

UPPER MERION TOWNSHIP BOARD OF SUPERVISORS  
WORKSHOP MEETING  
SEPTEMBER 10, 2015

The Board of Supervisors of Upper Merion Township met for a Workshop Meeting on Thursday, September 10, 2015, 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, Erika Spott, Bill Jenaway and Carole Kenney. Also present were: Dave Kraynik, Township Manager; Sally Slook, John Waters, Director Safety/Codes Enforcement; Tom Nolan, Chief of Police. Supervisor Greg Philips was absent.

CHAIRPERSON'S COMMENTS:

Chairperson Spott reviewed the agenda for the workshop which included a hearing.

HEARING – ORDINANCE AMENDING THE UPPER MERION TOWNSHIP ZONING CODE, CHAPTER 165, ARTICLE XXVIII, OFF-STREET PARKING AND LOADING, TO PROVIDE FOR ONE PARKING SPACE FOR EACH BEDROOM UNIT OF A MULTIFAMILY DWELLING AND REPEALING THE VISITOR PARKING SPACE REQUIREMENT FOR MULTIFAMILY DWELLINGS

Mr. McGrory opened the hearing and introduced into the record Board Exhibit 1, the ordinance itself; Board Exhibit 2, the legal notice; Board Exhibit 3, Proof of Publication in the *Times Herald* dated August 26 and September 2, 2015; Board Exhibit 4, the proof of receipt of the Law Library dated July 16, 2015; Board Exhibit 5, the Proof of Submission to the Montgomery County Planning Commission dated July 13, 2015; Board Exhibit 6, the Proof of Submission to Upper Merion Planning Commission dated July 13, 2015.

Mr. McGrory pointed out due to a lack of a quorum on the night this hearing was originally scheduled in Freedom Hall it had to be rescheduled to this public workshop meeting.

Mr. McGrory stated this ordinance establishes a new parking standard for multifamily dwellings and repeals other parking standards for multifamily dwellings. An ordinance was previously passed establishing one parking space per bedroom for a particular multifamily development and this ordinance carries that same standard throughout the rest of the township.

The planning staff have analyzed parking standards throughout the nation for these types of uses and concluded this standard should be sufficient. Expert builders in the field have concluded they build to these standards and have found them acceptable.

Mr. McGrory opened the floor for any further Board or public comment, and hearing none he adjourned the hearing and reconvened into the public meeting portion of the agenda placing the ordinance in a position for consideration by the Board of Supervisors.

Before calling for a motion, Mrs. Spott clarified this ordinance applies to multifamily dwellings only and this would include duplexes or townhomes that are connected in some way. Mr. McGrory responded in the affirmative.

Board Action:

It was moved by Mrs. Kenney, seconded by Mr. Jenaway, all voting "Aye" to approve Ordinance 2015-838. None opposed. Motion passed 4-0. Ordinance 2015-838 was approved and will be filed in Ordinance Book #17.

DISCUSSIONS:

DRAFT ORDINANCE – RESTRICTING PARKING ON GRASS AREAS

For the benefit of those in the audience, Mrs. Spott pointed out with the exception of the hearing just held the Board of Supervisors will not be voting on anything else at this workshop meeting. She explained workshop sessions enable the supervisors to look at the issues, discuss and hear the pros and cons, provide feedback to developers, and provide residents another opportunity to participate in a public forum.

John Waters, Director, Safety/Codes Enforcement, discussed the draft ordinance restricting parking on grass areas which was prompted by the number of complaints regarding people parking on grass areas in their front and side yards. The last time this was addressed was several years ago at which time it was decided to allow people to park in these areas for 17 hours; however, this has been found to be almost unenforceable.

During discussions at the staff level the first option is to remove the 17-hour rule altogether and simply not allow parking on non-paved areas. This option presented some additional issues that need to be discussed such as defining non-paved surfaces that are pervious to the passage of fluids and how pervious paving should be addressed so as not to encourage paving. Direction is also needed if the ordinance would apply to just motor vehicles or also boats, and trailers. The other issue to clarify is applicability. There are quite a number

of people who have expanded their driveways with stone. The proposed ordinance would make that illegal and it would have to be removed.

A discussion followed as to whether the ordinance should be in the zoning code or in the property maintenance code under the motor vehicle section and take advantage of the opportunity to adopt a newer addition of the property maintenance code.

Mrs. Spott asked how other townships similar to Upper Merion's demographic have handled this issue. Mr. Waters responded there are communities that simply prohibit any parking on grass according to their property maintenance code.

Mr. Kraynik asked if the enforcement process is changed at all whether it is in zoning or property maintenance code. Mr. Waters responded if it is in zoning appeals would go to the Zoning Hearing Board instead of the Property Maintenance Appeals Board.

A discussion followed regarding the effect of "grandfathering" whether the draft ordinance is in zoning or property maintenance code and how parking on current gravel surfaces would be handled. Grandfathering would not be an issue with parking on grass because it would not be permitted.

Mrs. Spott commented on the deterioration occurring in some of our neighborhoods because of parking on grass areas and the number of resident complaints about this practice.

Mr. McGrory suggested eliminating the 17-hour rule for starters, leave everything else alone for now and see what impact this has. He said judges have difficulty enforcing the current ordinance because of the 17-hour rule. Once the 17-hour rule is eliminated and ordinances are enforced the problem resolves itself without overcomplicating the issue because every change cascades into many other changes. If the problem does not resolve once the 17-hour rule goes away all the other issues can be revisited.

Chief Nolan brought up the situation if someone has a large party at their house and pulls on the lawn for four hours. If the 17-hour rule is taken away that would now be a violation.

Mrs. Spott commented about the issues people on a cul-de-sac might have during a snow emergency and it is a reasonable assumption there is no other place to park but on the grass.

Chief Nolan said the question is should exceptions go in now or just take out the 17-hour rule and leave the old ordinance as is. Mr. McGrory responded the 17-hour rule could be taken out without trying to build in all the exceptions

because it provides the opportunity for more discretion for a reasonable situation.

Mr. Waks commented he favored the elimination of the 17-hour rule with a snow emergency exception.

Mr. Jenaway asked if there is anything else other than the snow emergency exception that should be considered.

Mr. Waters mentioned the definition of “non-paved” needs to be considered. Mr. McGrory commented if it has not been an issue why fix it, but if it becomes an issue then it can be fixed.

In terms of paving, Mrs. Spott said there are some pervious/impervious rules in place requiring a permit and without a permit the paving would have to be taken out. Mr. Waters responded in the affirmative.

A discussion followed about some who might install gravel. Mr. McGrory suggested having “non-paved” in the ordinance and leave it as is because on its face it people will realize they cannot just throw gravel down.

Referring to the two exceptions in 302.8.1, Mr. Jenaway asked if they are both in the ordinance now or proposed additions. Mr. Waters responded those are proposed additions because the 17-hour permission is being deleted.

Mrs. Kenney said the third exception would be for some emergency use. Mrs. Spott agreed.

Mr. Waters asked if the exceptions should remain and include the snow emergency as a third exception. Everyone agreed.

Chief Nolan commented the definition of vehicles should remain.

A discussion followed about Option #1 which would allow a boat or trailer on grass in the backyard (with a fence) or Option #2 which would exclude boats or trailers. Also discussed was the definition of a vehicle.

For the benefit of those in the audience, Mrs. Spott stated the two exceptions would be for special events requiring overflow parking and a 24-hour exemption for a specific social or other event by notifying the police in advance (one would be a special events permit and the other would not). The third exception would be for a snow emergency. The definition of vehicle would be Option #1 – Vehicles: Any motor-vehicle, recreational vehicle, boat, trailer or similar means of conveyance of people or goods.

From the public:

Cynthia Hornyak, Mark Lane, complained about a truck parked in her neighborhood for the last three months on the side of the house and the difficulty enforcing the current ordinance with the 17-hour provision.

A discussion followed about the pros and cons of having the ordinance in zoning. Mr. McGrory stated if a comprehensive approach is done it should be in zoning; however, if only limiting the 17-hour rule with some minor exceptions, leave it in property maintenance.

Mr. McGrory asked if the 17-hour rule has been Ms. Hornyak's problem. Ms. Hornyak responded in the affirmative.

An unidentified member of the public asked if enforcement is based on complaints or on actual violations throughout the township. Mr. Waters responded 99% of property maintenance enforcement actions are done on a complaint basis.

Mr. McGrory asked if the ordinance would be considered as part of the property maintenance code. Mr. Waters responded that would be his preference and is asking the Board of Supervisors that this be part of the update of the property maintenance code 2015 edition.

Mr. Waks asked for additional clarification about the draft ordinance. Mr. Waters responded it is mostly administrative in nature with some better definitions, but the majority of the regulations will not change at all and the proposed ordinance is ready to go.

DEVELOPMENT PLAN RE: 455 CROOKED LANE; LANDSCAPE SUPPLY FACILITY; 2-BUILDING 3,420 SF, HI, 1.22 ACRES

Scott Greenly, Associate Planner, provided background on the 1.22 acre site which is currently used as a landscaping facility and proposed to continue with that use. The property has received zoning relief to permit a setback of 50 feet from the required 150 feet from a residential district. The applicant has also limited their hours of operation to Monday through Friday from 7 a.m. to 5 p.m. and Saturday from 7 a.m. to 3 p.m. and closed on Sunday. The hours may be expanded under emergency situations such as weather events. The applicant is not asking for any waivers. The applicant is proposing a covered parking area approximately 1,400 square feet and a proposed garage with three overhead doors. There are some unusual right-of-way issues on the site which is off of Crooked Lane.

Utilizing the aerial, Chris Poterjoy, PE, Pennoni & Associates, pointed out the location of the proposed building which is a 1,800 square foot shed which will

be heated in winter. Its primary use is for storage of landscape equipment and some smaller maintenance materials. Next to this building is a small covered area for parking as well as salt storage in winter as well as an adjacent outdoor storage area. Ten parking spaces are shown on the plan. There is a very limited amount of employees who work from this facility; some of them car pool together and a few drive a company vehicle. It is proposed for the employees to come in at 7 or 8 a.m., change vehicles to a company vehicle, leave for the day and return at 5 p.m. There is very little traffic in and out of this facility during the day. There is no retail proposed for the site; it will be solely for storage of equipment and hardscape materials as needed.

The applicant has been through the zoning process. To the south an extensive landscape buffer is proposed as part of the land development process.

The applicant has started clean up on the site, is already working with the residents and has met with many of them prior to the zoning process.

A stormwater basin is proposed in the rear of the property. Because the area is known for sinkholes, precautions have been taken to have the basin lined so it will not infiltrate stormwater runoff from the site. The site will discharge to a level spreader right below it which will act to dissipate the water and spread it back out to a more natural flow that leaves the site.

The Montgomery County Planning Commission letter addresses a sidewalk extension along the frontage of this property which the applicant is willing to install. Since the sidewalk will be in the PennDOT right-of-way it will require a Highway Occupancy Permit (HOP) from PennDOT. The applicant would like to get started on some of the site improvements while obtaining that permit.

The applicant has met with the Township Engineer to discuss a few of the items in the review letter and will be able to comply with everything in the letter.

Mr. Jenaway asked for clarification about the location of the stormwater basin. Utilizing the aerial, Mr. Poterjoy pointed out the location of the basin in the back corner of the site. Mr. Poterjoy stated the pavement for the entire site is proposed as gravel. He noted the basin was sized as having asphalt; however with gravel there is some velocity.

Mr. Jenaway asked about the direction of the stormwater flow. Mr. Poterjoy highlighted the location of the spreader on the screen and the flow to the adjacent property which is where the water goes today. The goal of the level spreader is to get the hydrology to work as it is today and put it back in the same condition.

Mr. Waks asked about the reaction of the residents. Michael Kissinger, Senior Engineer, Pennoni & Associates, responded they liked what they were shown and did not come to the zoning meeting. There have also been favorable comments about the cleanup that was done so far.

Mr. Waks asked about the height of the two structures. Mr. Kissinger responded both structures would be about the same height between 19-20 feet.

Mr. Waks asked for clarification about the buffers. Mr. Kissinger responded the buffer is 50 feet (10 feet of grass).

Mr. Greenly said this is a straightforward development plan and if the Board is comfortable with some of the revisions made to show the sidewalks on the plan he asked if it would be okay to place this on the agenda for the next business meeting.

Mrs. Kenney commented she is pleased to hear about the sidewalks.

Mr. Greenly noted it is a very good connection and will provide a continuous network all the way down to the train station.

Mrs. Spott stated this plan is ready for consideration at the next business meeting.

PRELIMINARY DISCUSSION RE: 375 W. BEIDLER ROAD AT CALEY ROAD:  
5.76 ACRES, R-2/R-2A, 16 SINGLE FAMILY DWELLINGS

Shimon Guy, Guy Engineering, stated this is a site that has been standing idle for some time and the developer is proposing to build a residential subdivision on a cul-de-sac. A sketch plan was provided and it was noted a survey has not been done consequently the details might change slightly. Mr. Guy indicated the improvements to Caley and Beidler Roads include curbs and sidewalks. At one time the possibility of connecting to Beidler Road was discussed but that was dropped from consideration. Renderings were provided showing two basic models – a smaller 2,400 square foot and a larger model up to 3,000 square feet. Both models can have either front or side loading two-car garages.

Mr. Guy indicated the split zoning is the main issue and utilizing the aerial made a suggestion to move the zone line so the site would be zoned R-2. It was noted R-2 is for homes that will be served by a public sewer system.

Mrs. Spott asked about the R-2A zoning. Mr. Greenly commented the R-2A zoning were previously designed for larger lots that had room for septic tanks.

Mr. Jenaway asked about the smallest lot size in the proposed development. Mr. Guy responded R-2 allows for 10,000 square feet and the smallest lot shown on the sketch plan is 10,080.

Mr. Waks asked how the lot sizes compare to lot sizes of the neighboring parcels. Mr. Guy responded they are about the same and indicated the developer does not propose to go below 10,000 anywhere. He said all the lots comply with the regulations for all dimensions.

Mr. Waks asked if there have been any discussions with the neighbors. Mr. Guy responded in the negative and said the developer wants to be more established before doing so.

Mr. Greenly noted of all the calls the township receives about properties there have been more on this particular property than any other in the last year. He said the further the developer moves through the process he would hope residential outreach would be part of the development process. Mr. Guy stated they will definitely talk to the neighbors regarding location of sewers, etc.

Mrs. Kenney asked if there are any kind of environmental issues such as buried tanks associated with this property. Mr. Guy was not aware of any environmental issues and indicated a study will be done.

The property owner (name inaudible) indicated there are no tanks on his property and that he has done extensive cleanup since March of this year. He said his business is very busy right now and he will be back to finish cleanup as soon as business slows down.

Mr. Waks stated he wants the developer to be more assertive in reaching out to the neighbors. He said he has heard from residents who have questions about the number of lots and indicated he is sure there will be questions about access and other things. Mr. Waks suggested sending a letter to anyone within a certain number of feet of the proposed development. Mr. Guy said they are at the very earliest stages and will be in touch with the neighbors as Mr. Waks suggested.

Mr. Jenaway complimented the property owner for the cleanup that was done so far on the property.

Mr. Guy mentioned there is a potential waiver listed on the plan to allow a sidewalk on only one side and wanted some guidance on how the supervisors felt about this. He noted it would reduce impervious on the site.

Mr. Waks thought it would look unbalanced and said this is something to discuss with the residents. Mrs. Spott, Mr. Jenaway and Mrs. Kenney agreed for uniformity it would be best to have the sidewalk all around. Mrs. Kenney said the



idea to reduce impervious has merit and suggested the sidewalk utilize porous paving.

Mr. Jenaway asked if there is any common area in this proposed development. Mr. Guy commented currently all they need is a viaduct when they get to designing the storm system and that [common area] may change. There are 16 potential lots being shown now, but if necessary they may have to go for 15 lots. A land survey and other research will be done.

Mr. Greenly asked what is being proposed as far as street width. Mr. Guy responded there is a 50 foot right-of-way and a 30 foot cartway. He said there is a possibility of a narrower cartway, but they also need to show guest parking locations.

Mr. Jenaway commented in some of the more recent developments in the township the street width has become a significant challenge. He noted while the belief is that people will have one (1) or 1.5 cars the reality is over time they have three or four cars and streets end up extremely clogged.

Mr. Waks asked about the price range for the homes. Mr. Joe Willis, developer JMW Enterprises, responded the homes will be in the mid-\$500,000 to the low \$600,000 on the 3,000 square foot homes. All the houses have two-car garages and the driveway can accommodate at least two or three cars because of the length of the driveway and width of the driveway.

In looking at the design of the home, Mr. Jenaway asked if the garages would be coming in off the street. Mr. Willis responded the models show either front loading or side loading garages.

Mr. McGrory commented he does not know of any township that permits parking on a 24 foot cartway. He pointed out there is plenty of room to expand the cartway and have parking on both sides so the development is not constrained. Mr. McGrory asked what cartway is necessary to have parking on both sides. Mr. Greenly responded 36 feet would be necessary.

Mr. McGrory said the developer is not constrained by dimensions and could easily do 36 feet. Mr. Guy said they would not like to do this if it is not necessary and that is why they kept the cartway at 30 feet. He mentioned they show the required amount of guest parking which is six (6) spaces according to the number of lots.

Mr. Jenaway asked for clarification about the emergency access. Mr. Guy responded if the fire marshal or Board of Supervisors decide it is necessary the applicant can provide the emergency access.

An unidentified member of the audience asked the reason for not going all the way out to Beidler Road. Mr. Guy responded they did not want it to become a short cut which would be an unpleasant situation for the residents. He said it is a small development and there is no need to provide two access points.

Mrs. Kenney asked if these homes have basements. Mr. Willis responded in the affirmative and said these homes will have 8 foot basements and an egress window well and possibly an option for a 9 foot basement.

Mrs. Kenney asked if there is an attic with a drop down stair. Mr. Willis responded in the affirmative but noted it is not really a useable space. There is a small storage area with an access panel but not a typical attic. The drop down stair could be an option.

Mr. McGrory asked where the developer has done this type of development. Mr. Willis responded nothing to this magnitude. Previous subdivisions he has done are in Chester County, Malvern, West Chester and Newtown Square.

Mr. McGrory asked about the largest development he has done. Mr. Willis responded he also builds at the Jersey shore and just finished a couple \$1 million homes and is getting ready to start on three multi-million homes in Ocean City.

Mr. McGrory asked if there is an architectural rendering that could be reviewed. Mr. Willis responded it exists in West Chester.

Mr. McGrory asked about the name of that development. Mr. Willis responded there is a neighborhood called Brickhouse Farms and another place off of Westtown Road.

A woman in the audience asked about the building R-factor and the construction from the outside. Mr. Willis responded the walls are typically R-13 and ceilings are R-30. Exterior elevations would typically be stucco and vinyl siding.

Mr. Guy asked about the zoning issue since it will affect his design. Mrs. Spott said this matter will be taken under advisement and Mr. Greenly will follow up with him.

Mr. McGrory said it would be helpful to have feedback from the neighbors. Mr. Kraynik suggested the developer meet with the neighbors before official submission. Mrs. Spott agreed.

Mrs. Spott asked if the developer is looking to break ground on this sometime in the spring. Mr. Guy responded as early as possible but they will

need to do a survey and design and see how long it takes to go through PennDOT for the HOP for the sidewalk.

Mr. Waks commented while the feedback he has received was generally positive, he noted there is some concern about 16 lots and the Board may ask to reduce that slightly.

Mr. Guy indicated stormwater management may cause them to require more space. Once they do the soil testing they may have to go down to 15 but they will have to see out it works out. He said they want the homes to be marketable and attractive.

ADJOURNMENT:

There being no further business to come before the Board, it was moved by Mr. Jenaway, seconded by Mrs. Kenney, all voting "Aye" to adjourn the meeting. None opposed. Motion approved 4-0. Adjournment occurred at 8:56 p.m.

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DAVID G. KRAYNIK  
SECRETARY-TREASURER/  
TOWNSHIP MANAGER

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Minutes Approved:  
Minutes Entered: