one-way traffic flow and that their team will work with the township to alleviate concerns regarding street parking - such as the parking of landscaping or personal vehicles.

Mr. Dugan indicated that landscaping will be provided by the association, so multiple landscaping companies will not come on site.

Mr. Popek indicated that in his view a 24-foot one way around the entire community is probably not a great idea as there are too many houses, too much going on and that people will not abide by those rules. Mr. Popek asked Mr. Foley about his current status of the township engineer review.

Mr. Foley indicated that they have yet to receive comments from their last letter dated October 25, 2021 but his team has reviewed the waiver request letter dated February 3, 2022. Regarding the waivers he offered the following: 1) storm sewer waiver is being withdrawn, 2) reference to the sidewalk on both sides of the access drive - his firm understands and could support, 3) regarding grass strip - his office can support a partial waiver but not for the areas between unit blocks 4) depressed curb - his office can support a partial waiver but not for the areas between unit blocks as there are concerns regarding pedestrian access, grading, ADA accessibility, snow removal, trash container location, the possibility of parking on grass strip, and hydrant placement - these items will need to be coordinated, 5) Cartway width - there are a few tight maneuvers, specifically where a car might be stopped at stop sign (stopped car would be required to back up for emergency vehicle).

Mr. Popek asked about the 24 ft. vs. 28 ft. driveway and the flow of dates regarding application submission.

Mr. Hamaday requested clarification regarding there being only one roadway measurement indicated on the conditional use plan. Mr. Brion indicated that yes, the 28 ft. was reduced to 24 ft. once internal to site. Mr. Hamaday further indicated that questions were asked about compliance and this is something that they ask everyone. Mr. Brion indicated that it was his understanding that the internal roads were always 24 ft. Mr. Hamaday responds that there's no other indication on the plan that calls out the width of the road and the township is checking the record to confirm what was previously stated. Mr. Hamaday further asked about obstructions when curb is directly abutting sidewalk (i.e. no parking signs) and would the applicant consider providing grass in the areas outside of driveways. Mr. Eberwein indicated that, from an engineering standpoint, there would be no reason why they cannot comply.

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Ms. Camp indicated that the solution proposed by Mr. Hamaday addressed her biggest concern regarding sidewalk up against curb and the use of the sidewalk as part of a parallel parking space.

Mr. Eberwein responded that he wanted to be clear the areas between housing blocks will not have depressed curb. There was a follow up discussion regarding the effect this up and down of the sidewalk would have.

Ms. Camp indicated a desire to see a landscaping plan and additionally asked about the distance between the curb and the house and if front porches would be included. Mr. Eberwein responded that there would be no front porches and that the distance from back of sidewalk to house would be a minimal of 18 ft. A discussion followed regarding an inset entrance area (vs. porch) and a viewing of architectural elevations (although it was indicated that they were not the most up to date). Mr. Brown confirmed with the applicant that the driveways would be black macadam so that there would be a distinguishing feature between sidewalk and driveway. Mr. Brion indicated that the elevation renderings will need to be brought back to the township, as it was put on record, for approval once finalized.

Mr. Popek sought to confirm that the assertion by the applicant was that there is not enough space to add the additional 4 feet, in order to comply with the 28 ft. standards, and still have the units meet front, rear or side (depending on building location) setbacks. Mr. Brion confirmed that was correct and some additional conversation followed.

Mr. Trumpler brought up the street width and the discussion of extra parking to help alleviate this concern and asked how many spaces might be considered. Mr. Eberwein and the applicant's team indicated that the plan currently shows 45 guest/visitor parking spaces. Additionally, there are two car garages at each house, space for trash can, and an 18 ft. wide driveway. The applicant has indicated that they could likely pick up 15-18 spaces without much effort or grading changes (in location of gazebo, tot lot and mailbox clusters). These additional spaces would still comply with stormwater requirements.

Ms. Camp asked if from an operational standpoint additional parking was necessary or was being offered because others feel it may be necessary. Mr. Dugan indicated a desire to accommodate the township, but that he does not feel that additional parking is necessary. That said Mr. Dugan does understand that the more parking you make available, the more likely people will use it. Ms. Camp indicated that if spaces were not needed, she would prefer grass/vegetation over additional parking.

Mr. Hamaday indicated that the parking could be indicated as reserve, Ms. Camp indicated that there are differences between apartments vs. HOA and the ease at which additional parking could be provided in the future. Mr. Popek indicated that with multiple parties or house gatherings on the same day, the community may run into parking problems. There was then a continued discussion regarding parking issues, the pros and cons to providing parking vs. landscaping, township code, parking requirements, and the reality of the parking situation.

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Mr. Popek brought up the emergency access easement and wanted a status update regarding any agreement between the parties. Richard Vitrone, the president of the 2000 building condo association, indicated that they were currently in negotiations to grant an emergency access easement to the builder but have yet to reach an agreement. He further indicated support as it would bring ratables to the township. Jay Kasmien, another member of the board, indicated that he has been dealing with multiple applications on the site for over seven years. Orleans has reduced the height of the units, reduced the number of units and this proposal is a benefit to the township.

Mr. Popek provided a summary of the discussion points brought up throughout the meeting and questioned the need to rush the application for tomorrow's Board of Supervisors meeting. Mr. Brion indicated that the easement negotiations are not as to where the easement should be located but rather how much said easement will cost. Mr. Popek indicated that after seven years, it seems like all the nitty gritty details could be worked out in one or two months. Mr. Brion indicated that what they are seeking right now is a recommendation regarding the waivers. The applicants will come back once all the details are finalized but the issue is that they can't go forward unless someone tells them the waivers are acceptable. Mr. Popek indicated that he was under the impression the applicant was seeking final approval tomorrow. Mr. Brion indicated that he is not seeking final approval but is looking for a recommendation regarding the waivers as requested. Mr. Hamaday indicated that he also thought they were seeking preliminary and final approval, but questioned if that was still being done. Mr. Brion indicated that while he has not talked to his client regarding timing, all parties want to see this move forward, and if one more month is needed to have the engineers address response letters, there is no issue. Mr. Popek indicated that it sounds like preliminary approval only. Mr. Brion reiterated that the Planning Commission has already technically approved the preliminary plan but what he needs is the recommendation of waiver approval.

Mr. Hamaday indicated that the big hurdle will be the street width, with the other waivers being less of an issue. Mr. Hamaday indicated that the fire marshal has reviewed plans and is ok with the street width as being requested. Regarding additional parking, Mr. Hamaday indicated that additional parking by the mailbox would be useful and reserve parking for the rest, in case it is not needed. Also, Mr. Hamaday indicated that the applicants have agreed to pay their Act 209 fees and do temporary improvements at Valley Forge and Mancill Mill Roads.

Mr. Popek opened it up to a final round of comments from the Planning Commission. Mr. Popek read into the record comments from the vice-chair indicating that he is fine with waivers 1-4 and 6. As to waiver 5, he feels the applicant committed to the 28 ft. as part of the conditional use approval and crafted text amendments to SM-1 zoning district to allow townhouse development. As to the permanent emergency access, the vice-chair suggests that the applicant and engineer survey and plot the applicants desired permanent emergency access.

Mr. Trumpler indicated that the discussion about parking space numbers, is actually not relevant to the waiver of a 24 feet cartway. He added that if the whole project is going to fall apart over the cartway issue, he could support waivers (assuming other items, such as parking are addressed).

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Mr. Brion requested clarity regarding the Planning Commission's desire that they build vs. don't build additional parking.

Mr. Trumpler indicated that the green space where the gazebo is located is a nice green area and should be left. If additional parking is added it should be added on the western side of the project by the mailbox areas.

Mr. Brown indicated he thinks even after adding additional parking spaces the project will be short during a holiday.

Ms. Camp indicated that for every family that comes for the holidays other families leave for the holidays and ultimately it balances out. Mr. Popek indicated that he does not think this is quite the same as a multifamily development because guests can't park in other people's driveways. Ms. Camp is OK with waivers but would prefer the additional parking be put in reserve (with the possibility of escrow so homeowners are not left with a bill in the future). Mr. Hamaday indicated that we could have the depressed curb put in and the spaces reserved for some time in the futures. This was followed by a short conversation regarding development and homeowner association costs/assessments. This was followed by Mr. Popek summarizing the waivers and variances.

The meeting was opened to public comment and none was presented.

Mr. Trumpler moved to recommend waivers 2-6 (waiver 1 was withdrawn; waiver 6 was regarding preliminary/final application) as presented, with Ms. Camp seconding. Vote was 3-0-1 (with Mr. Popek abstaining due to financial interest in the Valley Forge Towers community association).

Mr. Jenaway brought up additional items for the applicant's consideration ahead of the Board of Supervisors meeting indicating that the applicant should be ready to address comments contained in the engineer's letter, and to be ready to discuss timelines and dates regarding the submission of the initial application.

Mr. Hamaday ask the applicant if it was their intention to just get direction regarding the waivers and not ask for a final decision on preliminary and final plans.

Mr. Brion responded that obviously he wants to get this completed as quickly as possible, but is also not trying to force this upon anyone. Mr. Dugan added that he requests that the sewer planning module that is pending be passed because that moves things along. Mr. Brion followed up with a reiteration that if the waivers do not get approved, there is no project. Additionally, Mr. Brion added that the underlying landowner has given them until June, and they won't give them any more extensions and are still considering developing the warehouse.

**ADJOURNMENT:**

With no other business to discuss, Mr. Trumpler moved to adjourn the meeting with Mr. Brown seconding and all in favor at 8.35 PM.

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Respectfully Submitted:

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Martin Trumpler, Secretary