

UPPER GWYNEDD TOWNSHIP
BOARD OF COMMISSIONERS

BOX 1, WEST POINT, MONTGOMERY COUNTY, PA 19486

PHONE 215-699-7777

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2018-071

April 23, 2018

VIA FIRST CLASS MAIL

Provco Pinegood Sumneytown, LLC
c/o Goodman Properties, Inc.
795 E. Lancaster Avenue
Building No. 2, Suite 200
Villanova, PA 19085

**RE: Land Development Application for Preliminary Plan Approval by Provco Pinegood
Sumneytown, LLC
Decision of the Upper Gwynedd Township Commissioners**

Gentlemen:

Thank you for your letter dated April 17, 2018. While we would not normally respond to this kind of letter, the obvious intent to mislead the public necessitated a response. The letter served as additional proof that your sole focus remains on the financial aspects of your proposed transaction, without any regard for the seriously adverse impact that your development will have on the community, as enumerated in our two land development denial decisions. While the Township's budget and spending is certainly important to the Commissioners, our number one goal has always been protecting the health and safety of the residents of our Township, whether it be by making sure that our streets are efficiently and adequately cleared during winter weather events; maintaining our roads in first-rate condition; keeping our parks and recreation areas well maintained and in safe and enjoyable condition; ensuring that our police department is adequately staffed and equipped; or ensuring that the properties in our Township are developed and used in a safe and appropriate manner. We do not believe that we can put a price tag on our duty to achieve this goal.

Unfortunately, your determination to develop the corner of West Point Pike and Sumneytown Pike with a mega-gas station and associated convenience store, with little regard for the health and safety of our community, has required the Township to expend the money to defend against what we and our experts have determined is an ill-conceived plan. This Township, as well as many others, has created

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laws and ordinances specifically designed to protect its citizens from the use and development of property which could create dangerous situations, including frustrating traffic gridlock. The review letters from our township consultants show that your proposed mega-gas station fails to comply with no less than 30 of the Township's laws.¹ Exacerbating that situation, you propose to locate this mega-gas station on the inside of a blind curve of a busy road within the Township². It is apparent that you recognize these deficiencies, although you do not acknowledge them, because you attempt to misdirect the focus of the community onto a non-existent "conspiracy" with Merck and a Royal Farms proposal (for which the Township has never received a land development application) instead of discussing the merits (or more specifically, the lack thereof) of your desired mega-gas station location.

When we provided you with notice that your desired gas station location significantly violated the Township Ordinances and other applicable laws,³ you pressed forward. Even when the Board of Commissioners denied approval of your plans for many of those same violations, you pressed forward. Even now, when we have a Judge's Order on your appeal agreeing with the Township's zoning assessment of your development,⁴ you press forward. It is solely your unwillingness to accept that your mega-gas station will be a permanent problem and hazard for the community⁵, that requires the Township's continued involvement and the unfortunate necessity of spending tax dollars. It is our duty as Commissioners to ensure that we do not let overly ambitious development proposals violate our laws and adversely impact our residents, solely because money can be made by a developer.

Luckily, we have an outstanding Township staff which has ensured that our Township has, and continues to have, adequate resources to fund all of the essential services required by our residents and, at the same time, turn away anyone who seeks to violate our laws and carve up our Township without

¹ See Commissioners' Decision Letter on first Provco Plan dated August 7, 2017; Commissioners' Decision Letter on virtually identical Second Provco Plan dated December 4, 2017.

² Confirmed by Provco's Traffic Engineer, who stated at a Planning Commission meeting that the curb lane inside the curve along Provco's property would be "the hardest to see approaching" and that because the railroad overpass blocks motorists' vision, "you don't necessarily know that there is a signal there" because you cannot see it. See 3/6/17 Planning Commission Transcript, pp. 31-2, 36.

³ Via numerous review letters from Township consultants.

⁴ By Order dated March 23, 2018.

⁵ Among other things, the Township Traffic Engineer, as stated in his review letters, recognized that the location of your proposed driveway(s) onto Sumneytown Pike will not provide adequate safe stopping sight distance, creating an unacceptably high probability of motor vehicle accidents as well as traffic backups on Sumneytown Pike into the Borough of North Wales traveling west, and most of the way to the Merck entrance traveling east.

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regard for the negative impacts on our community. Coincidentally, all of the Township expenditures mentioned in your letter, were included in our 2018 budget and will be performed this year. Some of them have already been performed and the budget itself was approved long before we received your letter. In addition, even after this difficult past winter, we still have over 550 tons of ice-melt and salt in our reserve. By careful planning and attention to detail, the Board of Commissioners has not let our duty to protect the Township from dangerous development proposals adversely affect any of our other responsibilities to the citizens of Upper Gwynedd Township.

I also want to emphasize that even though there has been some change in the members sitting on the Board of Commissioners during this dispute, all of the Commissioners, including the newly elected members, oppose your mega-gas station proposal to the extent it does not comply with the rules and regulations in our Subdivision and Land Development Ordinance or Zoning Ordinance. The Board unanimously supports the Township's obligation to protect the health, safety and public welfare of our community.

Sincerely,


**UPPER GWYNEDD TOWNSHIP
BOARD OF COMMISSIONERS**

Date: April 23, 2018


James A. Santi, Vice President


Denise M. Hull, Commissioner


Kenneth E. Kroberger, President


Thomas A. Duffy, Commissioner


Liz K. McNaney, Commissioner

cc: Dan Sokil, The Reporter