Whitemarsh TOWNSHIP

616 GERMANTOWN PIKE – LAFAYETTE HILL, PA 19444-1821
TEL: 610-825-3535 FAX: 610-825-9416
www.whitemarshtwp.org

BOARD of SUPERVISORS

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WHITEMARSH TOWNSHIP PLANNING COMMISSION

MEETING OF TUESDAY, OCTOBER 13, 2020 6:00 PM

ZOOM MEETING PARTICIPATION INFORMATION

The Whitemarsh Township Planning Commission will hold its monthly meeting on Tuesday, October 13, 2020 at 6:00 p.m. **This is the Planning Commission's Public Meeting for the Draft Comprehensive Plan Selective Update (Sept. 2020).** In response to the COVID 19 health pandemic, and to promote social distancing, this meeting will be conducted via ZOOM. Members of the Commission, staff and public will participate remotely. The public may join this meeting by either telephone using the dial in number or entering the URL on an internet browser. Below you will find instructions on how to access and participate in the meeting:

- **Meeting Date:** Tuesday, October 13, 2020
- **Meeting Time:** 6:00 PM
- **Meeting URL:** https://us02web.zoom.us/j/86764912048?pwd=UnhYSjgyT0l4Lys5Smpwa3crd0xYZz09
- **Meeting via Zoom App:** if you have the Zoom App on your smartphone, tablet, or computer, open the program, click "join a meeting" and enter the Meeting ID: 867 6491 2048
- **Meeting dial in number (no video):** 1-646-558-8656
- **Meeting ID number (to be entered when prompted):** 867 6491 2048
- **Meeting Password:** 774952

Public comment may be submitted via email to the Township Director of Planning and Zoning, Charlie Guttenplan at cguttenplan@whitemarshtwp.org no later than noon (12:00 PM) on October 12, 2020. Public comment will also be accepted during the meeting; instructions will be provided at the start of the meeting. In both cases you will need to provide your name and address for the record.

Persons with a disability who wish to participate in the meeting and require an auxiliary aid, service or other accommodation to participate in the meeting should contact Whitemarsh Township at 484-594-2625.

WHITEMARSH TOWNSHIP
PLANNING COMMISSION MEETING AGENDA
SELECTIVE COMPREHENSIVE PLAN UPDATE PUBLIC MEETING
October 13, 2020
6:00 PM

DUE TO THE COVID-19 PANDEMIC, THIS MEETING WILL BE CONDUCTED VIA THE INTERNET USING 'ZOOM' TELECOMMUNICATION TECHNOLOGY

DAMBMAN ___ DORAN ___ GLANTZ PATCHEN ___ QUITEL ___
SHAW-FINK ___ SHULA ___
MANUELE (BOS) ___ GUTTENPLAN ___ HEINRICH ___ SANDER ___

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1. **CALL TO ORDER**

2. **ANNOUNCEMENTS & CORRESPONDENCE**

   - Pursuant to the requirements of Section 302(a) of the Pennsylvania Municipalities Planning Code, Act of 1968 (as amended) this meeting was advertised in the Times Herald on Monday, September 28, 2020 and Monday, October 5, 2020.

3. **APPROVAL OF MINUTES**

   - September 22, 2020

4. **ZONING HEARING BOARD APPEALS** (None)

5. **CONDITIONAL USE APPLICATIONS** (None)

6. **SUBDIVISION &/OR LAND DEVELOPMENT APPLICATIONS** (None)

7. **OLD BUSINESS**

   - Public Meeting for Selective Comprehensive Plan Update

8. **NEW BUSINESS**

9. **PLANNING COMMISSION MEMBER COMMENTS**

10. **PUBLIC COMMENT FOR NON-AGENDA ITEMS**

11. **ADJOURNMENT**

TENTATIVE AGENDA NEXT MEETING
October 27, 2020 at 6:00 P.M.

- Review CU#03-20 Laurel Holdings Group, LLC, 633 Germantown Pike, Lafayette Hill, PA
  Conditional Uses for Apartment, Medical & Retail Use in VC-1 District
- Review (continued) SLD #05-14; 901 Washington Partners, LP/901 Washington Street
  Revised Preliminary Plan; 62 Townhomes
- Review SLD#07-18 Whitemarsh Hotel Associates, LP/432 Pennsylvania Avenue
  Minor Land Development Plan; Starbucks Drive-thru Restaurant

PUBLIC PARTICIPATION INFORMATION

1. Public meetings of the Commission shall follow a prescribed agenda, which will be available to the general public no later than the Friday preceding the meeting.
2. If members of the public wish the Commission to address a specific item at a public meeting, a written request to the Staff Liaison shall be submitted at least one week before the meeting. The written request shall specify the item or items the individual desires to be addressed.
3. The Commission may consider other matters for the agenda as they see fit.
4. The Commission will entertain Public Comment at the conclusion of the discussion of the item and prior to specific action on the item during the meeting, at the discretion of the Chair. Individuals must advise the Chair of their desire to offer such comment.
5. A Public Comment period will be provided at the conclusion of a meeting for input on any new subject.
6. The Commission Chair shall preside over Public Comments and may within their discretion:
   a. Recognize individuals wishing to offer comment.
   b. Require identification of such persons.
   c. Allocate total available Public Comment time among all individuals wishing to comment.
   d. Allocate up to a five (5) minute maximum for each individual to offer Public Comment at a meeting, Township Staff shall time comments and shall announce, "one minute remaining" and "time expired" to the Chair.
   e. Rule out of order scandalous, impertinent and redundant comment or any comment the discernible purpose of which is to disrupt or prevent the conduct of the business of the meeting including the questioning of, or polling of, or debating with, individual members of the Commission.

WHITEMARSH TOWNSHIP

TO: PLANNING COMMISSION

FROM: **Charles L. Guttenplan, AICP, Director of Planning and Zoning**

SUBJECT: MATERIAL FOR OCTOBER 13, 2020 ZOOM MEETING

DATE: OCTOBER 8, 2020

CC: Vincent Manuele, BOS Liaison
Richard L. Mellor, Jr., Township Manager
Krista Heinrich, PE, Township Engineer's Office
Dave Sander, Esq., Township Solicitor

In addition to minutes from the September 22, 2020 Zoom meeting, there is one agenda items for the October 13th meeting. This is the Planning Commission's Public Meeting for the ***Selective Comprehensive Plan Update*** (September 2020 draft). This meeting will be conducted using Zoom telecommunication technology due to the COVID-19 pandemic.

This meeting is required by the PA Municipalities Planning Code for the purpose of making a recommendation for adoption of the ***Update*** to the Board of Supervisors. All of the changes that the Commission has requested during prior discussions, have been incorporated. This Public Meeting is the final step in the process before the Board of Supervisors holds a Public Hearing (also required by the Planning Code) and considers the ***Update*** for adoption as an amendment to the 2003 Comprehensive Plan.

Kimberly Baptiste, AICP, our consultant for this project from *Bergmann*, will be participating in this meeting and will make a short presentation, giving an overview of the process and content of the ***Update***.

As I previously informed the Commission, the Update is on the Township's website with a link on the home page; you can also access it by copying the following into your web browser:
https://www.whitemarshtwp.org/DocumentCenter/View/2536/Whitemarsh-Comp-Plan-92820

I have enclosed a copy of an e-mail written by Chris Lane of the Open Space Committee concerning his thoughts on, and endorsement of the ***Selective Comprehensive Plan Update***.

If you have any questions prior to the meeting, please feel free to get in touch with me (cguttenplan@whitemarshtwp.org or 484-594-2625). If any member is unable to participate in the meeting, please send an e-mail to Bob Dambman (rdambman@gmail.com) and copy me. I look forward to 'seeing' you all at the meeting.

Enclosures

G:/Planning Commission/Meeting Cover Memo's/2020/Cover Memo 10.13.20 Zoom Mtg.doc

Charles L. Guttenplan, AICP
Director of Planning and Zoning/Zoning Officer
616 Germantown Pike
Lafayette Hill, PA 19444
Phone: 484-594-2625 Fax: 610-825-6252
Email: cguttenplan@whitemarshtwp.org

MINUTES
PLANNING COMMISSION
ZOOM MEETING
SEPTEMBER 22, 2020

Attendees/Participants: Dave Shula, Sherri Glantz Patchen, Patrick Doran, Bob Dambman, Elizabeth Shaw Fink, Scott Quitel, Charlie Guttenplan, AICP, Director of Planning and Zoning, Krista Heinrich (Township Engineer's office), Vince Manuele (BOS Liaison), and Dave Sander, Esq. (Township Solicitor's office)

1. **CALL TO ORDER:** 6:02 PM by Chair Dambman

2. **ANNOUNCEMENTS & CORRESPONDENCE**

Announcements:

- Act 15 requires advertising Zoom meetings 5 days in advance. This meeting was published in the Times Herald on September 16, 2020.
- Mr. Guttenplan stated the next meeting is October 13, 2020 at 6:00 PM; we will be having the Comprehensive Plan public meeting that is required by the Pennsylvania Municipality Planning Code. That meeting is designed for the Planning Commission to discuss the Comprehensive Plan, hear public comments and if ready make a recommendation on its potential adoption to the Board of Supervisors. The Board then will schedule a public hearing which will be advertised; once the Board is satisfied with the Comprehensive Plan they can then adopt by resolution. They are hoping this can all be accomplished by the end of this year.
- There is a vacancy on the Planning Commission; the Board of Supervisors are working on filling that vacancy
- Chair Dambman stated the 5 minute maximum for each individual to offer public comment will be enforced.

3. **APPROVAL OF MINUTES**

- On a motion by Ms. Patchen seconded by Mr. Shula, the Planning Commission moved to approve the August 25, 2020 meeting minutes. Vote 5-0 (Mr. Quitel was not present for the vote)

4. **ZONING HEARING BOARD APPEALS:** None

5. **CONDITIONAL USE APPLICATIONS:** None

6. **SUBDIVISION &/OR LAND DEVELOPMENT APPLICATIONS:**

- Additional Review SLD #09-19; Conference Facilities, Inc./800 Ridge Pike – Preliminary/Final Plan
  2-lot minor subdivision; separate the golf course and conference center uses; no development proposed

Mr. Guttenplan briefly stated this is a 2-lot Minor Subdivision to separate the golf course and conference center uses onto separate lots, with no new development proposed. It was last reviewed by the Planning Commission at its January 28, 2020 meeting. At that time, the Commission was not able to make a recommendation on the plan; though several motions were attempted. The Planning Commission was hesitant to make a motion without hearing from a member or representative of the Chubb group as to the reason for the subdivision at this time.

Attendees: Jim Garrity, Esquire, Wisler Pearlstine, LLP, the applicant's representative; Jennifer Starbuck, Senior Vice President and Head of Global Real Estate for Chubb; Andrew Hopp, Senior

Vice President and Deputy General Counsel; and Joe Hanna, P.E., Chambers Associates, Inc., the applicant's engineer.

Mr. Garrity stated this property has frontage on 4 roads, it is in excess of 300 acres. The proposal is to separate the golf course from the conference center; the golf course is about 276 acres and the conference center is about 30 acres. The property is comprised of 4 different zoning districts (Administrative & Research, AA, AAA, AAAA & then there is a Recreational Overlay on the golf course). They are not proposing any construction or any change on the property. Mr. Garrity stated they receive inquiries about the sale of the property at least once a month maybe once a week; the property is not actively for sale, it is not listed, they have not entertained any offers and there are no agreements. The applicant is prepared to address all of the review letters received so far and agrees with all of them with the exception of the requested waivers. This subdivision is necessary because they may want to entertain separate and distinct financing for the two parcels and that the interest that they have had; they have not had any interest in both uses. Because they are a publicly held corporation and have a responsibility to the shareholders they need to be ready in the future if something does interest them.

Mr. Shula asked if the representatives from Chubb can speak up and say if they agree with what Mr. Garrity said since that is the main reason they were asked to come back. Mr. Hopp commented that he has been with the organization for over 13 years and one of his responsibilities is to oversee the legal requirements and the legal work associated with all of their real estate portfolio and that what Mr. Garrity stated is 100% accurate. They are very interested in being transparent with the Board and with the neighbors and are continuing to maintain the property as is but they basically have a responsibility to insure they are allowing maximum value for any corporate asset and that is all they are doing. The Ace Club and the Chubb Conference Center are very distinct operations; they are run and operated separately with separate staff so in the interest of making sure that they are maximizing the value of all assets and distinguishing them from each other they are separating the property into two parcels that sustain the ongoing operations of those two distinct operations. Ms. Starbuck commented that she agrees with everything their counsel presented and doesn't have anything in particular to add.

Ms. Patchen stated there was concern at the last meeting about the maintenance of the property and of the facilities. Mr. Garrity commented that the lack of maintenance specifics were not presented and asked if someone could enlighten as to what the concerns are and they would be happy to bring them to the attention of Chubb and have them addressed. Mr. Hopp commented that after that meeting they immediately contacted the general manager of the golf course and they had the maintenance crews out on the grounds to make sure everything was in first class order and in pristine condition. Ms. Starbuck also commented that they promptly sent people out to drive the perimeter where they found some trash and picked it up and they also noted there was trash around the perimeter that was not within their property line and they did not touch that trash.

Mr. Quitel asked what has been the state and goings on of the property since January and during these COVID times and what is happening there now and also asked if they could give a two year vision of what the owners see that land doing short term and long term. Ms. Starbuck commented the golf club was closed for a period of time until the state permitted it to be reopened; they are back operating for normal play with some restrictions on social distancing; food and beverage are solely sold outdoors, there is no interior dining; access to the club house into the locker rooms are fairly limited, but otherwise the golf course has experienced a normal summer from the point of view of membership. For outings and events they have restricted food and beverage, the idea of people social gathering after an outing doesn't make sense to them, so while there are still limited outings, they do not include any kind of food or beverage afterward. Mr. Quitel asked if it is a successful going concern, stated he hardly ever sees any activity going on and is curious who is playing there. Ms. Starbuck commented it is a private course catering to a restricted set of members; she contributes the lack of volume to COVID and stated they are slower to reopen than most golf courses because they are an insurance company and tend to be cautious. As a going concern it has never made money but has never lost money either. The golf club is used by Chubb

quite a bit for business development so they host a lot of outings there generally. Mr. Quitel asked is it the long term vision of Chubb to keep it as something that can be used for business development. In response, several years ago several million dollars were invested to renovate the golf course, it is going to continue to operate because of that significant investment; there are no immediate plans to change operations. Ms. Starbuck commented that the conference center has not been open for business since March 11, 2020; their intent is to wait and see what the infection rates are; they do not feel it is ready for use by the general public, however the staff is using it for regular meetings. In terms of the future, it is hard to say when they will restore normal operations, but they believe that they will start to sell again and book corporate events sometime in first quarter 2021. Private events will start after vaccines are available. They just pulled the trigger on a multi-million dollar investment in upgrading the IT infrastructure in order to support Chubb's ongoing use of the space for future meetings.

Public Comment:

Steve Kaufman, 644 Harts Ridge Road, commented that after listening to Mr. Garrity's words he feels this is the first step towards sales; if there is intent to develop, this may arguably throw this in the category of being a major subdivision; would like to see the Township accept the fee in lieu instead of the 10% dedication of land to the Township; suggests that the PC recommend to the BOS a conservation easement be placed on the appropriate areas of the property; the issue is very poor maintenance of invasives more than trash along Barren Hill Road, encourages that waiver #7– not to plant street trees be denied. Mr. Garrity responded, he understands his concerns, but thinks everyone may want to consider whether it is a good idea to put expense on this subdivision because every expense they have, they have to figure out how to handle which can drive them towards considering the sale and development of the property much more quickly when they have no intentions of doing so now.

Linda Doll, Fairway Road, agrees with everything Mr. Kaufman is saying; always though the Township needs to approach this by the hardship of the developer, and she doesn't see any hardship for the waivers; once the developers get permission the flood gates will open; they need to stick to what the ordinance requires and don't grant any waivers when hardship is not involved. Mr. Garrity reiterated the possible negative impacts of not granting waivers and stated they have no intent to develop now.

Sydelle Zove, Harts Ridge Road, commented she regularly walks down Harts Lane and passes that perimeter of the golf course and yes there is some trash but the far bigger problem is the presence of weeds, invasive shrubs and trees; there has been no maintenance of that perimeter and doesn't feel Chubb has done anything to maintain that edge. She also agrees with Mr. Kaufman's comments regarding the waivers, in particular she thinks it's a good investment to remove the invasives and plant some native species. She commented Mr. Garrity admitted there is development interest, and clearly this move to subdivide is a prelude to sell and develop. She stated to the best of her knowledge Chubb has owned this property since 2001, so why now is the insurance company choosing to look out for the interest of shareholders. Mr. Garrity responded, if the specific areas of lack of maintenance are brought to their attention he ensures they will be addressed right away; they do intend and do want to be good neighbors and they will address these issues to the extent possible. Ms. Starbuck responded she was the one who prompted the request to subdivide due to an offer soon after her arrival in 2017. Mr. Hopp responded, this has been a corporate asset for many years, their goal is to maintain maximum value; there has been numerous changes of parcels and corporate entity changes over the years. Mr. Garrity added, any construction or any development on the property in the future would be another land development or subdivision which would come right back to the Planning Commission before any permits can be obtained; they are not requesting any permits at this time for this subdivision.

Susan Fine, Westaway Drive, commented if offers are coming in regularly the property doesn't need to come on the market; if the waivers are granted the property could be sold quickly. Mr. Sander responded, it is more of a comment and an observation, if they don't have to put it on the

market and incur that expense, that would be Chubbs option; and if the subdivision is granted, it is true that the property could be sold quickly, but as the applicant said, it is not for sale or listed; Mr. Sander stated it is an observation that the Planning Commission should take under advisement but he doesn't know that it requires or asks for a specific response.

Chris Jones, 2221 Manor Road, commented on the waiver that Chubb is requesting not to pay 10% nor would they have to set aside 10% of their land, that to him, there are reasons there are regulations requiring this 10% to be set aside; there are areas of that property that are environmentally sensitive and feels that should really be looked at and not granted without understanding what's being given up. Mr. Garrity responded, they are asking for a deferral; if the property is developed in some way, these issues will need to be addressed; with regard to this subdivision, because absolutely nothing is changing, these waivers are appropriate. Mr. Jones asked if there are subsequent subdivisions or developments would the 10% apply each time. In response, Chair Dambman stated that if another subdivision plan comes forward after a sale or for reuse, that yes it would come into play again along with environmental easements and protection of the property. Mr. Guttenplan explained the way the ordinance is written is that for every subdivision or land development, unless a fee in lieu of is acceptable by the BOS, 10% of the land is to be offered for dedication to the Township.

Mr. Kaufman urges the PC to recommend to the BOS that there be a 10% set aside not necessarily of recreational land dedicated to the Township but something less onerous which would be a conservation easement to be negotiated and focus on environmentally sensitive values of the property and areas of the property which are not worth as much in terms of development. And finally, it is very important to deal with those perimeters of the property and remove those invasives and replace the trees that are necessary.

Mr. Dambman asked for clarification that if the fee was taken now would it not be needed in the future. Mr. Sander stated that each subdivision &/or land development application is a different and unique application, so if it applies to this one and then someone comes back with another subdivision they would have to read the ordinance to see if they could then exact a second fee in lieu for the same property; technically they are two different applications so if it is application driven it is possible. Mr. Guttenplan believes that the ordinance reads such that the requirement applies to each and every subdivision &/or land development. Ms. Patchen asked if the Township has ever done such and in response Mr. Guttenplan does not recall a situation where this was applicable; Mr. Sander concurred. Ms. Patchen stated that it rubs her the wrong way about saying that they would have the right to do this twice because they are doing this in two different stages; it seems the more logical time to do it is at the development stage. Mr. Shula commented that you can't ask for 10% (30 acres) without compromising use of the golf course, Mr. Garrity responded that it would force listing the parcel for development. Mr. Quitel stated he views this as a two-step process: if you are talking about setting aside 10% of land and it is approved by the BOS, that opens up a potential discussion on how do you conserve land that may continue to get used in a certain way; he also thinks that as landholders of such a sizable piece of land and given the nature of the land that some of what was discussed may be valuable to the applicant to take into account; they represent a huge percentage of drainage area into the Schuylkill, there are very steep slopes; there are other models of how you can have golf and still improve circumstances, improve the integrity of land with plantings. Mr. Garrity wanted to make everyone aware that this golf course won all kinds of environmental awards when it was designed, and also he would think while determining what land is set aside, if any, that the Township and neighbors would want to see what is proposed.

Sydelle Zove asked if the township is obligated under this code to approve this subdivision plan without further explanation or compelling reason from the owner or applicant; does it have a basis upon which it can deny this request in anticipation of a similar request coming in from a developer in conjunction with a development proposal; and commented at the last meeting herself and other neighbors spoke up with respect to the conditions of the perimeter and it is disappointing that nothing has happened with regards to the weeds and the invasive shrubs and trees. Mr.

Guttenplan responded that they are under obligation to take action on the subdivision, it is a legal application, and if it meets all of the requirements, the only discretion is whether or not the PC recommends and ultimately the BOS approves or doesn't approve the waivers. Mr. Sander stated if it meets all of the requirements of all applicable ordinances, the BOS is under a legal obligation to grant it.

A list of 9 waivers were discussed and voted on:

Waiver #1 §105-21.B.(1)(l) requirement that existing features within 500 feet of and within the site be shown on the plans – recommended approval Vote: 6-0

Waiver #2 §105-28.A, §105-30.A. & §105-69.C. (105-73(105-74) requirement that improvements be made along Ridge Pike, Barren Hill Road, Manor Road and Harts Lane frontages – recommended approval; Vote: 6-0

Waiver #3 §105-23.B.(1)(d)(4) requirement that the required and proposed open space and impervious ground cover rations be shown on the plans – recommended approval; Vote: 6-0

Waiver #4 §105-23.B.(1)(d)(5) requirement that permits the plans to be without steep slope ratios and supporting calculation – recommended approval; Vote: 6-0

Waiver #5 §105-23.B.(1)(1) requirement that existing water lines, storm drain & culverts within the site & existing driveways, sewer lines, culverts, bridges, utility easements, quarries, railroads & other significant man-made features within 500 feet of the site be shown on the plans – recommended approval; Vote: 6-0

Waiver #6 §105-23.B.(3) requirement to submit the Plans without a Planning Module – recommended approval; Vote: 6-0

Waiver #9 §105-23.A.(1) to allow the Plans to be drawn at a scale of one inch equals 200 feet (1 "=200') – recommended approval; Vote: 6-0

Waiver #7 §105-48.A. requirement to install street trees along all streets where suitable trees do not exist – recommended approval conditioned upon a maintenance plan made in consultation with township staff and approved by the BOS along existing public streets; Vote: 6-0

Waiver #8 §105-53.D. & §105-23.B.(1)(d)(4) requirement that the Applicant dedicate land in the amount of 10% of the total area for Park and Recreational uses or pay a fee-in-lieu of dedication – recommended deferring consideration of the requested waiver of dedicating 10% of the total area or paying a fee in lieu at this time until there is further land development of this property; Vote: 5-1

Mr. Quitel added with a strong recommendation that the BOS apply conservation minded thinking when this item comes up in front of them

Mr. Doran is in favor of deferring, however, it concerns him that if another developer is involved, the idea of conservation easements, wildlife preserve and wetlands may all jive with a golf course but may not as easily mix with townhomes or whatever proposal comes before them. He is not sure whether these are the right people to talk to now and whether deferring this will make it more difficult for the township to obtain the space necessary in the future.

Motion: Mr. Shula made a motion to recommend the Board of Supervisors approve the preliminary/final subdivision plan together with the recommendations on the waivers that were made; seconded by Ms. Patchen. Vote 6-0

- Review (continued) SLD #05-14; 901 Washington Partners, LP/901 Washington Street
  Revised Preliminary Plan; 62 Townhomes

Attendees: Sarah Peck, developer/partner from Progressive New Homes and her associate Justin Moodie, Jim Vesey, one of the owners of the property at 901 Washington Street Partners; his partner Gary Toll; Jim Bannon, Civil Engineer from Nave Newell; and Mike Wagner, Landscape Architect.

Mr. Guttenplan briefly stated this was last reviewed by the Planning Commission at its July 28, 2020 meeting. At that time, the waivers were considered by the Commission but there was no recommendation made on the plan itself. The applicant requested time to consider all of the issues and comments made that evening and to come back with revisions. The applicant subsequently submitted a revised preliminary plan set (revision date of August 20, 2020). The applicant also received new review letters from the Township Engineer, Zoning Officer and the Fire Marshal.

Ms. Peck commented that significant changes were made to the plan as a result of the comments made by the Planning Commission back in July. They met with Mr. Quitel after that meeting and were given good input and the plan was changed accordingly. There is a revised waiver list, some of which have come as a result from the review letters they received; they wanted to touch on some of the flooding issues that had resulted from Hurricane Isaias on August 4, 2020.

Ms. Peck provided a PowerPoint presentation which detailed the issues for discussion. The current plan showed the common entrance (Driveway C) serving both David's Bridal and the proposed development; there were buildings that were deemed to be too close to the river; and they had an exposure to the railroad by way of parking and also a rain garden. The revised plan shows they brought in a separate entrance for Driveway C so now there is a distinction between the resident's entry and David's Bridal entry (this allows them to provide for the 50' landscape buffer); they decided to remove the building closest to the river to create more breathing space near the river resulting in a large green area for the benefit of the residents and more usable open space; the townhouses were relocated to where the parking was and they brought the rain garden down near the river where it could be an extension of the Riparian Corridor, and provide some understory planting for a combined benefit; they added a deck overlook for the public (handicap accessible); rearranged the parking (losing a few spaces in so doing but still meeting what the code requires); and they widened the streets from 25' to 26'.

The prior landscape plan showed various types of plants along the river that were a concern to the Planning Commission (approved by the Shade Tree Commission with some changes); the current plan substitutes some native materials for what was there previously, primarily in consultation with Mr. Quitel.

Ms. Peck stated they are in agreement with most of the comments on the review letters with the exception of some requested waivers. They are preparing to make changes to the plan for the final plan resulting from the review letters. Some changes to be made are: adding a sidewalk connection at Driveway C; tweak the Driveway C entrance to create 50' clear sight triangle; slide down units 55-57 for 10' separation from parking; add landscaping between parking spaces, eliminate a few spots; add R-O-W to Washington Street; potentially re-design to enlarge storm water management; eliminate parking space to accommodate a helipad; ADA accessible ramps and crosswalks added (unit 54); and provide road names and more detail on street furniture. Some of these plan changes they would propose to present at final plan approval.

Some of the waivers that are outstanding for discussion are: §105-52.A., §105-52.B.(2), 105-38.H. -- 50' buffer yards (adding trees and berms approx. 17' width, on both sides of the

development along the drive aisles to buffer visually as well as for noise and dust); §55-4.B.(6)(f)(2), §105-48. -- plant material in Riparian Corridor (quantity and sizes – for riparian corridor to create better understory layer; the changes made to the current plan may require another visit to the Shade Tree Commission since it was not approved by them). Mr. Quitel commented as far as the changes they made based on the conversations they had, he definitely appreciates the effort to open up the area, feels it's an earnest attempt to hear their thoughts. A minor point—he doesn't understand the specific species that they are using that are on the plan, they are all great plants but you wouldn't plant them all together. Also, regarding the buffer areas, it seems there is a very narrow band of vegetation on either side, he thinks the thicker you make the buffer it adds more green. Other waivers still necessary: §105-30.A., §105-69.A. -- Washington Street R-O-W width and pavement width; width of Driveways A, B & C; §105.28.K. --allowing the gate within the R-O-W of Washington Street (needed because the Lee Street entrance is not intended for the public, it is intended for private use for the residents and David's Bridal, so they needed a place to impede traffic); §105.30.C. --short extensions of streets (Washington Street needs a waiver for a short extension of street with lesser right-of-way than required); detention basins in floodplain (it's being classified as detention); §105-21.B.(1)(n) -- not showing all utilities within 500'; §105-47.K. -- perpendicular accesses to the river (applicant believes the three (3) overlooks provide perpendicular access to the river); §10-56. -- parking on one side of the street when cartway is less than 30' (would still like to do that because parking is still a concern); §105-38.F. -- curbing on David's Bridal property (didn't think they needed curbing, but are adding three (3) new parallel parking spots near the buffer on the David's Bridal side).

Concerning flooding, Ms. Peck was able to get pictures on the evening of August 4, 2020 at 7:40 PM from the other side of the trail. The water crested at about midnight according to the gauges and the picture shows the actual slab dry and two additional pictures showing the railroad tracks completely under water and then the next day, August 5, 2020 at 3:00 PM the tracks were completely dry. There were some suggestions and concerns about the evacuation plan, the buildings are going to be built hydraulically to withstand any flooding; the garages will be elevated as well, doesn't think the vehicles will be adversely affected if someone wanted to shelter in place, but if they wanted to move their car to higher ground they would have plenty of notice because they will get a 24-36 hour notice of when the water will crest. Should there be any kind of evacuation need, they thought they could put life rafts in the closets at the end of the buildings or another option could possibly be an 80x80 medivac pad on the newly created open space.

Ms. Peck was asked to show the architectural plans, elevations and the views from the units. The back to back townhomes have roof decks carved out on each of the top floors; they put the roof decks side by side to make the massing look a little more industrial; brick is primarily their main material; hardy plank in the back & front (light & dark); industrial looking windows; and balconies on the back. The townhouses also have roof decks on the very top and balconies on the back. Mr. Guttenplan commented the Riverfront District has some very specific criteria as to number of materials, types of materials, proportions and at the time of the working drawings they will have to compare them to the restrictions and requirements.

There are 3 sets of waivers which is very confusing: the waivers the Planning Commission originally looked at; waivers included with the August 20, 2020 submission; and now because of the most recent letters there are a revised set of waivers.

The following are waivers the PC was not prepared to make a recommendation on at the July 28, 2020 meeting:

Waiver #1 §55-4.B.(6)(f)[2] increase % of shrubs / off the table completely – handled by the STC

Waiver #3 §105-30.A. street standards / Ms. Heinrich explained that if they are unable to

provide the half width of 56' which ends up being 28' on their property, they still need the waiver because they are not providing the full 56' because they can't go further on the SEPTA side but they can do what they can do on their side. Ms. Heinrich stated she has no concerns with this waiver. Mr. Shula made a motion that the waiver be granted with the change to 28' on their side; seconded by Ms. Patchen. Vote 6-0

Ms. Zove commented she is confused about Washington Street. It is her recollection that the consultant traffic engineer for the Township raised a question about the width of Washington Street as shown and referenced on the plans and he disagreed with the width shown and was this the matter that the developer indicated she preferred to go directly to the BOS with. Ms. Peck stated they could have just gone to the BOS because the PC chose not to act on this at the last meeting, but because they would like to get the PC's endorsement and the fact that they were willing to widen the right-of-way on Washington Street and increase the cartway to 26', they thought they would try again. They think it is a better improvement and meets the concerns of the PC. Mr. Vesey believes Ms. Zove is referring to the part of Washington Street that is not on their property that they don't own.

Ms. Doll asked if she heard correctly that Washington Street with this development is a private road. Mr. Sander replied that they are proposing a gate on Washington Street to restrict traffic from the David's Bridal side. Ms. Doll commented that she is really concerned about the stormwater situation in that area; it's not going to get any better, it is going to get worse.

Waiver #5 §105-38.F. perpendicular parking along public or private streets (Driveway A & B). No motion – No Action Taken

Mr. Dambman felt that at this point (9:45 PM) they are not able to continue with the meeting. He would really appreciate it if they had one concrete list of waivers in the future (not in a PowerPoint). He requests that things are printed out clearly and ahead of time so they can see the waivers and asked if the applicant was able to come back.

Mr. Vesey asked to make two points. The first one is the engineer's letter came in on September 16, 2020, and there were things on that letter that created additional waivers which is why they added some things and they have been working around the clock to try and address these things. The second point is that if they are coming back, he asked that as a courtesy they go first.

7. OLD BUSINESS: None

8. NEW BUSINESS: None

9. PLANNING COMMISSION MEMBERS COMMENTS:

- Mr. Quitel stated it's hard to make decisions on behalf of the Township in a 4 hour meeting, so he would like the Planning Commission to revisit how to approach going forward when there are multiple applicants on one night. Mr. Guttenplan suggested that what they can do on future agendas that they have talked about before is putting time limits on discussions of specific items, and then where you are at that point is where you stop and if something is not completed, it gets continued.

10. PUBLIC COMMENT FOR NON AGENDA ITEMS

Linda Doll had a question about a comment that was made in the meeting, that if something was done in the past and you realized you made a mistake in judgement and the ruling you made, you can't correct that in the future you have to go along with that same pattern. Mr. Sander replied that they were talking about the ability of the Planning Commission and ultimately the Board of Supervisors to deny plans by not granting certain waivers, and the opinion was given based on

court cases that if you have granted the same waiver to the last 20 applicants with no issues (aerial photo, scale, technical things) and all of the sudden you are denying a plan based on that type of waiver, then a court is likely to toss that out and say that is not grounds to support a denial. So that was the context in which that comment came up. She wanted to know how to change that, and in reply, Mr. Sander stated we change case law in Pennsylvania. Each property can be treated differently and a different view and different actions on certain waiver requests can be made if it's a substantive topic. She hopes the Comprehensive Plan can help fix some of this.

Steve Kaufman commented that the new Comprehensive Plan does make it clear that we do have a new set of circumstances with global warming and that the existing ordinances and the new ordinances are to be construed strictly to protect the environment. He also commented on the contradiction between the Planning Commission and the Shade Tree Commission not agreeing on some of the waivers; if the Planning Commission cannot weigh in on the waivers. why was Mr. Quitel talking with the developer. He hopes this issue gets clarified and that there is consistency on points like this. He commented that the quality of input they are getting out of the Township Supervisors and from Mr. Guttenplan, the types of interaction we are having these days, are incredibly useful and very helpful.

11. ADJOURNMENT

- On a motion by Mr. Shula seconded by Ms. Shaw-Fink, the meeting was adjourned at 9:59 PM.

Respectfully submitted,

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Charles L. Guttenplan, AICP, Director of Planning & Zoning

The Planning Commission is appointed as an advisory group to the Board of Supervisors and the Zoning Hearing Board with respect to comprehensive land use planning, existing land use, and various land use and zoning applications in Whitemarsh Township. No formal decisions are rendered by the Planning Commission. Formal decisions are rendered by the Board of Supervisors or Zoning Hearing Board, as prescribed by law, based on the type of application.

From: Christopher Lane [philalanes7@gmail.com]
Sent: Sunday, October 04, 2020 4:29 PM
To: Tom Blomstrom; Chris Indelicato; Edmond Shinn; Hugh Moulton; Joan Biddle; Laura Nester; Steve Kaufman
Subject: Re: Comp. Plan News +

Tom:

Thank you for this update and link, which I am forwarding to everyone else on the OSC. I reviewed this latest version, and am very happy with the extent to which input from citizens, committees, etc. was recognized and incorporated.

The recommendations the OSC made, most of which were included in the draft we reviewed in July, were retained in this draft, and in my opinion reinforced. Open space concerns are cited throughout -- in the sections for zoning, housing, parks and recreation, circulation, branding, etc. The Quality of Life policies and goals (pp. 64, 87 & 88) are particularly focused on open space concerns.

I am enthusiastic about this plan, and hope it is adopted on October 13. It's very ambitious, and I hope the Township, pandemic notwithstanding, can muster the resources to implement it.

Thank you again for keeping us up-to-date on the progress of this plan update!

Chris L.