

**MINUTES
PLANNING COMMISSION
JULY 11, 2023**

Attendees/Participants: Dave Shula, Sherri Glantz Patchen, Aaron Kostyk, Patrick Doran, Elizabeth Shaw-Fink, Charlie Guttenplan, AICP, Director of Planning & Zoning, Krista Heinrich (Township Engineer), Vince Manuele (BOS Liaison), Kailie Melchior (Township Solicitor's office).

1. **CALL TO ORDER:** Meeting was called to order at 7:00 PM by Chair Kostyk.
2. **ANNOUNCEMENTS & CORRESPONDENCE:** Mr. Kostyk announced a rearrangement in the agenda, hearing the new business, Planning Module Component 4A for Harts Lane Sewer Project prior to the Official Map Amendment—adding extension of Washington Street. Mr. Guttenplan then announced the cancellation of the July 25, 2023 Planning Commission and announced the next meeting will be held August 8, 2023.

3. APPROVAL OF MINUTES

- Mr. Shula noted a typo in the June 13, 2023 meeting minutes on page four, item fifteen, end of second paragraph, should read, "County would wind any trails around existing trees" instead of "around existing trails".
- On a motion by Mr. Doran, seconded by Mr. Shula, the Planning Commission moved to approve the June 13, 2023 meeting minutes. Vote 4-0-1 (Ms. Glantz Patchen abstained, not present at that meeting)

4. ZONING HEARING BOARD APPEALS: None

5. CONDITIONAL USE APPLICATIONS:

- Review CU #02-23, 505A-507 Germantown Pike Associates, LLC / 507 Germantown Pike, Lafayette Hill, PA; Multifamily conversion from present mixed-use office/residential building; 6 total apartments

Attendees: Spencer Yablon, Owner, Applicant's Representative

Mr. Guttenplan introduced the application. The applicant is proposing to convert the commercial space in that building to five apartments. There is one existing apartment that would remain, so the conversion proposal is to convert the entire building to a total of six apartment-multi-family dwelling units. It is an allowed conditional use in the VC-1 district. The applicant was granted a density variance by the Zoning Hearing Board because the proposal exceeds the density allowed (eight dwelling units per acre). Mr. Yablon demonstrated that he would meet all the other criteria. This case is going to the August 10, 2023 Board of Supervisors meeting. This building fronts on Germantown Pike and is part of Knolls development.

Mr. Yablon gave a presentation of the proposed project. On June 7, 2023, the Zoning Hearing Board granted a variance allowing the conversion of the building from primarily office space back to its original use, a full multi-unit residential building. The building is 7,300 square feet—most is now vacant but has one small commercial space on the ground floor and 2-bedroom unit on top floor. The project has full verbal support from the existing condo association. The building envelope is not changing, but the exterior will be updated with improved stucco and window replacement. Mr. Yablon noted that the project will add diversification to housing stock and lower traffic counts from the site. Parking will exceed the requirement of 1.5 spaces per apartment, equating to 4.5 spaces per apartment.

Mr. Yablon then went through PowerPoint slides showing the front, rear, and side exteriors of the building. Through the slides, Mr. Yablon explained where direct, private entrances will be and noted where the through hallway is located that can be entered from either side of the building. Mr. Yablon then showed the site plan of the entire condominium, including 9 townhomes and 4 single-family homes. The following slides showed the footprint of each proposed apartment unit. There will be a total of one studio apartment, three 1-bedroom apartments, and two 2-bedroom apartments. Mr. Yablon explained during the Zoning Hearing Board meeting that there was an agreement to number each unit individually on the interior and exterior and to address any Township recommendations on how the properties are labeled for emergency personnel and mail carriers.

Mr. Shula commented that he believes this is a good use of the building and prefers to see residential use. Mr. Shula inquired if each unit would have designated parking spaces near the building. Mr. Yablon responded that everyone could park adjacent to the parking building without a problem, but would be willing to designate parking spots if requested.

Ms. Shaw-Fink inquired about the parking spaces that were not near the building and questioned if they would be able to become an area for plants to lessen impervious coverage. Mr. Yablon noted that they did not get approval for the entire condo association and does not know the legal answer to that inquiry due to the parking spaces being shared by the entire condo association. Mr. Guttenplan added that he believes the only way that could happen is if there was an amendment to the land development plan. Mr. Yablon commented that, that is not realistic, but their landscaping is clean.

Mr. Doran inquired about the pricing intention and target audience of the units. Mr. Yablon mentioned that he works primarily with commercial real estate and multi-family units and the housing stock that is thriving the most is multi-family. The building would target a similar demographic and rental threshold to their 450 Germantown property where studio apartments are approximately \$1,200-\$1,300 a month, a 1-bedroom is approximately \$1,400-\$1,600, and 2-bedrooms are approximately \$1,750. The applicant anticipates demand from young professionals due to shortage of entry level housing; high end finishes will be used.

Mr. Shula wondered if the renters had a portion of the interest in the association or the common open space. Mr. Yablon replied that the percentage interest of condo association (for this building) will not change, and they would be the sole owner. The renters will not have interest or ownership. Mr. Guttenplan reiterated that the renters would not have a relationship to the condo. Mr. Yablon agreed.

Question was asked if the renters would still have to abide by the rules of single-family homes. Mr. Yablon said the lease would dictate how the renters could behave, noting common courtesy is what they are looking for and they have not had any issues with renters of residential units thus far.

Mr. Kostyk stated that the testimony seems to meet conditions under conditional use conditions and called for a motion.

Motion: Mr. Doran made a motion to recommend approval of the conditional use application. Ms. Glantz Patchen seconded the motion. Vote: 5-0.

8. NEW BUSINESS

(Note: This item was discussed prior to discussion of #6, Subdivision &/or Land Development found later in these minutes.)

- Planning Module Component 4A for Harts Lane Sewer Project

Attendees: Allen Mason, Whitemarsh Township Authority Engineer

Mr. Guttenplan introduced this item by mentioning that this was an amendment to the Sewage Facilities Act 537 plan to allow for extension of the public sewer to a section along Harts Lane that is experiencing on-site sewer failure. In order to do that, the Planning Commission is required to complete component 4A, the Municipal Planning Agency Review Form. Mr. Guttenplan included recommended comments in the review packet. The comments were put together in conjunction with Allen Mason.

Mr. Mason presented a PowerPoint presentation to the Planning Commission. In 2000, The Township adopted a sewage facilities plan, and it did not call for sewerage Harts Lane. Harts Lane has on-lot disposal dating back to the 1940's and 1950's. In August 2013, a gentleman tried to sell his home but could not get his septic system certified because he had a cesspool and did not have enough property to install a conventional system. The only alternative is to install a holding tank. Shortly after, the Authority sent out surveys along Harts Lane and asked if anyone would like to have public sewer. Seventy-six percent of respondents said they were not interested and those that were would only want it if the Township paid for the entirety of the project. The Authority notified residents with the results and stated the Township would not be moving ahead with the project. In August 2020, the fourth or fifth holding tank on Harts Lane was approved by the Pennsylvania Department of Environmental Protection and they sent a letter to the Township stating that installation of holding tanks is not a long-term solution of the sewage disposal needs of the Township and the Township would need to amend their Act 537 plan to address the issues of Harts Lane. In November 2020, the Authority consulted with the Department of Environmental Protection about alternatives. A plan was then submitted and approved by the Department of Environmental Protection. The Authority applied for a study grant in May 2021, and it was approved by the State in November 2021 to cover half of the cost of the study. In March 2023, the Authority sent notification to potentially impacted residents and held two public meetings to inform homeowners of what the project looked like and potential implications. Mr. Mason showed a map of the impacted area that included homes and the Miquon school.

Mr. Mason explained that the proposal is to install a low-pressure sewer system due to the prohibitive cost of installing a conventional gravity system because of the steep grade of Harts Lane. The low-pressure system would include installing a grinder pump for each house and then have a pressurized force main that each individual home would pump into-- that would pump up Harts Lane and down Harts Ridge Road and connect to the existing sewer. From there, the sewer flows by gravity out to Barren Hill Road and is collected by one of the Authority's pump stations for disposal. A second pump station will have to be installed due to the steep grade of Harts Lane—this is considered the shared, or public, part of the project with an estimated cost of \$650,000 to be shared amongst all twenty-two properties and the Miquon School.

There are two other alternatives the DEP requested to be examined. The first alternative was to connect to the private treatment plant at the AIM academy which is a long distance from Harts Lane. This would cost approximately \$1.4 million to convey and additional costs would likely be necessary to upgrade the AIM treatment plant. The other alternative was to install small flow sewage plants at each individual home—a cost of approximately \$1.5 million, or \$71,000 per household.

Mr. Mason went on to explain that they met with the residents to discuss potential grant programs, including the Pennsylvania Small Water Sewer Grant, that could provide up to \$400,000 towards the public cost. Mr. Mason noted that pursuing the grant extends the project timeline.

Mr. Mason described the project timeline: the Authority mailed out the plan to the Township's Planning Commission, Montgomery County Planning Commission, and Montgomery County Health Department in May 2023 with an expected acceptance date of August 2023 by the Township and January 2024 by the Department of Environmental Protection. The projected completion date is September 2027.

Mr. Mason concluded his presentation by reiterating that some houses do not have any alternative besides installing a holding tank and the Department of Environmental Protection will not continue to issue those permits.

Mr. Doran questioned the length of the grant application timeline. Mr. Mason responded that in their previous experience with another project, it took seven or eight months for an application to be approved. Mr. Doran replied with surprise that the gap between the grant application and approval by the Department of Environmental Protection is approximated to be a year. Mr. Mason explained that he believes the grant application period opens in September but doesn't close until December.

Ms. Glantz Patchen inquired about the cost to residents versus the Township. Mr. Mason confirmed that the properties will have to pay \$650,000 plus the cost for a grinder pump to be installed at each property and that the Authority will front the money, but do an assessment at the end of the project to recoup the cost.

Ms. Glantz Patchen asked if the residents had an option at this point. Mr. Mason said, "not really," but we have had discussions with the property owners and restated that the grant could bring down the cost by \$400,000.

Mr. Guttenplan asked if the distribution of the cost would be spread evenly to all properties, for example, the Miquon School paying the same as a single-family home. Mr. Mason replied that it is his understanding that the cost is spread evenly because it is done by connection and not usage, but noted that this would be a better question for the Authority Solicitor.

Mr. Shula wondered if the residents also had to pay a tap in fee. Mr. Mason said yes—it is \$3,500.

Mr. Shula inquired if the Township would maintain the grinder pumps once installed. Mr. Mason said that it would be the sole responsibility of the property owner to maintain.

Ms. Shaw Fink asked if residents could opt out. Mr. Mason responded "no."

Ms. Glantz Patchen sought confirmation that the impetus for the project is that the Department of Environmental Protection won't approve additional holding tanks. Mr. Mason responded that that is correct and noted that the residents with holding tanks go through a great expense, explaining that trucks must come pump them out approximately once per month.

Ms. Shaw-Fink noted that this will likely increase property value. Mr. Mason agreed.

Ms. Shaw-Fink inquired about the holding tanks after the grinder pumps were installed. Mr. Mason explained that they would break the top of the tank, fill it with gravel, and cover it with stone.

Ms. Shaw-Fink asked if that was part of the public cost. Mr. Mason replied that it is not.

Mr. Guttenplan sought confirmation that the grinder pump is not part of the public cost. Mr. Mason confirmed it is not.

Mr. Doran asked Mr. Mason what the approximate total cost is per household. Mr. Mason said it is on the order of \$50,000 per household “all-in” not including grant money. The cost depends on the plumbing on the homes and slope of property.

Mr. Kostyk asked if there are any costs defrayed from the Township. Mr. Mason said no.

Mr. Kostyk inquired about the next steps by the Department of Environmental Protection after the Planning Commission submits their comments. Mr. Mason said that the Department of Environmental Protection will consider the comments and decide which option they want to go with, but they will not pick one of the other alternatives.

Ms. Glantz Patchen asked what exactly the Department of Environmental Protection said to the Authority about holding tanks. Mr. Mason answered that the installation of holding tanks is not a long-term solution to sewage disposal needs in Whitemarsh Township and the Township needs to amend and implement the 537 Plan.

Ms. Glantz Patchen sought explanation on the Planning Commission’s action item regarding the project. Mr. Guttenplan explained that the Planning Commission is simply providing comments about the consistency with codes and ordinances.

Ms. Glantz Patchen asked what happened to the owner in 2013. Mr. Mason responded that he was able to sell, but didn’t know how; possibly a cash offer.

Mr. Doran asked if Mr. Guttenplan could direct them to any sections that provide more narrative. Mr. Guttenplan responded that the plan is not controversial and the only thing that needs to be addressed is the explanation for the amendment and the consistency with the current Municipal Official Sewage Treatment plan. There is nothing inconsistent with the Comprehensive Plan, Zoning, or Subdivision and Land Development regulations—that is really what is being looked at. Mr. Mason pointed out that this form is used for all types of developments and that the PC normally sees this in the context of larger land developments.

Ms. Shaw-Fink asked if any costs come back to the Township in any way. Mr. Mason said it does not. Mr. Mason explained that the Authority is going to have to front the cost of the improvements, and they will recoup it by assessing the residents.

Ms. Glantz Patchen noted the check off box on the document for public comment and asked if there was a public notice. Mr. Mason said when it goes to the Township, it will have to be publicly advertised.

Motion: Mr. Doran moved to recommend that Mr. Guttenplan sign and finalize the proposed module after hearing the plans and alternative options. Ms. Shaw-Fink seconded. Vote: 5-0.

6. SUBDIVISION &/OR LAND DEVELOPMENT APPLICATIONS:

- Official Map Amendment—adding extension of Washington Street

Mr. Guttenplan started by explaining that this is simply an introduction to the concept of official map amendments and what the Township may be asking for in the future—there will be no recommendation or vote tonight. There are certain timeframes required in the planning code which is why the Board is being introduced to it tonight.

Mr. Guttenplan gave a background of what an official map is, noting that Whitemarsh Township adopted an official map in 1969, but is used infrequently. An official map is a planning tool that allows the Township to make publicly aware which lands the Township may be interested in acquiring and which roads they may want to see built in the future. If there is a roadway on an official map and the property owner submits a subdivision and land development application, there is a one year holding period where the Township and property owner negotiate. If no application is submitted and the Township proceeds forward with implementation, it would go through the eminent domain process. The official map is triggered when there is an application for subdivision or land development.

Mr. Guttenplan mentioned that this amendment has been talked about for years and has been in several Township plans. The section was examined in detail for the Spring Mill Multi-Modal and Land Use study that was adopted as an amendment to the Comprehensive Plan last year. In it, alternatives were analyzed on how to extend Washington Street from where it will end once 901 Washington completes their segment of it and would connect with what is now the Davids Bridal parking lot to Lee Street to eliminate the dead end. This would alleviate safety concerns for flooding evacuation. This alternative is showing a full roadway which is wide enough for a lane in each direction and a full profile roadway. The other alternatives would not allow two-way travel.

Mr. Guttenplan noted that as the property stands today, this cannot be implemented, but if there is a change to the Davids Bridal property or another subdivision or land development is submitted, this would give the township the ability to negotiate and solve a major safety problem. This has been sent to Montgomery County Planning Commission and Conshohocken Borough as required by the Planning Code. Conshohocken replied to the Township saying that we can expect a letter strongly endorsing this. The recommendations will accompany this as an agenda item in August when the Commission will be asked for a recommendation. The Board of Supervisors is tentatively scheduled in September for a public hearing.

Ms. Melchior reiterated that it is an important planning tool for the Township to have the option to enter negotiations if the time comes, and without it, the protection is not there.

Ms. Glantz Patchen asked if the Planning Commission was being asked to recommend a public hearing. Mr. Guttenplan said it will be advertised as a public hearing and appear in the legal advertisements as well as the Planning Commission's agenda and Board of Supervisor's agenda along with a public hearing with transcription in September.

Ms. Glantz Patchen asked what would happen if a developer did not want to negotiate. Mr. Guttenplan said the Township can still enact eminent domain, but the official map enables negotiations in hopes to not use eminent domain.

Ms. Melchior further explained by saying the official map is a tool that can put the developer on notice so there are no surprises, and they may not purchase or go forward with developing a property (for up to a year) that is on an official map; developer understands the Township's intentions.

Mr. Doran asked if the landowner has the right to object to the change to the map. Ms. Melchior said that anyone has the right to come provide public comment. The official map is similar to the Comprehensive Plan in saying that this is what the Township is thinking about doing in the future, but not a guarantee.

Mr. Doran asked if property owners being impacted by the adjustment to the map have standing to challenge it in court. Mr. Guttenplan asked if any person has the ability to take an action of the Board to court. Ms. Melchior said she will research the answer.

Mr. Guttenplan explained that this item was vetted in the Spring Mill Study with steering committee meetings with many interested parties present and involved in the study.

Mr. Kostyk asked if someone occupies a building but doesn't improve or construct anything, is that a land development that could trigger this. Mr. Guttenplan explained that the definition of 'land development' is very broad that the Township needs to be consistent in how it is interpreted.

This item was concluded with no action; recommendation to be sought at the August 8, 2023 meeting.

7. OLD BUSINESS: None

(Note: Item #8 was discussed earlier in these minutes.)

9. PLANNING COMMISSION MEMBERS COMMENTS: None

10. PUBLIC COMMENT FOR NON-AGENDA ITEMS: None

11. ADJOURNMENT

- On a motion made by Mr. Doran; seconded by Ms. Glantz Patchen, the meeting was adjourned at 8:09 PM with a 5-0 vote.

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 Whitmarsh 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.