

**TOWNSHIP OF ABINGTON**

**(2) CODE ENFORCEMENT AND LAND DEVELOPMENT COMMITTEE**

**March 1, 2017  
7:00 P.M.**

**CALL TO ORDER**

**ROLL CALL:           SANCHEZ – MARKMAN – DiPLACIDO – ZAPPONE  
                              GILLESPIE**

**Township Manager LEFEVRE  
Assistant Township Manager WEHMEYER  
Township Solicitor CLARKE  
Director of Code Enforcement MATTEO  
Township Engineer POWERS**

**MINUTES:**

**Motion to approve the minutes of the February 1, 2017  
Code Enforcement and Land Development Committee  
Meeting**

**CE1. Subdivision SD-17-01 – Nancy Posel – 1060 Mill Road Circle, Rydal, PA**

**Motion to approve the subdivision application of Nancy Posel, owner of property located at 1060 Mill Road Circle, Abington Township. The applicant proposes to subdivide the existing property of 4.26 acres into two parcels. Lot No. 1 will consist of 1.71 acres in size and is proposed to be deeded to the Township of Abington as passive deed restricted open space. Lot No. 2 is proposed to be 2.55 acres in lot area and will contain the existing single-family dwelling, swimming pool and tennis court. No additional development is proposed to either of the two proposed lots. The property is zoned within the R-1 Residential District in Ward No. 2 of the Township of Abington**

**This motion is subject to the following conditions:**

- 1. The Deed restriction and easement agreement language is required to be submitted and approved by the Board of Commissioners prior to the recording of the final plan.**
- 2. The items listed within the Staff Review letter dated February 13, 2017 are to be taken under consideration by the Board of Commissioners of the Township of Abington.**

**This motion is subject to the following waivers:**

- 1. Waiver from Section 146-11.A – Property Identification Plan – this plan is required to supply the tax parcel information, owner’s name and lot area for all properties within 400 feet of the site involved in this application. Staff supports this waiver.**
- 2. Waiver from Section 146-11.B – Existing Features Plan – The plan is required to plot the location of all utilities on the sites and within 400 feet of the properties involved in this application. Staff supports this request.**
- 3. Waiver from Section 146-11.C – Proposed Layout Plan – the plan is required to plot the location of all existing improvements proposed to remain and be removed. Staff supports this request.**
- 4. Waiver from Section 146-11.L – Architectural Plan – An architectural plan is required to be submitted with this subdivision plan. A rendering of the proposed single-family dwelling has been submitted.**
- 5. Waiver from Section 146-11.D – Grading Plan – This application proposes no alterations to the existing topography.**

**CE2. Ordinance No. 2131 – Medical Marijuana Ordinance**

**For Information Only – The Board of Commissioners will consider the adoption of Draft Ordinance No. 2131, an amendment to the Zoning Ordinance of the Township of Abington. Draft Ordinance No. 2131 creates use definitions for both a medical marijuana dispensary and medical marijuana grow facility. In addition, on-site parking regulations and additional separation requirements have been included in the draft. Ordinance No. 2131 was drafted to bring Abington Township into compliance with the requirements of Act 16 of 2016 of the Commonwealth of Pennsylvania. A public hearing has been scheduled for Thursday, March 9, 2017 at 7:00 PM in the Board room.**

**CE3. Public Hearing – Zoning Ordinance Update**

**For Information Only – The Board of Commissioners of the Township of Abington have scheduled a public hearing for Monday, March 13, 2017 with a 7:00 p.m. start time to discuss the proposed updates to the Zoning Ordinance of the Township of Abington. The proposed zoning ordinance update is a comprehensive re-write of the currently Zoning Ordinance that was adopted in May of 1996.**

**Code Enforcement & Land Development  
BOARD ACTION REQUEST**

March 1, 2017

*CEI*

Agenda Item

CODE ENFORCEMENT

TOWNSHIP MANAGER



**AGENDA ITEM**  
**Subdivision SD-17-01**  
**Nancy Posel**  
**1060 Mill Road Circle**



PREVIOUS ACTION:

- Abington Township Planning Commission approved this application with conditions and requested waivers on February 22, 2017.
- Montgomery County Planning Commission approved this application on February 21, 2017.

RECOMMENDED BOARD ACTION:

- Motion to approve the subdivision application of **Nancy Posel**, owner of property located at 1060 Mill Road Circle, Abington Township. The applicant proposes to subdivide the existing property of 4.26 acres into two parcels. Lot No. 1 will consist of 1.71 acres in size and is proposed to be deeded to the Township of Abington as passive deed restricted open space. Lot No. 2 is proposed to be 2.55 acres in lot area and will contain the existing single-family dwelling, swimming pool and tennis court. No additional development is proposed to either of the two proposed lots. The property is zoned in the (R-1) Residential District in Ward No. 2 of the Township of Abington.
- This motion is subject to the following conditions:
  1. The Deed restriction and easement agreement language is required to be submitted and approved by the Board of Commissioners prior to the recording of the final plan.
  2. The items listed within the Staff Review letter dated February 13, 2017 are to be taken under consideration by the Board of Commissioners of the Township of Abington.
- This motion is subject to the following waivers:

1. **Waiver from Section 146-11.A – Property Identification Plan** – this plan is required to supply the tax parcel information, owner's name and lot area for all properties within 400 feet of the site involved in this application. Staff supports this waiver.
  2. **Waiver from Section 146-11.B – Existing Features Plan** – The plan is required to plot the location of all utilities on the sites and within 400 feet of the properties involved in this application. Staff supports this request.
  3. **Waiver from Section 146-11.C – Proposed Layout Plan** – the plan is required to plot the location of all existing utilities to include the size, type and depth of all existing improvements proposed to remain and be removed. Staff supports this request.
  4. **Waiver from Section 146-11.L – Architectural Plan** – An architectural plan is required to be submitted with this subdivision plan. A rendering of the proposed single-family dwelling has been submitted.
  5. **Waiver from Section 146-11.D – Grading Plan** – This application proposes no alterations to the existing topography.
- 

**COMMENTS:**



Wayne C. Luker, President  
Steven N. Kline, Vice President  
Michael LeFevre, Manager  
Jay W. Blumenthal, Treasurer

1176 Old York Road Abington PA 19001-3713 Telephone: 267-536-1000

## Subdivision & Land Development Notice Plan Review SD-17-01

Notice is hereby given that the Township of Abington will hold the following public meetings at the Abington Township Administration Building (1176 Old York Road) Planning Commission, Code Enforcement Committee and Board of Commissioners, to discuss the application of **Nancy Posel**.

MEETINGS	DATE AND TIME
Planning Commission Committee	February 22, 2017@ 7:30 p.m.
Code Enforcement Committee	March 1, 2017 @ 7:00 p.m.
Board of Commissioners	March 9, 2017@ 7:30 p.m.

This is the application of **Nancy Posel**, owner of the property located at 1060 Mill Road Circle, Rydal, Pa. 19046. The applicant proposes to subdivide the existing property of 4.26 acres into two parcels. Lot #1 will consist of 1.71 acres in size and is proposed to be deeded to the Township of Abington as passive deed restricted open space. Lot #2 is proposed be 2.55 acres in lot area and will contain the existing single family dwelling, swimming pool and tennis court. No additional development is proposed to either of the two proposed lots. The property is zoned within the R-1 Residential District of Ward #2 of the Township of Abington.

The application and plans are on file in the Code Enforcement Department and may be reviewed upon request. If there are any questions and/or comments that you may have, please feel free to contact me at 267-536-1017.

Mark A. Penecale  
Planning & Zoning Officer

- *These meetings are subject to change if additional review time is required by Township Staff or requested by the applicant.*



# Township of Abington

## APPLICATION FOR APPROVAL OF PLAN

Submission Date \_\_\_\_\_

Application No. SB-17-01

To the Board of Commissioners of the Township of Abington:

The undersigned hereby makes application for approval of plan type as indicated below, under the provisions of the Code of Abington Township, Chapter 146, entitled The Subdivision and Land Development Regulations of the Township of Abington of 1991, and any supplements and amendments thereto.

\_\_\_\_\_  
(Signature of Applicant)

Nancy R. Parel  
(Signature of Land Owner)

Title of Plan Submitted: MINOR SUBDIVISION  
1060 MILL ROAD CIRCLE

### A. Plan Type:

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> Minor Subdivision  | <input type="checkbox"/> Minor Land Development       |
| <input type="checkbox"/> Preliminary Major Subdivision | <input type="checkbox"/> Pre Major Land Development   |
| <input type="checkbox"/> Final Major Subdivision       | <input type="checkbox"/> Final Major Land Development |
| <input type="checkbox"/> Preliminary Major SD & LD     | <input type="checkbox"/> Final Major SD & LD          |

### B. Plan Identification:

Plan Dated: 11/22/2016

Engineer: CHARLESE. SHOEMAKER, INC.

Plan Proposes: Brief narrative of the proposed activity. Commercial applications include building square footage and specific uses; Residential applications include number of lots and amount of dwelling unit types:

APPLICANT PROPOSES TO SUBDIVIDE PROPERTY INTO 2 LOTS,  
LOT 2 TO CONTAIN THE EXISTING DWELLING, DRIVEWAY,  
TENNIS COURT, GARAGE AND POOL.  
LOT 1 TO BE CONVEYED TO AND COMBINED IN DEED WITH  
LANDS OF NATIONAL AUDUBON SOCIETY, BLOCK 057 UNIT 001.

### C. Property Identification:

Address / Location 1060 MILL ROAD CIRCLE  
Between streets MORGAN ROAD and DELENE ROAD

**D. Applicant Identification:**

Applicant: NANCY R. POSEL  
 Address 1060 MILL ROAD CIRCLE Phone 215-887-2293  
RYDAL, PA 19046

Land Owner: NANCY R. POSEL  
 Address 1060 MILL ROAD CIRCLE Phone 215-887-2293  
RYDAL, PA 19046

Equitable Land Owner: 1316 Foulke Ways  
 Address Gwynedd Pa 19436 Phone 215-283-7368

Architect: \_\_\_\_\_  
 Address \_\_\_\_\_ Phone \_\_\_\_\_

Engineer: CHARLES E. SHOEMAKER, INC.  
 Address 1007 EDGE HILL ROAD Phone 215-887-2165  
ABINGTON, PA 19001

Attorney: MARC JONAS, EASTBURN + GRAY, P.C.  
 Address 470 NORRISTOWN ROAD, SUITE 302 Phone 215-542-9345  
Blue Bell Pa 19422

**IMPROVEMENTS PROPOSED                  UNITS                  EST. COST.**

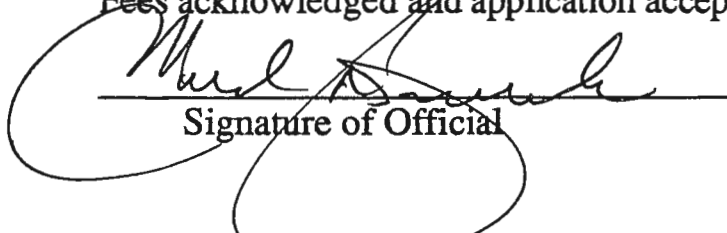
Streets	_____	
Street Widening	_____	
Street Signs	_____	
Street Lighting	_____	
Curbs	_____	
Sidewalks	_____	
Storm Sewers	_____	
Water Supply	_____	
Fire Hydrants	_____	
Sanitary Sewers	_____	
Monuments	_____	
Shade Trees	_____	
Open Space	_____	
Park Land	_____	
Other	<u>4 SURVEY MARKERS</u>	<u>7600</u>

Total: 7600

\*\*\*\*\*

Fees received from applicant:                  Application Fee \_\_\_\_\_  
    Review Escrow \_\_\_\_\_  
    Total \_\_\_\_\_

Fees acknowledged and application accepted as complete:

  
 Signature of Official

**RECEIVED**  
 JAN 24 2017

1/24/17  
 Date

BY:.....

# Township of Abington

## APPLICATION FOR MODIFICATION OF PLAN

Submission Date \_\_\_\_\_

Application No. SD 17-01

To the Board of Commissioners of the Township of Abington:

The undersigned hereby makes application for modification of plan application requirements as indicated below, under the provisions of the Code of Abington Township, Chapter 146, entitled The Subdivision and Land Development Regulations of the Township of Abington of 1991, and any supplements and amendments thereto.

\_\_\_\_\_  
(Signature of Applicant)

Nancy R. Pasel  
(Signature of Land Owner)

Title of Plan Submitted: MINOR SUBDIVISION PLAN  
1060 MILL ROAD CIRCLE

### A. Plan Type:

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> Minor Subdivision  | <input type="checkbox"/> Minor Land Development       |
| <input type="checkbox"/> Preliminary Major Subdivision | <input type="checkbox"/> Preliminary Land Development |
| <input type="checkbox"/> Final Major Subdivision       | <input type="checkbox"/> Final Land Development       |
| <input type="checkbox"/> Preliminary Major SD & LD     | <input type="checkbox"/> Final Major SD & LD          |

Regulation Topic	Section #	Extent of Modification Requested
------------------	-----------	----------------------------------

<u>SEE ATTACHED LETTER</u>		
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

\*\*\*\*\*

Fees acknowledged and modification request received:

Muel X. [Signature]  
Signature of Official

11/24/17  
Date



# Township of Abington Planning Commission Recommendation Form

Application Number: SD-17-01      Date: February 22, 2017

Applicant's Name: Nancy Posel

Applicant's Address: 1060 Mill Road Circle, Rydal, Pa. 19046

Recommendation:  APPROVED     DENIED    VOTE: 7 of 7

## Over View:

**PC1:** This is the application of **Nancy Posel**, owner of the property located at 1060 Mill Road Circle, Rydal, Pa. 19046. The applicant proposes to subdivide the existing property of 4.26 acres into two parcels. Lot #1 will consist of 1.71 acres in size and is proposed to be deeded to the Township of Abington as passive deed restricted open space. Lot #2 is proposed be 2.55 acres in lot area and will contain the existing single family dwelling, swimming pool and tennis court. No additional development is proposed to either of the two proposed lots. The property is zoned within the R-1 Residential District of Ward #2 of the Township of Abington.

## Conditions:

1. The Deed restriction and easement agreement language is required to be submitted and approved by the Board of Commissioners prior to the recording of the final plan.
2. The items listed within the Staff Review letter dated February 13, 2017 are to be taken under consideration by the Board of Commissioners of the Township of Abington.

The following waivers have been requested.

- A. **Section 146-11.A - Property Identification Plan** – The plan is required to supply the tax parcel information, owner's name & lot area for all properties within 400 feet of the site involved in this application. Staff supports this waiver.    Yes {X}    No { }

- B. **Section 146-11.B – Existing Features Plan** – The plan is required to plot the location of all utilities on the sites and within 400 feet of the properties involved in this application. Staff supports this request. Yes {X} No { }
- C. **Section 146-11.C – Proposed Layout Plan** – The plan is required to plot the location of all existing utilities, to include the size, type and depth of all existing improvements proposed to remain and be removed. Staff supports this request. Yes {X} No { }
- D. **Section 146-11.L – Architectural Plan** – Architectural plans have not been submitted. No development is proposed with this application. Staff is in favor of this request. Yes {X} No { }.
- E. **Section 146-11.D – Grading Plan** – This application proposes no alterations to the existing topography. Staff is not in favor of the approval of this waiver. Yes {X} No { }

MAPenecale  
2/22/2017

**MONTGOMERY COUNTY  
BOARD OF COMMISSIONERS**

VALERIE A. ARKOOSH, MD, MPH, CHAIR  
KENNETH E. LAWRENCE, JR., VICE CHAIR  
JOSEPH C. GALE, COMMISSIONER



**MONTGOMERY COUNTY  
PLANNING COMMISSION**

MONTGOMERY COUNTY COURTHOUSE • PO Box 311  
NORRISTOWN, PA 19404-0311  
610-278-3722  
FAX: 610-278-3941 • TDD: 610-631-1211  
WWW.MONTCOPA.ORG

JODY L. HOLTON, AICP  
EXECUTIVE DIRECTOR

February 21, 2017

Mr. Mark A. Penecale, Zoning Officer  
Abington Township  
1176 Old York Road  
Abington, Pennsylvania 19001-3713

Re: MCPC #17-0028-001  
Plan Name: 1060 Mill Road Circle  
(1 lot on 4.27 acres)  
Situates: Mill Road Circle (west)/Meetinghouse Road (south)  
Abington Township

Dear Mr. Penecale:

We have reviewed the above-referenced subdivision in accordance with Section 502 of Act 247, "The Pennsylvania Municipalities Planning Code," as you requested on February 8, 2017. We forward this letter as a report of our review.

## BACKGROUND

The applicant, Nancy Posel, has submitted a subdivision plan. The proposal would subdivide a 4.27-acre property into two lots. Lot 1, 1.72 acres in size and the site of a pond, would be subdivided off the property and deeded to the Township of Abington for passive open space, leaving Lot 2, which would be 2.55 acres in size. Lot 2 is the site of an existing three-story masonry dwelling, an in-ground pool, a frame garage, tennis courts, a wood deck and patio. The properties lie in the R1 Low Density Residential District. The applicant has submitted a minor preliminary and final subdivision plan dated November 22, 2016.

## RECOMMENDATION

The Montgomery County Planning Commission (MCPC) generally supports the applicant's proposal, however, in the course of our review we have identified the following issue(s) that the applicant and Township may wish to consider prior to final plan approval. Our comments are as follows:



**REVIEW COMMENTS**

**INTENT**

- A. Will any changes be made to the property after acquisition by the Township?
- B. What, if any relationship, will the property have to the adjacent property owned by the National Audubon Society?

**PLAN INFORMATION**

- A. Easement. §146-11.B requires that the location, size, ownership, and purpose of all easements within the property boundary shall be shown.
- B. The plan should be updated to remove the "merge" (sigma) symbol, since the new lot will not be merged with the existing National Audubon Society property.
- C. Pond. Will the pond and small dam on Lot 1 be kept?

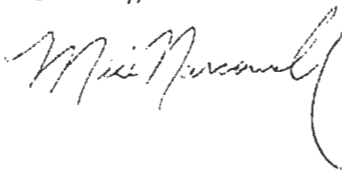
**CONCLUSION**

We wish to reiterate that MCPC generally supports the applicant's proposal but we believe that our suggested revisions will better achieve the Township's planning objectives for open space preservation.

Please note that the review comments and recommendations contained in this report are advisory to the municipality and final disposition for the approval of any proposal will be made by the municipality.

Should the governing body approve a final plat of this proposal, the applicant must present the plan to our office for seal and signature prior to recording with the Recorder of Deeds office. A paper copy bearing the municipal seal and signature of approval must be supplied for our files.

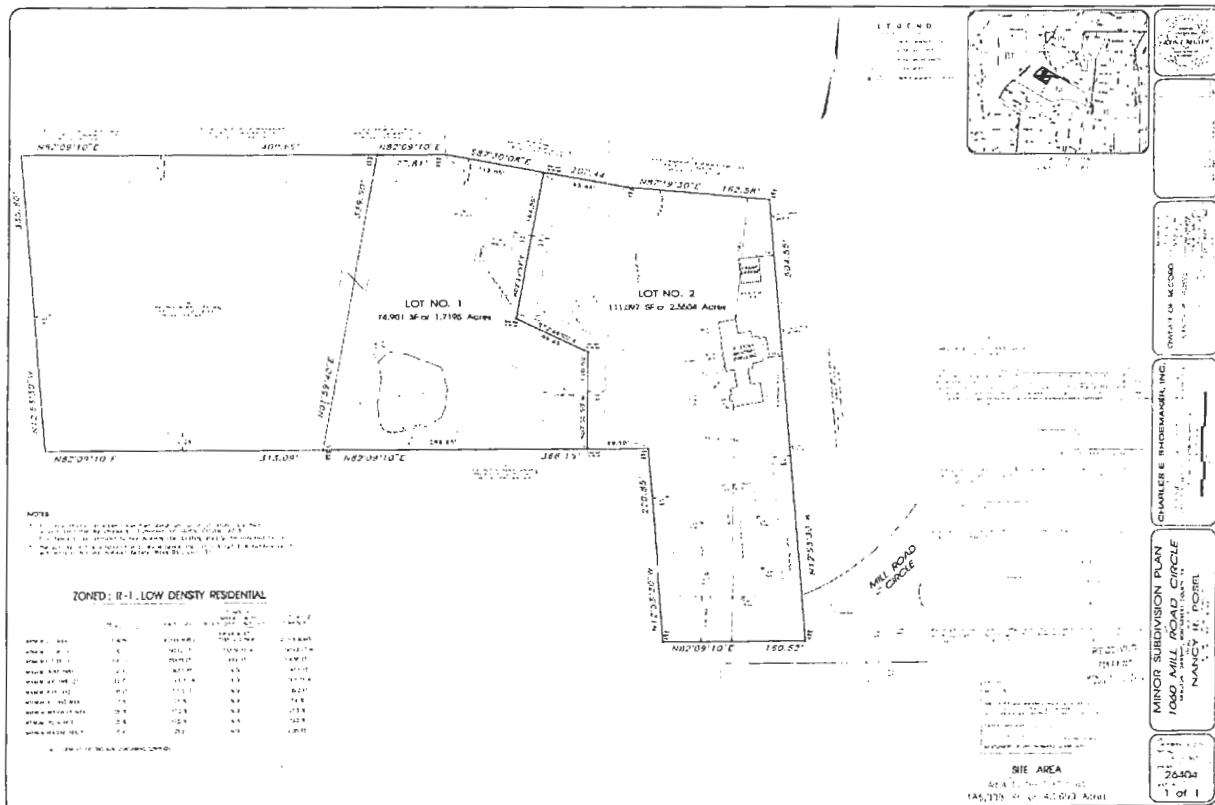
Sincerely,



Mike Narcowich, AICP, Principal Planner II  
[mnarcowi@montcopa.org](mailto:mnarcowi@montcopa.org) - 610-278-5238

- c: John T. Reilly, Applicant's Representative
- Charles E. Shoemaker, Inc., Applicant's Engineer
- Lucy Strackhouse, Chair Person, Abington Planning Commission

Plan for 1060 Mill Road Circle



Aerial for 1060 Mill Road Circle



Source: Pictometry, 2014



Wayne C. Luker, President  
Steven N. Kline, Vice President  
Michael LeFevre, Manager  
Jay W. Blumenthal, Treasurer

1176 Old York Road · Abington PA 19001-3713 Telephone: 267-536-1000

Marc D. Jonas, Esq.  
Eastburn & Gray, PC  
470 Norristown Road  
Suite #302  
Blue Bell, Pa. 19442

February 13, 2017

**Re: The Subdivision of 1060 Mill Road Circle, Rydal, Pa. 19046.**

Dear Mr. Jonas,

I have received a submission for the subdivision of 1060 Mill Road Circle into two parcels. Lot #1 is a vacant, land locked 1.71 acre tract of ground proposed to be deeded to the Township of Abington as restricted passive open space. Lot #2 will contain the existing single family dwelling and accessory structures on a parcel of 2.55 acres in total lot area. The plan has been deemed as a minor subdivision plan with no development proposed. The following is a listing of the staff review comments that need to be address to the satisfaction of the Board of Commissioners of the Township of Abington.

The plan does not include development of any type on either of the two proposed parcels. With that mind, this review letter will not include any comments from the Code Enforcement Office related to building, plumbing or other constructions standards. In the event that at a later date, improvements are made to either of the two parcels, those improvements must comply with the construction codes of the Township of Abington at the time the improvements are made.

**Planning & Zoning Office:**

1. The application includes the creation of a 1.71 acre land locked parcel that is proposed to be deeded to the Township of Abington. The creation of this parcel is permitted as per the requirements of Section 801.B.7.a of the Zoning Ordinance of the Township of Abington. Section 801.B.7.a reads as follows: "Every lot must abut a street for the minimum required district lot width, and no building, structure, or use of land for any purpose may be placed on a lot which does not abut a public or private street, excepts for the following conditions: a. Lots used for agricultural, open space or recreational purposes".



2. The plan shows that the 1.71 acre parcel will be deeded to adjoining properties currently owned by the National Audubon Society. It appears that this ground will now be deeded to the Township of Abington as passive open space. The merge symbol on the plan is required to be removed.
3. Abington Township does not control any adjoining property, therefore that applicant is required to create an access easement through Lot #2 to allow Abington Township access to the 1.71 parcel for maintenance. This easement will need to be shown on the plan and the easement language is required to be submitted for review and approval by the Township of Abington.
4. The 1.71 acre parcel is proposed to be deeded to the Township of Abington as passive open space. The deed restricted language is required to be submitted to the Township of Abington for review and approval.
5. The applicant is required to relocate the existing fencing to enclose the pool as required by the Building & Zoning Ordinances.
6. This application will require waivers from the following Sections of the Subdivision & Land Development Ordinance of the Township of Abington:
  - A. **Section 146-11.A - Property Identification Plan** – The plan is required to supply the tax parcel information, owner's name & lot area for all properties within 400 feet of the site(s) involved in this application. Staff supports this request.
  - B. **Section 146-11.B – Existing Features Plan** – The plan is required to plot the location of all utilities on the sites and within 400 feet of the properties involved in this application. Staff supports this request.
  - C. **Section 146-11.C – Proposed Layout Plan** – The plan is required to plot the location of all existing utilities, to include the size, type and depth of all existing improvements proposed to remain and be removed. Staff supports this request.
  - D. **Section 146-11.D - Grading Plan** – The applicant is required to include existing and proposed topography to the plan submitted. No changes to the existing topography is proposed. Staff is in favor of this request.
  - E. **Section 146-11.L – Architectural Plan** – An architectural plan is required to be submitted with this subdivision plan. No alterations, additions or development is proposed with this application. Staff is in favor of this request.

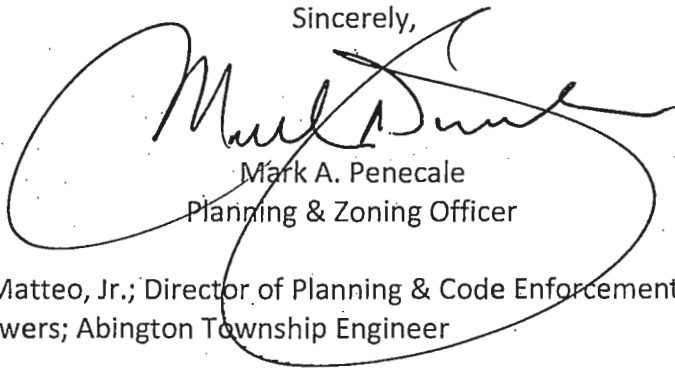


**Engineering Department:**

7. Upon approval of this plan, the applicant shall provide the township with two (2) new executed (signed, notarized and recorded) deeds. This is a requirement of the subdivision process. The Township Engineer will not sign the final plan unless this is completed.
8. The plan does indicate Concrete Monuments to be set along the new property corners or off-set. The applicant is required to install four (4) concrete monuments (Iron Pins are not acceptable) for the new property corners and the property line off-set.

This application is scheduled to be reviewed by the Planning Commission, Code Enforcement Committee and the Board of Commissioners of the Township of Abington. Any revisions to the plans submitted must be received by my office at least 14 days prior to the next scheduled meeting. If there are any questions pertaining to the comments listed above, I would ask that you contact the reviewing department directly or I can be reached at 267-536-1017.

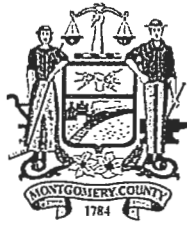
Sincerely,



Mark A. Penecale  
Planning & Zoning Officer

Cc: Lawrence T. Matteo, Jr.; Director of Planning & Code Enforcement  
Michael E. Powers; Abington Township Engineer  
File Copy (2)

MONTGOMERY COUNTY  
BOARD OF COMMISSIONERS  
VALERIE A. ARKOOSH, MD, MPH, CHAIR  
KENNETH E. LAWRENCE, JR., VICE CHAIR  
JOSEPH C. GALE, COMMISSIONER



MONTGOMERY COUNTY  
PLANNING COMMISSION  
MONTGOMERY COUNTY COURTHOUSE • PO Box 311  
NORRISTOWN, PA 19404-0311  
610-278-3722  
FAX: 610-278-3941 • TDD: 610-631-1211  
WWW.MONTCOPA.ORG

JODY L. HOLTON, AICP  
EXECUTIVE DIRECTOR

February 21, 2017

Mr. Mark A. Penecale, Zoning Officer  
Abington Township  
1176 Old York Road  
Abington, Pennsylvania 19001-3713

Re: MCPC #17-0028-001  
Plan Name: 1060 Mill Road Circle  
(1 lot on 4.27 acres)  
Situate: Mill Road Circle (west)/Meetinghouse Road (south)  
Abington Township

Dear Mr. Penecale:

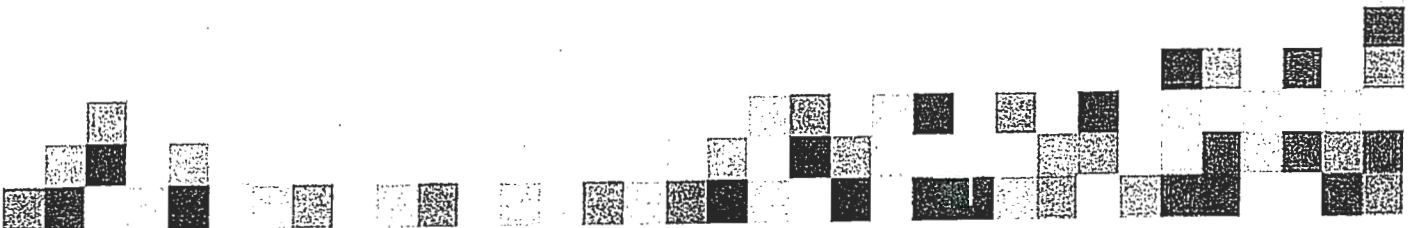
We have reviewed the above-referenced subdivision in accordance with Section 502 of Act 247, "The Pennsylvania Municipalities Planning Code," as you requested on February 8, 2017. We forward this letter as a report of our review.

## BACKGROUND

The applicant, Nancy Posel, has submitted a subdivision plan. The proposal would subdivide a 4.27-acre property into two lots. Lot 1, 1.72 acres in size and the site of a pond, would be subdivided off the property and deeded to the Township of Abington for passive open space, leaving Lot 2, which would be 2.55 acres in size. Lot 2 is the site of an existing three-story masonry dwelling, an in-ground pool, a frame garage, tennis courts, a wood deck and patio. The properties lie in the R1 Low Density Residential District. The applicant has submitted a minor preliminary and final subdivision plan dated November 22, 2016.

## RECOMMENDATION

The Montgomery County Planning Commission (MCPC) generally supports the applicant's proposal, however, in the course of our review we have identified the following issue(s) that the applicant and Township may wish to consider prior to final plan approval. Our comments are as follows:



## REVIEW COMMENTS

### INTENT

- A. Will any changes be made to the property after acquisition by the Township?
- B. What, if any relationship, will the property have to the adjacent property owned by the National Audubon Society?

### PLAN INFORMATION

- A. Easement. §146-11.B requires that the location, size, ownership, and purpose of all easements within the property boundary shall be shown.
- B. The plan should be updated to remove the "merge" (sigma) symbol, since the new lot will not be merged with the existing National Audubon Society property.
- C. Pond. Will the pond and small dam on Lot 1 be kept?

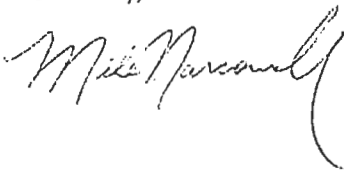
## CONCLUSION

We wish to reiterate that MCPC generally supports the applicant's proposal but we believe that our suggested revisions will better achieve the Township's planning objectives for open space preservation.

Please note that the review comments and recommendations contained in this report are advisory to the municipality and final disposition for the approval of any proposal will be made by the municipality.

Should the governing body approve a final plat of this proposal, the applicant must present the plan to our office for seal and signature prior to recording with the Recorder of Deeds office. A paper copy bearing the municipal seal and signature of approval must be supplied for our files.

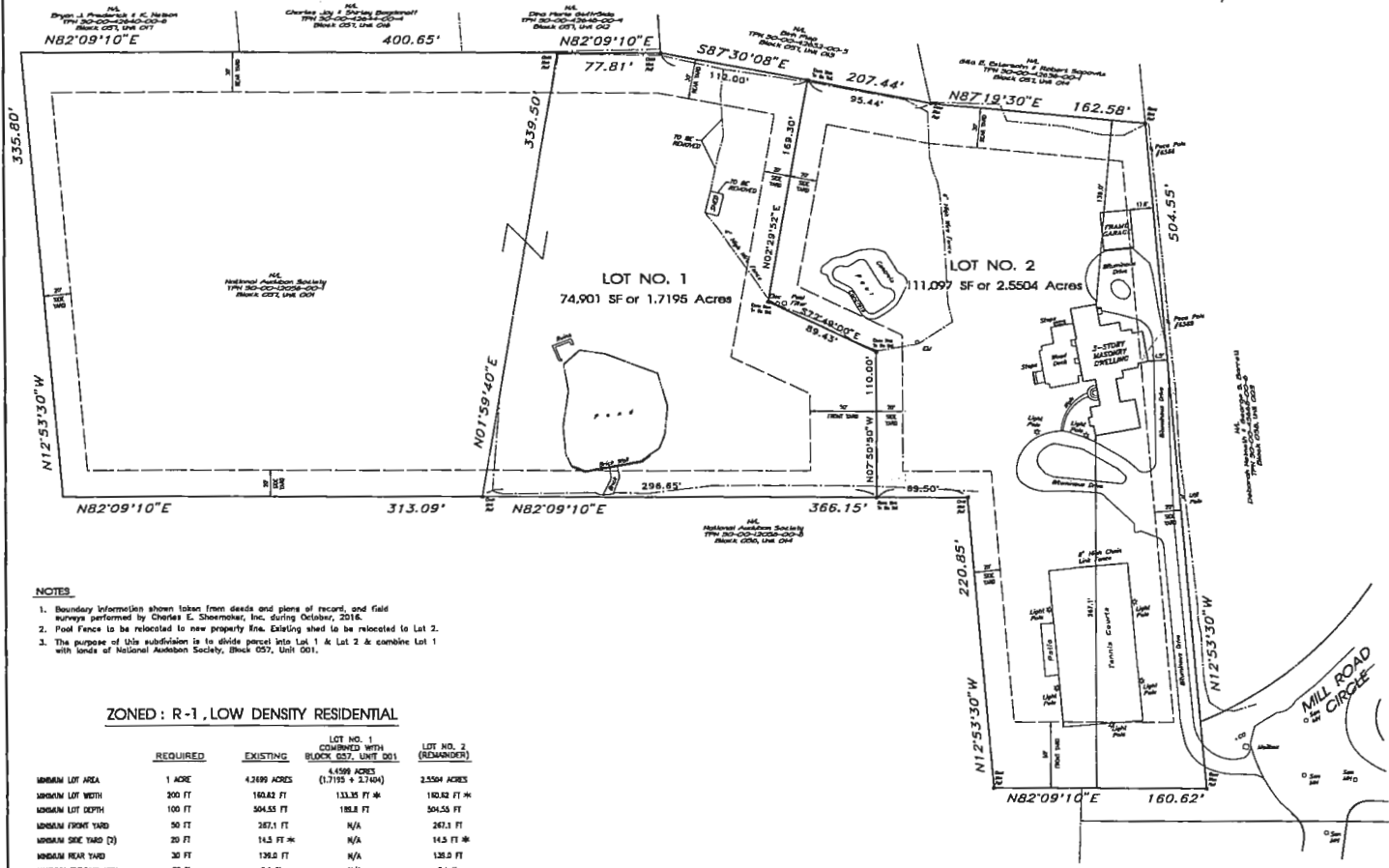
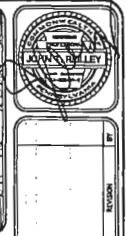
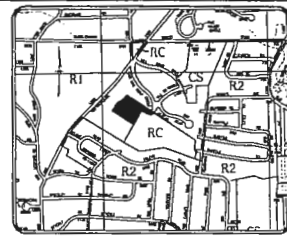
Sincerely,



Mike Narcowich, AICP, Principal Planner II  
[mnarcowi@montcopa.org](mailto:mnarcowi@montcopa.org) - 610-278-5238

- c: John T. Reilly, Applicant's Representative  
Charles E. Shoemaker, Inc., Applicant's Engineer  
Lucy Strackhouse, Chair Person, Abington Planning Commission

- LEGEND**
- CONCRETE MONUMENT FORM
  - CONCRETE UTILITY POLE
  - EXISTING SANITARY MANHOLE
  - EXISTING WELLS
  - EXISTING MONUMENT TO BE SET



COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF MONTGOMERY

On the \_\_\_\_\_ day of \_\_\_\_\_, 2018,  
before me the subscriber, a Notary Public of the Commonwealth of Pennsylvania, residing in \_\_\_\_\_ County, personally appeared NANCY R. POSEL, who acknowledged that she is the owner of the designated land, that all necessary approval of the plan has been obtained and is endorsed thereon, and he desire that the foregoing plan may be duly recorded.

\_\_\_\_\_  
Notary Public  
My Commission Expires \_\_\_\_\_

I hereby certify NANCY R. POSEL, is the registered owner of the lands shown being County Parcel No. 30-00-43762-00-2, (Block 057, Unit 001), herein subdivided.

NANCY R. POSEL

Approved by the Board of Commissioners of the Township of Abington this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
President  
\_\_\_\_\_  
Aldert  
\_\_\_\_\_  
Secretary  
\_\_\_\_\_  
Engineer

Recorded in the Office for the Recording of Deeds, in and for the County of Montgomery, in Norristown, PA. in Plan Book \_\_\_\_\_ Page No. \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 2018.

MCPC No. \_\_\_\_\_  
PREPARED and REVIEWED Report prepared by Montgomery County Planning Commission in accordance with the Municipalities Planning Code.  
Certified this date \_\_\_\_\_  
For the Director  
MONTGOMERY COUNTY PLANNING COMMISSION

**SITE AREA**  
AREA TO THE TITLE LINES  
185,998 SF or 4.2699 Acres

- NOTES**
- Boundary information shown taken from deeds and plans of record, and field surveys performed by Charles E. Shermeyer, Inc. during October, 2016.
  - Fuel Tanks to be relocated to new property line. Existing shed to be relocated to Lot 2.
  - The purpose of this subdivision is to divide parcel into Lot 1 & Lot 2 & combine Lot 1 with lands of National Audubon Society, Block 057, Unit 001.

**ZONED: R-1, LOW DENSITY RESIDENTIAL**

	REQUIRED	EXISTING	LOT NO. 1 COMBINED WITH BLOCK 057, UNIT 001 4.6599 ACRES (1.7195 + 2.9404)	LOT NO. 2 (REMAINDER) 2.5504 ACRES
MINIMUM LOT AREA	1 ACRE	4.2699 ACRES	N/A	N/A
MINIMUM LOT WIDTH	200 FT	160.82 FT	133.35 FT *	160.82 FT *
MINIMUM LOT DEPTH	100 FT	504.55 FT	188.8 FT	504.55 FT
MINIMUM FRONT YARD	50 FT	267.1 FT	N/A	267.1 FT
MINIMUM SIDE YARD (S)	20 FT	14.3 FT *	N/A	14.3 FT *
MINIMUM REAR YARD	30 FT	136.2 FT	N/A	136.2 FT
MAXIMUM BUILDING AREA	70 X	3.1 X	N/A	3.4 X
MAXIMUM IMPERVIOUS AREA	25 X	12.5 X	N/A	21.0 X
MINIMUM GREEN AREA	75 X	87.5 X	N/A	78.0 X
MAXIMUM BUILDING HEIGHT	35 FT	< 35 FT	N/A	< 35 FT

\* - INDICATES EXISTING NON-CONFORMING CONDITION

**OWNER OF RECORD**  
NANCY R. POSEL  
1050 MILL ROAD, CIRCLE  
RYDAL, PA. 19048  
610-271-1334

**CHARLES E. SHERMEYER, INC.**  
ENGINEERS & SURVEYORS  
1007 EDGE HILL ROAD  
ABINGTON, PA. 19001  
PHONE 215-897-2185 FAX 215-897-7781  
E-MAIL: info@shermeyer.com  
SCALE: 1" = 40'

**MINOR SUBDIVISION PLAN**  
1050 MILL ROAD CIRCLE  
ABINGTON TOWNSHIP, MONTGOMERY COUNTY, PA.  
NANCY R. POSEL  
1050 MILL ROAD, CIRCLE  
RYDAL, PA. 19048

SITE: NOVEMBER 22, 2018  
DWG NO.: A-11-581  
JOB NO.: 26404  
SHEET NO.: 1 of 1

# BOARD OF COMMISSIONERS BOARD ACTION REQUEST


March 1, 2017

AGENDA ITEM

**CE2**

CODE ENFORCEMENT

TOWNSHIP MANAGER



**AGENDA ITEM**  
Ordinance #2131  
Medical Marijuana Ordinance



---

## Previous Action:

- Ordinance #2131 has been advertised as required by law.
- A copy of Ordinance #2131 has been forwarded to Montgomery County Planning Commission for review and comment.
- Ordinance #2131 has been reviewed by the Planning Commission of the Township of Abington.

## Overview:

- The Board of Commissioners will consider the adoption of Draft Ordinance #2131, an amendment to the Zoning Ordinance of the Township of Abington. Draft Ordinance #2131 creates use definitions for both a medical marijuana dispensary and medical marijuana grow facility. In addition, on-site parking regulations and additional separation requirements have been included in the draft. Ordinance #2131 was drafted to bring Abington Township into compliance with the requirements of Act 16 of 2016 of the Commonwealth of Pennsylvania.

## Recommended Board Action:

- **Informational Purposes Only:** A public hearing has been scheduled for Thursday, March 9, 2017, with a 7:00 p.m. start time. The meeting will be held in the 2<sup>nd</sup> floor Board Room of the Abington Township Administration Building, located at 1176 Old York Road, Abington, Pa.

**TOWNSHIP OF ABINGTON**  
**MONTGOMERY COUNTY, PENNSYLVANIA**  
**ORDINANCE NO. 2131**

**AN ORDINANCE AMENDING CHAPTER 162 – “ZONING,” ARTICLE III --  
“ESTABLISHMENT OF ZONING DISTRICTS,” RELATED TO THE MEDICAL  
MARIJUANA ACT**

**WHEREAS**, the Township of Abington is a Township of the First Class, duly organized and existing pursuant to the applicable laws of the Commonwealth of Pennsylvania; and

**WHEREAS**, pursuant to section 1502.44 of the First Class Township Code of the Commonwealth of Pennsylvania, 53 P.S. §56544, the Board of Commissioners has the authority to enact and amend provisions of the Abington Township Code (“Code”) at any time it deems necessary for the health, safety, morals, general welfare, cleanliness, beauty, convenience and comfort of the Township and the inhabitants thereof; and

**WHEREAS**, the Board of Commissioners of the Township of Abington has determined that Chapter 162 – “Zoning” should be amended for the health, safety, morals, general welfare, cleanliness, beauty, convenience and comfort of the Township and the inhabitants thereof.

**NOW, THEREFORE**, the Board of Commissioners of the Township of Abington does hereby **ENACT** and **ORDAIN** as follows:

**SECTION 1. Chapter 162, “Zoning,” Section 201, Specific Definitions**, is hereby amended to add the following definitions:

*Department of Health* – The Department of Health of the Commonwealth of Pennsylvania.

*Medical Marijuana Act* – Act 16 of 2016, 35 P.S. § 10231.101 *et seq.*

*Medical Marijuana Dispensary* – A person, including a natural person, corporation, partnership, association, trust, or other entity, or any combination thereof, which is registered by the Department of Health under the Medical Marijuana Act to dispense medical marijuana. The term does not include a Health Care Medical Marijuana Organization under Chapter 19 of the Medical Marijuana Act.

*Medical Marijuana Grower/Processor* – A person, including a natural person, corporation, partnership, association, trust, or other entity, or any combination thereof, which is registered by the Department of Health under the Medical Marijuana Act to grow and process medical marijuana. The term does not include a Health Care Medical Marijuana Organization under Chapter 19 of the Medical Marijuana Act.

**SECTION 2. Chapter 162, Article IV, Town Commercial Districts, Section 400.2.A, Special Commercial Districts, Section 401.2.A, Planned Business Districts, Section 402.2.A, and Article V, Mixed Use Districts, Section 501.2.A,** are hereby amended to add the following permitted use:

**C-37** Medical Marijuana Dispensary

**SECTION 3. Chapter 162, Article V, Suburban Industrial District, Section 502.2.B,** is hereby amended to add the following conditional use:

h. **D-18** Medical Marijuana Grower/Processor

**SECTION 4. Chapter 162, Article VII, Use Regulations, Section 706.C,** is amended to add the following use:

**Use C-37** Medical Marijuana Dispensary, subject to the specific criteria listed below:

- (a) A Medical Marijuana Dispensary shall provide proof of registration with the Department of Health or proof that registration has been sought and is pending approval, and shall at all times maintain a valid, accurate, and up-to-date registration with the Department of Health. Should registration be denied or revoked at any time, any Township approval shall immediately become void. A Medical Marijuana Dispensary may not operate on the same site as a facility used for growing and processing medical marijuana.
- (b) A Medical Marijuana Dispensary shall at all times operate in compliance with all Department of Health regulations pertaining to such facilities.

- (c) A Medical Marijuana Dispensary shall not be operated or maintained on a parcel within 1,000 feet, measured by a straight line in all directions, without regard to intervening structures or object, from the nearest point on the property line of a residentially zoned property or a parcel containing a public, private or parochial school, day-care center, place of worship, public park, or community center.
- (d) A Medical Marijuana Dispensary must operate entirely within an indoor, enclosed, and secure facility. No exterior sales and no sidewalk displays shall be permitted. No drive-thru services shall be permitted. The use cannot be advertised on radio or television.
- (e) A Medical Marijuana Dispensary shall be limited to the hours of operation not earlier than 9:00 a.m. and not later than 9:00 p.m.
- (f) A Medical Marijuana Dispensary shall submit a disposal plan to be reviewed and approved by the Township. Medical marijuana remnants and by-products shall be disposed of according to an approved plan and shall not be placed within an exterior refuse container.
- (g) There shall be no emission of dust, fumes, vapors or odors which can be seen, smelled or otherwise perceived from beyond the lot line for the property where the Medical Marijuana Dispensary is located.
- (h) No one under the age of eighteen (18) shall be permitted in a Medical Marijuana Dispensary, unless accompanied by a caregiver as required under Section 506 of the Medical Marijuana Act.
- (i) No use of medical marijuana shall be permitted on the premises of a Medical Marijuana Dispensary.
- (j) A Medical Marijuana Dispensary shall submit a security plan to the Township, which plan shall demonstrate how it will maintain effective security and control. The security plan shall specify the type and manner of 24-hour security, tracking, recordkeeping, record retention, and surveillance system to be utilized in the facility as required by Section 1102 of the Medical Marijuana Act and as supplemented by regulations promulgated by the Department of Health pursuant to the Medical Marijuana Act.



**SECTION 5. Chapter 162, Article VII, Use Regulations, Section 706.D,** is hereby amended to add the following:

**Use D-18** Medical Marijuana Grower/Processor, subject to the specific criteria listed below:

- (a) A Medical Marijuana Grower/Processor shall provide proof of registration with the Department of Health or proof that registration has been sought and is pending approval, and shall at all times maintain a valid, accurate, and up-to-date registration with the Department of Health. Should registration be denied or revoked at any time, any Township approval shall immediately become void.
- (b) A Medical Marijuana Grower/Processor shall at all times operate in compliance with all Department of Health regulations pertaining to such facilities.
- (c) A Medical Marijuana Grower/Processor must be located on a lot containing not less than two (2) acres.
- (d) A Medical Marijuana Grower/Processor shall not be operated or maintained on a parcel within 1,000 feet, measured by a straight line in all directions, without regard to intervening structures or object, from the nearest point on the property line of a residentially zoned property or a parcel containing a public, private or parochial school, day-care center, place of worship, public park, or community center.
- (e) A Medical Marijuana Grower/Processor must operate entirely within an indoor, enclosed, and secure facility. No exterior sales and no sidewalk displays shall be permitted. No drive-thru services shall be permitted. The use cannot be advertised on radio or television.
- (f) A Medical Marijuana Grower/Processor shall be limited to the hours of operation not earlier than 9:00 a.m. and not later than 9:00 p.m.
- (g) A Medical Marijuana Grower/Processor shall submit a disposal plan to be reviewed and approved by the Township. Medical marijuana remnants and by-products shall be disposed of according to an approved plan and shall not be placed within an exterior refuse container.

- (h) There shall be no emission of dust, fumes, vapors or odors which can be seen, smelled or otherwise perceived from beyond the lot line for the property where the Medical Marijuana Grower/Processor is located.
- (i) No one under the age of eighteen (18) shall be permitted in a Medical Marijuana Grower/Processor, unless accompanied by a caregiver as required under Section 506 of the Medical Marijuana Act.
- (j) No use of medical marijuana shall be permitted on the premises of a Medical Marijuana Grower/Processor.
- (k) A Medical Marijuana Grower/Processor shall submit a security plan to the Township, which plan shall demonstrate how it will maintain effective security and control. The security plan shall specify the type and manner of 24-hour security, tracking, recordkeeping, record retention, and surveillance system to be utilized in the facility as required by Section 1102 of the Medical Marijuana Act and as supplemented by regulations promulgated by the Department of Health pursuant to the Medical Marijuana Act.
- (l) Fencing. Each Medical Marijuana Grower/Processor use shall be completely enclosed by a fence having a minimum height of six (6) feet. The Board of Commissioners may, by Conditional Use approval, require a greater fence height when deemed by the Board to be necessary for the protection of public health and safety .

**SECTION 6. Chapter 162, Article IX, Parking and Transportation Standards,** is hereby amended to add the following parking requirements:

**Section 901.3,** Commercial Land Uses, is amended to add the following:

**Use C-37:** Medical Marijuana Dispensary: One (1) off-street parking space per 200 square feet of gross leasable floor area.

**Section 901.4,** Industrial Land Uses, is amended to add the following:

**Use D-18:** Medical Marijuana Grower/Processor: One (1) off-street parking space per 500 square feet of gross floor area devoted to the manufacturing area, storage area and utility area, plus one (1) off-street parking space for every 300 square feet of gross floor area devoted to sales or office area.

**SECTION 7. SEVERABILITY.**

In the event that any section, sentence, clause, phrase or word of this ordinance shall be declared illegal, invalid or unconstitutional by any Court of competent jurisdiction, such declaration shall not prevent or otherwise foreclose enforcement of any of the remaining portions of this ordinance.

**SECTION 8. REPEALER.**

All ordinance or parts of ordinances inconsistent herewith or in conflict with any of the specific terms enacted hereby, to the extent of said inconsistency or conflicts, are hereby specifically repealed.

**SECTION 9. EFFECTIVE DATE.**

This Ordinance shall be effective five (5) days after enactment.

**ORDAINED AND ENACTED** this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

TOWNSHIP OF ABINGTON  
BOARD OF COMMISSIONERS

Attest:

\_\_\_\_\_  
Michael LeFevre, Secretary

By: \_\_\_\_\_  
Wayne Luker, President

**Code Enforcement and Land Development**

**BOARD ACTION REQUEST**


March 1, 2017

**CE3**

Agenda Item Number

CODE ENFORCEMENT

TOWNSHIP MANAGER



**AGENDA ITEM**



**Zoning Ordinance Update  
Public Hearing – March 13, 2017**

**PREVIOUS ACTION**

- Zoning Update Committee, Planning Commission, Zoning Board, and Commissioners have been working on the Zoning Ordinance Update since 2012.

**RECOMMENDED BOARD ACTION**

- **For Information Only**

The Board of Commissioners of the Township of Abington have scheduled a public hearing for Monday, March 13, 2017 at 7:00 PM to discuss the proposed updates to the Zoning Ordinance of the Township of Abington. The hearing will be held in the 2<sup>nd</sup> Floor Board Room of the Township Administration Building, 1176 Old York Road, Abington, PA.

**COMMENTS**

The proposed Zoning Ordinance Update is a comprehensive re-write of the current Zoning Ordinance that was adopted in May of 1996.