

**LOWER GWYNEDD TOWNSHIP
PLANNING COMMISSION
Minutes of October 16, 2024**

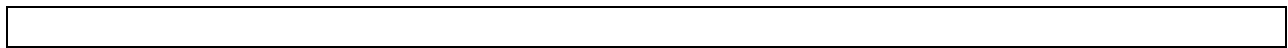
Present: Craig Melograno, Chair
Rich Valiga, Vice-Chair
Maureen Nunn
Danielle Porreca
Michael Mrozinski

Patty Furber, B&Z Administrator
Chad Dixson, Bowman
Ed Brown, Gilmore & Associates

Absent: Craig Adams, Rusty Beardsley

Call to Order:

The meeting of the Lower Gwynedd Township Planning Commission was called to order at 7:00 PM.



Approval of Minutes: August 21, 2024

A motion was made by Mr. Mrozinski and Ms. Porreca to approve the minutes of the Lower Gwynedd Township Planning Commission meeting of August 21, 2024. The motion carried unanimously.



Conditional Use Application:

**ACTS Gwynedd Estates
301 Norristown Rd.**

#24-07CU

Present for the conditional use application was Ms. Bernadette Kearney from HRMM&L, Mr. Chris Isenberg and Mr. Martin Eustace from Eustace Engineers.

Ms. Kearney gave the PC background on the history of their previous approvals. Ms. Kearney stated back in 2022 both the PC and BOS approved their land development application for a skilled nursing facility. Ms. Kearney stated that they previously met with Old York Road Country Club, and they came to an agreement back in 2022 prior to receiving their preliminary/final approval. Ms. Kearney stated that they notified the country club regarding the change of the beds from skilled nursing to personal care. Ms. Kearney stated that they had to tweak the neighbor agreement since those references skilled nursing beds instead of personal care beds. She stated they are also working on issues with the country club regarding the two trees near the area of the golf course.

Ms. Kearney stated that they received their review letter from Gilmore in reference to the amended land development plans. She stated that their review letter noted that conditional use application would be required for the riparian buffer. She stated that back in 2017 they had to obtain conditional use approval for a riparian buffer for the trail. Mr. Melograno wanted to know if we are just proceeding with their condition use application tonight and are they returning for the remainder of their requests. Mr. Brown stated that he thought they would just go back to the BOS for their amended land development plans. Ms. Kearney stated that they intend on doing a little more with stormwater improvements than originally submitted. She stated that she intends on notifying the country club of their changes. Mr. Brown stated that most of the amendments to their plans address stormwater only.

Mr. Eustace explained that there is an existing basin on the north side of the campus and a pond that discharges into a channel. Mr. Eustace stated that their plans consist of Point A (shows the area of the exiting surface basin and how that discharges) and Point B (shows the southern part of the campus including adding new activity amendments). He stated there is no change in the existing footprint. Mr. Eustace stated that part of the project consists of an existing surface basin along the north property line. He stated they kept a portion of the surface basin, converted the balance of the basin and expanded the overall size to meet today's requirement. He stated they had a meeting earlier in the week with the country club and they had concerns regarding stormwater. After that meeting, they developed a concept plan that realigns the discharge pipe in a fashion that would be more parallel to the property line. This would keep all the water coming off that basin from the golf course. Mr. Eustace stated that their design feature would not interfere with the Williams Gas Pipeline (that runs parallel to the basin). He stated that they came up with a concept plan which consists of adding a berm that will move the swale up towards the headwall. They will install a level spreader to spread the stormwater discharge. He stated that the level spreader will consist of the berm with a concrete pad for a solid surface.

Mr. Brown stated that he thought it was reasonable to recommend approval for stormwater and grading related disturbances within the riparian buffer as part of their conditional use. Mr. Valiga wanted to know if the runoff was still going onto the golf course. Mr. Eustace stated that some of the stormwater would go towards the golf course, but they will redirect that towards an existing swale along the channel. Ms. Kearney stated that she will email the revised Plan A to the country club for their review. Mr. Eustace stated that they are going the extra mile to better the stormwater situation for the country club.

Mr. Eustace showed the PC a rendering showing a bistro, grille area and bocce ball court. This new plan is to be referred to as Plan B (this was not included in their original conditional use submission to the township or Gilmore). Mr. Eustace stated that the

ACTS community wanted to enhance that gathering area for their residents. He stated that the residents were looking to add a bocce ball court. He stated there are no ADA accessible rails to access their gathering area. Currently, the residents must cross the east side (where there are two existing bridges) to cross from one side of the campus to the other. He stated that they are proposing a new walkway with a clearance of 6'8" to create an opportunity to walk the balance of the campus. He stated there are some existing paths that were part of an existing conditional use, and they are just trying to connect to those paths.

Mr. Eustace stated that they are going to design a stormwater system on the west side of the campus, which includes collecting the down spouts from OakBridge Terrace and direct the runoff to the stormwater management facility underneath the bocce court. Mr. Eustace stated that when you combine all the stormwater management facilities into the overall project, it makes quite an impact. He stated they can reduce the lower flood storm events by 44% and a higher-level flood storm event by 16-33%. He stated that when you sum up all these steps, they are helping the golf course even more than they realize. He stated that this overall design is going to have a positive impact. Mr. Melograno wanted to know what happens if the reviews come back and someone doesn't like Part A or Part B of their plan, then what. Mr. Eustace stated that they submitted their plans to the Montgomery County Conservation District and walked them through their entire project. He stated the conversation district had the first crack at their original design, they took the county's comments into consideration with their plans. Mr. Melograno wanted to know how this new plan doesn't change their land development approval. He stated that the bocce ball court is new and what they are proposing with Plan B is all new, so how doesn't that affect their land development. Mr. Brown stated that the amended plans were deemed minor enough to just amend the final approval, but Plan B was not part of that. Mr. Brown stated that they don't seem like major changes to the original land development.

Mr. Brown stated that they have not received their NPDES approval, so they had to make some revisions to their stormwater management systems. Mr. Brown stated that there are two additional waivers that were requested. He stated that waiver request #7 does not apply so that will be removed from the plans. Mr. Brown stated that Gilmore had no objection to their waiver request #6, but they will need to add some clarification on the plans and to count the existing vegetation. Mr. Mrozinski wanted to know if Mr. Brown saw any issues with either plan. Mr. Brown stated that he sees no major concerns since they are not disturbing the wetlands. Also, with Part B, which consists of mainly stormwater and trails, he noted that many of the trails already exist, so he doesn't foresee any issues. Mr. Valiga wanted to know about the waivers, if they have received approval from the Williams Pipeline Company. Mr. Eustace stated that they have contacted them and have received unofficial approval (via email).

Mr. Eustace stated that they had met with Mr. Brown and Mr. Hersh from Gilmore to address all past issues and that was extremely helpful.

A motion was made by Mr. Mrozinski and seconded by Ms. Porreca to recommend approval of the conditional use application to the BOS with the following recommendations:

- 1. The PC recommends approval of the stormwater and grading improvements in the riparian buffer for Part A;
 - 2. The PC recommends approval of the stormwater, grading and trail improvements in the riparian buffer for Part B;
 - 3. The applicant will comply with Gilmore’s review letter dated Sept. 18, 2024; the PC supports the additional waiver request (#6) per the plans for Part A and revised Part A;
 - 4. The PC supports the approval of the amended land development submission.
- The motion passed with a 5-0 vote.



**Lower Gwynedd Township & BET Investments:
MF-3 Text & Map Draft Amendment Ordinance**

Present for the draft amendment was Mr. Michael Markman from BET Investments and Ms. Julie Von Spreckelsen from Eastburn & Gray, PC. Ms. Spreckelsen stated that BET Investments are the equitable owners of 321-323 Norristown Road which is currently zoned D-1. Ms. Spreckelsen stated that the applicant proposes a mixed-use development which is not permitted within the D-1 district. Ms. Spreckelsen stated that this text amendment would allow the campus to be rezoned from D-1 to MF-3 and a mixed-use section would be added to the ordinance through conditional use. Mr. Markman showed renderings of the future campus that showed apartments, retail and office use. Mr. Markman stated the apartments would be very similar to their project located at 555 Flats in Horsham. Mr. Markman stated that the office park is currently in poor condition. Mr. Markman stated that the property is located next to the ACTS site. He stated that they had met with ACTS and stated that it was a great meeting. He stated that they also met with the country club since they will be direct neighbors.

Mr. Markman stated that the “L” shaped building on the site is currently occupied by Berkadia. He stated that their employees work in the office 3 days a week and they would like to keep that space. They are currently working on an extension with Berkadia through 2038. Mr. Melograno stated that if the lease works out with Berkadia, that building needs a lot of work. Mr. Markman stated that building improvements would be part of the process.

Mr. Markman proceeded with showing more renderings of the proposed site. He stated that they plan on building a higher-end apartment building with a parking garage. The tenants would drive into the parking garage, park as close as possible to the building, and be able to walk right into their apartment. Mr. Markman stated that the site would have EV charging stations, a courtyard with a pool and other amenities. Mr. Markman stated that none of the renderings are set since zoning approval is still required. Mr. Markman stated that the site would include some retail, along with office and residential. Mr. Markman stated that a grocery store would be included so their tenants wouldn't have to leave the site if they didn't want to.

Ms. Porreca wanted to know if a traffic study was conducted. Mr. Markman stated that one was submitted to the township around 6 months ago. Ms. Porreca stated that she lives right near that intersection, and it's already congested and very loud. Mr. Markman stated that the traffic study would be discussed at the next meeting. Mr. Dixon stated that their traffic study was not received by his office. Mr. Markman stated he would send it again.

Mr. Markman stated that they have been working with the township and the Montgomery County Planning Commission to include 10% of the units as workforce housing that would include a reduction in rent. Mr. Melograno wanted to know if the applicant is OK with the way the ordinance reads now. Mr. Markman stated that they worked with John Kennedy and the township to rewrite the ordinance numerous times and agree with everything that is written. Mr. Melograno stated that there was an internal meeting with township staff where the draft ordinance was discussed. From the discussion at the internal township meeting, Mr. Melograno stated that there would be no digital signs at the site and the parking structures would be for residential use only. Mr. Markman agreed that there would be no digital signs on their site and the parking garage would be used only for residential use. Mr. Melograno stated that the parking structure was also to provide some type of architectural element for buffering. Mr. Markman stated that buffering will be included.

Mr. Valiga wanted to know about the impervious coverage, specifically the 65% allowance. He stated that it wasn't clear if that only applied to the parking structure only. Ms. Spreckelsen explained that the ordinance is trying to encourage adding a parking structure. If a parking structure is added to the site, you would be permitted 65% impervious coverage vs 20% if no parking garage was added.

Mr. Valiga wanted to know about the front yard setback and where would the front yard be located. Mr. Markman stated that it would be along Norristown Rd. Mr. Valiga stated that the setback is currently at 50 feet and that there was a comment that it should be 100 feet. Mr. Valiga wanted to know what the setback included if that included grass and trees or structures. Mr. Brown stated that would be the building setback line. Mr.

Valiga and Mr. Melograno wanted to know what the changes to the setbacks would be since this zoning district already exists. Mr. Melograno suggested since MF-3 already exists and they want to change the setbacks, they need to submit the data to compare. Mr. Valiga stated that it would be extremely helpful to compare what the standards are to what is proposed. Ms. Porreca wanted to know if this would be the tallest building within the township. The proposed building will be 5-stories. Mr. Valiga stated that he struggled with the definition of workforce housing until he got to page 4. Mr. Melograno wanted the applicant to explain workforce housing. Mr. Markman stated that was requested by the township. Mr. Markman stated that would include 10% of the units and would likely result in a rent reduction of \$300-\$500 monthly. Mr. Melograno wanted to know if they had any other projects where they had the workforce units incorporated into their apartment buildings. Mr. Markman stated that they have not had any experience in incorporating the workforce units into their developments. Mr. Valiga wanted to know if there were any other workforce units within Montgomery County. He stated he wanted to see how this would be monitored since a lot of information is required, such as income. Mr. Markman stated that Montgomery County issues a median income, that they would have to submit a report to the township, and there is record keeping involved. Mr. Valiga wanted to know how functional this is and if it's working in other developments. Mr. Markman stated that they would find other apartments that have workforce units included and bring that information back to the PC. Mr. Valiga wanted to know how they would deny an application for the workforce units. Mr. Markman stated that they would look at their income to see if they would qualify. Mr. Melograno wanted to know what income would be considered, could the applicant use a co-signer. Mr. Markman stated that a tenant wouldn't be able to include a co-signer. He stated that each two-bedroom unit will be limited to two tenants only. Mr. Markman stated that the township could change the ordinance in 5 years and always remove the workforce units, they are just adding it because it was requested by the BOS.

Mr. Melograno stated that three uses are required to qualify as a mixed-use site and wanted to know what their third use would be. Mr. Markman stated that there is an interest in a restaurant. So, there would hopefully be a grocery store, restaurant and apartments. Mr. Valiga suggested they add a connection such as a walkway or trail from their site on Norristown Rd. to connect to Sumneytown Pike. Mr. Markman stated that there were discussions about adding a sidewalk for connection underneath the 309 bypass. Mr. Melograno stated that the PC's biggest concern was the front yard setback. He stated that he looked it up and that the existing front yard setback is currently 200' feet. Ms. Spreckelsen stated that the existing setback would be difficult to achieve since the Old York Road Country Club requested that their new building not be so close to their property. Mr. Markman stated that he would investigate different configurations. Ms. Spreckelsen wanted to know what was the PC's concern regarding the front yard setback. Mr. Melograno stated that the Spring House Innovation Park has a 200' front yard setback and that was a big deal for the residents towards that side of 309. Mr.

Markman stated with that, his issue is retail use. He stated that retail stores prefer to be closer to a roadway for visibility. Mr. Mrozinski stated that if they are looking at connecting to 309 that might change the way they might do their setbacks. Mr. Melograno wanted to know if they could have different setbacks for the different uses. Mr. Markman stated that they will be back next month to go over this in more detail.

The PC recommends the following:

1. The PC recommends adding the definition of “workforce dwelling units” to the first page (second paragraph);
2. Some of the PC members have concerns about the inclusion of the workforce housing units as part of the ordinance;
3. The PC’s biggest concern is the front yard setback requirement; they would prefer different setbacks for each proposed use (residential/retail/office).



ADJOURNMENT

There being no further business, the meeting was adjourned at 8:50 P.M.
Respectfully submitted,
Patty Furber, Secretary