

CONSHOHOCKEN BOROUGH PLANNING COMMISSION
MEETING MINUTES/REPORT TO CONSHOHOCKEN BOROUGH COUNCIL

MEETING DATE: March 10, 2022

AGENDA ITEM #1 – PRELIMINARY/FINAL MINOR SUBDIVISION
AND LAND DEVELOPMENT APPLICATION

APPLICANT: EELI LLC
PROPERTY: 124 West 1st Avenue

COMMISSION ACTION: Recommendation for preliminary/final minor subdivision and land development approval, subject to (1) compliance with the review letters of the Borough's staff and professionals; and (2) execution of a deed restriction to the satisfaction of the Borough Solicitor limiting use of the garages to parking.

MATERIALS REVIEWED: The Planning Commission reviewed the following materials:

1. photograph of proposed construction style
2. ten photographs of site and existing conditions
3. plan set prepared by Holmes Cunningham LLC, dated January 16, 2022, 5 sheets
4. Post Construction Stormwater Management Plan Narrative, prepared by Holmes Cunningham LLC, dated December 31, 2021
5. notice of approval from the Conshohocken Zoning Hearing Board, dated November 4, 2021
6. review letter of Borough Engineer, dated January 31, 2022
7. review letter of Borough Zoning Officer, dated February 8, 2022
8. review letter of Borough Fire Marshal, dated January 19, 2022
9. review letter of Borough Traffic Engineer, dated February 16, 2022
10. review letter of Montgomery County Planning Commission, dated February 9, 2022

PRIOR ZONING RELIEF GRANT:

At its October 25, 2021 meeting, the Conshohocken Zoning Hearing Board granted (1) a variance from Zoning Ordinance §27-1105.E to permit a side yard setback of 4.1 feet where 7 feet is required; and (2) a variance from Zoning Ordinance §27-1105.G to permit a building coverage of 47.7% where a maximum of 40% is permitted. The relief was granted subject to the condition that the applicant commit to working with abutting property owners to address stormwater management during the land development process.

SALDO WAIVERS REQUESTED:

1. waiver from SALDO §22-409.2 to permit grading within 3 feet of the property lines
2. waiver from SALDO §22-421.4 to permit street trees to be planted on the property instead of along the property frontage
3. waiver from SALDO §22-421.6 from the pedestrian lighting requirements to permit installation of exterior wall lighting
4. waiver from SALDO §22-804 to permit negotiation of a fee in lieu of park and recreational space

MEETING SUMMARY:

The applicant proposes to subdivide the lot into two lots, with Lot 1 containing 2,647 square feet and Lot 2 containing 2,152 square feet. Each lot is proposed to be improved with a 4-story 810 square foot footprint single family attached dwelling, a 216 square foot 1-car garage, and a 288 square foot asphalt driveway with access from the rear alley. Lot 1 is proposed to have a seepage bed to address stormwater management.

The following members of the Planning Commission were present: Elizabeth MacNeal, Chair, Daniel Swartley McArdle, Vice Chair, and Judy Smith-Kressley. Also present for the Borough were Borough Solicitor, Michael Peters, Esquire, Borough Engineer, Karen MacNair, P.E., Borough Zoning Officer, Eric Johnson, P.E., and the Borough Manager, Stephanie Cecco.

Present for the applicant were Rob Cunningham, P.E., applicant's engineer, and Bill Laphen, a representative for the applicant.

Mr. Cunningham explained the project to the Planning Commission. Mr. Cunningham explained that the development design was modeled after the recent development a few units down from this site.

Mr. Cunningham went through the review letters from the Borough's professionals, and stated the applicant would comply with the exception of the waivers requested. Mr. Cunningham reviewed the requested waivers with the Planning Commission and the reasons for each. With respect to shade trees, the applicant proposes to plant them elsewhere on site. With respect to pedestrian lighting, the applicant plans to do building mounted lighting as opposed to street lights.

Mr. Cunningham stated that his client is committed to working with the neighboring property owner with respect to stormwater.

Mr. Cunningham reviewed the zoning review letter, and noted that the applicant will comply with the review letter. With respect to parking spaces, the applicant is willing to subject the units to a deed restriction limiting the garage to parking (as opposed to storage).

With respect to the traffic letter, the applicant will comply with the review letter.

There were no comments from the fire marshal.

With respect to the Montgomery County Planning Commission, the comments dealt mainly with planting, etc., and the applicant will take them into account to the extent required by the Borough.

With respect to stormwater, currently, the lot is a single home with a large pervious grass area. Mr. Cunningham explained that the applicant is required to mitigate impact with respect to stormwater management, and the applicant will do so. Mr. Cunningham explained that the issues experienced by the neighboring property owner relate to how the existing grade change directs water directly at her house. The applicant is proposing to capture all stormwater on the property, and line the proposed stormwater basin basin so it will slowly seep out at a much slower rate. The property will be regraded to address the grading issues. The applicant is committed to working with the Borough's engineer to achieve appropriate stormwater management.

Chair MacNeal asked the Borough Engineer whether she had any specific concerns. Ms. MacNair noted that she had requested that the applicant replace the curb and sidewalks and perform mill and overlay work, all of which the applicant had agreed to do.

Chair MacNeal asked the planning commission whether it had any questions for the applicant. Member Smith-Kressley asked the applicant whether it had considered the use of pervious pavers for the project. Mr. Cunningham explained that his concern was that doing so would create a water problem elsewhere, and that, instead, capturing and controlling the release of water was more appropriate. Mr. Cunningham explained that if the proposed facility became overloaded it was designed to drain out directly onto the street.

Vice Chair Swartley McCardle asked the applicant to confirm that it would be complying with all ADA requirements with respect to the curb and sidewalk work. Mr. Cunningham confirmed that the applicant would do so.

Chair MacNeal requested that with respect to the trees being planted that the applicant consider use of native trees.

There was not public comment.

Vice Chair Swartely McCardle made a motion to recommend approval of the plan, subject to the conditions set forth hereinabove, which motion was seconded by Chair MacNeal. All members present voted in favor of the motion.

**AGENDA ITEM #2—ZONING ORDINANCE AMENDMENT REMOVING
RESIDENTIAL USES IN SP ZONING DISTRICT**

COMMISSION ACTION: Recommendation of adoption of ordinance amendment with the recommendation that Borough Council (1) reevaluate residential use in the SP districts in 5 years and (2) evaluate the availability of low income housing stock within the Borough.

MEETING SUMMARY:

Chair MacNeal asked Mr. Peters to summarize the ordinance.

Mr. Peters explained that over the last several years, the Borough has been monitoring development within the Borough, including many residential applications along the river that were the subject of settlement agreements entered into many years ago. At the same time, the Borough has done a thorough review of what that development means from an emergency management standpoint. That analysis revealed that there are approximately 2,146 current residents on the lower end of the Borough, but there are a projected 5,216 residents on the lower end of the Borough upon completion of the already approved developments. That lead to an analysis of whether the various Specially Planned Districts should be reevaluated to determine whether additional residential use is appropriate, or whether other uses should be encouraged.

Chair MacNeal asked the planning commission for comments and questions.

Member Smith Kressley stated that she was in favor of no additional multifamily residential buildings within the floodplain.

Vice Chair Swartley McCardle felt that the Borough should reevaluate the SP districts in 5 years to determine whether the restriction on residential use remains appropriate.

Chair MacNeal asked whether the existing residential properties would be permitted to remain in the SP districts. Mr. Peters and Mr. Johnson explained that those uses would become legally nonconforming and would be permitted to continue. Mr. Johnson reviewed the location of the SP districts.

Chair MacNeal stated her concern that the removal of residential uses from these districts would impact the availability of affordable housing in the Borough.

Vice Chair Swartley McCardle made a motion to recommend adoption of the ordinance subject to the two specific recommendations noted above; Chair MacNeal seconded the motion. The motion was unanimously approved by all members present.

AGENDA ITEM #3—ZONING ORDINANCE AMENDMENT CHANGING THE PROVISIONS RELATED TO NOTICE AND THE EXPIRATION OF APPROVALS

COMMISSION ACTION: Recommendation of adoption of ordinance amendment.

MEETING SUMMARY:

Chair MacNeal asked Mr. Peters to summarize the ordinance.

Mr. Peters explained that the ordinance amends certain administrative provisions in the zoning ordinance. With respect to notice, the ordinance would reduce the range of notice from 500 feet to 250 feet from the subject site. The change also clarifies that it will be the Borough that compiles the information for the notices and actually sends the notice, and the applicant would pay the costs associated with doing so.

Mr. Peters explained that the amendment also extends the expiration period for zoning relief from 6 months to 1 year. That extension of time will apply to zoning variances, special exceptions, and conditional uses. The request came at the request of the zoning hearing board as they receive many requests for extension.

Mr. Johnson explained that 250 feet was chosen because that is approximately one block in the Borough. The current 500 feet notice results in notice being provided to two blocks. For the zoning hearing board meeting that took place last month, 1,000 notices were sent.

Chair MacNeal asked whether reducing the notice was appropriate and what more could be done to get information regarding the meetings to the public. Ms. Cecco explained the other avenues through which notice occurs, and explained that her staff could use its time better by using those avenues and responding to inquiries therefrom.

Chair MacNeal made a motion to recommend adoption of the ordinance, and Member Smith Kressley seconded the motion. The motion was unanimously adopted by all members present.

AGENDA ITEM #4—ZONING ORDINANCE CODIFICATION

UPDATE—R-O DISTRICT

COMMISSION ACTION: No action needed.

Mr. Peters explained that this is an information item only. Subsection 5 of section 27-1202 of the Zoning Ordinance's R-O Residential Office District provisions was invalidated by the court, and it will therefore be removed from the codification of the Borough's ordinances.

The planning commission had no old business to discuss and the meeting was adjourned.