

UPPER MERION TOWNSHIP BOARD OF SUPERVISORS
WORKSHOP MEETING
JUNE 1, 2017

The Board of Supervisors of Upper Merion Township met for a Workshop Meeting on Thursday, June 1, 2017, in the Township Building. The meeting was called to order at 7:30 p.m., followed by a pledge of allegiance.

ROLL CALL:

Supervisors present were: Greg Waks, Bill Jenaway, Erika Spott (arrived late) and Carole Kenney. Also present were: Dave Kraynik, Township Manager; Sally Slook, Assistant Township Manager; Joe McGrory, Township Solicitor; Rob Loeper, Township Planner; Kyle Brown, Associate Planner. Supervisor Philips was absent.

CHAIRMAN'S COMMENTS:

Chairman Jenaway indicated there was an Executive Session held earlier this evening to discuss litigation and personnel issues and prior to this meeting the Board of Supervisors had a joint meeting with the Zoning Hearing Board.

DISCUSSIONS:

SOLSMART AND SOLAR ZONING ORDINANCE

Adam Beam, SolSmart advisor for this region from the Delaware Valley Regional Planning Commission (DVRPC) provided a SolSmart overview. A PowerPoint was shown. Highlights as follows:

- In this region there are eight communities (including Upper Merion Township) working with the SolSmart
- John Leshar with the Montgomery County Planning Commission has been helpful and supportive of the SolSmart effort
- SolSmart was funded by U.S. Department of Energy SunShot with the goal of designating at least 300 municipalities as “open for solar business” by the end of October 2018.
- SolSmart will provide targeted technical assistance in critical soft cost reduction areas towards achieving SolSmart designation.
- SolSmart advisors – DVRPC – will evaluate existing local government processes and apply industry leading best practices to move a community toward designation. SolSmart advisors will assist communities through engagements lasting up to six months (ending July 2017)
- The program is structured with two foundational categories – permitting

- and planning, zoning and development
- Special focus categories include utility engagement, construction codes, community engagement, solar rights, market development/finance and inspection
 - The Designation Program has three tiers to recognize progress: gold, silver and bronze. There are ongoing competitions and awards to recognize outstanding achievement in special categories
 - The bronze category requires three prerequisite requirements one of which is a commitment letter that has been written for Upper Merion Township to participate in the program. It is necessary to review zoning barriers and commit to reducing them through a zoning code review, create a checklist, earn 20 points in the permitting category, 20 points in planning, zoning, development and an additional 20 points among the six other special focus categories.
 - Upper Merion Township has already completed a commitment letter and public statements have been released. Zoning barriers have been reviewed and staff is working on developing a model ordinance that the Board can review and consider. Staff has been working with the Codes Enforcement Office to review the permitting process and a checklist is on their website for anyone interested in installing a solar panel to see what is involved in the permitting process.
 - Silver designation requires the implementation of a solar ordinance allowing solar by-right and as accessory use in all major zones. Other requirements include providing PV cross training to permitting and inspection staff to achieve 100 total points.
 - Gold designation requires achieving a three day turn around for permit applications for solar processes to achieve an additional 100 points across all categories. The three day turn around process is done with an expedited permitting process in that certain system sizes can skip some steps. For example it is not necessary to obtain stamped structural approval from a design professional.

Mrs. Kenney asked for clarification on the last point. Mr. Brown explained the current permitting process requires a structural stamped engineered plan set. Some other communities have set basic requirements in terms of structure of the roof and if they have a certain load with beams separated by certain amount of space they do not require a stamped set of plans. Mr. Beam commented this has not been done as much in this region because of the older housing stock. He said Philadelphia has implemented an expedited process but was not aware of how effective it has been.

Mrs. Kenney asked if the expedited process runs any greater risks in skipping a step in terms of the structure. Mr. Beam responded the installer has a checklist indicating the roof is the right type, has the right spacing, and right load placement. He noted the Philadelphia ordinance places the risk on the installer or homeowner not on the city.

Mr. McGrory asked about free standing solar panels. Mr. Beam responded regulations are included for solar ground systems as well.

Mr. McGrory stated he would want some analysis for ground mounted systems and that would not necessarily be a three day turn around. Mr. Brown responded the model ordinance regulates ground vented systems with the same accessory setback applied to a shed.

Mr. McGrory made the point if a neighbor wanted to plant some trees along the property line it would not be possible with solar power four feet away. Mr. Brown commented it would block the sun. Mr. Beam said that is a good point and hopefully the system would be oriented to avoid that situation.

Mr. McGrory stated it could be factored into the ordinance if an easement is not provided there would be a greater setback.

Mr. Waks asked if the ordinance being drafted is factoring in the new solar roof shingles. Mr. Brown responded this recent technology is in the model ordinance and defined as building-integrated photovoltaic systems and would be permitted by-right. Mr. Waks asked if special permitting is required to install them on a house. Mr. Brown responded solar shingles would require an electrical permit. Structural analysis would not be required because there would be no additional strain on the roof. Mr. Waks asked if that information could be added to the website description. Mr. Brown responded in the affirmative.

Mr. McGrory stated if a free standing mount is done versus a roof mount it should be done by conditional use so that neighbors could come to a hearing.

Mr. Jenaway asked where the solar shingles are dealt with in the NFPA (National Fire Protection Association) Code. Mr. Waters responded these will be included in the 2018 edition of the International Building Code and in the NFPA 70. Mr. Jenaway asked if they are in the current NFPA. Mr. Waters responded he would have to check the most recent edition. Mr. Jenaway commented that is why he raised the question; and if it is not in the current NFPA it would be a non-compliant product at this point in time. Mr. Waters responded it would be accepted if it had a UL listing but he will check with the NFPA 70's current edition. Mr. Jenaway stated he wanted to make sure that anything adopted in the zoning code is going to be compliant with the [NFPA] code.

Highlights of PowerPoint continued:

- The most common barrier to solar are high upfront costs
- The cost of solar PV in the United States on average has dropped 43% from 2010 to 2015 averaging about \$3.50 per watt

Mr. Jenaway asked about the reason for the drop in price. Mr. Beam

responded there are a lot more efficient solar panels being produced and installed thereby harnessing more sunlight.

- Soft costs have not dropped as much as hardware costs over the past 6-7 years
- Some benefits to reducing soft costs: reduced installation costs increased return on investment for system owners. For a typical 5-kW residential PV installation, onerous permitting procedures can add \$700 to the price of an installation. When considering permitting along with other local regulatory processes, the total price impact can be up to \$2,500 for a typical system.
- Streamlined processes can deliver a time and cost savings for local government staff. Increased and readily available access to information about technical and procedural requirements can reduce staff time and costs due to fewer requests for information, questions from installers, and incomplete permit applications, all of which can be a drain on limited local resources.
- Other benefits of reducing soft costs can result in improved business prospects for solar companies. More than 1 in 3 installers avoid selling solar in an average 3.5 areas because of associated permitting difficulties.
- For each megawatt of installed capacity (approximately 200 average-sized residential systems): 29.4 construction jobs are created for residential solar, 15.8 construction jobs are created for non-residential solar, and 2.8 construction jobs are created for utility-scale solar
- Soft Cost Takeaways: often comprise a larger share of total installed cost than hardware, they slow solar market growth and artificially shrink number of places in United States where solar is financially viable, and local governments have a big role to play in reducing barriers
- As of February, Pennsylvania is rated 16th in national solar PV systems – New Jersey is 4th because of SRECs
- In pursuit of SolSmart designation Upper Merion Township has done the prerequisite solar statement, posted checklist online and review of current practices
- In the planning, zoning and development category, the by-right as an accessory use is 20 points and takes the township into the Silver designation.
- Some examples of best practices (like setbacks) make sense for fire safety and neighbor issues, exempt from height restrictions when possible, and exempt ground mounts from impervious cover restrictions when they are on top of impervious surfaces.
- Take into account concerns about safety and aesthetics in terms of the drafted ordinance and provide best practice setbacks for roof systems

Mr. McGrory stated in residential districts he does not have a problem calling them an accessory, but in non-residential districts he has an issue because there are no accessory instructions in a non-residential district – there are permitted uses and principal uses. He said he does not want to create a

whole body of accessory structures.

Since Jon Leshner, Montgomery County Planning Commission, was unable to attend this workshop meeting, Mr. Beam provided an overview of the County's solar efforts, including the work on the model ordinance.

Mr. Beam stated the definition of solar energy system is very important and is the cornerstone of the ordinance – what counts as an accessory and what counts as primary use and how to regulate each.

Mrs. Kenney asked for more details about solar farms and who owns or operations them. Mr. Beam responded company owned solar farms are more like a regular power plant where they go directly to the grid with distribution by a utility.

A discussion followed about some solar farms that are located in Pennsylvania.

Mr. McGrory asked about the breakeven point for an average home owner. Mr. Beam responded in this region it is between 10-12 years.

Mrs. Kenney asked if Solar City would come under the proposed ordinance. Mr. Beam responded it would be covered under the Solar Power Purchase Agreement.

A discussion followed about how Solar City operates and their work in the township.

Mr. Beam stated first responder safety is not currently covered by building or electrical code in Pennsylvania. It was noted the Dietz & Watson fire in Burlington County, New Jersey drew attention to the issue of firefighter safety in responding to buildings with alternative energy. Mr. Beam said it is important to include language in the draft ordinance until the codes catch up.

Mr. Jenaway called attention and took exception with Mr. Beam's statement regarding minimum setbacks and asked if it should be more than the minimum. When looking at the significant potential for a structure like that [Dietz & Watson] to be allowed to burn down because of a concern for a solar panel issue Mr. Jenaway emphasized maximizing access versus minimizing access.

A discussion followed about the adequacy/inadequacy of the defined setbacks in the draft ordinance.

Mr. McGrory asked if solar panels can be turned off in the event of a fire. Mr. Waters responded solar panels cannot be turned off. He said there is a caution note for every address with solar panels informing firefighters they are on

a structure and cannot be turned off.

Referring to the previous slide, Mr. Waters stated if solar panels will be exempted from impervious surface requirements it will be necessary to make sure it does not conflict with stormwater requirements.

Mr. McGrory questioned why solar panels would be exempted from impervious surface requirements and felt they should not be exempt.

Mr. Brown commented according to the current language in the model ordinance the square footage of a free standing panel in the yard as it is projected above the grass is not considered impervious. The idea is that the runoff would be concentrated at the lowest ridge line at that panel, but it would still have a pervious surface underneath. Decks are not necessarily considered to be pervious structures for the permitting process, but that would be something that could be changed.

Mrs. Kenney asked for clarification if decks are considered pervious or impervious. Mr. Brown responded decks are impervious.

Mrs. Kenney asked if there were any solar panels on the ground in Upper Merion. Mr. Waters said he would have to check.

Mrs. Kenney asked Mr. Beam to provide current legislative issues reviewed at the recent Pennsylvania Solar Summit.

Mr. Jenaway stated the importance of doing this right for the safety of the people and not just for the gold, silver, bronze certification and points.

Mr. Beam stated a SolSmart presentation on permitting and inspection best practices for solar will be held in Freedom Hall on June 29th.

Mrs. Kenney asked if this presentation is for the general public. Mr. Beam responded in the affirmative.

Mrs. Kenney asked if it could be videoed. Mr. Beam responded he would look into that possibility.

SKETCH PLAN – 316 WEST CHURCH ROAD, 20.5 ACRES, CURRENT ZONING R2-LI, PROPOSED R-2/R-3

Utilizing the aerial, Rob Loeper, Township Planner, provided the history and pointed out the properties along Church Road that back up to the railroad. He noted discussions were previously held about looking at the zoning in some of these areas and eliminating the industrial.

Mr. Loeper recalled a plan that was previously submitted included two properties as well as the backs of two additional properties. The property owners were contacted and several of them were willing to go along with putting in a cul-de-sac road and a series of single family lots. Since that time the middle property owner indicated they are not interested and want to keep their property as is. The applicant has presented a sketch plan and would like to know if the Board of Supervisors would consider a townhome development rather than single family. The width of these properties is relatively narrow, long and deep and putting in a road makes it difficult to get the right dimensions for single family homes. It was noted an R3 District is across the street at Prussian Woods

Mr. McGrory asked if the R-3 district is directly across the street. Mr. Loeper responded it is off slightly and pointed out on the screen the subject property and the Ukrainian Cemetery. He said there could be almost any zoning for the cemetery. The original thought was to extend the R-2 back to the railroad on these properties with the exception of the ones that are actually occupied by the industrial/commercial use.

Mrs. Kenney asked about the location of the disinterested property owner, and Mr. Loeper pointed it out on the screen.

Mr. Waks commented the deindustrialization of the Radar Drive area on Church Road is a very good idea. He said he was thinking more single family housing and when he saw the sketch plan he was surprised because he felt it would be a better plan if the reluctant property owner would cooperate.

Mr. McGrory asked if the cemetery property is fully occupied. Mr. Loeper responded there is still a lot of vacant land.

Mr. Waks commented he would not want to see townhomes on the entire tract.

Mr. McGrory said he is aware of a cemetery that now has an Outback Steakhouse. Mr. Loeper indicated that would be another reason to rezone the cemetery to residential.

Mr. Waks pointed out townhomes are very child intensive, unlike apartments, and consideration should be given to what the burden would be on the school district.

Mr. Jack Robinson, on behalf of the applicant, said his company is doing a lot of townhomes and that is the current market. He said people like more open space, a smaller amount of land to maintain and a common stormwater area.

Mr. Jenaway asked about the cartway if this were a townhouse development. Mr. Loeper responded it would be a minimum 24-foot cartway; the

24-foot cartway does not allow parking on the street. It was noted at least 30 feet is necessary to have parking on one side of the street.

Mr. Jenaway asked about the number of cars that could park at each townhouse. Mr. Loeper responded two off street spaces are required for each and one additional space is required if it is in excess of three bedrooms. The first garage space is not allowed to be counted because the experience has been garages are not used for parking. Mr. Loeper noted the sketch plan appears to have double driveways and some guest parking. Mr. Jenaway asked if that would be accommodated in the plan. Mr. Loeper responded this plan is showing four common spaces. There are 18 foot wide driveways which would accommodate at least two cars each, but the plan is showing a 26-foot cartway which would not permit parking on this side of the street. With a 30-foot cartway there could conceivably be some parking on the street.

Mr. Robinson said 30 feet can be accommodated.

Mr. Waks asked if the applicant has talked to the neighbors including the one who refuses to sell and inform them you are considering going for potential rezoning for townhomes. A response was provided in the negative. Mr. Waks said if the applicant decides to go forward one of the first things to do is go to these neighbors with the potential rezoning.

Mrs. Kenney asked how many bedrooms for the townhouses. Response: townhomes would encompass 2,200/2,400 square feet and have three and four bedrooms; the dwelling would be 24 feet wide which allows for a two-car garage.

Mr. Jenaway commented the biggest challenge with townhouses in Upper Merion is parking and asked if this would be a private road. Response: with townhomes there are two-car wide driveways because parking is at a premium.

Mr. Jenaway asked about stormwater on the site if townhouses are built. Mr. Loeper responded the applicant is showing a basin at the back which is the low point on the property.

Mr. Jenaway commented Upper Merion has a lot of townhomes, but does not have a lot of one-story homes and this is a need in the township.

Mr. Robinson asked about zoning for single story twins for age restricted as a use. Mr. Loeper responded there is probably something that would accommodate that use. He noted for age restricted there would be quite a few units occupied by one person or at most two people so the parking demand would be reduced.

Mr. McGrory stated he does not believe a 12-unit age restricted development is going to be feasible/marketable.

Mrs. Kenney commented there would be a market for people who just want a smaller house on one floor [cottage style], possibly with a basement.

Mr. Jenaway asked the record show that during this discussion Mrs. Spott joined the meeting.

GSK – 709 SWEDELAND ROAD SUBDIVISION PLAN. SUBDIVISION OF THE UPPER MERION CAMPUS INTO TWO LOTS. 192.67 ACRES, HI, LI & R-1

Mr. Loeper stated GSK is looking at selling what they are calling the West Campus (by Jones Road) which is primarily an R&D portion of the campus. GSK will retain the East Campus (River Road) portion of the site which has some R&D as well as manufacturing. Several land development applications have been before the Board of Supervisors for this portion of the site, including the Central Utility Plant adjacent to Building 40 and currently an application is pending for an expansion to Building 40. This plan creates lot 1 which will be retained by GSK and lot 2 which will be sold.

Mr. Loeper noted the plan has been through the planning commission and has had two reviews by the township engineer.

Mr. Loeper stated currently the wastewater for the entire campus comes down to a pretreatment plant on River Road. After the subdivision occurs and the properties are split, the West Campus will no longer go to the pretreatment and will come directly to the sewer plant. The GSK portion will continue to go through pretreatment before it goes to the sewer plant. Sewer capacity is not an issue since GSK has double capacity of what they are currently utilizing.

Mr. Loeper pointed out part of the old county landfill is in West Conshohocken and part of it is in Upper Merion Township. In the 1990's GSK installed a methane collection system because of some of the methane issues on this portion of the campus. At the planning commission meeting the applicant explained the county landfill has gone through DEP 8 passive methane monitoring.

Necessary cross easements are being created and there are no further improvements associated with this plan.

Matthew N. McClure, Ballard Spahr, stated the purpose of the subdivision is to allow for the disposition of the West Campus (lot 2). GSK is consolidating their operations. Their R&D employees and R&D facilities will be located in Upper Providence enabling lot 2 to be sold to another user. GSK is under an agreement of sale with a confidential party and undergoing 90-day due diligence in the hope of closing in October. The subdivision is not relying on that party itself and if closing does not occur, GSK will still be seeking to dispose of the

property with another user.

Under the current arrangement it is proposed there will be an immediate lease back of all of lot 2 to GSK at closing and GSK will stay in possession of the property for the remainder of 2017 and all of 2018. Sometime between March of 2019 and December 31, 2019 GSK will vacate the property. Currently they are working with township staff as well as the potential purchaser regarding the easement for the sanitary sewer line. Prior to recommendation of any plan this easement will have to be approved by the township engineer and township solicitor. There will also be an easement for purposes of ingress and egress served by the three gates.

The current existing GSK parcel is 192.67 acres. The proposed lot 1 is 54.79 acres and proposed lot 2 is 141.87 acres. Lot 1 is zoned Heavy Industrial (HI) and lot 2 is Limited Industrial (LI) and a small portion is R-1 residential.

Mr. McGrory asked if the MIPP is set up for lot 1 or lot 2 or both. Mr. Loeper responded currently it is for both but it would only be for lot 1. He said if someone came in and wanted to do something on lot 2 in the future it would have to be addressed at that time.

Mr. McGrory asked if there are any drainage easements needed. Response from applicant's representative: nothing is changing with respect to stormwater.

Mr. McGrory stated there are going to be two different owners and asked if any easements are needed for any combined stormwater systems that address both properties. Response from applicant's representative: "Not that we are aware of."

Mr. McClure stated the applicant went through the utility separation study between the two parties. The subdivision line is designed so the facilities can operate independently. Both parcels were designed to be totally co-compliant. As the GSK facility was built out over the years, it was done in a systematic way so that the separation is not very difficult.

Mr. McGrory asked if each parcel is going to have its own sustained stormwater management system. Mr. McClure responded in the affirmative.

Mr. Loeper pointed out portions of the site do not have stormwater management currently because of the age when they were built. As new facilities have been built upgrades have been made to the stormwater system.

Mr. McGrory asked for clarification about the sewer capacity. Mr. Loeper responded his understanding is the applicant has rights to about 900,000 gallons a day and they are using about 450,000 gallons.

Mr. McGrory asked if there is an agreement with the buyer on what is allocated. Mr. McClure responded the applicant is currently working on an allocation with them. Mr. McGrory stated the applicant will need that as part of the subdivision.

Mr. Waks commented with all the road issues in that area of the township a traffic study might be warranted "down the road" to see if there is something that can be done to improve traffic congestion.

Mr. McGrory stated if the new user generates more trips it would trigger 209 traffic impact fees. Mr. Loeper said that was one of the things discussed at the planning commission.

Mr. Loeper mentioned for the Board's interest the members of the public wanted their zoning to remain R-1. It was noted both of these lots are heavily wooded and create a good buffer between the more intense use and the residential use.

Once details are worked out with the solicitor's office, this subdivision plan will move forward.

NORCINI DEVELOPMENT PLAN – 121 E. CHURCH ROAD, 36' x 54' POLE BARN, 1 ACRE, LI; REQUEST WAIVER OF LAND DEVELOPMENT

Mr. Loeper stated Norcini Auto Body on Church Road is proposing a 36 by 54 foot garage/shed building with an overhead door to store supplies and equipment. The proposed building will only have electricity; there will be no plumbing. The structure will be on a concrete pad on an existing paved area with no increase in impervious.

The applicant is asking for a waiver of formal land development.

Mr. McGrory stated this is defined as land development and the applicant would not have to go through a lengthy and complicated procedure but it would be advisable to have it filed with the Recorder of Deeds. In order to do that the applicant would still have to go before the planning commission and Board of Supervisors. Mr. McGrory said the resolution would read that to whatever extent what they are proposing is inconsistent with the ordinance the ordinance would be waived.

Mrs. Kenney asked about the height of the building. Mr. Loeper responded it is just a one-story building.

Mrs. Kenney asked if the applicant is tearing down an existing structure. Mr. Loeper responded currently it is just a paved area. The existing building will remain.

ADJOURNMENT:

There being no further business to come before the Board, it was moved by Mr. Waks, seconded by Mrs. Kenney, all voting "Aye" to adjourn the meeting. None opposed. Motion approved 4-0. Adjournment occurred at 9:22 p.m.

DAVID G. KRAYNIK
SECRETARY-TREASURER/
TOWNSHIP MANAGER

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Minutes Approved:
Minutes Entered: