

UPPER MERION TOWNSHIP BOARD OF SUPERVISORS
ZONING WORKSHOP MEETING
OCTOBER 10, 2024

The Board of Supervisors of Upper Merion Township met for a Zoning Workshop Meeting on Thursday, October 10, 2024, in the Township Building. The meeting was called to order at 6:26 p.m., followed by a pledge of allegiance.

ROLL CALL:

Supervisors present were: Bill Jenaway, Greg Waks, Greg Philips, Carole Kenney and Tina Garzillo. Also present were Anthony Hamaday, Township Manager; Amanda Lafty, Assistant Township Manager; Jarrett Lash, Township Planner; John Walko along with Kalie Melchior and Tyler Miller from Township Solicitor's Office.

CHAIRPERSON'S COMMENTS:

Chairperson Garzillo stated prior to this meeting the Board had an executive meeting to discuss personnel matters.

DISCUSSIONS:

A. DATA CENTER ORDINANCE:

Chairperson Garzillo mentioned that Susanne Ryan from PECO attended the Board of Supervisor Chair Meeting this past Monday to discuss supply power from PECO to potential Data Centers within the Township. Ms. Ryan said PECO will supply information to the businesses letting them know whether a business would have sufficient power source at their location. PECO will provide some kind of documentation stating the sufficient amount of power the data center would need and if PECO would be able to provide it at that location.

Chairperson Garzillo mentioned the substation on Swedeland Road and the possibilities of what can happen there. Ms. Ryan said the ball is in Brian O'Neal's court now and that PECO suggested different locations to Brian O'Neal's team and PECO is still waiting to hear back from them.

Township Planner Jarrett Lash presented the Board a new version of the Ordinance stating that the Planning Commission hasn't seen this version yet. He wanted to get the Boards approval first or to see if they wanted to tweak anything before it goes back to the Planning Commission one final time to get their recommendation on the latest version before presenting it to the County.

Jarrett showed the Board an article from a Northern Virginia publication called Inside Nova discussing how a number of landowners are suing the County after their rural single-family home district was rezoned for data centers. The rezoning made their home assessments sky rocket and their property bills balloon. Jarrett mentioned he was unable to find any data about permitting data centers in existing industrial areas having a rise in value and from a zoning stand point currently. He said the Township handles any data center coming into Upper Merion today as general warehousing, which is already permitted in LI, HI and SM1, so he doesn't think there would be an increase in land value in these zoning areas.

The second item Jarrett wanted to touch base on before making any changes to the zoning text amendment is seeing what type of parcel would be able to site these within LI and HI for larger data centers over 100,000 sq. ft. So, take into account a three-story data center with about 15' per story will fall under the 50' maximum height the Township has for now. He said along with the 40% footprint, in which the building needs to stay within, they would need a site about 1.9 acres or larger. This leaves only a few areas available in the Township. There are a few areas along the South Henderson Road corridor where there can be a 100,000 sq. ft. or greater data center, some on East Church Road and the West-end of South Gulph Road, some King Manor Drive properties and also the River and Swedeland Road corridor. He mentioned the former Inquirer building on River Road would be the most sizable parcel the Township knows is available and would be right for redevelopment and is in excess of 100,000 sq. ft. Jarrett said under the parameters where data centers can go they would have a fairly small footprint as a building only 50' in height comprising 40% of the overall space on that site.

Supervisor Kenney wanted to know about the noise from the data centers and if the Township was going to limit how many center there can be. Jarrett said the goal is to try to narrow down the scope and to add some additional grammar around data centers, understanding the problems like noise and that these centers can make a larger footprint than a classic warehouse typically would in that zoning district.

Next Supervisor Kenney asked how many can PECO handle in Upper Merion and Vice-Chair Jenaway reiterated what Ms. Ryan said about having to calculate each center to make sure there is a sufficient power supply for their site. Then he said the Township should have a provision in the Ordinance that requires the developer to have PECO calculate the power before starting construction to make sure PECO can guarantee the amount of power that center would need. Next, Vice-Chair Jenaway said large data centers should be built in Limerick and surrounding areas near the Power Plant where they would probably receive more power since they'll be in close proximity, also the land is cheaper there.

Chairperson Garzillo mentioned there are some interesting things happening with Power Plants and the two that she's talking about is TMI, in Harrisburg and the one in Limerick. The program is called "Off the Grid" which will directly supply power to data centers and other businesses that have a high demand for power. So, larger data centers will probably develop in the vicinity near the Plants so they'll be able to receive electricity directly.

Supervisor Kenney asked what kind of revenue would the Township receive from data centers. Jarrett replied mainly from property tax since they have a high ratable because they have a high assessed value. He mentioned there is no Privilege Business Tax and since there are only a few employees there will only be a small amount of LST.

Next, Jarrett said he added a cause under the Conditional Use criteria on page 3, under section C.9, which states the applicant should agree that they will confirm with the electrical utility provider there is sufficient capacity available at the site for the proposed use prior to issuance of a building permit. Supervisor Philip said that this should be part of the application prior to issuing a permit.

Then Jarrett talked about C.8, the building footprint for large data centers should not exceed the 40% of the net developable area and should not exceed 50' in height in any zoning district and should be located in the limited industrial and heavy industrial zoning districts. Jarrett mentioned that smaller data centers can go into Renaissance Park as long as they adhere to the 100,000 sq. ft. Next, Jarrett said they added Suburban Metropolitan One back into the zoning districts, which permit data centers assuming they are under the 100,000 sq. ft. He said in the first iteration for data centers could go into LI, HI and SMI zoned areas but the major comment from the Planning Commission was it kind of created dead zones instead of more mixed uses. Jarrett mentioned there is a 35,000 sq. ft. data center in Renaissance Park which is permissible under this code, so the smaller data centers can be in mixed use zones.

Next, there was a brief discussion going back to what Supervisor Philips said about getting a confirmation letter from PECO and attaching it to their application certifying that PECO can supply them with enough power for that particular center. Mr. Walko mentioned that PECO probably would just supply them with a letter stating that will look into it.

Now, moving onto C.1, Jarrett said after their conversation last month he increased the architectural details for fenestration from two to three. Mr. Walko said the Ordinance should state the builder needs all five (5) architectural criteria's and if their design only has three (3) when they present it at a Chair Meeting or Workshop but the Board likes the design then they can approve it saving the builder time going for a variance. After further discussion about the size and design of data centers, Mr. Walko mentioned the design should also be satisfactory to the Township Engineer.

Jarrett went over the requirements for noise control and the minimal allowable sound level in residential and commercial districts at night and they're requesting that level for all the time to keep the noise down as much as possible. Then he went over the adjustment to the definition for Data Centers saying the Conditional Use will pertain to principal data centers (standalone) not to centers that are inside a business. Supervisor Kenney asked if the acoustical barrier separate from the building, Jarrett said the barrier will be placed around the mechanical equipment. He said based on the size of the large diesel generator it would probably be placed on the side yard then wrap the acoustic barrier around it. To try to cover the barrier there are landscaping requirements to enhance the visual site.

Supervisor Philips asked if the noise is coming from the computers or the generator. Jarrett said the constant humming is from the cooling system and the louder noise is from the backup generator which is limited to testing once a week and only during the day unless if needed in emergency situations.

Public Comments: None

ADJOURNMENT:

Board Action:

It was moved by Vice-chair Jenaway, seconded by Supervisor Phillips, all voting "Aye" to adjourn the meeting. None opposed. Motion passed 5-0. Adjournment occurred at 7:19 pm.



ANTHONY HAMADAY
TOWNSHIP MANAGER

lr
Minutes Approved:
Minutes Entered: