

BOROUGH OF CONSHOHOCKEN BOROUGH COUNCIL
MINUTES OF THE PUBLIC MEETING

Wednesday, February 2, 2022

PUBLIC MEETING

PRESENT: Colleen Leonard, Council President
Tina Sokolowski, Council Vice-President
Anita Barton, Council Member
Stacy Ellam, Council Member
Kathleen Kingsley, Council Member
Adrian Serna, Council Member
Yaniv Aronson, Mayor

ALSO PRESENT: Stephanie Cecco, Borough Manager
Michael E. Peters, Borough Solicitor

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. Ms. Leonard, Council President, called the meeting to order at 7:01 PM.

COUNCIL PRESIDENT ANNOUNCEMENTS

Ms. Leonard announced that an Executive Session was held immediately prior to the regularly scheduled public meeting on legal and property matters.

PRESENTATIONS

a.) Conduct an interview for appointment to the Sewer Authority Board

Ms. Leonard introduced George Bass who was present to interview for the Sewer Authority Board. Mr. Bass shared that he is retired and looking to get involved with the community. He discussed his professional background and how his understanding of process control could contribute to the overall success of the facility. He shared that he hopes to use his management skills to help improve efficiency performance.

b.) Conduct an interview for reappointment to the Mary Wood Park Commission

Ms. Leonard introduced Jimmy Lynch who was present to interview for reappointment to the Mary Wood Park Commission. Mr. Lynch discussed goals of the Mary Wood Park Commission, such as developing potential new uses for the Park House. He also discussed fundraising events and the importance of continuing to raise awareness about the Park House and the overall park system.

c.) Review of Preliminary/Final Land Development Plan for 401-433 Washington Street: KRE Acquisition Corp., Applicant (subject to 10.22.2014 Settlement Agreement)

Mr. Peters explained that the project was subject to a 2014 settlement agreement, and that the overall scope and general layout of the project was set by the agreement. He explained that the applicant is requesting an amendment to the settlement agreement to incorporate minor changes to the plan.

Edward Murphy, the applicant's attorney, stated that the applicant is seeking to develop the property located at 401-433 Washington Street under and pursuant to the settlement agreement with certain changes to the plan. He 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.

Noah Chrismer, a representative for the applicant, provided an overview of KRE, including the fact that the applicant retains ownership of, and manages, projects it builds. Mr. Chrismer noted that there would be employees of the applicant living in the development after construction.

Seth Shapiro, the applicant's architect, provided an overview of the site. He reviewed the proposed changes to the plan, which included the relocation and expansion of the public access through the site to the Schuylkill River. He discussed improvements to amenity spaces and stated that the height of the buildings would be limited to 4 stories.

Tom Bauer, the applicant's landscape architect, reviewed the landscape plan for the site, specifically along the main throughfare and the public park along the river.

Rick Roseberry, the applicant's engineer, stated that the property is a brownfield site and will be remediated in accordance with the DEP approved plan. He discussed the proposed stormwater management plan. Mr. Roseberry explained that the applicant is incorporating flood management and response measures for the development.

Ms. Barton inquired about traffic along Washington Street. Mr. Roseberry confirmed that the applicant is working with the Borough to implement and/or contribute to the recommended traffic improvements required to offset the anticipated impact of the development.

Mr. Peters stated that an amendment to the settlement agreement would be drafted and presented to Council for consideration of approval at the February Voting Meeting.

d.) Emergency Management Presentation, Ray Sokolowski, Emergency Management Coordinator

Ray Sokolowski, Emergency Management Coordinator, provided an overview of the major construction projects occurring within the Borough. He discussed population shifts and the need for expanding the Borough's emergency services to meet the demand and needs of the Borough's expanded population.

Police Chief Metz, Fire Marshal Gunning and Battalion Chief Young discussed how their respective departments are prepared to handle an emergency with the population increase expected to come into the Borough with the completion of these new construction projects.

Police Chief Metz, Fire Marshal Gunning and Battalion Chief Young discussed future departmental needs regarding planning for potential capital expenditures.

LAND USE MATTERS, PUBLIC HEARINGS AND ORDINANCES

a.) Discuss and consider authorizing advertisement of a zoning ordinance amendment to amend notice provisions and expiration of approvals

Mr. Peters stated that, currently, zoning notices are provided to property owners within 500 feet of a property owner who is seeking zoning relief. He explained that, given the density of the Borough, Administration recommends reducing the required notice from 500 ft. to 250 ft. Mr. Peters added the Borough Administration also recommends that Borough staff, instead of the applicant, prepare and send the zoning notices.

Mr. Peters explained that the zoning ordinance currently states that zoning relief approval expires if the applicant fails to obtain a permit within 6 months of the approval date. He stated that this provision has resulted in many requests for an extension. Therefore, Borough Administration recommends that variances, conditional uses, and special exceptions expire within 1 year of the approval date.

Ms. Barton made a motion to authorize advertisement of the zoning ordinance amendment to amend notice provisions and expirations of approval and a motion to authorize review of the zoning amendment by the Montgomery County Planning Commission and Borough of Conshohocken Planning Commission with a public hearing to be set for the soonest applicable date, seconded by Ms. Kingsley. The motion carried 6-0. (Tutino absent)

b.) Discuss and consider authorizing advertisement of a zoning ordinance amendment to remove residential uses in SP Zoning Districts

Mr. Peters shared that Borough Administration has performed a comprehensive review of its housing stock and, at the same time, has performed a comprehensive analysis of emergency management within the Borough, specifically within the area of the Borough located on or near the Schuylkill River. He explained that based on that analysis, Borough Administration recommends that Council consider amending the SP-1, SP-2, SP-3, and SP-4 zoning districts to remove residential uses as permitted uses in any of the specially planned districts.

Mr. Serna made a motion to authorize advertisement of a zoning ordinance amendment to remove residential uses in the SP Zoning Districts and a motion to authorize review of the amendment by the Montgomery County Planning Commission and Borough of Conshohocken Planning Commission with a public hearing to be set for the soonest applicable date, seconded by Ms. Kingsley. The motion carried 6-0. (Tutino absent)

c.) Discuss and consider authorizing advertisement of an ordinance to vacate a portion of Corson Street

Mr. Peters explained that the developer of 400 West Elm Street is requesting Council's approval to vacate a portion of Corson Street as part of the approved land development project. He stated that the applicant intends to use the proposed vacated area to provide access to the parking area for the multifamily residential building.

Ms. Ellam made a motion to authorize advertisement of an ordinance to vacate a portion of Corson Street associated with the 400 West Elm Street Development, seconded by Ms. Barton. The motion carried 6-0. (Tutino absent)

COUNCIL BUSINESS

a.) Consider appointing an applicant to the Sewer Authority Board

Ms. Sokolowski made a motion to appoint Aparna Chhibber to the Sewer Authority Board to fill the position vacated by Felix Raimondo (2022 – 2026), seconded by Ms. Kingsley. Mr. Serna recused himself. The motion carried 5-0. (Tutino absent)

MANAGER MATTERS

a.) Consider approving the proposal to perform Cable Franchise Renewal Services with Cohen Law Group

Ms. Cecco requested that Council consider authorizing Cohen Law Group to assist in a franchise fee audit and cable franchise renewal negotiations with Comcast.

Ms. Barton made a motion to approve the proposal to perform Cable Franchise Renewal Services with Cohen Law Group and authorize the Borough Management to execute an engagement letter with Cohen Law Group, seconded by Ms. Ellam. The motion carried 6-0. (Tutino absent)

b.) Consider approving Resolution 2022-04 authorizing the sale of a Police vehicle

Ms. Cecco explained that Borough Administration has identified a 2015 Chevy Tahoe that is no longer of use to the Borough per the vehicle depreciation schedule. She asked Council to consider authorizing the sale of the vehicle on Municibid with a reserve price of \$18,000.00.

Ms. Sokolowski made a motion to approve Resolution 2022-04 authorizing the sale of a Police Department 2015 Chevy Tahoe, seconded by Ms. Kingsley. The motion carried 6-0. (Tutino absent)

DEPARTMENT MATTERS

There were no department matters.

LEGAL MATTERS

a.) Discuss a resolution to amend the Borough's Business Privilege Tax and Mercantile License Tax Regulations

Mr. Peters reviewed the proposed resolution stipulations and formula to calculate the applicable tax rebate.

b.) Discuss and consider authorizing advertisement of an ordinance to authorize eminent domain of 2 Harry Street (Tax Map Parcel No. 05-00-04876-00-6)

Mr. Peters reviewed the initial steps in the process of eminent domain. Ms. Cecco explained that any property acquired through eminent domain must be used for a public space, and that it is the Borough's intent to preserve this property as open space and/or for a public amenity for the community, such as a historical museum.

Ms. Sokolowski asked if the Borough can ensure the preservation of available property to create public space through zoning ordinance changes alone. Mr. Peters responded that the preservation of available open space could not be achieved through amendments to the zoning ordinance. Ms. Cecco added that acquisition of private property for public use is the only way to ensure that the Borough is taking all steps available to meet the resident priorities listed in the 2018 comprehensive plan.

Ms. Sokolowski inquired about the consequences of not changing the ordinance now. Ms. Cecco stated that there are only minimal open space parcels left in the Borough. She explained that the Borough has a responsibility to explore ways to maintain or convert these parcels into public space in order to address the emergency management needs of the Borough as well as serve the needs of Borough residents.

Ms. Leonard asked if the Borough had any discussions with the owners of the properties surrounding the Outbound Station to inquire about purchasing prior to choosing to look at eminent domain options. Ms. Cecco confirmed that the Borough met with the owners of the properties surrounding the Outbound Station prior to deciding to explore eminent domain options to preserve open space.

Ms. Sokolowski made a motion to authorize advertisement of an ordinance to authorize eminent domain of 2 Harry Street (Tax Map Parcel No. 05-00-04876-00-6), seconded by Ms. Kingsley. The motion carried 6-0. (Tutino absent)

COUNCIL MEMBER AND MAYOR MATTERS

Mayor Aronson announced that Lannutti Post is hosting a Chili Cookoff & Tasting on February 5, 2022. He shared that the local Girl Scout Troop 7044 are selling cookies out front of the Conshohocken Library on Sundays. He thanked Public Services for all their hard work during the recent snow emergency. He reminded residents to sign up for CodeRed, the Borough's emergency notification system.

Ms. Ellam recognized Public Services for all their hard work during the recent snowstorm.

Ms. Barton reminded property owners to remove snow from sidewalks within 24 hours after storm to ensure pedestrian safe access.

Ms. Sokolowski read a statement regarding the eminent domain of 2 Harry Street. The statement explained that Borough Council is attempting to meet the objectives of the 2018 Comprehensive Plan to address the emergency management needs of the Borough, and to otherwise serve the needs of Borough residents.

PUBLIC COMMENT

Joe Collins, owner of the Outbound Station located at 2 Harry Street, stated that the Borough's agenda states that public comment is taken before a vote is taken on each agenda item and that he was not given the opportunity to make a comment prior to the vote to authorize advertisement of an ordinance to authorize eminent domain. He added that he will resist any effort to take the property.

Craig Mosmen, Owner of The Couch Tomato, voiced his objection to the eminent domain of 2 Harry Street. Mr. Mosmen shared that The Couch Tomato has signed a long-term lease of the property and provided some information about the history and operation of the business. He asked Council to consider not moving forward with eminent domain of the property.

Scott Langstein, 200 West Elm Street, voiced a concern related to the proposed zoning ordinance amendment to reduce the zoning notice requirement to 250 ft. He explained that reducing the zoning notice requirement could result in only a portion of the Grande residents receiving a notice. He asked Council to consider amending the Business Privilege Tax ordinance to allow independent consultants to deduct business expenses.

Craig Mosmen, Owner of The Couch Tomato, asked if the Borough can provide adequate justification for invoking eminent domain. Mr. Peters confirmed that the acquisition of the property is necessary for a public purpose.

ADJOURNMENT

The meeting was adjourned at 8:44 PM.

Respectfully Submitted,

Stephanie Cecco,
Borough Secretary