

UPPER MERION TOWNSHIP BOARD OF SUPERVISORS  
ZONING WORKSHOP MEETING  
AUGUST 1, 2024

The Board of Supervisors of Upper Merion Township met for a Zoning Workshop Meeting on Thursday, August 1, 2024, in the Township Building. The meeting was called to order at 6:19 p.m., followed by a pledge of allegiance.

ROLL CALL:

Supervisors present were: Bill Jenaway, Greg Waks, Greg Philips and Carole Kenney. Also present were Anthony Hamaday, Township Manager; Amanda Lafty, Assistant Township Manager; Jarrett Lash, Township Planner; John Walko, Township Solicitor's Office. Absent was Supervisor Tina Garzillo.

CHAIRPERSON'S COMMENTS:

Vice-chair Jenaway said Chairperson Garzillo is on vacation, therefore she is not present tonight. He mentioned the Board held an Executive meeting prior to tonight's Zoning meeting to discuss legal matters.

DISCUSSIONS:

A. WEADLEY TOWN ROAD NMU ZONING DISCUSSION:

Vice-Chair Jenaway gave a synopsis on how South Gulph Road zoning area was modified from R1, which is large single-family home parcels. The first modification happened in 1967 where the Comprehensive Plan conducted by the BOS at that time identified that area to be residential multi family for future zoning plans. Then in 1986 another Comprehensive Plan was completed where the BOS suggested that medium density housing, 5 to 9 dwelling units per acre would be intended for that district, which continued with that process through the next Comprehensive Plan until 2018. After a series of meetings in 2018 the BOS all approved to develop that area as long-term neighborhood mixed use.

That corridor of Gulph Road being zoned other than single-family residential dates back to when the commercial office buildings were being built around the 1970's. This stemmed from ideas in the sixties to do something different along Gulph Road. There are also expansion plans for the Schuylkill Expressway to have 3 lanes in both directions and other plans for transportation modifications on Gulph Road. Vice-chair Jenaway also mentioned some people brought up about who gets notified when there are zoning changes.

He explained the policy of Upper Merion Township has always been that properties within 500 feet of a potential rezoned location are notified by mail. In addition, there are signs posted in the area about the rezoning and there are notices posted in the local newspaper. He also pointed out that the State Municipal Planning Code only requires the Township to notify properties within 200 feet but Upper Merion expanded that to 500 feet.

With that said he tried to put everything into perspective as to where it came from and what it was intended for. He said the NMU has some opportunity to be improved in density and the proper place to discuss this would be at Comprehensive Plan public meetings which would be held in the near future. This is where each planning area would be discussed in detail and where residents can talk about issues they believe exist with those particular planning areas and what they believe we should consider as the Comprehensive Plan gets developed. The Comprehensive Plan deals with everything; stormwater, roads, traffic, public safety, density of properties, height of properties and so on.

Next, Mr. Jarrett Lash mentioned there were four parcels listed at a previous Comprehensive Plan meeting that are not along South Gulph Road and are currently zoned Neighborhood Mixed Use (NMU). The division is along South Gulph Road, and as the Schuylkill Expressway being a demarcating area to the lower density residential areas to the South, to the North of the neighborhood mixed used are high-rise apartments, garden style apartments, commercial neighborhood zoning and to the left there are administrative offices, a transportation infrastructure and two vacant parcels zoned R1. Those four parcels are 120 and 140 Weadleytown Road and 226 and 237 Weadley Road.

Vice-chair Jenaway asked if the Weadley Road parcel have access via roadway onto Weadley Road. Mr. Lash said parcel 237 does have access onto Weadley Road and the other parcel 226 has access from Weadleytown Road. Mr. Jenaway asked Jarrett to identify the owner of the parcel next to the property in question that is between Weadley Road and Weadleytown Road and Jarrett responded the PA Turnpike Commission. Then Mr. Jenaway asked about the parcel on the other side of Weadley Road which Jarrett said is also owned by the PA Turnpike Commission, not PennDOT which is unusual.

Ms. Peggy Murray, resident at 411 Weadley Road gave an overview on how her and her neighbors arrived at this stage in their opposition to the NMU zoning designations in their residential area. She said the NMU zoning designations was championed by Mr. John Tallman who was one of the property owners that sold his property at a considerable and appreciable amount above what a residential sale would provide for. He was on the Zoning Hearing Board when this was being discussed in 2016 and 2017 and when this Ordinance was signed in 2018. Also, Mr. Tallman is presently the Vice-chair of the Zoning Hearing Board now.

Next, Ms. Murray read some of the Zoning Meeting Minutes from June 2, 2016 where Mr. Waks asked Mr. Caraodemiére and Mr. Tallman if they knew how their neighbors felt about these properties being redeveloped and Mr. Tallman responded Mr. Caraodemiére's property is much more protected from the neighbors and there is very little effect but his property would have more effect on the neighbors.

Ms. Murray continued to read more minutes where Mr. Caraodemiére said in 2007 or 2008 he went to the entire neighborhood and explained to them his intentions and there were no objections. At the time many of the neighbors wanted the zoning changed so they would benefit too. Mr. Tallman commented he received a similar response. He said he recently met with his neighbor behind him and he supported the plan to convert the property to an office. The neighbor acknowledged at some point he will also have to do something there as well.

In addition, she mentioned during the February 2, 2017, meeting Mr. Waks suggested Mr. Tallman to talk to some of the other residents on Weadley Road. Mr. Tallman responded that he has done a fair amount to try to communicate with the neighbors in many different ways but to no avail. Then, Ms. Murray asked Jarrett to pull up three slides of sale signs showing Mr. Tallman as the Realtor and saying this is how the residents found out about the NMU Zoning designation in 2023. She said no one in her community received any type of outreach as was indicated in the meeting notes. So, how could it possibly been communicated to every single property owner on S. Gulph Road, Weadleytown Road as well as Weadley Road to change the zoning designation, yet none of the 116 people on their email list was notified.

Next, Ms. Murray asked Jarrett to bring up Slide #4 showing a sale/lease sign for the property at 705 S. Gulph Road by McGill Real Estate with Mr. John Tallman's contact information. This property plays a part in their opposition for the zoning on Weadleytown Road even though they have no opposition to 705 S. Gulph Road being designated as NMU. Then she said they do have opposition with the property at 100 Weadleytown Road which is adjacent to 705 S. Gulph Road. Unfortunately, this property was awarded in 2018 and changed ownership in 2019 therefor it is grandfathered in and can't be changed back.

Ms. Murray said there are 4 other properties under contract with McGill Real Estate that they do oppose and the same property owner still owns them from when they were residential and hopefully will change back to residential before they are sold. Supervisor Kenney asked why she was concerned about when the owner sells and Ms. Murray explained once a developer buys that property the zoning can't be changed back.

Next, Ms. Murray went back to 705 S. Gulph Road property which is 3.65 acres saying if this property gets developed there is only one access point on S. Gulph Road, so an egress will be needed. This is where Weadleytown Road

comes into play, the developer needs this adjacent property so they can have egress for their development. Then she mentioned there are limitations to Weadleytown Road because it's a dead end, it's narrow and doesn't have a traffic light. In addition, 120 feet down from Weadleytown and Weadley Roads intersection is the intersection for Weadley Road and S. Gulph Road. Weadley Road cannot carry the current volume of traffic that it's presently burden with, this road has steep curves and receives an enormous amount of cut through traffic from King of Prussia Road to South Gulph Road. So, by adding more traffic from the apartment residents and the convenient stores patrons as well as not having sidewalks or street lights will be detrimental.

Now, Ms. Murray asked Jarrett to bring up the slide showing the proposed preliminary plans for the Shoemaker, Weadley and South Gulph Roads intersection realignment. The residents feel this preliminary study does not adequately address the safety issues presented by both the topography of Weadley Road and the spatial relationship to Weadleytown Road. The Board of Supervisors said they never saw the Plan that Ms. Murray gave Jarrett to put on the screen and asked her where she got them. Mr. Hamaday said it was probably a schematic that wasn't approved. Ms. Murray apologized for presenting the wrong plan but said regardless of the difference in the plan Weadley Road has deep dense curvature and you can't see the street ahead of you if you're sitting in traffic. Also, the traffic backs up big time with not only cars but buses and trucks too, then tossing in apartment complexes and stores will add more volume and it's going to look like Town Center.

Finally, Ms. Murray asked Jarrett to bring up the 2018 Ordinance, page 2 and read the five (5) intents outline by the then Board of Supervisors. They believe that the four (4) remaining properties in question do not meet the criteria of this Ordinance.

Next, Vice-chair Jenaway said he appreciates everyone voicing their concerns when the development was proposed about 18 to 24 months ago. He mentioned one of the goals to having public meetings and workshops is for the public to voice their opposition, concerns or questions to the developers. If you don't voice those concerns to the developers when they are presenting to the Board they think everything is fine and they will move forward with their plans. Mr. Jenaway said as of now the Board does not have a plan before them for the development on Weadley Road, due to you voicing for the resident's their opposition and other factors which gives the Board the ability to say other things would have to be done for this plan to come into compliance. So, this plan as presented with the variances requested has not moved forward, but that doesn't stop the developer from coming back again.

Vice-chair Jenaway also mentioned the Board already turned down two (2) other projects that were well over the density expectation and they were both for nursing homes. So, the Board at the same time you are presenting your case

is trying to protect that land through this Ordinance. Then he asked if anyone else had a comment.

Resident Michael Fitzgerald from 140 Weadleytown Road said it would be unfair after six years to change the NMU Zoning back to Residential because it would stop him and about four other neighbors from selling their properties.

Mr. Jamie Lyren resident at 412 Weadley Road for over 20 years and lives on the other side of the bridges also opposes the development. He said it becomes very curvy and steep where he lives, it has limited sight line and blind curves making it very difficult for the residents to pull out of their driveways safely. There is no flat land there, the road is very narrow and there are no sidewalks or street lights, this road is already over utilized and very dangerous. Even though the speed limit is posted 25mph more than 95 percent of that road is not traveled at the speed limit and to add more traffic will certainly end in more accidents.

Next, Supervisor Waks asked the residents who live on Weadley and Shoemaker Roads to raise their hand and then asked them a hypothetical question. Would they support speed bumps on Weadley and Shoemaker Roads even though it would make snow plowing more difficult and not as good removing the snow. There were mixed feeling about speed bumps, some feel it would help slow down some traffic but others felt some people will still drive fast over them which can cause a bigger accident.

Supervisor Kenney commented that Montgomery County through their Comprehensive Plan is requesting more apartments to be available because there isn't enough housing in the County. With that said she stands by what she has always said that she doesn't want the ratio of apartments to exceed houses but understands the need for more housing. So, that's why the Board voted to approve the NMU zoning in 2018 for that area, permitting a small apartment complex to be built with about 20 apartments. Unfortunately, she feels that the developers don't play by the rules, trying to squeeze 10 pounds of stuff into a 5-pound bag.

Resident Ms. Sheri Frey said she believes that other residents don't have an issue with the NMU zoning for South Gulph Road as long as the entrance is on South Gulph. Having the entrance on Weadley or Weadleytown Roads will cause more volume and congestion especially the way Weadley Road is presently configured in the lower section where there's a big bend. The Board can be creating a very dangerous condition and opening the Township up to significant liability. So, she suggested a temporary suspension of the NMU designation with respect for those properties on Weadley and Weadleytown Roads only, not the properties along South Gulph Road.

Finally, resident Mr. Robert DiPietro at 631 Crestwood Road stated his concerns about the extra commercial and school bus traffic that would probably have to service this area as you add additional housing. Supervisor Kenney mentioned only adding about 20 apartments on South Gulph Road but if you add in what's being discussed between there and the bridge there's probably likely to be more density. So, imagine school buses having to stop on Weadley Road or pull into these areas, or kids having to cross South Gulph Road to get picked up is going to be a nightmare for the folks in that area.

Mr. DiPietro said the Board suggested residents should check the website for future meetings. He said trying to find the Agenda on the Township website is suboptimal. He thinks more should be done for keeping the public in the know and if he can get an email from the Community Center about programs then why not one from the Zoning Hearing Board with the agenda and the minutes.

Then he mentioned as a resident he does not feel great that this NMU Zoning was advocated for by a member of the Zoning Hearing Board who owned a piece of land that was rezoned and sold. This person, John Tallman was acting in a quasi-judicial capacity for the Township looking to get his property zoned in a different way presumably for financial gain. Mr. DiPietro said this person purchased that property as an investment for \$300,000 and sold it for \$700,000 a few years later. He believes that Mr. Tallman never lived there because his address is elsewhere in the district. With that said he hopes the Board will look at the desires of residents in this area to enjoy the properties they bought and value them over those of the investors and developers.

Supervisor Philips said Mr. Tallman was not in attendance at those meetings that voted for the zoning change, so that recused him from any final decision.

Vice-chair Jenaway reminded everyone to come to the Comprehensive Planning meetings where they can participate and be more involved. He also stated that Upper Merion Township has several roadways just as bad as Weadley and mentioned how bad Arden Road is. He said he will take those two on making sure there is something in about transportation and looking into those roadways long term.

Next, Mr. Jenaway spoke about housing and gave some facts about when the Village was built the Township had consultants that worked with Board to determine timing of those buildings, when they should be built, what kind of phasing should there be and how much traffic along with additional population movement to be accommodated within the Township. Every consultant independently came back to the Board telling them the same thing, Upper Merion can take no more than 500 housing units per year as an approach to development. Knowing this helps the Township to better manage all of the construction ventures, roadway management issues that occur complementing

what PennDOT, Aqua and all the other utilities do every year. Then he said the Township does less than 500 units each year. He also mentioned about vacancy signs around the Township that someone talked about earlier and said there are always vacancy signs posted. He went on to say there is about a 10% float in apartment buildings and commercial structures in Upper Merion Township, which means 90% are occupied and there's only 10% available. Next, he explained that whenever it goes down to 80% developers come wanting to build because they know there's the ability to absorb 500 more for them to develop. In addition, the business community told the Board that Upper Merion needs more housing to accommodate the workforce here, hopefully getting them off the road from traveling from other areas to come to work.

Then, Vice-chair Jenaway said the residents along the Schuylkill Expressway should be concerned about PennDOT's project that will be coming in a few years. PennDOT wants to add a third lane to the expressway. This has a 2027 release date for the design specs only, not to start building. However, they already started the electrical work and the digital signs which are all part of the 3<sup>rd</sup> lane project. So, he told the residents to stay informed and sign up for the Township News Letter and he will check into having the Agenda posted in the same process.

Finally, he asked Jarrett when the next Comprehensive Planning meeting was, Jarrett said there will be a Public outreach the end of September. This night is pacifically driven with different activities and for individuals to make public comments on the five (5) components of the Comprehensive Plan, being Land Use, Housing, Movement (all things involving transportation), Natural Resources and Community Facilities & Infrastructure, as well as breaking it down within the 10 planning areas that we have here in the Township. This will be in Freedom Hall with different boards and activities for you to participate in so you can have more of a direct public say.

Vice-chair Jenaway said once they get everything compiled they can take a look and go through the specific questions and then come back to the public with answers.

Public Comments: None

**The Board postponed Item B, Proposed Zoning Text Amendment for Data Centers until next month's meeting since it was getting late and they had to start the Workshop Meeting.**

ADJOURNMENT:

Board Action:

It was moved by Vice-chair Jenaway, seconded by Supervisor Phil, all voting "Aye" to adjourn the meeting. None opposed. Motion passed 4-0. Adjournment occurred at 7:40 pm.



ANTHONY HAMADAY  
TOWNSHIP MANAGER

lr  
Minutes Approved:  
Minutes Entered: