

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

MEETING DATE: January 12, 2023

AGENDA ITEM #1 – PRELIMINARY/FINAL LAND DEVELOPMENT APPLICATION

APPLICANT: CGEM LLC
PROPERTY: 701 Fayette Street

COMMISSION ACTION: Recommendation for approval of preliminary/final land development approval and the requested waivers, subject to the following conditions:

1. applicant shall comply with all review letters of the Borough's professionals, consultants, and staff;
2. applicant shall amend its waiver request letter to request a waiver from the parking area shade trees (SALDO §22-404.3.F(5)), as already shown on the plans;
3. applicant shall amend its waiver request letter to clarify that the street trees may not be counted as replacement trees (SALDO §22-420.2), and therefore the waiver request is to provide only 2 replacement trees; and
4. the applicant shall provide larger replacement trees, subject to review of the Borough and applicant's arborist.

WAIVERS REQUESTED:

1. partial waiver from SALDO §22-306.A(1) from showing existing improvements within 100' of the site subject to the applicant providing such information as deemed necessary by the Borough Engineer;
2. a waiver from SALDO §22-404.3.F(1), §22-404.3.F(5) and §22-421.5 requiring buffer strips, screens, and shade trees, conditioned on the applicant installing an opaque fence around the trash enclosure, planting a minimum of 48" high evergreen shrubs along East 7th Avenue, and planting a minimum of 6' high evergreens along the eastern property line;
3. a waiver from §22-409.2 to permit grading within 3' of the property lines and rights-of-way;
4. a waiver from SALDO §22-420.2 to permit only 2 replacement trees rather than the minimum number required;
5. a waiver from SALDO §22-421.4 to permit street shade trees to be planted within the right-of-way, rather than a minimum of 5' inside the property lines, subject to the applicant's/property owner's agreement to maintain the trees; and
6. a partial waiver from SALDO §22-804 to permit a fee-in-lieu of dedication of park/recreational land/facilities.

MATERIALS REVIEWED: The Planning Commission reviewed the following materials:

1. application for preliminary/final land development approval
2. drainage report, prepared by GME Engineering, last revised November 21, 2022
3. land development plan set, prepared by Borusiewicz Surveyors and Site Planners, dated July 22, 2022, last revised November 30, 2022, 6 sheets
4. plan titled “Existing Drainage Plan”, prepared by GME Engineering, dated August 24, 2022, last revised November 21, 2022
5. plan titled “Proposed Drainage Plan”, prepared by GME Engineering, dated August 24, 2022, last revised November 21, 2022
6. photographs of existing conditions, 8 pages
7. architectural renderings and floor plans, prepared by JL Architects, dated July 29, 2022, 10 sheets
8. settlement agreement in the matter of *Miraglia, et al. v. Conshohocken Zoning Hearing Board*, Montgomery County Court of Common Pleas docket no. 2021-25018, dated June 22, 2022
9. waiver request letter, dated January 12, 2023
10. decision of the Conshohocken Zoning Hearing Board, application no. Z-2021-09, dated December 2, 2021
11. review letter of the Borough Engineer, dated January 5, 2023
12. review letter of the Borough Fire Marshal, dated January 5, 2023
13. review letter of the Montgomery County Planning Commission, dated September 29, 2022
14. review letter of the Borough Traffic Engineer, dated January 5, 2023
15. review letter of the Borough Zoning Officer, dated January 5, 2023

MEETING SUMMARY:

The applicant proposes to remove all existing features from the site, and to construct a 3-story, 6,250 square foot footprint mixed use building with retail use on the ground floor and a total of 9 apartments on the second and third floor. Associated improvements include 26 parking spaces, lighting, landscaping, and sidewalk and curb replacement along the entire Fayette Street and East 7th Avenue frontages. An underground seepage bed within the parking area is proposed to address stormwater management. The project previously received variances from the Borough’s zoning ordinance related to impervious coverage and the number of parking spaces.

The following members of the Planning Commission were present: Daniel McArdle, Vice Chair, David Swedkowski, Dana MacNeal, and Judy Smith-Kressley. Also present for the Borough were Borough Solicitor, Michael Peters, Esquire, Borough

Engineer, Karen MacNair, P.E., Borough Zoning Officer, Allison Lee, P.E. and the Executive Assistant to the Borough Manager, Brittany Rogers.

Present for the applicant were Mark Danek, Esquire, applicant's attorney, John Manicini, a representative of the applicant, and Tracy Borusiewicz, participating remotely.

Vice Chair McArdle opened the meeting and introduced the application.

Mr. Danek explained the project, and the zoning relief previously obtained.

Mr. Danek stated that, aside from the requested waivers, the applicant would comply with all review letters. Mr. Danek stated that Mr. Borusiewicz had amended, and would further amend, the plans based on the review letters.

Mr. Danek reviewed the architectural renderings with the Planning Commission, and explained the general layout of the building. Mr. Danek noted that the number of dwelling units had been reduced by 1, so there were 5 units proposed on the 2nd floor and 4 units on the 3rd floor.

Mr. Danek reviewed the land development plans with the Planning Commission, and explained that an existing encroachment by the neighbor exists, which affects the impervious coverage. Mr. Danek stated that the applicant agreed to grant an easement addressing the encroachment and access.

Mr. McArdle asked Ms. MacNair whether she had any specific concerns regarding the project. Ms. MacNair asked the applicant to go over its requested waivers with the Planning Commission.

Mr. Borusiewicz went through the waiver requests with the Planning Commission, and the reason for each.

With respect to waiver request #6 (SALDO §22-420.2, replacement trees), Ms. MacNair explained that she would support the waiver, but would not support counting street trees as "replacement" trees. The applicant agreed to reframe the request to seek relief to permit only 2 replacement trees. Ms. MacNair further confirmed with the applicant that it desired to seek relief from the parking area shade tree requirement.

Ms. MacNair re-confirmed with the applicant, through Mr. Danek, that the applicant would comply with her review letter unless a waiver was requested.

Ms. Lee stated that the applicant had stated it would comply with her review letter, and she therefore had no additional zoning comments.

With respect to traffic, Ms. Lee noted the concern of the Borough Traffic Engineer that the applicant remove/move the on-street parking spaces as needed to provide appropriate site distance. The applicant agreed to do so.

Mr. Peters explained that there was nothing additional from the Montgomery County Planning Commission review letter or the Fire Marshal review letter requiring discussion by the Planning Commission.

Member. MacNeal asked the applicant to confirm what was being removed from the site to accommodate the project; Mr. Danek explained.

Member Smith-Kressley asked the applicant to confirm that it had done all environmental testing/planning necessary to address any issues from the gas station. Mr. Mancini explained that the environmental studies and remediation had already been performed. Mr. Danek explained that DEP had already performed its review as well.

Member Smith-Kressley asked whether the applicant would be submitting more specific floor plans for the apartments. Mr. Peters explained that that was not generally part of the land development process, although the applicant had already determined how many bedrooms each unit would have, and that was part of the traffic study that was performed.

Ms. Smith-Kressley asked the applicant to consider placing larger caliber trees where the replacement trees are being planted. The applicant agreed to work with the Borough and their arborist to determine whether larger caliber/height trees could be installed in that area.

Member Swedkowski was satisfied with the applicant's answers regarding environmental remediation/landscaping, and supported the request for larger replacement trees.

Vice Chair McArdle asked the applicant to confirm that the project would comply with the ADA. Ms. MacNair stated that such compliance would be required of the applicant.

Vice Chair McArdle made a motion to recommend approval, subject to the conditions stated hereinabove. Member Smith-Kressley seconded the motion. The motion was unanimously approved by all present.