

UPPER MERION TOWNSHIP BOARD OF SUPERVISORS  
ZONING WORKSHOP MEETING  
JUNE 4, 2015

The Board of Supervisors of Upper Merion Township met for a Zoning Workshop meeting on Thursday, June 4, 2015 in the Township Building. The meeting was called to order at 5:05 p.m., followed by a pledge of allegiance.

ROLL CALL:

Supervisors present were: Greg Waks, Erika Spott, Bill Jenaway and Carole Kenney. Also present were: Dave Kraynik, Township Manager; Sally Slook, Assistant Township Manager; Joseph McGrory, Township Solicitor, Rob Loeper, Township Planner; Scott Greenly, Associate Planner. Supervisor Philips was absent.

CHAIRPERSON'S COMMENTS:

Chairperson Spott announced an executive session was not held prior to this meeting.

DISCUSSIONS:

OFFICIAL TOWNSHIP MAP

Mr. Rob Loeper, Township Planner, referred to the section from the Pennsylvania Municipality Planning Code which deals with the official map and indicated the procedure for adoption is fairly easy. Staff discussions on the first draft considered what base map to use and some obvious projects were added, primarily road projects. Moving forward anything can be added to the map that is deemed appropriate. Some suggestions for inclusion on the map include trails, the final SEPTA preferred alternative for the Route 100, Park and Recreation Master Plan ideas.

Mr. Scott Greenly, Associate Township Planner, stated in building a base map, all streets were shown as well as township properties such as parks, wastewater facility treatment plants, and schools. He then looked at some of the past land use plans dating back to the 1960's and what community officials wanted moving forward. The seven potential projects for inclusion or exclusion on the map which included: (1) King of Prussia Turnpike Interchange Project, (2) Henderson Road Turnpike Interchange Project, (3) Prince Frederick Road Extension, (4) Saulin Boulevard Extension, (5) Reedel Road Extension, (6) Flint Hill Road to PA-23 Extension, (7) Renaissance Blvd. to Crooked Lane Extension.

Mr. Waks asked that number (7) be removed and a discussion followed regarding the reasons for doing so.

With regard to number (5), Mr. Loeper noted this is in the Gambone 24-lot Subdivision that has been in a holding pattern for several years.

With regard to open space, Mr. Loeper stated he did not know if there is any open space being considered for additional acquisition. He said it would also be a good idea to include existing or planned trails in order to better plan for future connections. It was noted that Bentley Homes delivered their conditional use application for the apartments at 751 Vandenburg this week. This applicant is interested in some kind of a connection to Heuser Park and ultimately to the trail extensions. During staff discussions, Dan Russell, Director of Park and Recreation, pointed out it is still not known what is going to happen with the western portion of Heuser Park until the master plan is completed.

Mr. Waks referred to Eric Medrow's comments at a meeting last year during which Mr. Medrow pointed out the importance of revising the township's open space plan and suggested follow up be made with Mr. Medrow to move this idea forward.

Mr. Loeper asked the township solicitor how detailed it must be in identifying, for example, road connections since they are not engineered and if it would be appropriate to just show a connection from point A to B. Mr. McGroby responded the purpose of a street map is just to put people on notice that there are plans to make this kind of a street network. All that is necessary is to show what the intent is and this provides a legal safeguard.

A discussion followed about following up with the school district to inquire if they are planning any new schools in the future.

Mr. Loeper noted one item that was removed from the list was the Schuylkill Parkway. While most of the right-of-way has been acquired over the many years, there was no money for construction. A discussion followed during which points were made as to why this should not be on the list.

Mr. Loeper asked if there are any further additions or deletions.

Mrs. Spott suggested separate entries for the Upper Merion Community Center and the Upper Merion Senior Service Center (UMSSC) and the trails connecting to the Community Center should be shown.

A discussion followed about the triangular one acre property that Bentley Homes did not acquire.

Mr. McGrory recommended including any feasible planning techniques for future roads because it provides valuable protections as long as it is there.

### WIRELESS COMMUNICATIONS FACILITIES ORDINANCE (DAS)

Mr. McGrory stated this ordinance is named DAS for convenience. DAS is one of the latest regulated technologies in the data, messaging, cellular wireless communications field. Throughout the ordinance there will be several forms of wireless communication. There is a lot of evolving change in this industry. Ordinances adopted over the years never contemplated small cell technologies such as DAS. Mr. McGrory looked at various ordinances and adapted portions of the more balanced provisions and added his own flair. He pointed out this is a very fluid document that will provide a starting point from which to proceed. Also as an initial step, Mr. McGrory placed the ordinance in zoning. Whether it remains in zoning is dependent on what comes out of the various reviews. Zoning requires something that is measurable and if it becomes subjective Mr. McGrory indicated he would have a free standing ordinance.

Mr. Loeper asked the solicitor if he had a preference for having it in zoning or not having it in zoning. Mr. McGrory responded he would prefer it in zoning because it would have “more teeth.” He said he prefers regulating use in zoning and development in SALDO. Mr. Waks commented it might be helpful to talk to the Media Communications Advisory Board indicating a preference to go to zoning which would necessitate staying away from subjective language.

Mr. McGrory stated rather than having the two categories of residential or non-residential since it does not fit this municipality, he arbitrarily assigned it to district which can be changed as it moves through the review process. He came up with three kinds of criteria, one for commercial, another a “hybrid” district, and a third pure residential district.

Mr. McGrory pointed out these are licensed utilities and can put the DAS poles in right-of-ways. He said the only place there is an outright ban is in residential districts where there is underground utilities within 100 feet. He noted this could have been 50 feet or 200 feet but something measurable was needed.

While this needs to be fine-tuned, he did not want to have a pole placed in a right-of-way where there are no other poles.

Mr. McGrory indicated there is one particular tower Chris Schubert is proposing that may be an issue because of height. A meeting is scheduled on Tuesday to go over this matter.

Mr. Waks stated the question the Media Board will ask is why is this being done now. Mr. McGrory responded the technology is here and it is being done before a reasonable application is submitted.

Mr. McGrory said the providers will have to pay a fee and there will be a permitting process as well as a conditional use in certain circumstances for which they will have to pay application fees.

Mr. Waks commented the DAS technology will heighten internet access for residents for wireless devices. Mr. McGrory said this is a service everyone will want.

Mrs. Kenney commented some of the DAS will not be on top of telephone poles but will be additional free standing poles. Mr. McGrory responded some of them will also be outside of the right-of-way.

Mr. Jenaway asked about the inspection process. Mr. McGrory responded he did not build that into the ordinance. He noted there are many things the provider will have to supply for the permitting process such as the electromagnetic studies. It is like any other zoning proposal. There are certain things they have to prove before getting a permit in addition to posting the escrow for demolition in the future. Built into the ordinance is a provision for abandonment to be adjusted every five years. The provider would have to supply what it would cost to take it down every five years and the escrow would be changed accordingly.

Mrs. Spott asked what is needed from the supervisors at this point. Mr. McGrory responded nothing is required. He wanted to make everyone familiar with the philosophy associated with this new technology. In sending the ordinance to the Media Board he encouraged a speedy turnaround.

A discussion followed about the next steps in the review process. It was suggested having Media Board members Jacqui Camp, David Rassbach, Howard Hoffman, and Chris Schubert also involved in the discussion regarding the ordinance. Schedules are being coordinated.

## BUSINESS DISTRICTS

Mr. Loeper asked about the timing of Board consideration of the ordinance for the business districts which is virtually completed. Mr. McGrory asked if the business districts would be adopted separately or if it can be done comprehensively. Mr. Loeper responded it could be done comprehensively, but it has been done piecemeal for easy digestion. Mr. McGrory said even if the ordinances are done piecemeal at some point he wants to adopt the entire zoning code and then do a Section 108 Notice.

A discussion followed about the procedural process for involvement of the Montgomery County Planning Commission and the Upper Merion Planning Commission.

Mr. Loeper indicated one item he needs to discuss with the solicitor deals with the issues of drug and alcohol rehab. Mr. McGrory emphasized it is important how it is defined. He noted a lot of ordinances come in under the definition of sanitarium and others have a definition of hospital. No one is really defining alcohol rehab. Mr. Loeper said we need to have a specific definition so it can be regulated. Mr. McGrory added the definition should not violate the ADA.

ADJOURNMENT:

Without further comment from the Board and public, it was moved by Mrs. Kenney, seconded by Mr. Jenaway, all voting "Aye" to adjourn the zoning workshop meeting at 6:28 p.m.. None opposed. Motion approved 4-0

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DAVID G. KRAYNIK  
SECRETARY-TREASURER/  
TOWNSHIP MANAGER

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Minutes Approved:  
Minutes Entered: