

Upper Merion Township Planning Commission
Regular Meeting on February 14, 2024

The Upper Merion Township Planning Commission met for its regular meeting on February 14th, 2024, in-person in the Henderson Room located in the Township Building, and via Zoom. The meeting information was fully advertised and a meeting agenda placed on the township website. The meeting was called to order at 7:06 PM followed by the Pledge of Allegiance.

IN ATTENDANCE:

Matt Popek
Mark McKee
Jaquelin Camp
Kenneth Brown
Martin Trumpler
William Jenaway, Board Liaison
Jarrett Lash, Township Planner

ABSENT:

APPROVAL OF MEETING MINUTES:

Meeting minutes were previously passed out for the following:

- 01/24/2024

With no other comments regarding them, Mr. Brown made a motion to approve all meeting minutes, with Mr. McKee seconding. All were in favor.

EV CHARGER ORDINANCE:

The Planning Commission discussed a proposed Electric Vehicle (EV) Charger ordinance that would provide standards based on public safety considerations as to where EV charging stations could be installed and additional safety parameters for them to adhere to. The proposed ordinance would amend Chapter 145, Section 24 and Chapter 165, Article XXXI with the same language. The draft of the proposed ordinance was distributed to the Planning Commission ahead of the meeting.

Mr. Lash opened the discussion by briefly describing the conversation that the staff recently had with a potential new tenant in the township, Tesla, sharing that they had no objections regarding the contents of the EV Charger ordinance when asked if they would be willing to comply ahead of it being passed. Mr. Lash then requested that Supervisor Jenaway provide his overview of the ordinance as he has spearheaded the drafting of it with the township's Department of Public Safety.

Upper Merion Township Planning Commission
Regular Meeting on February 14, 2024

Mr. Jenaway said there is no intent in the proposed ordinance to do anything but control the location of charging stations for public safety reasons. Mr. Jenaway described the risk of electric vehicle battery fires and that current fire suppression technology cannot adequately control these types of vehicle fires. He explained that where the Department of Public Safety has seen electric vehicle chargers installed inside of parking garages, they are usually in tight corners with little access and with other assets that could cause a risk, such as a large number of electrical meters. He provided an example of Rivian, an electric vehicle car company, that agreed to place their electric vehicle chargers outside instead of under structured parking at the mall.

Ms. Camp stated that she believed that the proposed ordinance would be too restrictive and would discourage developers from adding electric vehicle chargers to their new projects. She compared it to restricting other lithium-ion battery-powered devices such as laptops and cell phones.

Mr. Lash noted that the township has seen an increased number of developments that wrap structured parking around a multifamily building, sometimes referred to as a Texas Donut. He added that the township recently received a new land development application that would have six stories of residential housing on top of two stories of structured parking. He noted that requiring electric vehicle chargers to be outside could decrease the fire risk for developments such as those.

Ms. Camp stated that she believes Electric Vehicles (EVs) will continue to make up a larger percentage of the overall vehicle market share and that instead of restricting where chargers can be placed, the township needs to investigate the equipment that can combat fires adequately. Ms. Camp felt that this ordinance would be obsolete by the time the first project is completed under these requirements as the safety of battery technology as well as fire prevention technology would continue to improve. She noted a specific technology currently available in Europe.

Supervisor Jenaway concurred that both technologies will likely improve. However, he stated that in the meantime, this ordinance will provide the necessary safety for now. Supervisor Jenaway said that he would request that Chief Johnson look into the technology Ms. Camp mentioned.

Mr. Popek asked why the proposed ordinance would be placed in both the Subdivision and Land Development Ordinances (Chapter 145) and the Zoning Code (Chapter 165). Mr. Lash shared that it was the advice of the Township's Solicitor to place it in both sections; this was also consistent with what Public Safety observed with other municipalities. Mr. Popek noted that this potential redundancy would require the Zoning

Upper Merion Township Planning Commission
Regular Meeting on February 14, 2024

Hearing Board to provide relief and for the Board of Supervisors to grant a waiver for any noncompliant land development application. He requested that the staff discuss if it is necessary to have it in both sections. Supervisor Jenaway and Mr. Lash agreed that if it was to remain in solely one section, the Zoning Code would be preferred as it would not only capture projects that go through the land development process.

Multiple Planning Commission members then discussed the current methods for suppressing EV fires -- from suppression blankets to shipping containers full of water as well as potential early detection technology such as thermal sensors. An electric vehicle fire in Lower Merion Township was cited.

From there, a discussion regarding the landscaping requirements ensued. Ms. Camp cited that the landscaping requirements in the code may contradict some of the requirements for the EV chargers to not be located near combustibles such as mulch or trees. She also noted that multiple projects recently do not have additional space to meet these requirements of being 25 feet from the building. Mr. Popek asked if there is a design for the model EV charging station per what this amendment would require. Mr. Jenaway stated that they have multiple nearby examples, some in the township, that would meet the intent of this ordinance. Mr. Lash added that the intention of this ordinance is still to allow EV charging stations to be placed in a row.

Ms. Camp asked for additional clarification on why the proposed ordinance treated level 2 and level 3 charging stations the same. She felt that regulating the placement of level 2 chargers was too extreme. She described some ways that developers could usurp the intention of this ordinance such as installing outlets capable of supporting plug-in level 2 chargers inside of parking garages. Ms. Camp also noted that laws in New Jersey require developers to install EV chargers for new multifamily developments as well as having areas "EV-ready" as EV adoption increases. Mr. Jenaway said that he would ask that Public Safety look into that further when making any adjustments to this ordinance.

Mr. McKee pointed out that this would add standards on the placement of EV chargers in multifamily buildings and nonresidential buildings but not single-family homes, attached or detached. He noted that a family in a townhome could still add a level 2 EV charger in their garage under this ordinance.

Ms. Camp noted that the "whereas" clauses seem to support the EVs, while the ordinance only provides standards that would decrease where EV chargers could be placed. She requested to see language that lends to the further adoption of EV chargers. Mr. Jenaway agreed but noted that he believed the two ordinances should be separate, this one

Upper Merion Township Planning Commission
Regular Meeting on February 14, 2024

focused on the safety of them, and potentially a future ordinance focused on how the township could encourage the installation of the chargers.

The result of the conversation was that Mr. Jenaway would bring these notes to the staff in Public Safety who drafted it to consider items discussed at this meeting. The Board would revisit the proposed ordinance at a future workshop.

CURRENT LAND DEVELOPMENT APPLICATIONS OVERVIEW:

Mr. Popek then turned to the current state of land development applications. He noted that the Board of Supervisors approved a number of projects in early 2024, so he requested that Mr. Lash provide an overview of what is still expected to come in front of the Planning Commission.

Mr. Lash provided updates on:

- 630 & 631 Park Ave (KPMU: Approved (Outstanding Reviews), 211,060SF Commercial Facility),
- Reedel Rd (R-2: Preliminary Approval, 24 Single Family Detached Subdivision),
- S Gulph Multifamily Development (NMU: Proposed, 33-Unit Multifamily & 4,927SF Commercial Space),
- Parkview Tower (KPMU: Proposed, 192-Unit Multifamily Conversion),
- Philadelphia Inquirer Building Redevelopment (HI: Proposed, 746,240SF Industrial Buildings),
- Courtside Square Apartments (CG: Proposed, 174-Unit Multifamily & 6,090SF Office Space),
- W Church Road Townhomes (R-2: Proposed, 12 Single Family Attached).

ADJOURNMENT:

With no other business to discuss, Ms. Camp moved to adjourn the meeting, with Mr. Popek seconding. All were in favor, and the meeting adjourned at 8:44 PM.