

The stated meeting of the Administrative Code and Land Use Committee of the Board of Commissioners of the Township of Abington was held on Wednesday, June 6, 2018 at the Township Administration Building, Abington, PA., with Commissioner Sanchez presiding.

**CALL TO ORDER:** 7:24 p.m.

**ROLL CALL:** Present: Commissioners SANCHEZ, BRODSKY, GILLESPIE, HECKER, THOMPSON

Township Manager MANFREDI  
Assistant Township Manager WEHMEYER  
Township Solicitor CLARKE  
Director of Engineering & Code MONTGOMERY

Also Present: Commissioners LUKER, KLINE, BOWMAN, SCHREIBER, DiPLACIDO, MYERS, ROTHMAN, ZAPPONE, VAHEY

**APPROVAL OF MINUTES:**

Commissioner Sanchez made a MOTION, seconded by Commissioner Thompson to approve the minutes of the May 2, 2018 Administrative Code and Land Use Committee Meeting.

MOTION was ADOPTED 5-0.

**PRESENTATION:** None.

**UNFINISHED BUSINESS:** None.

**NEW BUSINESS:**

Item ACL-01-061418:

Commissioner Sanchez called on the applicant to present their plan.

Julie L. Von Spreckelsen, Attorney with Eastburn and Gray, PC, 470 Norristown Road, Suite 302, Blue Bell, PA., 19422, representing the applicants, Harrise Yaron, Jennifer Parke, Scott Tailtman and Jamie Frey owners of properties located at 936 Moredon Road and 1407 Mill Road, Meadowbrook, PA, introduced Nick Rose, PE of Protract Engineering and presented the plan. The applicant is requesting approval of a minor subdivision application and the granting of requested waivers.

This is a lot line change, a land swap of two abutting property owners whose properties are located in the R-1 Residential District with existing single-family dwellings. Both properties are irregularly shaped, so the Yaron's will be transferring 8,269 sq. ft. of their property to the Mill Road property. The Mill Road property is nonconforming in lot size and will remain nonconforming and this will bring it more into compliance with the ordinance, and by transferring a portion of Moredon Road, the shape of both properties will be more regular. Moredon Road will obtain 3,551 sq. ft. and a portion of it abuts onto Dale Road, so there will now be access to Dale Road.

The applicant will comply with all comments of Township staff review letter dated, May 15, 2018. The County Planner of the MCPC issued a review letter dated, May 22, 2018 and the only recommendation was that there should be sidewalks on Moredon Road; however, at the Township Planning Commission meeting, Mr. Narcowich retracted that recommendation as he realized that Moredon Road is more like a "country lane" and there are no sidewalks on the opposite side of Moredon Road.

Commissioner Sanchez asked for any comments from Commissioners or staff.

Commissioner Thompson questioned whether there are sidewalks on Mill Road.

Mr. Rose replied there are no sidewalks on any of the three streets.

Commissioner Kline asked what is the purpose of getting frontage on Dale other than creating more irregular-shaped properties?

Mr. Rose referring to the plan; there is a small driveway built from the residence down to Dale Road, which crosses a piece of the Tailteman property, so after the land swap, they will be able to use the driveway.

Commissioner Kline questioned whether there is any future construction planned for this property and what is the percentage of steep slope?

Mr. Rose replied there are areas steeply sloped that would need to be evaluated if there was going to be a subdivision in the future, but there are no plans for that now.

Commissioner Kline asked about two drainage ways; one behind Tailteman's property and there is one that runs underneath the bridge on Mill Road.

Mr. Rose referring to the plan; tributary on Meadowbrook crosses Dale Road that flows down through the Tailteman property and curves around and then goes out, which is the only significant waterway and there are a few smaller swales.

Commissioner Kline questioned whether that waterway has been looked at for any type of streambank work to be done.

Ms. Montgomery replied there was nothing targeted at this point.

Commissioner Kline said there are sidewalks on Moredon Road coming from Mill Road at the first property on Warner Road and there has been discussion about installing sidewalks in this area to connect to the Meadowbrook Train Station from the neighborhood. He would like to see where the corner of Warner Road is and where the current sidewalks end before the sidewalk waiver is granted.

Ms. Von Spreckelsen replied we will investigate it and report back.

Commissioner Sanchez made a MOTION, seconded by Commissioner Hecker to approve the Subdivision Application by Harrise Yaron, Jennifer Parke, Scott Tailteman and Jamie Frey owners of properties located at 936 Moredon Road and 1407 Mill Road, Meadowbrook, PA, subject to the applicant reporting back on the question of sidewalks at the Board of Commissioners meeting and to recommend that the applicant withdraw waiver request for installation of sidewalks at this time.

Commissioner Sanchez asked for any public comments.

Lora Lehmann, 1431 Bryant Lane, commented there are three properties in this area that have no sidewalks.

Ms. Von Spreckelsen said the applicant has not withdrawn the waiver as of yet and the waiver is still being requested at this time. We said we would investigate it and determine exactly where the sidewalk is located at the current time.

Commissioner Sanchez replied the committee is recommending that investigation take place and will pass recommendation of approval along subject to potential waiver.

Scott Tailteman, 1407 Mill Road, asked about the sidewalk plan for this area as it will impact a lot of homes on the other side of Mill Road.

Commissioner Sanchez replied with any subdivision application and the requirement for sidewalks; we are trying to make up for the situation of sidewalk gaps, and if we can achieve that in an area that makes a better connection, we can build on it in the future.

Ms. Von Spreckelsen clarified that it would be one small portion of roadway that would have sidewalk. Is that correct?

Commissioner Kline replied that is correct, for now. We do not want to pass up any opportunities for additional safe pedestrian walkways.

Commissioner Brodsky said he agrees with Commissioners Kline and Sanchez about the sidewalks and this subdivision approval may be passed along, but it is conditioned upon further evaluation of the sidewalks for pedestrian safety.

Commissioner Gillespie commented that this is just a transfer of property and no construction will be done, so she is not sure why this subject is coming up.

Commissioner Sanchez said this is a minor subdivision and this is the opportunity for installation of sidewalks so as to build pedestrian walk-ability.

Commissioner Kline said if a portion of this waiver was granted for this lot line change, there should be a condition on the plan that for any other further subdivisions of this property that sidewalks would be installed and waiver would not be granted and that should be part of the recorded plan. He suggested that Ms. Von Spreckelsen discuss that with her client and report back at the full Board meeting. He also requested that Township Solicitor and Township Engineer look into whether that can be enforced.

Ms. Von Spreckelsen agreed.

John Bennett, 1388 Warner Road, clarified that there will be no impact to homes on Warner Road as well as the values of existing homes. Is that correct?

Mr. Rose replied nothing physical is proposed and it is only a paper line that will be changed.

Lora Lehmann, 1431 Bryant Lane, commented that she is in favor of sidewalks.

MOTION was ADOPTED 5-0.

Item ACL-02-061418:

Commissioner Sanchez called on the applicant to present their plan.

Edmund Chadrow, III, Eastern/Chadrow Associates, Inc, 333 East Street Road, Warminster, PA., introduced the applicant, Mr. Patrick Deacon, Popper & Deacon, Inc. at 1768 Kimball Avenue, who presented a three-lot subdivision and land development plan. Lot 1 will contain existing dwelling and Lots 2 and 3 will be proposed building lots. Public improvements include road widening and concrete curb behind the sidewalk along with the addition of street trees to replace what will be removed and to supplement existing street trees.

The applicant will comply with comments made in Township staff review letter dated, May 15, 2018 and waivers are being requested that were approved by the Township Planning Commission.

Commissioner Sanchez asked for any comments from Commissioners or staff.

Commissioner Myers referring to proposed new dwellings; will all three driveways be off of Kimball Avenue?

Mr. Chadrow replied yes, all three driveways will be off of Kimball Avenue and Windsor Avenue will not have access.

Commissioner Myers said Kimball is a one-way street, so how will it be widened?

Mr. Chadrow replied we will take some of our property and it will be 15-feet from center line.

Commissioner Myers said two sample homes have been shown; one with a two-car garage and the other with a one-car garage.

Mr. Deacon replied the lot to the rear is much bigger so a larger home could be wide enough to accommodate a two-car garage.

Commissioner Myers questioned whether the other proposed home would not be wide enough for a two-car garage. Is that correct?

Mr. Deacon replied not impossible, but unlikely.

Commissioner Myers said her concern is about the parking of vehicles with the proposed three new homes because there is no parking on Kimball Avenue.

Mr. Deacon replied Township ordinance requires a number of off-street parking and those requirements will be met.

Commissioner Hecker referring to the County's review letter regarding access; to "recommend the proposed home located closest to Windsor Avenue take access from the dead end of that street so that the longer driveway to Kimball Avenue is not needed."

Mr. Deacon replied at some point Windsor Avenue was a paper street and has since been vacated, so we would only have access to half of Windsor Road and he was under the impression the neighbors were against that.

Commissioner Myers agreed that was not the correct recommendation as the neighbors on Windsor would be very upset.

Commissioner Kline said there are infill development regulations within this district and there is a waiver requested by the applicant for architectural plans. He is not sure that should be granted as there are requirements that the architecture is to match the infill development.

Mr. Deacon replied he does not know what the house will look like; however, he will meet requirements of the ordinance. There is an offset between the front of the home and the garage and he does not want to design homes and then the buyer might want something different, so the ultimate plan that we will be built will comply with the ordinance.

Commissioner Kline said there are requirements within the infill development regulations that need to be met relating to the front of the property; walls to window ratios; height of the building; etc., and most homes in this neighborhood are one-story and the plan shows homes that are primarily vertical except for the garage. Infill development regulations were included in the zoning ordinance for spot lots so that a home does not look completely out-of-sorts with the rest of the neighborhood. He wants to be certain that those regulations are met and that there is no waiver for it.

Mr. Deacon replied that he will work with staff to understand how the homes need to be designed.

Commissioner Kline clarified that stormwater management for the site is not on public right-of-way. Is that correct?

Mr. Chadrow replied that is correct. It is on individual lots.

Ms. Montgomery said in regards Commissioner Kline's concerns; that issue was discussed during internal staff review and the applicant will be held to those standards.

Commissioner Sanchez made a MOTION, seconded by Commissioner Hecker to approve the Land Development Application for a three-lot Subdivision and Land Development by Mr. Patrick Deacon, Popper & Deacon, Inc. at 1768 Kimball Avenue, Willow Grove, PA.

Commissioner Sanchez asked for any public comments. There were none.

MOTION was ADOPTED 5-0.

Item ACL-04-061418:

Commissioner Sanchez said this item is to consider authorizing the Solicitor's office to draft and advertise an Ordinance creating a Board of Code Appeals consistent with Section 501 (c) of the Act (35 P.S. 7210.501 (c)), Uniform Construction Code, and he called on Manager Manfredi.

Manager Manfredi explained that the Township is required to have a Board of Code Appeals under the UCC (Uniform Construction Code) in case an applicant wants to appeal a provision of the building code. This is to authorize Township Solicitor to draft and ordinance as required by law.

Commissioner Sanchez clarified that it will not be advertised tonight as the Board has not seen a draft ordinance. Is that correct?

Manager Manfredi replied that is correct. This is just to authorize Township Solicitor to draft an ordinance and answer any questions by the Board.

Commissioner Thompson clarified that this ordinance would be carried forward to the adoption of International Building Code of 2015 in October. Is that correct?

Solicitor Clarke replied yes, it will.

Commissioner Kline said has been before Board of Code Appeals in other municipalities and this is a five-member Board. Is that correct?

Solicitor Clarke replied composition of the Board is mandated by the statute and it is a five-member Board.

Manager Manfredi questioned the required makeup of Board members.

Solicitor Clarke replied he will research it and have it prepared in the ordinance; however, an architect and engineer are required as Board members.

Commissioner Brodsky asked for the scope of review for the Board of Code Appeals.

Commissioner Kline explained that if there is a difference of an opinion of provisions of the building code between a municipality and an architect then that decision can be appealed before the Board of Code Appeals for a ruling on the case. Scope of review is the building code.

Commissioner Sanchez made a MOTION, seconded by Commissioner Thompson to authorize the Solicitor's office to draft and advertise an Ordinance creating a Board of Code Appeals consistent with Section 501 (c) of the Act (35 P.S. 7210.501 (c)), Uniform Construction Code.

Commissioner Sanchez asked for any public comments.

Lora Lehmann, 1431 Bryant Lane, asked will members of this Board be fully trained such as a building code official is trained.

Commissioner Sanchez replied the Board will be formed consistent with the statute.

MOTION was ADOPTED 5-0.

**PUBLIC COMMENT:**

Commissioner Sanchez asked for any general comments relating to Administrative Code and Land Use.

Lora Lehmann, 1431 Bryant Lane, asked for notification to be sent to residents that "if they see a dying tree to notify the neighbor in writing otherwise everything that falls on your property is your responsibility." Also, she asked for the Property Maintenance Code to be sent out to residents.

**ADJOURNMENT:** 8:14 p.m.

Respectfully submitted,

Richard J. Manfredi, Township Manager/Secretary

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