

**MINUTES
PLANNING COMMISSION
HYBRID MEETING
MARCH 8, 2022**

Attendees/Participants:

In person: Dave Shula, Bob Dambman, Aaron Kostyk, Elizabeth Shaw-Fink, Scott Quitel, Charlie Guttenplan, AICP, Director of Planning & Zoning

Virtual: Sherri Glantz Patchen, Patrick Doran, Krista Heinrich (Township Engineer), Vince Manuele (BOS Liaison), Dave Sander (Township Solicitor's office)

1. CALL TO ORDER: 7:00 PM by Chair Kostyk

2. ANNOUNCEMENTS & CORRESPONDENCE:

- Mr. Kostyk announced this will be the last meeting in hybrid format. They are going to be transitioning to a virtual public participation and more about this will be discussed under New Business later on in the meeting.

3. APPROVAL OF MINUTES

- Ms. Patchen – on page 4: 3 lines above the public comment section, she would add “but if meadows are added what would be left”. The reason is when you go to Mr. Kauffman’s public comment, it’s out of place because it references her comment; and then get rid of the reference to her comment and start with ‘If’ under Mr. Kaufman’s comment.
- Mr. Quitel - is the minute-taker consistent, this seems more cursory than one before; there is more detail in previous meeting minutes under the Planning Commission comments. Mr. Guttenplan responded that the same person is doing them, and he edits them. This meeting was a little more difficult, but it highlights the comments made.
- On a motion by Mr. Dambman seconded by Ms. Shaw-Fink, the Planning Commission moved to approve the February 22, 2022 meeting minutes as amended. Vote 7-0

4. ZONING HEARING BOARD APPEALS: None

5. CONDITIONAL USE APPLICATIONS: None

6. SUBDIVISION &/OR LAND DEVELOPMENT APPLICATIONS:

- Review SLD #14-21 KRE Acquisition Corporation / 401 and 433 Washington Street, Conshohocken Preliminary Land Development Plan Review for 598 Apartments located in both Conshohocken Borough & Whitemarsh Township

Attendees: Ed Murphy, Attorney for the project; Noah Chrismer, Entitlement Director with KRE; Seth Shapiro, Principal Director of Planning and Urban Design with Barton Partners; Tom Bauer, Principal Landscape Architect with Melillo Bauer Carmen Landscape Architecture; Nicole Galio, Licensed Professional Engineer with Colliers Engineering & Design

Mr. Guttenplan gave a brief introduction: This is a project that the Planning Commission has seen before. This is a project that is split between Whitemarsh Township and Conshohocken Borough. It is a 598-unit multi-family complex with most of the apartments and the majority of the development in the Borough; there are about 60 units in Whitemarsh Township. The site is unique in the way it’s split, all the Washington Street frontage for this development falls within the Borough, with most of the river frontage in Whitemarsh

due to the diagonal split of the two municipalities. All improvements to Washington Street are based on Borough standards. Conshohocken Borough has recently approved the development within the Borough, so we are second and last entity to review and approve the land development.

Mr. Murphy: They presented before the Planning Commission in October with a Zoning Hearing Board (ZHB) application, and then appeared before ZHB and secured the zoning relief that was requested. After they received zoning relief they prepared and submitted land development plans to both Conshohocken and Whitemarsh. They recently obtained approval from various boards and commissions in Conshohocken. There are a total of 598 units and all, but 60 units are in Conshohocken Borough. As part of Whitemarsh's protocol, the plans that were submitted have been reviewed by Township Staff and Montgomery County Planning Commission. As a preview to those, there are no issues, and they will be able to address all comments as "will comply". All 5 waivers being requested were previously approved in 2015 when the prior plan was taken through the approval process.

Mr. Chrismer: Substantively the plans are roughly the same. There has been quite a bit of landscape enhancements, which the landscape architect will talk about, and there have been some changes that were done in consultation with the Emergency Services folks both in the Borough and the Township. The Kushner Real Estate Group is a family owned and operated, multi-generational real estate development firm. They operate mostly in New Jersey and Pennsylvania. They have built, acquired, and managed over one hundred residential, retail and commercial properties. They presented other properties owned such as Willow Point in Willow Grove. There will be full time KRE employees living at this project and will always be available.

Mr. Shapiro: for clarification, they are working collaboratively with ItsMajor which serves as their in-house designer. The site location is a ½ mile from the Conshohocken train station. So much of what is going on in the area is scaled for the car, but they think there's a better way. They think they can enhance the connection to the waterfront and to the center of Conshohocken by making a visual and physical connection to the Schuylkill River. There's a new Layout, the whole center of the site is a wide boulevard providing entry to the waterfront. That then transitions to woonerf; a street for both people and cars which is part of an Active Open Space Concept. There are no residential uses on the ground floor. The first residential level is 14' above grade level.; they eliminated the 5th floor from the previous plan. He reviewed the layout of the floor plans. They are going to highly 'amenitize' the new layout from what it was in 2014; explained the parking layout. A rendering was shown.

Mr. Bauer: walked through the landscape design in more detail. There are three separate outdoor 'rooms' before you approach the riverfront park. There is a Boulevard Allee, that is a 120-foot-wide entry which is broad and inviting and open to the public. Next is the Arrival Court, this is a pedestrian plaza outside each building entrance. There are bollards and crosswalks surrounding the court. Next is Living Street-European Term- woonerf. Typically for parking but can be used for public events at times such as farmers market, shows, festival, event space. Conceptual renderings were shown of the lighting, furniture, and varied paving. All those areas are entirely in Conshohocken. Next is Riverfront, which is mostly in Whitemarsh. It envisions a direct connection to the river. There is fire truck access adjacent to it; a full series of landscapes - meadow type vegetation and shade trees. They will not be removing any trees on the bank so they can keep it stabilized and there are several sitting areas for people to sit and enjoy the outdoors.

Mr. Dambman: Buffer Yards between properties, he didn't see a 50-foot buffer.

Mr. Bauer: they are providing the screening that is required. Their buffer plantings are more than adequate of a buffer. Parking lot trees are also being provided in addition.

Mr. Chrismer: They will be asking the Board of Supervisors (BOS) to accept the plan as is without the 50-foot buffer. They thought the public access was an afterthought in the prior plan, and it is an improvement

to move the access that had served as a buffer before. Therefore, a little buffer was lost along the side to do that.

Ms. Galio: there are 2 parcels involved. There is approximately 10.7 acres in total between the two parcels with a little less than 3 acres in Whitemarsh Township. The site was formerly industrial use but is not operational anymore. It is a brownfield that must get Act 2 clearance through DEP. There is remediation required in the form of Capping. The current zoning is Heavy Industrial with Riverfront Development Sub-district (RDD1). The site is located adjacent to the Schuylkill River with much of the site in the 100-year floodplain. There is a portion of a Floodway on the site, no development within the Floodway. The elevation of the Schuylkill River is about 40', the elevation of the 100-year floodplain is up at 60.5'. The buildings are at elevation 68, which is above the 100-year flood elevation. They have 751 parking spaces that are required for the site and that is what they are providing. The stormwater management is difficult because the site is an Act 2 site – cannot infiltrate due to former industrial uses. They will be installing a Managed Release Basin on the south side within the floodplain. This stores runoff in an anaerobic state. They had a meeting with the Montgomery County Conservation District, and they were aligned with what is proposed. PNDI found no endangered species on site. They have Act 537 planning approval for sewer. Potential flooding was a main concern the last time they were here. They met with Conshohocken Borough to come up with an Emergency Management Plan. Conshohocken currently has a good plan in place; they have a 3-stage warning system. There is a muster (assembly) area on site and emergency generators so residents can shelter in place. Once the flood stage reaches 19.2 feet, evacuation is recommended, at 22 feet evacuation is mandatory. Conshohocken is planning on constructing a parking garage to allow people to move cars out of the floodplain during events. There is a boat dock on Cherry Street that KRE will be maintaining. The transformers will be elevated above the flood stage, so they are not within the flood elevation.

Mr. Murphy: the Township Engineer letter outlines the five waivers being requested. The first two waivers are related to traffic and the others are related to landscaping and related matters.

The request for waivers of the Traffic Impact Study and the Transportation Impact Fee: as part of Conshohocken conversations, the applicant has agreed to take part in a regional study to be done and also agreed to be a participant in any improvements recommended by the study.

Waivers:

1. Section 105-21.B.(9): A WAIVER FOR THE SUBMISSION OF A TRANSPORTATION IMPACT STUDY. All vehicular access to and from the site is located in the Borough of Conshohocken. Less than 15% of the proposed dwelling units are located within Whitemarsh Township, so we request that the Borough sets the requirements for the Traffic Impact Study for this property. This waiver was previously granted via Resolution 2015-21 on May 28, 2015.
2. Section 105-21.1.E: A WAIVER FOR THE REQUIREMENT THAT A TRANSPORTATION IMPACT FEE BE IMPOSED. All vehicular access to and from the site is located in the Borough of Conshohocken. Less than 15% of the proposed dwelling units are located within Whitemarsh Township, so we request that the Borough sets the requirements for the Traffic Impact Fees required for this property. This waiver was previously granted via Resolution 2015-21 on May 28, 2015.
3. Section 105-39.A: A WAIVER FOR THE REQUIREMENT THAT ALL PARKING AREAS SHALL HAVE AT LEAST ONE TREE OF TWO-AND-ONE-HALF-INCHES MINIMUM CALIPER FOR EVERY TWO PARKING SPACES PROVIDED. The majority of parking spaces are proposed to be located underneath the proposed building, so there isn't sufficient area to place proposed trees at this density. The applicant's proposal does provide significant landscaping for the building and a substantial buffer along the eastern side of the parking lot. This waiver was previously granted via Resolution 2015-21 on May 28, 2015.

Applicant comments: In the Whitemarsh section of the plan by calculation they are required to have 28 trees; can only fit 21 trees, they physically cannot accommodate any more than 21 trees there. However,

they think there's an opportunity to plant some additional trees along the riverfront area. They think they can make up the 7 trees in that area. So, the waiver is to plant the trees outside of the parking area where there is room.

4. Section 55-3.D: A WAIVER FOR THE REQUIREMENT THAT NO MORE THAN FIFTY PERCENT (50%) OF TREES ON A LOT BE REMOVED. The trees on the lot are not quality trees, and the proposed improvements propose flood-tolerant vegetation within the floodway and floodplain areas to promote the riverfront recreational space. This waiver was previously granted via Resolution 2015-21 on May 28, 2015.

Applicant comments: They need a waiver from removing more than 50% of trees from the site. This is an Act 2 site and to be able to cap and remediate the site, the trees need to be removed. They are going to be able, unlike the prior plan, to save the trees along the Riverbank.

5. Section 55-4.B.(6)(f)[1][2]&[3]: A WAIVER FROM THE REQUIREMENT THAT REPLACEMENT TREES INSTALLED BY THE APPLICANT BE SUBJECT TO CERTAIN MAXIMUM PERMISSIBLE PERCENTAGES FOR FLOWERING TREES, EVERGREEN TREES, SHRUBS, AND GROUND COVERS. This waiver is requested to permit the applicant to meet the requirements of this section in accordance with the notations on the landscape plan as well as the comments provided by the Shade Tree Commission. This waiver was previously granted via Resolution 2015-21 on May 28, 2015.

Applicant comments: This is a waiver request for substitutions instead of shade trees (flowering, ornamental etc.). They would like to work with the Shade Tree Commission (STC) with STC and they commit to working with the STC to implement their recommendations.

Mr. Dambman: so the public access is now right through the center of the project.

Mr. Chrismer: Yes, it was hidden on the previous plan, and this really highlighted it.

Ms. Heinrich: The Ordinance requires a 50-foot buffer, a waiver should be requested.

Ms. Kostyk: the ZHB Decision required an Emergency Management Plan. Asked that they speak about that.

Mr. Chrismer: they will comply with the Conditions of the ZHB Decision. They have made commitments to the Emergency Services recommendations. They had 3 meetings since they were first in front of this board with all the emergency management folks from both the Borough and the Township. In addition to signage, there will be a PA system for all four buildings that is inter-connected, a Muster Area in building 3 where residents can congregate, an evacuation plan for cars (so cars are not left) and a shuttle for folks to get to the cars. They have areas in each building where they keep fire gear. Conshohocken Borough has a 3-tier notification system. Every resident will be required to register their phone number so they can receive text message, and they will have a full time KRE staff member living at the building. On building 3, near the staircase, they will put an anchor in the building for the boats to anchor and it will not be impacted by the flood waters.

Mr. Guttenplan: it is his understanding they have met with both municipalities Emergency Response folks, and they are satisfied with the plan and in this particular case, Conshohocken Borough will be leading the emergency response to this site (since mostly in Conshohocken).

Mr. Murphy: yes, that is correct.

Mr. Shula: are they intending to comply with the dedication of land in the amount of 10% of the total site area for Park and/or Recreational use?

Mr. Murphy: yes

Ms. Glantz Patchen: asked if they could walk through the February 1, 2022 Montgomery County Planning Commission review. There were some concerns raised specifically regarding the river access/open space.

Ms. Galio: that comment is discussing the 5-foot-wide sidewalk that runs along the eastern side of the property. They did not have an opportunity to present this plan to the County, so it seems like they did not understand that the public access was in the center of the site. She thinks they are referring to the County not seeing connectivity between that area of Washington Street and the riverfront which is occurring in the center of the site. They will add signage to show that is the public access way to clarify this. This is a more significant pathway than what was previously shown.

Mr. Murphy: the second comment talks about red-shale macadam for the entire riverfront trail. If that is available, they will do so.

Mr. Guttenplan: the Riverfront trail is required to be red-shale macadam.

Ms. Galio: one thing to note about the floodplain, they are not proposing any additional grading in the floodplain so there will not be any additional fill in the floodplain or the floodway.

Mr. Murphy: they will comply with sidewalk width, 5-foot minimum will be provided.

Ms. Galio: 3B references sidewalk conditions. Will be adding connecting sidewalks on the site to the river trail. They will also be adding EV charging stations.

Mr. Quitel: asked for clarification, thinks a waiver for the 50-foot buffer should be required and asked for a summary of what is being removed.

Mr. Bauer: This is going to be a capped site so basically everything is coming down. All the vegetation is deciduous, a whole mix of varieties. The survey indicates there are 121 trees of 6" caliber or greater. What he sees is a quality of vegetation that is poor and unsalvagable. In terms of the ordinance, they are required to plant 320 trees at a 3" caliber. The plant list meets and exceeds the ordinance requirements.

Mr. Quitel: commented beauty is in the eye of the beholder. If the tree is alive and, in a floodplain, it's providing a benefit. Regardless of aesthetics, it is worth noting what's going on now. You don't instantaneously get the same performance as far as root mass, carbon sequestration, etc. If you compare your project to one next door, it is way more aesthetically pleasing, you pull people in, and it is way more interesting. The idea of the farmers markets is all cool. He still feels this is like the emperor wears no clothes story because 7 years ago a footprint was approved, but how much flooding has happened since. We know we are going to get flooded again. If you build what was approved before, it's not reflective of what is happening. Maybe would be cooler is to go higher to get 598 units but limit footprint and ask for variances. It is not a forward-thinking way to go with this. You are going to put an anchor on building #3, so you know people will be needing to get in a boat. A more forward-thinking plan would be having no building footprint beyond where the anchor is. If you need the 598 units, you can get it with the height. That is the most definitive way where you respect what the river is telling us. Secondly, a plan that also speaks to being in touch with the environment, the woonerf is cool, but the site isn't speaking that you're in a riparian zone. It's not built like you're going to be flooded. You take the risk if you live near the water, but this could be pushed back is his opinion.

Mr. Murphy: It is a philosophical point, and they hear what he is saying. He disagrees a little bit. The plan has matured a lot within the last 6 months. They have met with emergency services and made a quantum leap. Remediating the site is an environmental benefit.

Mr. Kostyk: the traffic study proposed, is it more of a regional traffic impact study that they are engaging in?

Mr. Murphy: regional may be too strong of a word, they are not just looking at looking at the impacted intersections it's looking at a number of intersections in the area. They committed \$300,000 to a traffic signal if it is warranted.

Mr. Dambman: are the approvals in Conshohocken Borough the total final approvals?

Mr. Chrismer: yes, the approval in Conshohocken was by a settlement agreement.

Mr. Doran: he wanted to echo what they were saying about coming back with an emergency plan that was thoughtful and complete. The current plan seems very thorough and addresses a lot of his previous concerns. One of the concerns in the County review had to do with erosion control at the river and maintaining the trees at the river for erosion control purposes. He asked if they could revisit what's being done to address the county's comment about losing trees right at the edge

Ms. Galio: the difference between the last plan and this plan was that they were required to put a dock along the Schuylkill River, so they had to remove trees in order to place the dock and the boardwalk. But Conshohocken decided the dock was no longer necessary and the trees no longer need to be removed. They are planting trees along the Southern edges. They can't plant any trees above the subsurface stormwater systems.

Mr. Dambman: it appears there is river access adjacent to site.

Mr. Murphy: yes, it is a boat launch, and they will be adding lighting at the request of the emergency services folks.

Ms. Glantz Patchen: What is the timing of the impact study that you are being part of with the Borough of Conshohocken and the timing that is required by the Whitemarsh Township's ordinances?

Mr. Murphy: the Borough will be leading the study, so he doesn't have an exact answer. It is his understanding that they are giving them a contribution pretty much immediately and the study will be done immediately.

Ms. Heinrich: she doesn't have any concerns with the traffic impact study. She thought it was already conducted, which doesn't seem to be the case. So her recommendation was that if it was already conducted that it be provided. So given that it is a future study, she supposes that the recommendation would be that it is provided at that time, but her concern would be if there is something that comes out of it that they would want to make a condition now, how would they address that.

Mr. Murphy: to state the obvious there is no frontage in Whitemarsh and no exit in Whitemarsh, you can't drive through Whitemarsh from their property. The focus of the traffic impact study is certainly in the Borough.

Ms. Glantz Patchen: where would the \$300,000 traffic signal be?

Applicant: -not known at this time

Ms. Glantz Patchen: is there a written agreement with Conshohocken Borough on the use of the \$300,000? She asked if it was limited to Conshohocken or can it be used in Whitemarsh.

Mr. Chrismer: yes, it is part of the amended settlement agreement. They are making improvements to the Washington Street corridor.

Mr. Chrismer: to make sure that any potential impact to Whitemarsh Township is studied, he recommends that they act as the coordinator to make sure that Ms. Heinrich is involved in what the scope of what the traffic study will be, so the Township is not left out of that study.

Ms. Heinrich: thinks it was worth mentioning that she knows it is a major focus of Conshohocken to improve Washington Street and look into access on the Whitemarsh end of it. So, with some certainly she can say that will probably be looked at as part of the study.

Public Comment: None

Additional Planning Commission Comments:

Mr. Shula: he echoes Mr. Doran about the improvements to the emergency services plan. Also, given the size of the project, 5 waiver requests is low. He has no issue with the waiver requests except Section 105-52. requiring 50-foot buffer, and that Ms. Heinrich receive the traffic study as well as the scope.

Ms. Glantz Patchen: there are two parts to this; one is the timeliness of the study and the second is whether there are going to be any improvements made in Whitemarsh.

Mr. Murphy: suggested the waiver be conditioned upon having the Township Engineer consult with Conshohocken Borough to coordinate the timing and scope of the Traffic Study that they already funded so that Whitemarsh is involved from the very beginning.

Motions:

Mr. Shula made a motion to recommend that the Board of Supervisors grant the requested waivers subject to condition that the Traffic Impact Study is coordinated with the Township Engineer and the study is received prior to final plan approval; seconded by Ms. Shaw-Fink. No vote was taken after the following discussion was completed..

Mr. Murphy: that won't work, we have no control over timing.

Mr. Chrismer: the best solution, what if they say that study be done within 1 year of the approval, and if not, the applicant will do a TIS for the Township.

Mr. Sander: this is difficult because they would like to see a traffic study, but the applicant is paying for it and Conshohocken Borough is the one who is leading that effort, so we are at the mercy of the Conshohocken Borough's schedule. If the study is completed after the approvals, we won't know what improvements will be needed. Where is the traffic study memorialized for Conshohocken Borough and what does it say about the timing?

Mr. Chrismer: the traffic study is memorialized in the settlement agreement, and it doesn't specify a time that the study is going to be complete.

Mr. Chrismer: they are asking for a little bit of reasonableness on the first two waivers given that none of the access is through the Township. He also suggested what if it not be a waiver, it be a deferral. That way the Township Engineer either has a seat at the table and the Township has a seat in that traffic study and is satisfied with the scope and the result of the study or the Township Engineer comes to them saying she is not satisfied and now they will need to do a study for the Township.

Mr. Shula made a motion to recommend that the Board of Supervisors grant waivers 3, 4, 5, & 6 (105-52) (Mr. Quitel commented he is not necessarily in favor); seconded by Ms. Shaw-Fink. Vote 6-1

Discussion on the above motion having to do with landscaping: Mr. Quitel doesn't see the hardship in the buffer waiver and the fewer number of trees. That is a product of the site footprint and it is on them to plan around them.

Mr. Dambman made a motion not to recommend approval of waivers 1 & 2 to the Board of Supervisors; seconded by Mr. Shula. Vote 7-0

Vote on plan approval over all:

Mr. Shula made a motion to recommend granting the preliminary plan approval; seconded by Ms. Patchen. Vote 6-1

7. OLD BUSINESS:

Mr. Dambman: the Spring Mill Study Steering Committee Meeting met after the last Planning Commission meeting. One thing that was not mentioned before was the proposal of a deck across from the bike shop/café (to provide a safer place for people to congregate). The Spring Mill Study public meeting was on March 3rd.

Ms. Heinrich: The study must be finalized in June; a presentation to the Planning Commission will be in May

8. NEW BUSINESS:

Mr. Kosytk: discussion on resuming fully in-person meetings.

Mr. Halbom: new technology, spoke with the vendor regarding parts delays. There is only 1 item on backorder, the wireless microphones. Not having them will not prohibit the other work. Hopefully in March, all other upgrades should be installed. The microphones are expected in May or June. These upgrades will better the abilities for those participating at home to be seen and heard by both those conducting and attending the meetings in the large meeting room. He is hoping for a late March, early April installation.

Ms. Patchen: how does that work for the people in the room?

Mr. Halbom: you won't need to bring your own device into the room. The hybrid meetings, once the new equipment is installed, will work more closely with the WTV broadcast. It's vastly superior to what we're doing now. This will hopefully be set up by next meeting.

It was confirmed in a general discussion that everyone was OK with going back to in-person meetings instead of hybrid.

9. PLANNING COMMISSION MEMBERS COMMENTS:

Mr. Dambman: he thinks the meeting went well, given the gravity of numbers of apartments involved, and he appreciated Mr. Quitel's input on the project and the insights from all the members.

10. PUBLIC COMMENT FOR NON AGENDA ITEMS:

Debra Harris: Pilgrim Road - even when we go back to in-person meetings, would still appreciate a hybrid option for the public. Keeping a hybrid option really expands the public availability of these meetings.

11. ADJOURNMENT

- On a motion made by Ms. Shaw-Fink; seconded by Ms. Glantz Patchen, the meeting was adjourned at 9:17 PM.

Respectfully submitted,

Charles L. Guttenplan, 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 Whitemarsh 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.

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