

**MINUTES
PLANNING COMMISSION
ZOOM MEETING
July 28, 2020**

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

1. CALL TO ORDER: 6:03 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 July 23, 2020.
- 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 Mr. Shula seconded by Mr. Cornog, the Planning Commission moved to approve the July 14, 2020 meeting minutes. Vote 5-0-1 (Mr. Doran abstained, was not present at that meeting)

4. ZONING HEARING BOARD APPEALS: None

5. CONDITIONAL USE APPLICATIONS: None

6. SUBDIVISION &/OR LAND DEVELOPMENT APPLICATIONS:

- 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; and Greg Newell, Civil Engineer from Nave Newell

This is a continued review of the Revised Preliminary Land Development Plans for 901 Washington Partners, LP for their 62-unit townhome development. The Planning Commission last discussed this project at its May 26, 2020 meeting. At that meeting the Commission took no action, but requested that the applicant provide additional information.

Ms. Peck provided a PowerPoint presentation which detailed the issues for discussion. In particular, site plan changes; traffic comments and the applicant's responses; a summary of the environmental investigations and the remediation actions that have taken place; the Shade Tree Commission's action on the landscape plan and waivers; geotechnical and rammed aggregate pier technology questions; and the revised waiver requests based upon the elimination of certain ones based on discussion at the prior meeting.

- Site Plan Changes: two ADA parking spaces and a sign labeling "public trail parking" were added to the parking area near the riverfront trail; they are keeping the existing fence along the railroad and cleaning up the existing vegetation to provide a better visual buffer between the property and

the railroad; “no parking” signs will be added along the north side of Driveway B; and they have rerun the turning movements for large trucks so they can successfully maneuver along Driveway B with cars parked along the southern side of Driveway B, except near the intersections with Driveway A and C, “no parking” signs have been added in those areas.

- Traffic Comments & Applicant’s response: Ms. Peck addressed the two comments in the review letter that were not satisfied. The first concern was large vehicles parallel parking in front of driveways obscuring visibility of a second driver getting out of their driveway; a restriction will be placed in the HOA Declaration to prohibit overnight parking on such driveways of vehicles longer than 16 feet and further to limit parking for such vehicles to loading and unloading and for no more than 4 hours during daytime hours only. The second concern was truck traffic should be prohibited from using Driveway C due to an insufficient area to turn to/from Washington Street and an insufficient turnaround on the David’s Bridal property; a “Trucks – no left turn” sign will be posted. There was also concern that the parallel spots in front of the townhomes are 24 foot wide and have side by side 2 car garages and that the islands would impede the ability to realistically park parallel in front of these driveways; their suggestion is to remove one island (not all of the islands because they contain the compressors for each unit) in the run to create a 44 foot long space that could allow 2 cars to parallel park in between these islands. It was clarified that only the 2 interior units of each 4 unit run will have parallel spots. This will result in the loss of 8 spots out of 16 spots which were bonus spots and not part of the parking calculations.
- Environmental overview: Ms. Peck provided a brief summary of the environmental testing, findings, and remedial actions performed at the property. Since the 1950’s, the site was a paint factory that had a total of 69 storage tanks, including 35 underground storage tanks, and of these, 33 were within a below-grade concrete vault. All of those tanks along with surrounding contaminated sandy soil have been removed as of 2010. All the testing that has been done and all the reporting that was submitted to PADEP was approved after the removal of the tanks. The analysis of the contaminants still left in the soil and groundwater had led to a remedial action plan that will ensure that future residents will be safely protected. As far as the impact to the Schuylkill River, after removal of the tanks, the likelihood of there being no adverse impact to the river is low as testing and data suggest the contaminants will be at or below statewide health standards by the time the ground water reaches the river and the fact that the clean soil cap will impede rainwater from leeching into the soil and activating the contaminants. A Cleanup Plan was approved by PADEP which provides for a protective cap layer to be installed (2 feet in depth in landscaped areas, otherwise pavement or buildings will serve as the cap) across all areas of the site where soil contaminants were found which will mitigate the potential for direct human or animal contact exposure as well as the potential for rain to infiltrate the contaminants into the groundwater. In addition a plastic vapor barrier (5 mil poly) will be provided under the foundation slabs of all of the homes. Prior to installing the cap, subsurface soils will be blended with clean fill as an additional protective measure. There won’t be interference with the cap by landscaping, the root balls will be shallower than the cap. The homeowners association will have quarterly inspections to make sure the cap remains intact (the HOA will be professionally managed and a consultant will be hired to visually inspect and report on).

Mr. Kessler wanted to know if a Notice of intent to Remediate for residential use will be sent out since the remedial environmental cleanup report was dated 2014 when a non-residential use was proposed at the site. In response, they believe it was sent out as residential since that was the nature of approval. Mr. Kessler doesn’t feel that a current analysis is necessary but recommends confirming PADEP and Conservation District approval of the cleanup plan considering residential use and would like the applicant to provide the Township with the correspondence updating the cleanup plan and PADEP’s approval of it.

- Shade Tree Commission action on landscape plan and waivers: The applicant met with the STC, all waivers requested by the applicant were approved subject to the following changes: plant the equivalent of the evergreen trees that bordered David’s Bridal on the privacy berm; change out a certain type of tree between the sidewalk and the curb (slender trees) with more of a shade tree;

the STC agreed to let the applicant stabilize the Riparian Corridor with extra trees (including 1" whips) and shrubs along the river which will take better on the bank (more strongly native trees were recommended and the proposed addition of White Oaks to the mix was endorsed); asked for a partial waiver on the proportion of trees vs shrubs (the ordinance allows for this but the applicant tweaked the percentage to get the best overall result); and they extended the retaining wall, moved the boat ramp over and moved the trail to save heritage trees. Public amenities are provided in the plan overlook (cobblestone pavers in three areas with benches will be provided for people looking at the river and people using the trail).

Mr. Quitel commented that going outside the natural area is less a concern than what is going on closer to the river and suggested they plant more strongly native trees; he has an issue with the natural oriented section of the plan. Ms. Peck suggested meeting with Mike Wagoner, Landscape Architect, to discuss the landscaping.

Planning Commission Comments: what is the Township's vision of Washington Street and who is going to make it happen (Mr. Guttenplan commented that will be determined through a study that has not yet begun and that is the subject of a much more significant study. At this point we are restricted to what improvements can be made. We don't know what the plans are for the streets in this area until there is a better image but basic street improvements would be appropriate).

There was an extensive discussion on the list of requested waivers and the procedure on granting the plan vs. granting the waivers. The question was asked, based on the Planning Commission's request, have the issues that were raised in May either resolved or addressed putting the landscaping aside. Their responses were: they would like to hear the landscape architect's direct thoughts; feels they have enough information to make a recommendation; not comfortable with the landscape plan but the other issues were addressed; and not clear which waivers are impacted by the landscape plan vs environmental plan. Ms. Peck commented that a lot of hours have been put into the landscape plan and with the Shade Tree Commission and the plan was acceptable, species are questionable but this can be worked out. Mr. Quitel commented that he understands the time put in but this is a contaminant site in a pinched area on the Schuylkill River and they need to act on behalf of the fellow residents of the Township. Mr. Cornog commented the Planning Commission is looking at the big picture, it is their responsibility; the process doesn't always flow the way it should and would like to hear from the public before making a decision.

- Public Comment:

Sydelle Zove, Harts Ridge Road, commented she agrees with Mr. Cornog that the Zoning Hearing Board let them down but the Planning Commission has a role to play that is equally important at this stage and that has to do with whether or not you grant the waivers that are being requested. In regards to waivers, you are asked to approve street widths that are below what the code requires, this is a blatant and cavalier disregard to the code; perpendicular parking spaces create a hazard and interrupts continuous pedestrian flow; the sidewalks are also below the required dimension (they are 4 feet instead of the required 5 feet); lack of an adequate buffer in the area along Driveway C closest to David's Bridal should have a 50 foot buffer; she would like to see samples of where a homeowners association had to deal with the maintenance and inspection of a cap above contaminated soils; finally Ms. Peck asserted that they satisfied all the concerns of the traffic consultant regarding the Washington Street improvements making it a throughway but might end up with a one way due to the width constraints, is that actually meeting the requirements under which the variance was granted and why isn't the developer bringing that back to the Planning Commission instead of the Board of Supervisors. If the developer wanted to keep the best interest of the Township in mind and at heart why not provide adequate space for Washington Street to be improved and created in a way that it meets minimum requirements.

Steve Kaufman, Harts Ridge Road, commented that what was granted by the Zoning Hearing Board doesn't meet the SALDO requirements; some of the back-out rows for perpendicular parking are not safe, if they are removed the roads would be wider; it's upsetting that the developer is

asking for a waiver for narrower streets; the Shade Tree issues are all fundamental issues, he attended the meeting and it was very frustrating because the landscape architect was not there and they were not able to have substantive discussions about the various points that were brought up; there was no real discussion on tree and environmental issues; and doesn't think the developer has been responsive on making a case with the waivers, they are supposed to be showing hardship, doesn't think there is enough information on the waivers.

Motion: Mr. Doran made a motion to recommend approval of the preliminary plan subject to review of the waivers; seconded by Mr. Cornog. Mr. Doran withdrew his motion; seconded by Mr. Cornog until they go through the waivers and determine what they are prepared to make a recommendation on and what they are not.

- Revised waiver request and reductions: As requested, the applicant has revised the list of waivers to reflect the current list of waivers that are being requested and to eliminate the ones that are no longer needed. The following are the waiver requests and recommendations made by the Commission:

Waiver #1 Ch. 55-4.B.(6)(f)[2] -increase % of shrubs: not prepared to make recommendation at this time; would like Mr. Quitel to meet with the Landscape Architect

Waiver #2 Ch. 105-21.B.(15) - Prelim. Resource Impact & Conservation Plan: the waiver is recommended since the required information is shown in various places throughout the plan set instead of on one single sheet; recommended approval

Waiver #3 Ch. 105-30.(a) – Street Standards: motion to approve withdrawn; therefore no recommendation made

Waiver #4 Ch. 105-34 – Street grades: recommended approval

Waiver #5 Ch. 105-38.(F) – Perpendicular Parking along public or private streets: motion failed therefore no recommendation was made

Waiver #6 Ch. 105-39.A. – Shade Trees at parking spaces: recommended approval

Waiver #7 Ch. 105-46 – Curbs: recommended approval

Waiver #8 Ch. 105-47.B. / Ch. 105-73. - Minimum width of sidewalks: recommended approval

Waiver #9 Ch. 105-47.(k)(1) Right-of-way for riverfront access in the RDD-1 district: recommended approval (easement proposed)

Waiver #10 Ch. 105-52.A. / 105-52.B.(2) – Buffers: recommended not to grant approval

Waiver #11 I(B)(4)(k) – Slopes from property or right-of-way lines: recommended approval

Waiver #12 I(C)(5) – Fills not allowed in Floodway Fringe: recommended approval

Waiver #13 II(C)(8)(d) – Drainage plan: withdrawn; not necessary

Waiver #14 II(E)(2)(g)(iv) – Storm Pipes should be reinforced concrete pipe: recommended approval

Mr. Quitel made a motion to deny the preliminary plan; seconded by Mr. Shula. Motion was withdrawn by Mr. Quitel; second withdrawn by Mr. Shula

The applicant wants time to think about what was addressed at the meeting and come back with adjustments to the plan based on the votes.
Therefore, no action taken on the Preliminary Plan

7. OLD BUSINESS: None

8. NEW BUSINESS: None

9. PLANNING COMMISSION MEMBERS COMMENTS: None

10. PUBLIC COMMENT FOR NON AGENDA ITEMS

Steve Kaufman commented it is clear that the Planning Commission is exercising its rights to act aggressively on waivers; to what extent is appropriate for the Planning Commission and the Board of Supervisors to use the approach where waiver denials can contribute to a developer getting the message that they have to reshape their development; and finally hopes that Ms. Peck comes back with very serious thinking on the tree planting and environmental aspects and thinks a substantial redesign is called for if they are going to be granted those waivers.

Sydelle Zove thanked the Planning Commission for their diligence and perseverance and would like to send a message to the developer and their team that this can be a better plan and thinks the guidance tonight will help them get there.

11. ADJOURNMENT

- On a motion by Mr. Cornog seconded by Mr. Doran, the meeting was adjourned at 10:03 PM.

Respectfully submitted,

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.

