



**Township of Abington
Zoning Hearing Board Meeting
February 19, 2019
7:00 p.m.**

Call To Order:

Pledge of Allegiance:

Roll Call: John DiPrimio, Zoning Hearing Board Chairperson
Michael O'Connor; Zoning Hearing Board Vice Chairperson
Jose Casalina, Zoning Hearing Board Secretary
Gertrude M. Hackney, Esq.; Zoning Hearing Board Member
Barbara M. Wertheimer, Esq.; Zoning Hearing Board Member
Bruce J. Eckel, Esq., Zoning Hearing Board Solicitor

Order & Opinion:

Case #18-27: Sussman Associates II, LP - 1501, 1505, 1509, 1513 and 1515 Easton Road, Roslyn, Pa. 19001.

Applications:

18-25: This is the application of **JJLH Associates, LLC**, applicant for the property located at 980 Old York Road, Abington, Pa. 19046. The applicant seeks dimensional variances from Section 1603.B, 1606.B, 2304.C.3, 2312.F, 2601.N and Section 2103.A-13 of the Zoning Ordinance of the Township of Abington. The applicant seeks approval to make alterations to site and convert the building to allow for automotive service. Relief has been requested to allow for an encroachment into existing steep slopes, a reduction in the required number of on-site parking stalls and for the requirement for a loading berth. In addition, that application has been revised to include relief to allow for the trash enclosure area to be located within a defined front yard and to install fencing 8 feet in height instead of permitted 6 feet. The property is zoned within the Main Street High District of Ward #7 of the Township of Abington.

Adjournment:

Note: The next regularly scheduled meeting of the Zoning Hearing Board will be held on Tuesday, March 19, 2019 with a 7:00 p.m. start time.



Township of Abington

Engineering & Code Department

Wayne C. Luker, President
Steven N. Kline, Vice President

Richard J. Manfredi, *Manager*
Amy R. Montgomery, *P.E., Director*

Zoning Hearing Notice

Notice is hereby given that the Zoning Hearing Board of the Township of Abington will hold a meeting as required by the Township's Zoning Ordinance at the Abington Township Administration Building, 1176 Old York Road, Abington, Pennsylvania, on:

Tuesday, February 19, 2019 at 7:00 p.m., at which time a public hearing will commence on the following application:

18-25: This is the application of **JJLH Associates, LLC**, applicant for the property located at 980 Old York Road, Abington, Pa. 19046. The applicant seeks dimensional variances from Section 1603.B, 1606.B, 2304.C.3, 2312.F, 2601.N and Section 2103.A-13 of the Zoning Ordinance of the Township of Abington. The applicant seeks approval to make alterations to site and convert the building to allow for automotive service. Relief has been requested to allow for an encroachment into existing steep slopes, a reduction in the required number of on-site parking stalls and for the requirement for a loading berth. In addition, that application has been revised to include relief to allow for the trash enclosure area to be located within a defined front yard and to install fencing 8 feet in height instead of permitted 6 feet.

The property is zoned within the Main Street High District of Ward #7 of the Township of Abington. A copy of the application and plan are on file with the Planning & Zoning Office and is available for review during normal business hours.

By Order of the Zoning Hearing Board.

Mark A. Penecale
Planning & Zoning Officer
Township of Abington

Note: There is a 30 day period after the date the decision is rendered for any and all aggrieved persons to file an appeal in the appropriate court to contest the actions of the Zoning Hearing Board. Applicants that take action on a Zoning Hearing Board Approval during the 30 day appeal period, do so at their own risk. If there are questions that you may have, please feel free to contact the Zoning Officer at 267-536-1010. If you are unable to attend the hearing, written comment may be entered into the record by submitting them in advance of the hearing to the Planning & Zoning Officer.

Zoning Hearing Board Application

Abington Township, PA

1176 Old York Road, Abington PA 19001, Fax: 215-884-8271, Telephone: 267-536-1000



This application must be accompanied by a minimum of ten (10) copies of the plot plan of the property, prepared and signed by a registered land surveyor or professional engineer. The plan must include lot area, lot dimensions, coverage percentages, existing structures, other improvements, proposed improvements, off-street parking, buffers and all characteristics on the site.

The Undersigned herein makes application for:

- [X] Request for Variance from the Zoning Ordinance.
- [] Request for a Special Exception as provided by the Zoning Ordinance.
- [] Appeal from the actions of the Zoning Officer.

1. Name and address of the owner of the land: Phone number:
 Abington TICDA
 980 Old York Road
 Abington, PA 19001

2. Name and address of the applicant: Phone number:
 JLLH Associates, Ltd.
 4437 East Street Road
 Trevose, PA 19053

3. Name and address of the attorney: Phone number:
 Gavin Laboski
 245 W. Broad Street 215-536-3800
 Quakertown, PA 18951

4. If the applicant is not the owner of the property, list the applicant's interest in filing this application.
 Example: equitable owner, agent, lessee, etc.
 Equitable Owner

5. Description of the property:
 Address/location 980 Old York Road, Abington, PA 19001 (corner of Old York Road and Woodcrest Road)
 Present use Office/Retail
 Proposed improvement C-3 Automobile Service

Zoning Hearing Board Application

Abington Township, PA

1176 Old York Road, Abington PA 19001, Fax: 215-884-8271, Telephone: 267-536-1000



6. State briefly the reasons for which the proposed improvements or use does not meet the requirements of the Zoning Ordinance, and the nature of relief you are seeking:

Applicant seeks dimensional variances from the below subsections to allow improvements to and a redesign of the site. The existing building and related improvements along with the terms of the Zoning Ordinance prevent the proposed improvements to be made without the relief requested.

7. List the specific section of the Zoning Ordinance upon which the application for a variance or special exception is based: Section 1603.B - development in Prohibitive Slopes;
Section 1606.B - conservation of Prohibitive Slopes;
Section 2304.C.3 - parking requirements for Use C-3;
Section 2312.F - requirements for loading berth.

8. Describe in detail the grounds for the appeal, or the reasons both in law and in fact for the granting of the variance or special exception, describing in detail the nature of the unique circumstances, and the specific hardship justifying your request for approval of the application.


See Attached

9. List any and all prior Zoning Hearing Board action regarding the property. List the date, case number and the nature of the zoning relief granted.

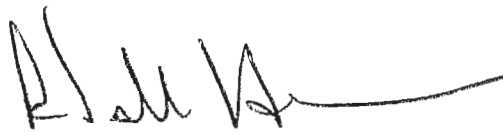
The applicant is unaware whether the property has received zoning relief in the past.

10. List any and all additional information, records, transcripts which may be helpful to the Zoning Hearing Board in rendering a decision: A minimum of eight (8) copies are required to be submitted.

See plans and aerial photograph supplied.



Signature of Applicant



Signature of Owner

Internal Validation:

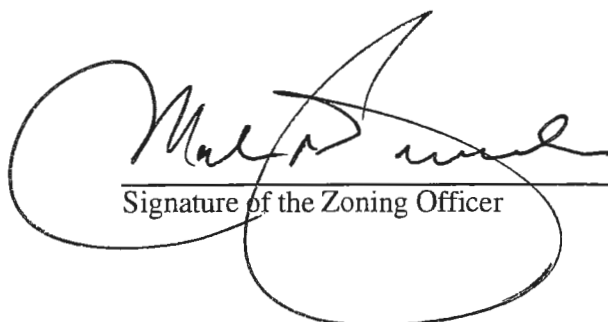
Date Received: 12/14/18

Fee Paid: \$1,500.00

Case: 18-25

Check # 3009

Rec # 180055



Signature of the Zoning Officer

ATTACHMENT TO THE ABINGTON TOWNSHIP ZONING HEARING BOARD
APPLICATION OF JHL ASSOCIATES, LTD.
980 Old York Road,

8. ***Describe in detail the grounds for the appeal, or the reasons both in law and in fact for the granting of the variance or special exception, describing in detail the nature of the unique circumstances, and the specific hardship justifying your request for approval of the application.***

Applicant intends to use the property as a C-3 Automotive Service use, as that use is defined in the Abington Township Zoning Ordinance (the "Ordinance"). Applicant is affiliated with the Faulkner Organization, who operates automobile dealerships throughout the region. Faulkner will use the property for the repair of automobiles. However, the site will be restricted in terms of access, such that customers will not be permitted or directed to the site. All vehicles will be brought to this property by Faulkner employees for service rather than members of the public.

The changes to the property to accommodate the use include interior renovations, including the addition of four service overhead doors, changes to the location of parking areas, alteration of traffic movement and the addition of "green" areas. The dimensional variances include modification of an area of Prohibitive Slopes, parking requirements and off-street loading.

The property has numerous non-conforming conditions including, the location of the building, the location of parking areas, and impervious surface coverage. These conditions, along with other factors, prohibit strict compliance with the Ordinance.

The dimensional variances sought include the following:

Section 1603.B – Prohibitive Slopes – The Applicant intends to widen a portion of the 20' wide internal driveway. The widening of the driveway is necessary to allow access to the rear of the building by refuse trucks, emergency vehicles and employees. The area of steep slopes totals approximately 1,860 square feet and consists of scrub like vegetation. The slopes measure approximately 40-50% at various locations. The area the applicant intends to disturb is approximately 1,760 square feet. The relief is necessary for reasonable use of the property and particularly to provide safe and adequate access for refuse trucks and emergency vehicles. The applicant is disturbing the minimum amount necessary for reasonable use of the property and the relatively small area of disturbance will have no adverse impact on the neighborhood.

Section 1606.B – Conservation Easement for Prohibitive Slopes – Given the small area of Prohibitive Slopes that will remain after development of the site, the Applicant seeks a variance to not require a conservation easement for the remaining portion.

Section 2304.C.3 – Parking requirements for Use C-3 – The Ordinance requires the C3 Automotive Service use to provide 1 space for every 200 square feet of gross floor area and 5 parking spaces for every service stall. Applicant must provide 75 parking spaces.

Because of the size of the lot, the required areas for access, the existing steep slopes and the location of the building on the lot, the applicant is only able to provide 35 exterior spaces and 7 interior spaces. These property features and the application of the Ordinance to this property, make it impossible to comply with the parking requirements for many of the permitted uses in this zoning district. However, as discussed, Applicant's proposed use of the property as a service facility restricted to employees of Faulkner, and not the general public, greatly reduces the need for parking spaces. Faulkner has the ability to only bring cars to the property that will be worked on immediately or in the near future, thus reducing the need for number of spaces required at this site.

Section 2312.F – Off-Street Loading Requirements – Again, given the features of the property described above, the Applicant is unable to provide an area for off-street loading that meets the requirements of the Ordinance. The Ordinance requires an area of 50 feet by 15 feet for this purpose. The Applicant is able to provide an area of 10 feet by 32 feet. Applicant contends that it qualifies for the reduction of such loading area as described in Section 2312.F. Applicant only receives deliveries from vans or small trucks and the area provided is sufficient for such deliveries. To the extent the Zoning Hearing Board has jurisdiction over whether the reduced area is sufficient and whether the Township consents to such a reduced area, the Applicant requests such relief.

January 17, 2019

Mark A. Penecale
Planning & Zoning Officer
Abington Township
1176 Old York Road
Abington, PA 19001

**Re: JJLH Associates, Ltd. – 980 Old York Road
Larmon Photo property
Abington Township Zoning Hearing Board Application #18-25**

Dear Mr. Penecale:

This office represents JJLH Associates, LLC with respect to above referenced application. On behalf of our client, please accept this letter as an amendment to the application in the following respects:

1. The variance requested under Section 1603.B is modified to seek a disturbance of 67.5% of the prohibitive steep slopes instead of 95% disturbance.
2. The variance from Section 1606.B which requires a conservation easement for prohibitive slopes, is withdrawn.
3. The variance from Section 2304.C.3 will be modified to seek approval for 33 parking spaces instead of the 35 spaces that was requested in the original application.
4. There is no change to the variance from Section 2312.F regarding off street loading requirements.
5. A variance is requested from Section 2601.N.1 to allow trash containment facilities to be located between a building and a street.
6. Variances are requested from Sections 2103.A-13.1 and 2 to permit a fence of 8 feet where the Ordinance limits the maximum fence height to 6 feet.

Mark A. Penecale
January 16, 2019
Page 2

We have also enclosed a revised site plan and revised landscape plan that should replace the plans previously submitted. Please re-advertise the application to include the relief outlined above and schedule the hearing for the Zoning Hearing Board's meeting on February 19, 2019. If anything additional is required, including the cost to re-advertise, please contact our office.

Sincerely,



Gavin R. Laboski

Enclosure
GRL/sbs

cc: Tom Joyce (w/o encl.)
Gary Tilford (w/o encl.)

ABINGTON TOWNSHIP
ZONING HEARING BOARD
MONTGOMERY COUNTY, PENNSYLVANIA

- - -

APPLICATION 18-25
JLH ASSOCIATES, LLC

- - -

Tuesday, January 15, 2019
Commencing at 8:21 p.m.

- - -

Municipal Building
1176 Old York Road
Abington, PA 19001

- - -

BOARD MEMBERS PRESENT:

JOHN DIPRIMIO, Chairman
MICHAEL O'CONNOR, Vice Chairman
JOSE CASALINA, Secretary
GERTRUDE M. HACKNEY

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COUNSEL APPEARED AS FOLLOWS:

BRUCE J. ECKEL, ESQUIRE
for the Zoning Hearing Board

GAVIN LABOSKI, ESQUIRE
for the Applicant

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ALSO PRESENT:

MARK PENECALE, Zoning Officer
MARIA WYRSTA, Office Manager

I N D E X

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E X H I B I T S

ZONING HEARING BOARD'S

<u>Number</u>	<u>Description</u>	<u>Marked</u>	<u>Rec'd</u>
B-1	Proof of Publication	4	
B-2	Certification of Posting	4	

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MR. DiPRIMIO: We're finally getting to Application 18-25. I will read this one more time.

This is the application of JJLH Associates, LLC, the applicant to the property located at 980 Old York Road, Abington, PA 19046.

The applicant seeks dimensional variances from Section 1603.B, 1606.B, 2304.C.3, and Section 2312.F of the Zoning Ordinance of the Township of Abington.

The applicant seeks approval to make alterations to the site and convert the building to allow for automotive service.

Relief has been requested to allow for an encroachment into the existing steep slope, a reduction in the required number of on-site parking stalls, and for the requirement for a loading berm.

The property is zoned within the Main Street High District of Ward Number 7 of the Township of Abington.

The applicant is here.

MR. LABOSKI: Good evening.

MR. DiPRIMIO: Good evening,

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sir. Would you like to identify yourself?

MR. LABOSKI: Certainly. My name is Gavin Laboski. I represent JJLH Associates, Limited. JJLH Associates, Limited, is affiliated with the Faulkner organization. So in keeping with your theme tonight of car dealerships, we offer you one more application to consider.

MR. ECKEL: Before the applicant begins his testimony, let's put into the record B-1, which is the Proof of Publication of the advertisement in The Times Chronicle advertising the hearing for this evening.

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(Proof of Publication marked Zoning Hearing Board's Exhibit B-1 for identification.)

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MR. ECKEL: B-2 is a certification with attached photographs by Mr. Penecale showing that the property was posted in accordance with our Ordinance.

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(Certification of Posting marked Zoning Hearing Board's Exhibit B-2 for

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identification.)

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MR. DiPRIMIO: On the application it states the name of the applicant as JJLH Associates, LTD. I just read JJLH Associates, LLC.

So just for clarification, what are we?

MR. LABOSKI: It's LLC.

MR. DiPRIMIO: It is an LLC.

Thank you.

So would you like to proceed, please?

MR. LABOSKI: I would. Thank you.

First of all, I appreciate the Board accommodating us to meet and discuss with the neighbors. That discussion has been going on approximately a week or so. It results in some changes to this application that I'd like to mention up front.

I have a series of exhibits that I would like to hand out that include some alternate plans for the changes on the property, as

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well as particularly the buffer area, and an updated zoning relief document that I prepared that's actually going to be changed once again.

If I could take a minute and go through what the changes are with respect to the sections of relief that we're asking for to clarify the record, I'd like to do that at this time.

MR. DiPRIMIO: Well, let's see what you have here before we get too far into the weeds.

MR. ECKEL: Has the Zoning Officer seen any of this?

MR. LABOSKI: I don't believe so, no. These things developed within the last several days literally getting these plans together after meeting with the neighbors.

MR. DiPRIMIO: So this doesn't appear in your application. It wasn't advertised as such in your application. So I need to think now in deference to the community at large here.

Are we to move forward with hearing this application?

MR. ECKEL: Let me ask counsel this question: Do you think you have made all the

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changes that are going to be made?

MR. LABOSKI: Well, that's a great question. We think so. However, as you may be aware, one of the neighbors is out of town and asked for this record to remain open until next month.

MR. DiPRIMIO: Well, then, I say that it would be my recommendation that we move this hearing to a month from now.

MR. ECKEL: I think what we ought to do is if there is different relief than what was advertised, if counsel can get that to Mr. Penecale, we will advertise that for the continued hearing.

MR. LABOSKI: What I would like to do in addition to that is put on record tonight what those changes are so that the record for tonight is clear so that when we come back next month everyone is on the same page.

MR. DiPRIMIO: Counselor, I think if it's part of the application, then it's part of the application. I don't think it needs to be part of the record tonight. If we're going to readvertise this, then whatever changes are going

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to be made --

MR. ECKEL: You were going to put it on the record, but what you're going to put on the record you need to put in hard copy to Mr. Penecale.

MR. LABOSKI: We can do that.

MR. ECKEL: Then that would be readvertised.

MR. LABOSKI: We can do that.

MR. ECKEL: And our meeting in February is the 19th. So it will be continued until February the 19th.

You can tell us the differences of what's added or what's different from what's advertised, but you need to get that to Mr. Penecale in writing. That's what's going to be readvertised.

MR. LABOSKI: That's what I want to do, and I want to put it on the record tonight because there are several neighbors here that are in the audience so we're on the same page. If I could take thirty seconds and just state the changes.

MR. DiPRIMIO: I don't think we

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should hear it at this point in time.

MR. ECKEL: We will not hear any testimony.

MR. DiPRIMIO: If I have to put something on the record, there has to be something opened here; right? We have to open the hearing to put something on the record.

MR. ECKEL: You read what was advertised.

MR. DiPRIMIO: But he has changes to that.

MR. ECKEL: He's going to tell us what the changes are.

MR. DiPRIMIO: I don't think it needs to be on the record.

MR. ECKEL: Well --

MR. DiPRIMIO: I'm just -- I'm not a lawyer, and I don't pretend to be one. But I don't think that --

MR. ECKEL: Well, it's going to be put in writing tomorrow. So what he's going to tell us tonight is going to be the same thing he's going to send to Mr. Penecale tomorrow in writing. That's what's going to be readvertised.

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If you do not want it put on the record tonight, we don't have to.

MR. DiPRIMIO: Counselor, I don't feel comfortable doing that.

MR. LABOSKI: I will defer to you, Mr. Chairman, whether you want it on the record or not. That's fine.

MR. DiPRIMIO: I prefer not to.

MR. ECKEL: I think he's doing that for the benefit of the residents.

MR. DiPRIMIO: I understand that, but maybe you can communicate that with those people once you submit it to the Township the revised application. You can then submit that to those people that are going to be out of the area or aren't going to be able to make the next meeting.

MR. LABOSKI: I understand. We had discussions in the hallway, and I gave them my word that I would come in here and make the --

MR. DiPRIMIO: That's my fault.

MR. LABOSKI: We're not blaming anyone. That's my reason for asking for it.

We will get the information to

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Mr. Penecale, and it will be advertised for next month.

MR. DiPRIMIO: I appreciate that.

MR. ECKEL: Let's continue the hearing until February 19th. It will be readvertised.

MR. DiPRIMIO: On the record, the applicant is agreeable to that?

MR. LABOSKI: That's correct.

MR. DiPRIMIO: Very good.

MR. LABOSKI: Thank you.

(At 8:32 p.m., the proceedings were concluded.)

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C E R T I F I C A T E

I hereby certify that the proceedings and evidence are contained fully and accurately in the notes taken by me in the above cause and that this is a correct transcript of the same.

MARK MANJARDI
Official Court Reporter

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