

The stated meeting of the Planning Commission of the Township of Abington was held on Tuesday, January 22, 2019 at the Township Administration Building, Abington, PA., with Chairperson Lucy Strackhouse presiding.

CALL TO ORDER: 7:30 p.m.

ROLL CALL: Present: GAUTHIER, COOPER, BAKER, ROSEN
RUSSEL, ROBINSON, DiCELLO (7:45 p.m.),
STRACKHOUSE
Excused: BOFF

Also Present: Planning & Zoning Officer PENECALE
County Planner NARCOWICH
Office Manager WYRSTA
Commissioners SPIEGELMAN,
THOMPSON

PLEDGE OF ALLEGIANCE

MINUTES:

Mr. Rosen made a MOTION, seconded by Ms. Gauthier to approve the minutes of the December 11, 2018 Planning Commission Meeting.

MOTION was ADOPTED 7-0. (Mr. DiCello was not present at this time).

Agenda Item PC1 – Application of Leslie & Douglas Rupp owners of property located at 629 Roslyn Avenue, Glenside, PA:

Ms. Strackhouse read agenda Item PC1 into the record and called on Mr. Penecale.

Mr. Penecale said this is a subdivision of property located at 629 Roslyn Avenue into two lots. Lot #1 is listed at 8,234 sq. ft. and proposed for construction of a new single-family dwelling. Lot # 2 will contain existing single-family dwelling and be reduced to 14,815 sq. ft. The plan received dimensional variances from the ZHB for reduced lot frontage on Lot #1 and reduced side yard setback on Lot #2. ZHB imposed a condition that the minimum separation distance of at least 20 feet be maintained between existing single-family dwelling and proposed new home. Property will be served by public water/sewer and the plan will have appropriate stormwater management review if and when it is approved and building permits are issued.

Ms. Strackhouse noted that the MCPC review letter dated December 14, 2018 had a comment in regards to requirement of installation of sidewalks.

Mr. Penecale replied this would be the only two properties on that block on either side of the street with no sidewalks and there is waiver request from installing curbing, gutters and sidewalks.

Ms. Strackhouse asked for any comments from members of the Planning Commission.

Ms. Gauthier asked for the reason why that 20 foot setback condition was imposed by the ZHB.

Mr. Penecale replied there is a dimensional requirement in the zoning ordinance of a minimum separation of 20 feet between the two dwellings, and by reducing side yard setback to 6'6", pushes the house farther back on the lot.

Ms. Gauthier questioned whether the four trees to remain will not encroach on the drip line of proposed new lot.

Mr. Penecale replied the driveway will not, but until the utilities are plotted, he cannot answer that question.

Ms. Gauthier said she wants to be sure that the two trees on Lot #1 marked to remain will not be destroyed during construction.

Mr. Penecale clarified that the condition is that all utilities be installed at least 15-20 feet from existing trees. Is that correct?

Ms. Gauthier replied that is correct. Also, she is in agreement with stormwater management comments listed in Township staff review letter.

Mr. Cooper commented that he is in favor of waiver from installation of sidewalks.

Mr. Strackhouse asked for any public comments. There were none.

Waivers requested by the applicant were as follows:

Section 146-11.A - Property Identification Plan; Section 146.11.B - Existing Features Plan; Section 146.11.E – Soil Erosion Control Plan; Section 146.-11.L. – Architectural Plan; Section 146.-24.D – Right-of Way Width; Section 146.27 – Curb, Gutter & Sidewalks; Section 146.-36 – Water Supply and Section 146.-39 – Landscaping – refer to note #15 of staff review letter.

Ms. Gauthier made a MOTION, seconded by Mr. Rosen to recommend approval of application of Leslie & Douglas Rupp owners of property located at 629 Roslyn Avenue, Glenside, PA, subject to compliance with all comments listed in Township staff review letter dated January 9, 2019 and subject to the condition that utilities should be installed under the driveway and that the two street trees on Lot #1 will not be destroyed during construction; and also approval of requested waivers as listed.

MOTION was ADOPTED 7-0.

Mr. DiCello entered the meeting at 7:45 p.m.

Agenda Item PC2 – Application of BET Investments, Inc. – Zoning Text Amendment and Zoning Map Amendment for properties located at 1059, 1067, and 1073 Old York Road and 1062 and Huntingdon Road:

Ms. Strackhouse read agenda Item PC2 into the record, and announced that the purpose of tonight's meeting is to review only the revisions made to the proposed zoning amendment since the Planning Commission last considered the amendment at its meeting in December. Anyone wishing to offer public comments regarding the amendment must limit such comments to address only revisions being presented tonight.

Mr. Robert W. Gundlach, Jr., Esquire, Fox Rothschild, LLP, 2700 Kelly Road, Suite 300, Warrington, PA, 18976, representing the applicant, said that the applicant has appeared before the Planning Commission on several prior occasions and then the matter was moved to a hearing before the Board of Commissioners where comments were received concerning proposed H-12 text amendment ordinance and that hearing was continued.

We met with Township staff and received additional comments concerning ordinance amendment and the applicant made proposed revisions to the amendment that were resubmitted to the Township on January 9, 2019. We also received a recommendation from the MCPC. Also, due to proposed amendments to the ordinance and in accordance with the MPC (Municipality Planning Code), the applicant is again before the Township's Planning Commission requesting a recommendation on proposed modifications.

Mr. John H. Kennedy, Principal, Kennedy & Associates, PO Box 175, Mainland, PA, 19451, presented Township requested revisions of the H-12 Zoning Ordinance and applicant's response as follows: Reduce density to 20 DU/AC.

Ms. Gauthier clarified that regarding gross acreage; there is another provision in the zoning ordinance, Section 2601.D, Page 282 density calculations based on the net, and she wants to be sure that the amendment is consistent with the other provisions in the ordinance.

Mr. Kennedy replied there are other uses in the zoning ordinance that has the same language.

Continuing with proposed revisions; minimum lot width should match that of the required street frontage at 300 feet; side yard setback and front yard setback from residentially zoned properties were increased to 50 feet as recommended by EAC; decreased maximum impervious coverage to 60%; increased minimum green area to 40%; density to 20 DU/Acre and maximum density was decreased to 26 units per gross acre of land.

Bonus features: enhanced building materials were lowered to 1.5 DU/AC and the word "cinder" was removed and we will use ordinary concrete block; improved public space was decreased to 1 DU/AC; common open space includes option for urban garden; "deemphasized parking" was stricken; structured parking was changed to 2 DU/AC; decorative streetscape was changed to 1 DU/AC; alternative energy sources was changed to 0.5 DU/AC and added was the standard that says, "The facility shall be designed and installed under the direction of a professional with demonstrated expertise in the design and construction of such facilities with such facilities being permitted to be installed within a building setback if located in an open-air surface parking lot approved as part of the conditional use hearing."

Bonus was added for green roof of 0.5 DU/AC; bonus of Energy Efficient Buildings was renamed to add "Construction" to the title and 0.5 DU/AC and Star score of at least 85 and utilize recycling efforts when demolishing of any buildings; Community Historic Heritage Preservation bonus was changed to 2.0 DU/AC and defined as "Completion of improvements to preserve an onsite or off-site community historic or cultural asset, along with an educational program related to such improvements (such as, by way of example, a self-guided walking tour of an improved historical facility), as approved by the Board of Commissioners as part of the conditional use hearing." Off-site traffic improvements bonus was increased to 2.0 DU/AC and added standard for pedestrian traffic improvements.

Also, corrected was minimum lot area per Senior Apartment Unit development shall be five (5) acres. New item was added: "A declaration shall be recorded against the property in a form acceptable to counsel for the applicant and the Township, and at the time of recording, the record plans for the project, to (a) conform that the units are deed restricted in accordance with the Federal Fair Housing Act, and (b) prohibit school-age children from residing in the units." Item regarding reserve parking was removed as the plan includes building all required parking spaces. Also there was rewording of the comprehensive use matrix that shows that the use H-12 is permitted by conditional use only in the A/O District.

Revisions were reviewed by the MCPC in a letter dated January 19, 2019 in which there was a recommendation of approval of proposed zoning text and map amendments.

Mr. Narcowich referring to his review letter noting that proposed zoning map amendment is generally consistent with MONTCO 2040: A Shared Vision, The Comprehensive Plan for Montgomery County. The proposed zoning text amendment would affect an area where the future land use categories: Community Mixed Use and Services; Town Residential and Town Center converge, all of which are growth area; and high-density development in walkable areas should have wide sidewalks and should have a verge comprised of landscaping or decorative paving consistent with the Old York Road Corridor Improvement Study and the MCPC recommends requirement that the provision 2504: Sidewalks and Crosswalks requiring wide sidewalks and a verge for the BC, MS, and CS Community Service Districts also apply to the A/O District frontages on Old York Road.

Ms. Strackhouse asked for any public comments.

Joe Rozak, 1927 Susquehanna Road, said he has lived at this address since 1980 and he is very well acquainted with life at Susquehanna and Old York Roads. “Despite the conveniences, he has also suffered consequences of questionable code enforcement and zoning practices occurring over the years.” Changes were made to “muddy” the density issue and he does not see any visual changes because what is happening is that there is an attempt to make a “square peg fit into a round hole” that was described by our zoning codes. The Planning Commission voted against this proposal previously and he does not see how they can approve it this time. They can widen the sidewalks in front of their building, but they cannot widen the sidewalks along the side of the cemetery.

Lora Lehmann, 1431 Bryant Lane, commented that there are “about 200 names on the petition and signs are posted showing opposition by residents.” She expressed concern about “allowing developers to write their own zoning” and also about how it will affect the entire Township.

Cakky Evans, Member of EAC, commented that she submitted a letter dated January 22, 2019 to the Planning Commission on behalf of EAC, and the EAC does not recommend that the text amendment be approved at this time. She suggested holding a “design charrette” with stakeholders and BET representatives.

Mr. Michael Markman, President of BET Investments Inc., replied as part of the land development process, he would be willing to meet with members of the EAC to discuss and consider their suggestions.

Herb McMahon, 1046 Huntingdon Road, thanked the community for signing the petition and for allowing the lawn signs. He also thanked the Planning Commission for the 5-1 vote last time and he feels that was based on the community's message of being against the text amendment. The developer should propose an E-10 use, but if it is apartments, the A/O zoning should be requested at 16 units per acre as the zoning was written for a specific reason. The community is against H-12 use as it sets a "dangerous precedent" for future developers because "what you do for one, you have to do everybody." Text amendment goes against the Old York Road Corridor Plan of 2010 and the Comprehensive Plan, and he asked for a "no" vote.

Bernadette Wilkinson, 1245 Bockius Avenue, said she has been a resident for 22 years, and she has a problem with the zoning being changed. We have zoning laws for a reason and this was just rewritten two years ago. "Why do we have laws if you are going to change them for somebody?" As long as this project can stay within the zoning laws with no text amendment, then it should go forward.

Bruce Murray, 1035 Highland Avenue, asked for a "yes" vote for the changes that have been announced tonight as it shows willingness on the part of the developer to compromise. Although he understands why many are opposed to the "deal," he objects to the constant use of the word "community" as it is not unanimous. He is very much in favor of the project as it will be a good addition to our community and there is no unanimity on the way this should go and he urged the Board for a "yes" vote.

Diane Marsh, 1779 Brook Road, said she does not think there are too many of us that are against the development as we know the YMCA is leaving, but the strongest disagreement is the zoning that is taking the place of what the zoning has already been established for our Township as well as loss of green space and an increase in impervious surface. Also, the immense size of the project overburdens our town, and she requested a "no" vote.

Ms. Strackhouse asked for any further comments from members of the Planning Commission.

Ms. Gauthier commented that per the Comprehensive Plan, senior housing is needed in the Township and the A/O District is appropriate for that particular use; however, she has issues with the text amendment and the rezoning of the YMCA property. Regarding text amendment and the bonus features; the Township currently has a point system and proposed are a "dwelling unit system," and she should the Township approve the bonuses based on dwelling units or a point system? She would rather see it be consistent with a point system for increase in density for the senior housing use.

Regarding bonus provision for common open space; there were revisions based on an urban garden and she does not understand the increase for additional impervious coverage. Does that mean the maximum impervious coverage can go up to 66% if an urban garden is provided even though the urban garden section of the existing zoning ordinance says, "it cannot count towards open space."

Mr. Kennedy replied yes, that is exactly correct because Township's definition of green space is the inverse of impervious coverage, so if someone were to landscape and build a plaza with beds and potted plants, it does not count as green space. Urban garden was a suggestion for the common open space that could work in that space.

Ms. Gauthier clarified that within the 40% green area is an urban garden that does include some impervious surface. Is that correct?

Mr. Kennedy replied no, not necessarily. We are trying to create a mechanism that will encourage developers to develop finished landscape areas such as a plaza because a plaza is hardscape and counts as impervious and not green space. Urban garden is just something to consider in those types of spaces.

Ms. Gauthier said if there was a 15,000 sq. ft. open space area, could 6% additional impervious surface be anywhere on the site or just within that common open space.

Mr. Kennedy replied 6% of impervious coverage could be added to the site.

Ms. Gauthier clarified then that would take the minimum green space down to 34% of the site. Is that correct?

Mr. Kennedy replied that is correct.

Ms. Gauthier continued that the bonus feature of green roof permits two additional dwelling units and that would be better served for additional impervious surface to be on the ground.

Mr. Markman said there are two very large courtyard areas with heavily landscaped portions, but it will not be on the ground due to underground parking structure. It will look like a field on the ground, so we are looking for a credit for landscaping courtyard areas.

Ms. Gauthier agreed, but her concern is that it is taking away from the minimum requirement of 40%.

Mr. Markman said it will visually look like a green landscaped area, which is a common planning mechanism, and green roof is similar, but you cannot see it.

Ms. Gauthier said she does not think it makes sense to allow more impervious surface to decrease common open space.

Mr. Gundlach commented that is something to be reviewed and approved during conditional use process.

Ms. Gauthier expressed concern about decorative streetscape bonus of 1 DU/AC for installation of benches, trash containers, etc.

Mr. Gundlach replied that is something to be reviewed and approved during conditional use process.

Mr. Rosen asked how many locations within Abington Township that would be potentially available for the implementation of this particular text amendment?

Mr. Kennedy replied just this site.

Mr. Penecale added that the site of Meadowbrook Apartments does not apply because one of the qualifiers is that there needs to be dual street frontage.

Ms. Gauthier continued that in regards to bonuses for dwelling units; they should be consistent with existing ordinance, so it should be up to 50% requirement to received dwelling unit bonus.

Mr. Kennedy replied existing bonuses are located in commercial districts, so they do not really relate to residential development, which is why one uses a point system and the other is a DU/AC.

Ms. Gauthier said in regards to the Community Historic Heritage Preservation bonus; if there is an adaptive reuse of the historic building in the text amendinent then there should be a "decent" density bonus provided, but not for the cemetery and it should be listed separately. She would like the eligibility of this site to be on the National Historic Register and that is why she will not support the A/O zoning change because she would like to see portions of the existing YMCA building to be an adaptive reuse.

Mr. Rosen clarified that the bonus feature standards are subject to approval by the Board of Commissioners during conditional use hearing. Is that correct?

Mr. Kennedy replied that is correct.

Mr. Russell commented that he has no objections to the reduction in density made by the applicant, which will make a good project even better for the community as a whole.

Mr. Cooper asked about widening the sidewalks on Susquehanna Road.

Mr. Peter Clelland, Vice President Development, BET Investments, Inc. replied we never suggested that the sidewalks on Susquehanna Road would be widened, but they will be improved and repaired from existing conditions. As it is today, it is flushed with the pavement and we will reconstruct the sidewalk to function the way it should and physically separate it from traveling roadway. Our frontage will be done in conjunction with what was suggested by the MCPC for the verge and wider sidewalks.

Mr. Cooper continued that he drives past there everyday and existing conditions are a major issue and then there will be pedestrians added to that area.

Mr. Clelland replied the other facet is that there will be additional sidewalks through this project between those two roads that do not exist today that will be safer to use other than that stretch of sidewalk.

Ms. Strackhouse said the Planning Commission is an advisory board and will make a recommendation tonight. Although additional tax revenue to Abington Township is very much needed, there is a lot of concern by residents locally and widespread over the size of proposed building and how it will change the landscape. She shares the same concerns as Ms. Gauthier regarding preservation of the historic landmark and she would like to see an adaptive reuse of it in the proposed text amendment.

Mr. Rosen said he is in favor of this project and the reduction in density makes it a worthwhile project and more manageable and in-keeping with the environment in which it will be placed. We will look back on this project with a certain amount of pride for approving it.

Mr. Rosen made a MOTION, seconded by Mr. DiCello to recommend approval of application of BET Investments, Inc., for the zoning text amendment and zoning map amendment for properties located at 1059, 1067 and 1073 Old York Road and 1062 Huntingdon Road, Abington, PA.

MOTION was ADOPTED 5-3. Ms. Strackhouse, Ms. Gauthier and Ms. Robinson opposed.

Agenda Item PC3 – Sketch Plan submitted by Eustace Engineering on behalf of Aubrey Developers, LLC for properties with frontage on Aubrey, Clearview and Robinson Avenues:

Mr. Penecale announced that the applicant indicated they will present a new design at a later date.

Other Matters:

Ms. Gauthier said the Vacant Property Review Board meets the first Thursday of the month and she is the liaison to the Planning Commission. There is an ongoing list of vacant properties in the commercial areas that has been put together and Code Enforcement staff makes sure those properties are up to code and do not become blighted. Discussed was holding a workshop/open house some time this year with Township staff and vacant property owners where staff can offer assistance.

Mr. Penecale added that there is a desire of the VPRB to work with the EDC to assist with occupancy of the vacant buildings such as an incentive program including tax abatement availability; grants, etc. He will be contacting officials of Abington School District to see if there is any interest on their part.

Ms. Strackhouse announced that the next meeting of the Planning Commission will be held on February 26, 2019.

Mr. Russell stated that in November, Commissioner Ben Sanchez of Ward 7 was elected as State Representative and he thanked Ben for everything he has done for Abington Township and all of the work that he has done behind the scenes. Ben is his neighbor and his Commissioner and he will be missed.

ADJOURNMENT: 8:55 p.m.

Respectfully submitted,

Liz Vile, Recording Secretary