

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

The Board of Supervisors of Upper Merion Township met for a Zoning Workshop meeting on Thursday, September 10, 2015 in the Township Building. The meeting was called to order at 6:15 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, Scott Greenly, Associate Planner. Supervisor Philips was absent.

DISCUSSIONS:

FLOODPLAIN OVERLAY DISTRICT – NEW DISTRICT TO COMPLY WITH FEDERAL REGULATIONS

Mr. Greenly handed out documentation regarding the draft Floodplain Conservation District ordinance. FEMA initiated the map modernization process in 2010, releasing preliminary maps for all of Montgomery County. The letters of final determination were released September 2nd with the maps set to become effective on March 2, 2016.

Letters have been mailed to the affected property owners (approximately 500 letters). Maps have been made available on the township website and will be available for public view at the Township Building.

Mr. Greenly noted the majority of people will be removed from the floodplain. Staff will be available to assist residents determining if their home is in a floodplain and with the Letter of Map Amendment (LOMA) process.

Mr. McGrory stated it needs to be made clear to the residents that this was FEMA's decision. Mr. Greenly indicated he has tried to make that very clear in communications with residents. The information letter to residents breaks down what the changes were, when the changes will be effected and where they can go for more information. Mr. Greenly's contact information is prominently displayed on the letter.

Mr. McGrory asked if the process will be extended any longer. Mr. Greenly responded he received the final determination letter and the township

must have the ordinance adopted by March 2, 2016 in order for the township to remain in good standing with FEMA and the National Flood Insurance Program.

Staff has reviewed the ordinance against the FEMA checklist for the new maps.

Mr. Greenly noted the draft ordinance prepared by the Township Solicitor is much easier for people to understand than the County's model ordinance.

Mr. Jenaway asked if there is any particular area that might generate inquiries. Mr. Greenly responded the FEMA A zones (shown on the map in yellow) do not come with specific Base Flood Elevations (BFEs). These are difficult because it requires more hydraulic studies to determine the point of flooding. There will be more work to help residents with whatever LOMA's they can pursue.

Mr. McGrory and Mr. Greenly discussed the timing of the administrative process to complete the ordinance and arrangements for a meeting with the Township Engineer.

Mr. Jenaway asked for clarification about two properties in the heart of the "yellow" area. Mr. Greenly responded they are building right now so they would be fine. In future expansions it would have to be regulated by the ordinance.

Mrs. Spott commented when the residents get the letter they will not really know whether they are in or out. Mr. Greenly responded they will know their property is in a flood plain, but they will not know if their structure is in a flood plain. At the bottom of the letter it points them to where the maps are and Mr. Greenly will be available to help them.

Mr. McGrory asked if insurance rates are affected if the property is in a flood plain but not their building. Mr. Jenaway commented generally not but it might. He said it would depend on what the property is used for. If it is a commercial property there may be additional equipment, storage or other things that go on the property. Mr. Greenly said as far as the residential if the structure or structures on the property are touching the floodplain the mortgage company is required by federal law to require flood insurance. If the resident does not have a mortgage it is encouraged for them to pursue flood insurance but there is no federal mandate.

Mr. Greenly reviewed some of the highlights of the ordinance as follows:

- Once a Letter of Map Amendment is approved by FEMA the property will be removed from the map and FEMA will issue a certification to this effect.

- Prohibited in the Flood Plain will be new construction structures, storage of dangerous materials, hospitals (public or private), nursing homes (public or private), jails or prisons, new mobile homes or mobile home subdivisions.
- Existing structures located in a designated floodway shall not be expanded/enlarged
- Any proposed construction would require a permit
- The Upper Merion Township Chief Building Official is appointed as the Floodplain Administrator and will enforce the measures of this ordinance
- The Floodplain Administrator will evaluate any permit application to build in the floodplain and determine what federal approvals need to be obtained
- Responsible for submitting a biennial report to FEMA for participation in the National Flood Insurance Program
- Any permit of plans for construction in the Floodplain would also be reviewed by the Montgomery County Conservation District
- Any person who fails to comply with the measures laid out in the floodplain conservation district ordinance will face a fine of not less than \$25 and no more than \$600 at the direction of the floodplain administrator.
- Appeals to the decision of the floodplain administrator can be appealed to the Zoning Hearing Board within 30 days of the floodplain administrators decision
- Variances can be requested, as long as any new construction does not raise the elevation of a 100 year floodplain – *A discussion followed about the term “variance” which FEMA insists on.*

CHURCH ROAD – MAP AMENDMENTS

Mr. Greenly discussed the need to review some areas of the township that require rezoning. One area he wanted to bring to the attention of the supervisors are parcels split zoned Light Industrial and R-2 in the West Church Road area between the cemetery and John Middleton. He noted it is unlikely any industrial uses will go in there and potential exists for subdivision.

Mrs. Kenney asked if houses are in there now. Mr. Greenly responded in the affirmative.

Mr. Greenly asked if the supervisors to email planning staff if they have any other areas suggested for zoning clean up.

Mr. Waks asked if letters could be sent to the residents of Radar Drive letting them know about the rezoning prospect once the supervisors have an opportunity for more discussion. Mr. Greenly responded there would be a full-out public outreach at that time.

Mrs. Kenney inquired about the area to the right of the cemetery. Mr. Greenly responded there are businesses and some industrial uses in that area. It is also split zoned with an industrial use that is the primary use.

Mrs. Spott asked if it is possible for the Board to have a zoning map and so as to see if there are some obvious "sore thumbs." Mr. Greenly responded he is currently in the process of getting all the changes into a draft document and once it is completed it will be sent to the supervisors.

Mr. Greenly noted when the Business and Office districts are approved the zoning update will be 99% complete. Staff will move forward with internal discussions and look forward to any input the Board has in their travels around the township.

Everyone agree that Swedeland/Swedeburg was an area to be addressed.

Mrs. Kenney asked about the S. Gulph Road area from Henderson to Brooks Road. Mr. Greenly responded it is split between R-2 and R-1 which is the single family district. He said it is timely that Mrs. Kenney mentioned that area since the Residential Office District ordinance will be brought up soon.

Mr. Jenaway commented not much of anything could be done on River Road because the entire portion of Upper Merion is in the flood plain.

Mr. McGrory suggested a future workshop dealing exclusively with the map. Mr. Greenly said that was a good idea.

SINGLE FAMILY HOMES – REGULATIONS REGARDING 2ND DRIVEWAYS

Mr. Greenly stated there have been some permitting issues recently with regard to second driveways and wanted to discuss how the neighboring municipalities are dealing with them and how Upper Merion has been dealing with them. He said other municipalities do not have regulations for second driveways. They have regulations for driveways, but do not govern whether they can have one or two. They govern driveways with zoning and what impervious coverage is allowed.

Mrs. Spott pointed out a circular driveway is not really two driveways, but rather two openings because it is a continuous driveway. Mr. Greenly commented driveways are now viewed as two separate access points onto the road from the property.

Mrs. Kenney asked if this is currently allowed. Mr. Greenly responded the township uses PennDOT regulations which are very strict. Second driveway cuts are allowed for a property that is over 600 feet of road frontage and there are very few residential properties that have this amount of frontage.

Mr. McGrory stated PennDOT's philosophy is to limit the curb cuts because generally these are busier roads.

A discussion ensued regarding properties existing in the township with two access points.

Mr. Greenly stated he can now only do what the zoning ordinance requires and is proposing two types of zoning standards for driveways. He is proposing a hybrid that is a mix between impervious coverage and safety standards for such things as the location between the two cuts and to existing intersections. He noted the difficulty finding such standards.

Mr. McGrory commented his experience is that second driveways are not regulated, but the SALDO regulates how close a driveway is to an intersection. Mr. Greenly pointed out there are driveway construction standards in the SALDO.

Mr. McGrory said he does not see a real compelling reason to regulate the second driveway. Mr. Greenly indicated he was interested in gaging a reaction from the Board as to what direction he should be going on this.

Mr. McGrory pointed out if there is a driveway on a busier street there are issues of pulling out and a second driveway would allow someone to pull out forward instead of backward.

Mrs. Spott indicated she is not averse to circular driveways since they can be made to look quite nice; however it is less ideal to have two distinct driveways in residential neighborhoods. Mrs. Spott noted at the regular workshop meeting after this meeting there will be a discussion about people parking on the grass. She said the issues are related because if two driveways are allowed, the grass area will end up with paving.

Mr. McGrory suggested a hybrid of PennDOT and township standards and having it in zoning for the zoning officer to determine. He said every residential has one driveway and a circular driveway is only one driveway unless there is a certain frontage (e.g., 600 feet or 300 feet, etc.). It was noted anyone with a house with 600 feet of road frontage may want a separate driveway, for a barn as an example. Having this in zoning would mean if they need a second driveway and meet those standards they have to apply to the Zoning Hearing Board.

Mrs. Kenney asked about a percentage of impervious. Mr. Greenly responded if someone makes application for a driveway expansion the impervious at the site is reviewed.

Mr. McGrory commented the reason why most townships do not regulate this at all is because it is regulated through impervious coverage.

Mr. Jenaway asked if research of other municipalities produced any that had a dimension of 150 or 300 feet for a second cut. Mr. Greenly responded he found a few nation-wide that were less stringent than PennDOT. He recalled one with 150 feet which is still a substantial stretch of land.

Mr. Greenley stated he recommends this whole process is a hybrid between the impervious coverage and some standards for driveways.

Mr. McGrory commented it is not necessary for impervious coverage to be addressed. Mr. Greenly said he would try to come up with something that is less prohibitive, but not necessarily encouraging second driveway cuts. He will also look into standards for circular driveways.

On another matter, Mr. McGrory stated he sent Mr. Loeper a case recently handed down by the U.S. Supreme Court regarding signage so that he could compare the township's sign code with that case to see if there are any violations that need to be cleaned up. For example, temporary signs for a church, for example, and how it factors into violations of freedom of speech.

A discussion followed about the implications of the decision for some townships on their sign codes.

ADJOURNMENT:

Without further comment from the Board and public, it was moved by Mr. Waks, seconded by Mr. Jenaway, all voting "Aye" to adjourn the zoning workshop meeting at 7:08 p.m.. None opposed. Motion approved 4-0

DAVID G. KRAYNIK
SECRETARY-TREASURER/
TOWNSHIP MANAGER

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Minutes Approved:
Minutes Entered: