

CONSHOHOCKEN BOROUGH PLANNING COMMISSION
MEETING MINUTES/REPORT TO CONSHOHOCKEN BOROUGH COUNCIL
JANUARY 13, 2022

REORGANIZATION

Prior to consideration of any business, the Planning Commission reorganized. All current members of the Planning Commission were present (Elizabeth MacNeal, Dana MacNeal, Judy Smith-Kressley, and Daniel Swartley McArdle). Michael E. Peters, Esquire, Solicitor for the Borough, took nominations for the position of Chair. Member Dana MacNeal nominated Member Elizabeth MacNeal, which nomination was seconded by Member Judy Smith-Kressley. No other nominations were made. Member Elizabeth MacNeal was unanimously voted in as Chair of the Planning Commission.

Chair MacNeal took nominations for the position of Vice Chair of the Planning Commission. Member Swartley McArdle nominated himself, which nomination was seconded by Chair MacNeal. No other nominations were made. Member Swartley McArdle was unanimously voted in as Vice Chair of the Planning Commission.

The meeting then turned to the business before the Planning Commission.

401-433 WASHINGTON STREET

APPLICANT: KRE Acquisition Corp.
PROPERTY: 401-433 Washington Street

COMMISSION ACTION: Recommendation for amendment of settlement agreement to permit the plan changes shown to the Planning Commission, subject to representations made to the Planning Commission and compliance with the review letters of the Borough's staff and professionals.

MATERIALS REVIEWED: The Planning Commission reviewed the following materials:

1. architectural drawings and renderings prepared by Major and Barton Partners, dated December 3, 2021, 10 sheets
2. erosion and sediment pollution control plans, prepared by Colliers Engineering & Design, dated December 3, 2021, 5 sheets
3. landscape and lighting plans, prepared by Melillo Bauer Carman Landscape Architecture, dated December 3, 2021, 10 sheets
4. photos of existing conditions, 7 photos
5. post-construction stormwater management plans, prepared by Colliers Engineering & Design, dated December 3, 2021, 6 sheets
6. post-construction stormwater management report, prepared by Colliers Engineering & Design, dated December 3, 2021

7. preliminary/final land development plan set, prepared by Colliers Engineering & Design, dated October 29, 2021, 23 sheets
8. drainage maps, prepared by Colliers Engineering & Design, dated October 29, 2021, 3 sheets
9. existing tree survey plan, prepared by Colliers Engineering & Design, dated December 3, 2021, 1 sheet
10. project narrative, prepared by Colliers Engineering & Design
11. settlement agreement, dated October 22, 2014
12. waiver request letter, dated December 3, 2021
13. review letter of Borough Engineer, dated January 7, 2022
14. review letter of Borough Zoning Officer, dated January 7, 2022
15. review letter of Borough Fire Marshal, dated January 7, 2022
16. review letter of Borough Traffic Engineer, dated January 7, 2022
17. review letter of Montgomery County Planning Commission, dated January 11, 2022

MEETING SUMMARY:

This is a multifamily development pursuant to a settlement agreement dated October 22, 2014, between the Borough and applicant's predecessor in title. The applicant, KRE Acquisition Corp., seeks to develop the property located at 401-433 Washington Street under and pursuant to the settlement agreement for 598 multifamily dwelling units, with certain changes to the plan attached to the settlement agreement.

The following members of the Planning Commission were present: Elizabeth MacNeal, Chair; Daniel Swartley McArdle, Vice Chair, Judy Smith-Kressley and Dana MacNeal. Also present for the Borough were Borough Solicitor, Michael Peters, Esquire, Borough Engineer, Karen MacNair, P.E. (via telephone), Borough Traffic Engineer, Brian Keaveney, P.E., P.T.O.E., and Executive Assistant to the Borough Manager, Brittany Rogers.

Present for the applicant were Joseph Blackburn, Esquire, counsel for the applicant, as well as Noah Chrismer, a representative of applicant, Seth Shapiro, applicant's architect, Tom Bauer, applicant's landscape architect, and Rick Rosenberry, P.E., applicant's engineer.

Chair MacNeal turned the meeting over to Mr. Peters to explain the procedural posture of the application. Mr. Peters explained that the project was subject to the 2014 settlement agreement, and that the number of units, number of buildings, and general layout was set by the agreement. Mr. Peters explained that two of the major changes—removing a floating boardwalk proposed under the plan attached to the settlement agreement and removing the long-term rental units—had been made in consultation, and under the direction of, the Borough's staff and professionals, based on emergency

management concerns and the current needs of the Borough. Mr. Peters then turned the meeting over to applicant's attorney, Mr. Blackburn.

Mr. Blackburn introduced the project, and explained that the changes from the plan approved by the 2014 settlement were those requested by the Borough or those designed to improve the project. Mr. Blackburn noted that the property is a brownfield site.

Noah Chrismer introduced applicant's company to the Planning Commission, including the fact that applicant holds projects it builds. Mr. Chrismer noted that there would be employees of applicant living in the development after it's built.

Seth Shapiro, applicant's architect, explained the layout of the project, and explained the split between Conshohocken and Whitemarsh. Mr. Shapiro explained that the prior design placed public access off to the side as an "afterthought". Mr. Shapiro explained that applicant instead proposed running the public access through the middle of the project as a "living street" with a width of approximately 105 feet. Buildings 3 and 4 are connected with a pedestrian bridge. There may be seasonal kiosks. Height was limited to 4 stories. Some units will have balconies, while others will have Juliet balconies. The project eliminates 10 curb cuts from Washington Street. A combination of materials will be used, including reclaimed wood and corrugated metal.

Tom Bauer, applicant's landscape architect explained the concept of a "living street" in greater detail. The living street could be used for special events, and then leads to a 2.5 acre public park along the river. Mature trees will be saved as much as possible. The public park area was designed with the understanding that the area would become flooded. It was also designed so as to support emergency vehicles.

Rick Rosenberry, P.E., applicant's engineer, explained that the site is currently vacant, and is comprised of 10.7 acres. The site is a brownfield site, and will be capped. Stormwater management needed to be designed with the brownfield status and capping accounted for.

Mr. Rosenberry explained that the buildings are not located in the floodway. The river is at elevation 40 feet, the 100 year flood is 60.5 feet. The site ranges from 51' to 56' at its high point (the midpoint of Cherry Street). The buildings must be raised 2 feet above the 100 year flood, but applicant has designed the project to be 68' at the lowest inhabited space.

Mr. Rosenberg explained that, under the current plan, 60 units are proposed in Whitemarsh and the rest in Conshohocken. 751 parking spaces are currently proposed. The compact spaces proposed under the plan attached to the settlement agreement were increased in size to make the spaces more usable.

Mr. Rosenberry explained that there are no endangered species on the property, no issues with respect to the Pennsylvania Historical and Museum Commission, no archeological issues, and that the sewer permit is still valid.

Mr. Rosenberry explained that the applicant had met with Borough staff following Hurricane Ida and discussed emergency management issues in detail, including:

- applicant had agreed to enhance the lighting for the emergency boat dock at the end of Cherry Street;
- no mechanicals will be placed below flood stage;
- all utility meters will be elevated above the flood stage;
- the generators will be above flood stage to guarantee power during a storm event;
- applicant will construct a storage area to hold turn-out gear for emergency services;
- Knox Boxes would be placed at higher elevations in the building;
- anchor points for emergency boats will be installed on the building;
- there will be an outside staircase to reach the living quarters of the building; and
- signage for evacuations will be posted on the property in consultation with the Borough.

Member Smith-Kressley asked the applicant where the cars for residents would be relocated during a storm event. Mr. Rosenberry explained that the applicant was in current discussions with the Borough on that issue. Furthermore, the applicant's zoning relief from the Whitemarsh Township Zoning Hearing Board requires applicant to provide a shuttle service during storm events to effectuate vehicle relocation.

In conclusion, Mr. Blackburn explained that the applicant had reviewed all review letters from the Borough's professionals and would comply with all comments.

Chair MacNeal then turned the meeting over to the Borough's professionals to report on any specific concerns.

Ms. MacNair explained that she had no specific concerns, provided that the applicant intended to comply with her review letter. Mr. Peters explained that the zoning officer's review letter was similar, in that as long as the applicant complied with the review letter there were no major concerns. Mr. Peters did explain that the applicant would need to clarify the number of units as between Conshohocken and Whitemarsh so that compliance with parking requirements could be confirmed.

Mr. Keaveney explained that the plan was much improved in terms of traffic, but that an updated review of the traffic study in that area did reveal that there were improvements that would be advisable, particularly at East Elm Street and Ash Street, and that he would work with the applicant's team regarding same.

Mr. Peters explained that the applicant had been working with the Borough's fire marshal, and had agreed to continue to do so to ensure safe emergency response for the project.

Mr. Peters explained that the review letter of the Montgomery County Planning Commission mainly addressed the public areas, and that if the Planning Commission had specific feedback regarding those areas to please raise them with the applicant. Mr. Peters did explain that the design of those areas needed to account for the potential for flood events.

Chair MacNeal turned to the meeting over the Planning Commission members for questions and/or comments.

Member Smith-Kressley asked how the site would be monitored in terms of environmental issues associated with its status as a Brownfield site. The applicant explained that the site would continue to be monitored by DEP indefinitely into the future.

Vice Chair Swartley McArdle and Member Dana MaNeal had no specific questions for the applicant.

Chair MacNeal asked several questions regarding the "living street" area proposed for the project, specifically regarding how the area would function in terms of pedestrian traffic versus vehicular traffic. The applicant explained how pedestrians, versus vehicles, would flow throughout the area, including how pedestrians would be protected by bollards. The applicant explained that the sidewalks along the living street were 18 foot at their widest, down to 6 foot at their smallest. Mr. Keaveney also explained that he would work with the applicant on behalf of the Borough to ensure that the area had appropriate signage.

Chair MacNeal asked questions regarding the parking, to which applicant responded that the parking would not be specifically assigned. The spaces on Cherry Street would be marked for tenant parking and/or public parking as applicable.

On motion by Member Smith-Kressley, seconded by Vice Chair Swartley McArdle, the Planning Commission unanimously recommended that Borough Council amend the settlement agreement to permit the applicant to make the changes to the plan discussed during the meeting, subject to compliance with all review letters of the Borough's staff and professionals.