

MINUTES
PLANNING COMMISSION MEETING JUNE 25, 2019

Attendees: Dave Shula, Patrick Doran, Vince Manuele, Peter Cornog, Charles L. Guttenplan, AICP, Director of Planning & Zoning & Krista Heinrich, Township Engineer, T&M Associates

1. Call to order: 7:00 PM by Chair Manuele
2. Announcements & Correspondence

Announcements: None

Correspondence:

- Fire Marshal review memo for ZHB#2019-21 601 Washington Street Associates, LP was given out to the members.

3. Approval of Minutes:

- Mr. Shula moved to approve the minutes as amended (minor edit to public comment section) from the April 11, 2019 meeting; seconded by Mr. Cornog. Vote 4-0

4. Zoning Hearing Board Appeals:

- ZHB#2019-21: 601 Washington Street Associates, LP, c/o Kevin Kyle, 601 Washington Street, Conshohocken, PA; 270 Unit Residential Apartment Complex; Variances and Special Exception. Edmund Campbell, Esq., the applicant's representative, was present along with Rick Roseberry, site engineer, Maser Consulting; Lisa Thomas, Land Planner/Landscape Architect with Glackin Thomas Panzak; and Jerry Roller, project architect. Lisa Thomas went over the proposed landscape plan and discussed how the riverfront is programmed, landscaping in general, sidewalk connectivity, walkways, etc. Rick Roseberry went through the 9 variances and 1 special exception, some being interrelated. The applicant is requesting variances for accessory use limitations and location regulations; allowing development within the Floodplain Conservation District; steep slope disturbance; parking setbacks; use regulations in the RDD-1 Sub-district; dimensional requirements in the RDD-1 Sub-district; and a special exception to permit a stormwater BMP to be located in the floodway. Jerry Roller spoke about the proposed architecture of the building/façade. The building is designed as two volumes with a center connector and the entrance drive; the front is stone and glass; there are four materials on this aside from the accents: Flat Panel, Corrugated Metal, Aluminum Panel and a Base which is a polished Block; and there are varying heights.

Planning Commission comments & concerns: what is happening with the Washington Street upgrade that has been requested and based on the Fire Marshal memo, the development is a non starter based upon public safety concerns with the limited access to the site (a traffic report has been done and submitted, it's not in their ability to open Washington Street (at the northern end); they believe the access that is provided on the redevelopment provides adequate access); if there is any kind of evacuation that is necessary, members feel it would be a disaster (applicant disagrees, there has been effective planning and management of events where people had to leave; and certain that the programs that have been put in place have worked); feels there are other uses that would have less impact or fewer people coming in and out which would eliminate the traffic situation on Washington Street (feels the mixture of office and residential uses along Washington Street provides a better balance); is the sidewalk to the east going to the river public access (yes, all the connections discussed provide public access); asked for more detail on the projected tree plantings in the lower left corner (that is where they would start to replace trees as required by the Township, they meet all the planting requirements on their plan and they still have to assess how many more trees need to be replaced by doing a survey to quantify that); wanted to know more about the industrial steel structure (kind of a pergola), is it architecturally significant and why are they keeping it (they thought it was interesting looking and thought it

would be something nice to explore); there was clarification about the agreement with the Boat Club that there would not be trail access through the boat club property (for safety reasons, there was litigation and a settlement agreement that brings the trail around their property to Washington Street and then back down to the river); the intention of the stormwater area is to have habitat in there so that it doesn't look like a big ditch (they want to make it a feature); according to the township ordinance, there is supposed to be a 150' swath along the river, what are the dimensions of the existing green space from the edge of the parking lot down to the river bank (the closest location is 140.41' in the southeast corner from the property line, 150' to the waters edge; 180' west corner); the area along the river has to be offered to the Township and if not accepted then there have to be public easements provided. How will that affect the footprint of the development? There are provisions in the ordinance to reduce the area along the river with certain public amenities, which is what is proposed. Will there be vehicular access in the drive aisle to the raised area (yes there is but there is a speed table to provide traffic calming); is there underground parking (all parking is at grade level, mostly under the building); the building as designed is fortress-like (disagree, they adjusted the size and is compliant with the ordinance; it's an urbanistic building; no larger than the others along the river); some of the renderings show 4 stories over parking and some 3 over parking (the 4 story portion is towards the middle, the 3 story are the sides; the ordinance requires no more than 75% of the building at a single height); where does the public park to access the riverfront amenities (there is ample parking behind the building and they can designate some for public); concerned that alternative access isn't feasible as long as Washington Street is not a through street; concerned about safety and how evacuation could take place in an emergency; concerned about approval of this development given the access constraints of Washington Street and the fact that the proposed dwelling units would be built in the floodplain (though recognizing that this is permitted by the zoning ordinance); and although some of the issues discussed are reserved for land development review, they feel it is impossible to separate the land development issues from the requests for zoning relief.

Public Comment: Linda Doll, Fairway Road; Sydelle Zove, Harts Ridge Road; Frank Scarpello, Arlingham Road, all spoke. Their comments and concerns consisted of: does the Fire Marshal have any concerns with the project (the Fire Marshal is not reviewing the Washington Street aspect at this point because it is not a Land Development; he is reviewing the variance for the parking proximity to the building only at this time, which he does not approve of); parking seems to be an issue; our parking requirements need to be looked at, we need more parking spots which means more impervious coverage; the zoning code is full of contradictions and confusing elements, suggests putting more time and energy in addressing this issue; issue concerning the widening or the thru aspect of Washington Street has no bearing on the decision making process before the Zoning Hearing Board (certainly impacts the decision as to whether this moves forward and informs the waiver requests as well; this is more of an issue during the land development process); what kind of timetable is anticipated for breaking ground and completing the project and the thru way aspect in conjunction with other projects on Washington Street (in a perfect world would be building 1st quarter of next year opening in 2021, would be surprised if opened before 2022); are there any existing structures on the site to be demolished (significant industrial building on site will be removed); has there been a full environmental assessment of the site, Phase 1 and 2 are complete and any further remediation necessary will be done; concerned about the safety of the plaza with vehicular traffic (will look into it in terms of circulation issues though a connection must remain to allow fire vehicles all around the building); where does the property end with the respect to the river, how will the riverbank be treated; will there be direct access to the river for the people that live there or the public; handicap access to the public amenities, will the surface of the trail be such that a wheelchair can access that; how many trees are coming down, what is the proposed removal and what % going back in will be native trees; how much parking on surface lot vs. parking beneath the building ; how deep will the primary basin be, will it be fenced, do you anticipate there being sitting water, how will the water leave the site (all concerns regarding the riverbank disturbance, handicap access, how many trees, parking details and stormwater will be better reserved for the land development application); take proper precautions for demolition of old industrial building; don't add this issue into "whose job is this to get this done" category.

Mr. Cornog made a motion to recommend that the Zoning Hearing Board disapprove all of the requested Variances and Special Exception; second by Mr. Doran. Vote 4-0

5. Subdivision & Land Development Applications: None

6. Conditional Use Applications: None

7. Old Business: None

8. New Business:

- Review of plans for “Heroes’ Ground at Miles Park” Veterans’ Monument proposed by the Veterans’ Monument Foundation of Whitemarsh. Sara Erlbaum, President, was present along with Eileen Behr, Joe McGraff, and Chip Sheppard. Mrs. Behr briefly stated that Whitemarsh Township is one of the few Townships that have no area to pay respect to the veterans that fought to protect our country; throughout the years a 501C(3) was formed to start raising money; and the concept came from actual veterans from all different wars and different ages. Mrs. Erlbaum explained a lot of time was spent on the design; the main focal point is to beautify the center of the Township and honor those who served; a circular area will be the heart of the monument with walkways up to it; there will be a U.S. flag as well as 5 flags representing the 5 branches of service; there will be access from within the park to this area as well as handicap access from the Joshua Road parking lot; a lot of in site on the safety aspects were provided by Law Enforcement Officers who are also members; and there is an education component that they have been working on with the library. Mr. Sheppard stated they had students from various schools go to our communities and interview (video & audio) veterans across all engagements all involvements and those interviews have been documented and submitted to the Library of Congress where a file will be created of all the interviews to preserve the history; there will be QRS signs along the pathway where you can get an audio history of an aspect of a battle or one of the interviews. Mr. McGrath stated that when the committee came to the veterans to ask where they wanted the monument, they said in a prominent place and they feel this location is the right place; they wanted it to be a monument for all that sacrificed not a memorial.

Questions and Comments from the Planning Commission: where did the funding come from (private donations); accessibility for wheelchairs (the parking lot on Joshua Road will be properly graded and paved); what is the schedule for construction (would like to start as soon as possible; the grading plans are with the Township Engineer for review); is additional lighting needed (do not envision adding major lighting with the existing lights); who is responsible for the maintenance (the Township will be since they already do the park); long term repairs to the structure (will be performed by the Township); what happens to the 501C(3) status after this is complete; what does the Planning Commission do for this, what does this qualify as (just informational to bring Commission up to date, going through Grading Permit process and then eventually Building/Zoning Permits); the project was complimented by the members.

Public Comment: Linda Doll, Fairway Road, doesn’t recall all those trees and wants to know if any of the trees will be relocated or cut down (no, there is a lot of open space).

- Review of proposed Ordinance to amend Section 116-290.B. of the Zoning Ordinance to remove reference to the VC-4 Sub-district. Mr. Guttenplan stated at the last Board of Supervisors meeting they asked that the amendment come to the Planning Commission for their consideration and recommendation to reverse the amendment to Section 116-290.B that permitted 11 conditional uses to be added to parcels zoned VC-4. This amendment would not affect lands zoned VC-1, VC-2, and VC-3. Mr. Manuele wanted to know if there were any other changes to the ordinance that did not come before the Planning Commission, but that are not covered by this amendment (Mr. Guttenplan stated not to his knowledge).

Mr. Manuele again stated he believes the proper procedure was not followed in enacting the ordinance because the portion of the ordinance in question was never presented to the Planning Commission for review and comment as required by the Zoning Code, and that this procedural defect could have an impact on the validity of the portion of the ordinance in question. He also noted that the Judicial Code erects a heightened burden of proof with respect to efforts to invalidate ordinances on procedural grounds, and that courts will look to the totality of the circumstances to determine if a procedural defect is material enough to impact the validity of the ordinance. He reiterated that the Planning Commission’s action in recommending approval of the ordinance amendment was not intended as an opinion on the validity of the underlying ordinance.

Public Comment: Sydelle Zove, Harts Ridge Road; this is a flawed amendment; no one is taking responsibility; this is a violation of Township code as well as the PA Municipalities Planning Code; not sure if it is even worth taking action on at this point if it is not going to have an impact (on development already proposed); the law allows someone or something to go to court and challenge how this amendment was approved. Mr. Manuele noted that the amendment would impact any additional development that may be proposed in the future on the VC-4 parcels.

Frank Scarpello, Arlingham Road, would like the record to reflect that the Zoning Officer once again stated that the Board of Supervisors put this change in. The Planning Commission was put in a bad situation; would like them to follow through with investigation requested at last meeting. Mr. Manuele noted that the Planning Commission previously requested this information, but has no authority to compel it. Mr. Manuele requested a report at the next meeting regarding the status of a response to the Commission's request.

Mr. Doran moved to recommend approval of the amendment to the ordinance as set forth for Section 116-290.B, with the proviso that this recommendation is not intended as a validation of the underlying ordinance; seconded by Mr. Shula. Vote 4-0

Mr. Manuele would like a report at the next meeting regarding a recount of how it happened and why.

9. Public Comment:

- Linda Doll, Fairway Road, wanted to know who is the land development committee/what is land development (it was explained it is a multiple step process, different boards have different responsibilities for different aspects of land development, in the end the Board of Supervisors give final approval)
- Sydelle Zove, Harts Ridge Road, gave a brief update on her actions with the K. Hovnanian project. Her appeal to the Commonwealth Office of Open Records was denied, she is not going to appeal their decision; and that she approached Langan Engineering by letter requesting copies of the plans or to give the Township permission to provide a copy of the plans. She is waiting for a response.

10. Planning Commission Member Comment:

- Mr. Manuele reiterated that he fully supports public access to all subdivision and land development application materials submitted to the Township for review, and highlighted the importance of informed public participation in the Township's consideration of these applications. He recommends that the Township take whatever action is necessary, including obtaining waivers and releases from applicants as a matter of course, to permit the Township to post full applications on the website well in advance of public meetings where such applications are to be considered, as long as there are no Municipalities Planning Code or other legal impediments to doing so.
- Mr. Shula observed that other municipalities put everything on their websites.

11. Adjournment:

- There being no further business, meeting was adjourned at 9:46 PM.

Respectfully submitted,

Charles L. Gутtenplan, AICP, Director of Planning & Zoning

The Planning Commission is appointed as an advisory group to the Board of Supervisors and the Zoning Hearing Board with respect to comprehensive land use planning, existing land use, and various land use and zoning applications in Whitmarsh Township. No formal decisions are rendered by the Planning Commission. Formal decisions are rendered by the Board of Supervisors or Zoning Hearing Board, as prescribed by law, based on the type of application.

All written or graphic material that is presented to the Planning Commission at a public meeting shall be kept in Township files and is subject to examination under the PA Right-to-know Law.