

**Upper Merion Township Planning Commission
Regularly Scheduled Meeting for May 25, 2022**

The Upper Merion Township Planning Commission met for its regularly scheduled meeting on May 25, 2022, in-person in the Henderson Room, located in the Township Building, and via Zoom. The meeting information was fully advertised and a meeting agenda placed on the township website. The meeting was called to order at 7:06 PM followed by the Pledge of Allegiance.

IN ATTENDANCE:

Mark McKee, Vice-Chair
Martin Trumpler, Secretary
Jaquelin Camp
Kenneth Brown
William Jenaway, Board Liaison
Patrick Foley, on behalf of Leanna Colubriale, Township Engineer (Remington & Vernick)
Ashton Jones, Township Planner

ABSENT:

Matt Popek, Chair

APPROVAL OF MEETING MINUTES:

Minutes for the April 27 meeting had previously been distributed. Ms. Camp made a motion to adopt the Minutes from April 27 with Mr. Brown seconding. The motion carried 4-0.

127 South Gulph Road- Retail

Retail pad site collocated with existing hotel

Debra Shulski, applicant's attorney, provided a brief overview of the site indicating that the site had previously been approved for the demo and construction of a new hotel and the current project includes the demo of small portion of the remain hotel and the construction of 10,000 sf stand-alone retail. The retail project will result in a net decrease in building coverage and improved stormwater management. Except for some clarification statements, the project will comply with most review comments.

Ken Hoffman, project engineer, provided an overview of parking lot and site circulation changes, building demolition, hotel and retail construction. Mr. Hoffman also indicated that both site entrances would remain while circulation would be reconfigured to better serve the site, sidewalks would be provided around the proposed retail (possible furniture store) and restaurant site and additional loading, ADA spaces, and designated drop areas would be provided.

Mr. McKee asked about the division of the building, seeking clarity as to if the site would have two or three uses, and drop off areas/parking. Mr. Hoffman replied that the buildings square feet should not change but that the idea is that there will be a restaurant use and other use or uses. Mr. Hoffman further indicated that the two hotels will have their own designated drop off areas (two different hotels, with different price points). Ms. Shulski, interjected that should the Board approve shared parking, no variance would be required. Mr. Trumpler asked if the facilities are connected, with Mr. Hoffman indicating that while they are currently connected, all connections will be terminated upon the site's redevelopment.

Mr. McKee asked about changes to the courtyard, parking in front yard. Mr. Hoffman, responded that the court yard changes were incorporated into the recently approved hotel renovations. Mr Hoffman additionally discussed stormwater changes, and indicated that the changes in parking are occurring where there is already parking or asphalt, thus the condition is not increasing nonconformity. Mr. Hoffman also indicated

Upper Merion Township Planning Commission
Regularly Scheduled Meeting for May 25, 2022

that there was an overall reduction in impervious coverage. Mr. McKee, discussed the building setback and the need for a possible variance. There was a discussion regarding this issue between all parties and the applicant was made aware of the standard.

Mr. Brown asked about parking and flooding and how that might be handled in a flooding situation. Mr. Hoffman, responded that much of the parking is in the flood zone and that cars could exist the site via the alternative driveway.

Mr. McKee discussed the placement of the patio/seating area adjacent to the trash dumpster and Mr. Hoffman indicated that there is pretty good separation between the patio area and trash area and if it is screened and fenced, it should be sufficient.

Mr. Foley ask about on site loading, indicating that the County Planning Commission brought up the same concern's, and trash. Mr. Hoffman indicated that it was his team's opinion that the proposed trash area was also a loading area and that he believed the trash dumpster area was sized appropriately (further discussion indicated that the hotels have a separate trash area at the sites southern loading area). There was further discussion regarding access for fire apparatus (we have yet to receive fire comments) and loading zone standards (as to number/requirements).

Mr. McKee asked about building height and Mr. Hoffman indicated that the buildings will be one story (15ft-20ft.).

Mr. Foley ask about levels of disturbance and being close to an acre during the first application, hotel renovation on site loading, indicating that the County Planning Commission brought up the same concern's, and trash. Mr. Hoffman indicated that it was his team's opinion that the proposed trash area was a loading area and that he believed the trash dumpster area was sized appropriately (further discussion indicated that the hotels have a separate trash area at the preexisting southern loading area). There was further discussion regarding access for fire apparatus (we have yet to receive fire comments) and loading zone standards (as to number/requirements). Mr. Hoffman indicated that he had a conversation with the conservation district and they have considered these two projects, not one. Mr. Foley asked for additional documentation.

There was an open discussion regarding hotel management, subdivisions, the creation of condominiums, and other ownership/management issues.

Mr. McKee asked about parking and the applicant's team indicated that any tenant would need to comply with township regulations. Mr. McKee further asked about plans for the "adjacent out parcel. Derek Sylvester, the applicant, indicated that they have lots of development ideas and have been working on trying to put a tenant in. Mr. Sylvester, indicated the issue with a restaurant at that site is the footprint size and the need for parking.

Mr. Jenaway, added that the whole corridor has been a challenge and the board has been trying to target businesses that fill a need. Mr. Sylvester, seconded indicating that whatever is located there needs to be a win/win for both parties.

Mr. McKee asked about waivers to sidewalks. Mr. Hoffman indicated that sidewalks along 202 and S. Gulph Rd. can't go anywhere due to the creek. They are keeping the sidewalk as related to the bus stop (which connects further along S. Gulph Rd) and providing internal sidewalks. Mr. McKee asked about pedestrian

Upper Merion Township Planning Commission
Regularly Scheduled Meeting for May 25, 2022

improvements along S. Gulph Rd. and Mr. Hoffman indicated that it is the intent to have people stay on site and not have pedestrians leaving.

Mr. Hoffman sought clarity regarding building setback. McKee responded that it was intended to reduce the view of parking for pedestrians. Mr. Hoffman indicated that in this site plan they are trying to work with existing conditions. If parking is moved behind building then the applicant would lose the internal courtyard. Ms. Shulski indicated that there could be an interpretation that the site has preexisting nonconforming conditions. Mr. Jones indicated that parking setback would likely be a waiver while the need for building setback would be a variance.

Mr. Foley indicated that the submitted stormwater report indicates that the area to be disturbed is 1.48 acres, and that based on the applicant's previous statements regarding conservation district review and NPDES permits clarification should be provided.

No recommendation was made by the planning commission.

411 Swedeland - Discovery Labs

1 million+ sqft. Of new lab/office and parking garages

Ed Campbell, applicant's attorney, provided a historical background of Brian O'Neill businesses and how this space is developing into the life science/health theme center we know today. There is approximately 900,000 sqft on the site today and the site is supplied by a central utility plant (CUP) which provides the site with high pressure steam, water and air circulation. This infrastructure is critical and unique to this type of use. Collectively, this plan calls for an additional 1 million+, additional parking (mostly in garages), and supporting projects in West Conshohocken (likely to include a supporting warehouse developed with one of the first two phases).

Mr. Campbell indicated that the portion of the property in the R-2 district will not be developed due to a previously placed restriction. While there will be no direct access from Upper Merion to River Road there is proposed access in West Conshohocken and there will be internal site circulation between Upper Merion and West Conshohocken. Mr. Campbell also indicated that the project has been approached regarding the installation of solar on the land fill areas, and that this is being explored.

Mr. Campbell summarized the need for a few waivers relating to the number of parking spaces per parking field, sidewalks, tree removal/tree compensation, and stormwater. Mr. Campbell additionally indicated that due to manmade exceptions after 1940, as related to steep slopes, there was no longer a need for a steep slope variance. There was an ensuing conversation as to stormwater management/benefits, basin locations being located in wooded areas and stormwater. The applicant's engineer, Mark Thompson, discussed a stormwater waiver regarding the 2-year storm and described conditions and drainage areas, that would meet code.

Mr. Jenaway indicated that much of the natural stormwater detention areas proposed for utilization are areas of flooding concern and that the board may be hesitant to consider those areas for additional storage.

Mr. Campbell indicated that due to consent decree, the landfills can't be touched with the County responsible for monitoring ground water and Discovery Labs (formerly GSK) responsible for maintaining the meadow cap. Mr. Campbell reiterated that the real issue with putting anything on the landfill (solar power

**Upper Merion Township Planning Commission
Regularly Scheduled Meeting for May 25, 2022**

has been contemplated) is that if there is a change in leachate flow, the activity on the landfill will be considered responsible (ie: Discovery Labs).

Mr. McKee confirmed with the applicant that they are not proposing any construction on the landfills or quarries. Mr. McKee indicated that it was his understanding that methane from the landfill powered the GSK site and that the consent decree was due to the detection of leaking methane gas. Mr. Campbell indicated that methane was leaking towards the GSK site and that there was an instance of methane ignition in a utility room, but the facility was never run by methane from the landfill (today there are still methane test wells).

Mr. McKee asked about the applicant's understanding of leachate flows. Mr. Campbell indicated that before flows go to Township sewer treatment plant, they go to an onsite treatment facility. And then into the gravity line in Jones Road. Mr. McKee indicate that the lines are not in Jones Road but rather in the vacant wooded tract. Mr. Jones indicated that Township GIS indicated that the sewer is in Jones Road and this should be double checked on the applicant's side.

Mr. Campbell indicated that the project is trying to work with PECO to extend Renaissance Blvd. Maybe that involves upgrading the PECO substation but there is no design at this time and the extension of Renaissance Blvd is unknown.

Mr. McKee asked about a connection between GSK and this project. Mr. Campbell indicated that there is an emergency access only connection between the two sites (there some instances where the two parties coordinate non-emergency access). The applicant has an option to redo connection if needed but would prefer Renaissance Blvd. Mr. McKee asked about a previously approved structured parking area in the front of the site and Mr. Campbell indicated that it will now be just surface parking. Other issues were discussed regarding parking, traffic and site access.

Mr. Campbell brought up a separate but possibly interrelated project, 2901 (300 units) and 2501 (office which could be converted to age restricted residential) Renaissance Blvd., specifically indicating that his team believes that it would make sense to remove an age restriction. Specifically, Mr. Campbell believes this will help from a traffic perspective and provided additional housing in an area where it could be needed (considering proposed buildout).

Ms. Camp suggested that the applicant consider current market changes regarding electric vehicles and electric energy consumption (heat pumps vs. oil/gas HVAC). Mr. Campbell indicated that the industry will dictate what they require but he understands the comment.

Mr. McKee asked about 80 ft. tall buildings and Mr. Campbell indicated most buildings would likely be approaching 80 ft (4 stories with 20 ft. floor plates). Mr. McKee indicated that code section 165-146.E, requires a 150 ft. building setback from residential zone. This could come into play or the applicant could seek a special exception.

Mr. Foley asked about underground stormwater and the applicant's team responded that the project proposes underground detention but indicated that the cost of containing the 10-year and the 2-year was expensive and that they thought they were meeting the intent by reducing existing flow.

Mr. McKee indicated a preference for certain design changes regarding parking structures and location.

**Upper Merion Township Planning Commission
Regularly Scheduled Meeting for May 25, 2022**

No decision was rendered by the Commission.

Short Term Rental Ordinance

Mr. Jones gave a brief introduction which was followed by a discussion regarding the purpose of the proposed ordinance. Mr. Jenaway indicated that there have been complaints regarding short term rental uses in single-family zones. Recognizing that there could be issues as related to someone who is renting out a room in a house, the Board of Supervisors felt it appropriate to put some regulations and parameters in place. Mr. Jenaway provided an indication of where the Township is seeing short term rental activity. After continued discussion, Planning Commission members indicated that they felt the ordinance was showing favor to developers of multifamily housing while preventing homeowners the same liberties, and was too restrictive as the ordinance prohibits the use in single-family residential districts. After continued discussion, it was indicated that maybe the township could just consider the permit and regulate bad actors on a case by case basis. Additionally, it was indicated that homeowner associations will regulate their residents via association rules.

ADJOURNMENT:

With no other business to discuss, Mr. Trumpler moved to adjourn the meeting with Mr. Brown seconding and all in favor at 9:11 PM.

Respectfully Submitted:

Martin Trumpler, Secretary