

BOROUGH OF CONSHOHOCKEN BOROUGH COUNCIL
MINUTES OF THE PUBLIC MEETING

Wednesday, November 15, 2017

PUBLIC MEETING

PRESENT: James Griffin, Council President
Karen Tutino, Council Vice-President
Robert Stokley, Senior Council Member
Anita Barton, Council Member
Tina Sokolowski, Council Member
Colleen Leonard, Council Member
Jane Flanagan, Council Member
Robert Frost, Mayor

ALSO PRESENT: Stephanie Cecco, Interim Borough Manager
Michael J. Savona, Borough Solicitor

PUBLIC HEARING ON THE CDBG APPLICATION

Ms. Cecco invited Ms. Stetler to the podium. Ms. Stetler announced that this was the second public hearing regarding the Borough's 2017 Community Development Block Grant (CDBG) Program. Ms. Stetler shared that the Borough of Conshohocken was eligible for \$112,875.00. She explained that those funds would be used for housing rehabilitation and the administration of the program. Ms. Stetler called for any comments. There were no comments. Ms. Stetler shared that comments would be accepted until Wednesday, December 6, 2017 when Borough Council would vote on the submission of the application.

CALL TO ORDER

The Public Meeting of the Conshohocken Borough Council duly advertised, was held at the Conshohocken Borough Hall, 400 Fayette Street, Conshohocken, PA. Mr. James Griffin, Council President, called the meeting to order at 7:02 PM.

PRAYER FOR COUNCIL

Ms. Karen Tutino read a Prayer for Council.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

COUNCIL PRESIDENT ANNOUNCEMENTS

There were no announcements.

PRESENTATIONS

There were no presentations.

CONSENT AGENDA

Ms. Cecco read and reviewed the items included on the consent agenda.

- a.) Approve and adopt the September 27 Budget Workshop, October 4 and October 18 Meeting Minutes
- b.) Accept the October-ending Treasurer's Report and Accounts Payable in the amount of \$561,883.39
- c.) Approve the FY 2018 Proposed Budget and advertise the same as duly required
- d.) Authorize the appointment of Seiler + Drury for professional services for both the Mary Wood Park House and Community Center Renovation Projects
- e.) Adopt an amendment to the Traffic Ordinance to provide for the creation of a stop intersection including three permanent stop signs at the intersection of West 6th Avenue and Freedley Street

- f.) **Authorize manager to approve the lease with Premier Medical for commercial space in Borough Hall**

Mr. Stokley made a motion to adopt all consent agenda items as read, seconded by Ms. Flanagan. The motion carried 7-0.

UNFINISHED BUSINESS

- a.) **Consider appointing applicants for Board and Commission Vacancies**

Ms. Cecco shared that the recommendation was to appoint Jack Coll to the Civil Service Commission and to appoint Stacy Ellam to the Human Relations Committee.

Ms. Leonard made a motion to appoint Jack Coll to the Civil Service Commission and Stacy Ellam to the Human Relations Committee, seconded by Mr. Stokley. The motion carried 7-0.

NEW BUSINESS

- a.) **Consider approving the designation of a Section 504 Officer**

Ms. Cecco explained that Section 504 requires all Borough programs and facilities to be accessible to and usable by people with disabilities. The 2017 CDBG application requires documentation that a Section 504 Officer was designated at a public meeting. Ms. Cecco added that this individual should have familiarity with physical and programmatic accessibility. She recommended that Chris Stetler be appointed the Section 504 Officer.

Ms. Sokolowski made a motion to appoint Chris Stetler as the Section 504 Officer, seconded by Ms. Barton. The motion carried 7-0.

- b.) **Consider approving Resolution 2017-23 authorizing the designation of a Section 504 Officer**

Ms. Leonard made a motion to approve Resolution 2017-23 authorizing the designation of a Section 504 Officer, seconded by Mr. Stokley. The motion carried 7-0.

- c.) **Consider approving the purchase of an AED to be donated to the VFW**

Ms. Cecco shared that the Borough received a request for an AED to be donated to the VFW.

Ms. Flanagan made a motion to approve the purchase of an AED to be donated to the VFW, seconded by Ms. Barton. The motion carried 7-0.

PUBLIC HEARING

- a.) **Public Hearing on Proposed Amendment to the Zoning Ordinance submitted by Provco Pineville Fayette, L.P.**

- i. **Unfinished Business:**

- 1. **Consider adopting Ordinance 2017-08 amending Part 12, R-O - Residential Office District, Permitted Uses**

Ms. Cecco asked Mr. Savona to step down and invited Mr. Matthew McHugh and Mr. David Nasatir, Borough Special Counsel, to take a seat at the dais. Mr. McHugh opened the public hearing to consider a proposed amendment to the Borough of Conshohocken Zoning Ordinance submitted by Provco Pineville Fayette, L.P. Mr. McHugh reviewed public hearing procedures and marked several exhibits as Borough exhibits to the public hearing.

Mr. McHugh introduced Mr. Ross Weiss, the applicant's attorney, to make a presentation regarding the proposed amendment. Mr. Weiss explained the legislative intent of the R-O District as stated in Borough Code and reviewed the various sections of the proposed amendment to the Ordinance.

Mr. McHugh asked Borough Council if they had any questions for Mr. Weiss. There were no questions.

Mr. McHugh invited an attorney, who represented multiple constituents, to the podium to speak for the allotted fifteen minutes. Gary DeVito, who represented Lisa Rhodes and Claire Dorsey, residents of the Borough, approached the podium. Mr. DeVito shared that over the past five (5) years the same proposed

amendment was denied by previous members of Borough Council, the Planning Commission and the Zoning Hearing Board. Mr. DeVito argued the proposed project disregards the intent of the Ordinance and the provisions and recommendations of the Comprehensive Plan. Mr. DeVito shared the Planning Commission's reasoning for denying the text amendment. He also reviewed testimony and decision from the Zoning Hearing Board. Lastly, Mr. DeVito read the opinion of the Zoning Hearing Board.

Mr. McHugh called for individual public comment.

Muhammad Chakr, franchise owner of 7-Eleven at 601 Fayette Street, voiced concerns about the impact a Wawa with gasoline pumps will have on his business and similar businesses in the Borough.

Mary Bracciale, 110 East 9th Avenue, explained that the development of a Wawa goes against all the reasons why she enjoys living in Conshohocken and that it will change the fabric of the neighborhood.

Mary Tiernan, 1016 Harry Street, summarized existing uses in the R-O District and shared her concerns regarding the future of the neighborhood if the developer is granted an exception to the Zoning Ordinance.

Brian Pieri, 226 West 9th Avenue, summarized the purpose of zoning. Mr. Pieri emphasized the importance of making a decision that upholds the comprehensive plan and Zoning Ordinance.

Jan Vacca, 146 West 8th Avenue, summarized the purpose of zoning and explained the zoning intent for the R-O District, per the Borough's Zoning Ordinance.

Thomas McCullough Jr., 337 West 10th Ave, urged Council to do what is right by preserving and protecting the intent of the R-O District.

Claire Dorsey, 19 East 11th Avenue, urged Council to preserve and protect the character of the residential neighborhood by voting no.

Lisa Hibberd, 228 Spring Mill Avenue, asked Council to consider the appeal process when making their decision.

John Miller, 116 East 8th Avenue, pointed out that a number of businesses in the Borough are chain stores and said Wawa would create jobs. Mr. Miller also discussed traffic concerns related to development in the area of West Elm Street and West First Avenue.

Debbie Ellis, 149 West 4th Avenue, shared that she supports development on upper Fayette Street.

David Rhodes, 1108 Fayette Street, discussed how this development project meets the qualifications of spot zoning.

Lisa Rhodes, 1108 Fayette Street, urged Council maintain the integrity of the R-O District.

David Bertram, 131 East 5th Ave, shared that Comprehensive Plan does not support this development. Mr. Bertram also explained how approving this development project would alter the course of the Borough's future in regards to planning and vision.

Mark Hall, 425 West 10th Avenue, shared that this project is not a match for the site, per the Borough Zoning Ordinance. Mr. Hall also mentioned that proposed amendment runs the risk of adjusting zoning in the entire R-O District.

Daniel Alfaro, 1075 Colwell Lane, shared the disadvantages of living near a Wawa, citing the smell of gasoline.

Michael DeNolfi, 114 West 10th Avenue, shared that this project is not an appropriate use for this site because it does not support the vision of the Borough.

Suzanne Hill, 447 Spring Mill Avenue, explained that traffic and safety concerns would ensue if the development continued.

Kevin Lukens, 207 East 8th Avenue, voiced concerns about the impact the development will have on small businesses. Mr. Lukens also mentioned that housing development would be a more appropriate use of the site.

David Baker, 221 East 11th Avenue, shared the reasons why he moved to Conshohocken and voiced concerns about the negative impact a Wawa would have on the surrounding neighborhood.

Luciano Patruno, 1545 Butler Pike, provided a history of past decisions from various Borough leadership groups and urged Council to maintain the zoning integrity of the Borough.

John Giordano, 318 West 11th Avenue, argued that the development would have a negative impact on the residential community.

Deborah Cieslewski, 225 East 5th Avenue, warned Council that residents may decide to move out of the Borough if this development is approved.

Carol Ferteck, 251 Spring Mill Avenue, shared that many residents support having a Wawa in the Borough. Ms. Ferteck also mentioned several benefits, which included streetscape design elements, traffic signal improvements, and competitive gasoline prices.

Michael Mastroieni, resident, local business owner, and president of Love Conshy, spoke about the negative impact a Wawa would have on the small businesses in the Borough. Mr. Mastroieni also spoke about the future of the Borough, citing objectives in the Comprehensive Plan and over development in the R-O District.

Chuck Hoffman, 1231 Fayette Street, spoke about respect and integrity as it relates to developer and Council.

Julian Miraglia, 529 Fayette Street, explained that zoning ordinances were created to protect residents and business owners.

Katie Tagliamento, 213 East 11th Avenue, cited safety concerns for her children and stated that a Wawa would fundamentally change the nature of the neighborhood.

With no further comment from the public, Mr. McHugh invited Mr. Weiss to the podium to respond. Mr. Weiss described the commercial properties surrounding the proposed site. Mr. Weiss also responded to concerns regarding traffic, noise and lighting. Mr. Weiss explained the various conditions and features that were included in the plans in order to satisfy Borough staff recommendations.

Mr. McHugh asked Council to make a motion. **Ms. Sokolowski made a motion to adopt Ordinance 2017-08 amending Part 12 R-O - Residential Office District, Permitted Uses. The motion was seconded by Ms. Flanagan.**

Mr. McHugh opened the floor to Council comments.

Ms. Flanagan noted the difficulty of the vote and shared that her decision will be made for the greater good of the community.

Mr. Griffin briefly summarized previous decisions made by Borough leadership groups and announced that he would be voting "no".

Ms. Barton voiced a concern regarding the increase of traffic if surrounding Wawa's close due to this super Wawa opening. Mr. Weiss responded that it is not Wawa's intention to close any other Wawa store if this Wawa is opened.

Ms. Tutino explained that she would base her "no" vote on the position of community members who attended the meetings and largely opposed to the Wawa. She also cited public safety concerns and said the current proposal was not in accordance with the Borough's Comprehensive Plan.

Ms. Sokolowski shared that her decision is based on thoughtful contemplation and strategic vision for the community. She also explained that all residents have a voice and that she would be advocating for those individuals who have not been attending the meetings.

Ms. Leonard discussed that she kept her emotions and the opinions of her friends and family out of her decision. She stated that she looked at various sides of the argument objectively and without prejudice. Ms. Leonard explained that her vote would be based on the wants and needs of the all the residents.

Mr. Stokley spoke about the importance of development.

Mr. McHugh called for a roll call vote. **The motion carried 4-3. (Yes – Sokolowski, Flanagan, Stokley, Leonard; No – Barton, Tutino, Griffin)**

b.) Consider preliminary/final approval for Provco Pineville Fayette, L.P. plans for land development

Mr. McHugh introduced the matter. Mr. McHugh explained that the Montgomery County Planning Commission and Borough staff and consultants had reviewed the proposed plan. Mr. McHugh invited Mr. Weiss to the podium to present the land development plans. Mr. Weiss shared various renderings of the proposed development and identified the location of the building, driveways, canopy with fueling pumps and parking. Mr. Weiss reviewed signage on the site as well as the various amenity features, which included streetscape design elements and parking on Harry Street. He also spoke about each review letter, noting that the developer will comply with all comments. Mr. Weiss shared that per a condition of approval, the developer will allocate \$75,000 to the Borough for traffic signal improvements at 11th Avenue and Fayette Street.

Ms. Sokolowski inquired about the number and type of diesel gasoline pumps that would be offered. Mr. Weiss explained that each position would have one (1) low-grade diesel pump. Mr. Weiss also confirmed for Ms. Sokolowski that the streetscape would be perpetual care of Wawa.

Ms. Tutino inquired about which types of vehicles would use low-grade diesel gasoline. Mr. Joseph Baron of Bohler Engineering explained that the diesel gasoline pumps would accommodate large vehicles, not tractor-trailers.

Ms. Barton voiced a concern about left turning traffic into the site from Fayette Street. Mr. Casey Moore of McMahon & Associates mentioned that Borough staff and PennDOT shared the same concern. Mr. Moore shared that McMahon and Associates evaluated the left turn traffic from the four (4) lanes of Fayette Street. Mr. Moore explained that analysis showed that a left turn lane was not necessary as the inside lane operates as a de facto left turn lane. He added that consideration was given to providing a left turn lane, but determined it was not a viable option.

Mr. Baron reviewed the six (6) waivers requested by the applicant. He added that Borough staff and consultants did not have any objection to the requested waivers.

Mr. McHugh invited any attorney, who represented multiple constituents, to the podium to speak for the allotted fifteen minutes. Stephen Pollock, who represented Lisa Rhodes and Claire Dorsey, residents of the Borough, approached the podium. Mr. Pollock urged Council not to rush to an approval without thoroughly considering all aspects of the plan. He also discussed issues regarding minimum lot width.

Mr. McHugh called for individual public comment.

Kevin Bow, 331 East Hector Street, stated that Wawa offers diesel gasoline for commercial vehicles, not cars.

Kevin Lukens, 207 East 8th Avenue, inquired about the traffic pattern entering and exiting the site. Mr. Moore explained that the plans propose a total of three (3) driveways, one full movement driveway on Fayette Street and a second right in, right out driveway also on Fayette Street. There would also be an exit only driveway to the rear on Harry Street.

Daniel Alfaro, 1075 Colwell Lane, asked if there was a proposed completion date for construction. Mr. Weiss responded that the proposed completion date for construction is nine (9) months after demolition.

Stacy Ellam, 334 West 10th Avenue, inquired about fuel delivery, specifically which direction trucks would be entering the site. Mr. Baron explained that trucks would enter in the driveway north of 11th Street, circulate around the right side and back of building and park in front of the canopy to deliver fuel to the tanks. Trucks would circulate around the right side and back of building again and exit out of the driveway.

Rosemary Northcutt, 112 East 6th Avenue, inquired about what protective measures need to be taken in order to protect neighbors during demolition. Mr. Weiss replied that the demolition would satisfy any/all requirements and ordinances of the Borough.

Tom Motto, 218 West 6th Avenue, asked if Council had input into the proposed plan being presented. Mr. McHugh explained that the applicant submitted a land development application, which was reviewed by

Borough staff. Revisions were made based on the comments made by Borough staff and that was the plan being considered.

Mr. McHugh invited Mr. Weiss to the podium to address comments made during public comment. Mr. Weiss explained that it is not uncommon for plans to be approval subject to conditions and shared laws pertaining to paper streets.

Mr. McHugh opened the floor to Council comments and/or questions. Ms. Barton inquired about runoff from asphalt. Mr. Paul Hughes, Director of Engineering, Licenses and Inspections, replied that runoff is not an issue. Ms. Barton asked if a contamination study was completed. Mr. Weiss explained that Environmental Engineers from Pennoni examined the property and found no contamination.

With no further comment, Mr. McHugh asked Council for a motion to approve the resolution. **Mr. Stokley made a motion to approve the resolution for preliminary/final land development plans submitted by Provco Pineville Fayette, L.P., seconded by Ms. Leonard. The motion carried 4-3. (Yes - Sokolowski, Flanagan, Stokley, Leonard; No - Barton, Tutino, Griffin)**

ADJOURNMENT

The meeting was adjourned at 10:06 PM.

Respectfully Submitted,

Stephanie Cecco,
Interim Borough Secretary