

The stated meeting of the Code Enforcement and Land Development Committee of the Board of Commissioners of the Township of Abington was held on Wednesday, April 5, 2017 at the Township Administration Building, Abington, PA., with Commissioner Sanchez presiding.

CALL TO ORDER: 7:16 p.m.

ROLL CALL: Present: Commissioners SANCHEZ, MARKMAN
DiPLACIDO, ZAPPONE, GILLESPIE

Assistant Township Manager WEHMEYER
Township Solicitor CLARKE
Township Engineer POWERS
Director of Code Enforcement MATTEO
Community Development Director STROTHER
Planning & Zoning Official PENECALE

Also Present: Commissioners LUKER, KLINE,
HECKER, FARREN, MYERS, SCHREIBER, BOWMAN,
KALINOSKI, SPIEGELMAN

MINUTES: Commissioner Sanchez made a MOTION, seconded by Commissioner Gillespie to approve the minutes of the March 1, 2017 Code Enforcement and Land Development Committee Meeting

MOTION was ADOPTED 5-0.

Subdivision and Land Development LD-16-06 – Steven Kozlowski – 1235 Meinel Road

Commissioner Sanchez made a MOTION, seconded by Commissioner Gillespie to approve the Subdivision and Land Development application of Steven Kozlowski, applicant for the property located at 1235 Meinel Road, Abington Township. The applicant proposes to subdivide the existing property of 3.52 acres in size into six parcels. The proposed new properties will be served by a new cul-de-sac style roadway. The proposed properties range in size from 15,900 square feet to 29,180 square feet in lot area. The proposed new single-family dwellings will be served by public water, sanitary sewer, gas and electric. Each of the proposed new parcels will contain onsite rain gardens as well as public stormwater management system that is plotted to be located below the proposed new roadway. The properties are zoned in the (R-2) Residential District in Ward No. 2 of the Township of Abington.

This motion is subject to the following conditions:

1. Sanitary sewer service is available for this development. An Act 537 Exemption Application has been submitted and recommended for approval by the Planning Commission. The applicant is required to submit a DEP approval letter prior to the recording of the final plan.
2. The items listed within the Staff Review letter dated, January 10, 2017 is to be a condition of approval of this application.
3. The applicant is required to submit a minimum of four paper copies, four Mylar copies and one PDF formatted disk of the final plan at the time the plans are submitted for Township signatures.
4. The Township is required to provide the owners of the proposed new single-family dwellings with a copy of the best management practice maintenance requirements for the care of the private rain gardens.

This motion is subject to the following waivers:

1. Waiver from Section 146.11.A. – Property Identification Plan – The 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.
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.
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 propose to remain and be removed.
4. Waiver from Section 146-1.G – Utility Plan – The application has been submitted; however, the plan is incomplete as it does not plot the location of the required street lights, proposed gas lines, telephone lines and provide a street name.
5. Waiver from Section 146-11.H – Landscape Plan – The applicant is required to submit a plan that clearly identifies the size, type and location of all materials and vegetation proposed to be removed and all proposed vegetation proposed to be added to the site.
With the condition that the applicant submits a plan for the required street trees that include the type, size, and location of the required trees to the Township for review and approval.
6. Waiver from Section 146-11.1 – Phasing Plan – A phasing plan is required to be submitted that details the proposed timeline for construction.
7. Waiver from Section 146-11.L. – Architectural Plan – The applicant has submitted a rendering of the exterior finishes of the proposed alterations.
8. Waiver from Section 146-27 – Sidewalks – The applicant requires a waiver as no sidewalks are proposed within the new cul-de-sac.
The vote was 7 in favor of the waive for the installation of sidewalks and 1 to deny the waiver.
9. Waiver from Section 146-39 – Street Trees – The applicant is required to plant one street tree five feet inside the front property line every 50 feet. The applicant has requested approval to plan the street trees within the front yard setback area.
10. Waiver from Section 146-9.B – Plan Categories – This section of the ordinance requires a two-stage approval process. The applicant has submitted the application as a preliminary as final Land Development Plan.

Commissioner Sanchez asked the applicant to present their plan.

Leslie Cunningham, Civil Engineer with Cornerstone Consulting 213 W. Main St. Lansdale, PA. 19446, representing the applicant, Steven Kozlowski, of Kozlowski Construction, 872 Jenkintown Road, Elkins Park, PA 19027, said the 3.52 acre parcel contained a large family residence, which was in poor condition prior to demolition and the property contained a barn, a large home and several accessory structures including a pool and large circular driveway. The lot was covered with grass, brush and a wooded area along the rear and northeast property line.

Proposed plan contemplates a six-lot subdivision with a new cul-de-sac road off of Meinel Road. The homes will take access from the cul-de-sac road and the site has been designed to meet all zoning requirements such as use, lot size and setbacks, and no relief is necessary.

Additional site improvements include stormwater management, landscaping and underground utilities. The applicant received Township staff review letters from January and February 2017; the MCPC review letter of December 2016 and a review letter from Director Wrigley of the Township's Wastewater Treatment Plant in February 2017. The applicant has also gone before Township's Planning Commission in February and March 2017. The applicant also met with Township staff regarding this project.

Latest plan submission was Revision 2, which is the plan that is before the Code Enforcement and Land Development Committee.

Commissioner Sanchez asked for any comments from Commissioners or staff.

Commissioner Markman commented that he is not in favor of waiver for installation of sidewalks as they are an important part of a development such as this one, so he is not in favor of waiver request #8 for installation of sidewalks.

Commissioner Kline agreed with Commissioner Markman to not grant waiver for installation of sidewalks and he clarified that this neighborhood has existing sidewalks throughout. Is that correct?

Mr. Penecale replied yes.

Commissioner Kline continued that he is concerned about stormwater management being put under the street and he wants to be sure that the development agreement will include an ample amount of time as well as escrow for both inspections and maintenance of it since the Township will take ownership.

Mr. Powers replied when subdivision is approved, the land development agreement will include a stormwater management permit issued that includes calculations and maintenance and inspections will be for a 10-year period.

Commissioner Kline clarified that the Township will not be required to do maintenance of any inlets or yard drains on each property in which it will be the property owners' responsibility.

Mr. Powers replied that is correct. The rain gardens are the responsibility of the property owners. However, the Township will require an inspection fee for rain gardens making sure they are being maintained.

Commissioner Kline clarified that part of the development agreement will include inspections during construction of stormwater management system underneath the street. Is that correct?

Mr. Powers replied yes, the Township will take developer's escrow or bond and the Township will also get a one-year maintenance bond when it is completed.

Commissioner Kline clarified that agreements will be reviewed by Township Solicitor's Office. Is that correct?

Mr. Powers replied yes.

Commissioner Gillespie clarified that the new access road will be dedicated to the Township. Is that correct?

Mr. Powers replied yes. The new road will be dedicated to the Township as well as the stormwater management system. Rain gardens will not be dedicated to the Township as they will be privately owned and privately maintained.

Commissioner Sanchez asked about comments made by MCPC in regards to lighting.

Mr. Penecale replied lighting has been addressed in that a street light will be added along the frontage between Lots 5 & 6. There is an existing street light within 50 feet of the intersection and the street lights were staggered, so there is one at the end of the new bulb; one at the midway point and one at the intersection. It will be shown on the final plan submitted for recording.

Also, Condition No. 4 as listed on the agenda was a recommendation by the Township's Planning Commission and DEP put out a pamphlet in 2015 of Best Management Practices for maintenance of rain gardens. If this development is approved, and when construction begins, we will link DEP's BMP's to any CO issued where the buyer would receive at settlement.

Due to the public entity's naming policy that went into effect last month, the applicant has not listed a name for proposed street. However, if the applicant has a name now, we can put it forward for the Board's consideration.

Mr. Kozlowski said the street name will be Stonewell Court.

Ms. Cunningham referring to waiver request for sidewalks; the 30 foot cartway is a requirement of a cul-de-sac and sidewalks would be adding additional impervious coverage.

Mr. Kozlowski added that he does not feel a sidewalk is necessary and members of the Planning Commission agreed as some live on cul-de-sacs. Handicapped ramps will be put in at the beginning of the street and Meinel is not a cut-thru street and only one block long, so sidewalks are not necessary for a cul-de-sac road.

Commissioner Sanchez asked for any public comments.

Nate Shugerman, 1245 Meinel Road, expressed concern about children having nowhere to play other than in the cul-de-sac, so he was in favor of installation of sidewalks.

Jacqueline Meyers, 552 Hoyt Road, commented that she was in support of installation of sidewalks for kids to have a safe place to play. On September 8, 1996 her property was declared a Federal disaster due to flooding in her home. She expressed concern that the rain gardens will not be maintained and questioned what will happen after the 10 year period and that this could happen again. She thanked Commissioner Markman for his assistance and assurance that proper measures will be taken.

Commissioner Markman asked Mr. Powers to explain what will mitigate any potential flooding to Mrs. Meyers' property.

Mr. Powers replied in regards to stormwater requirements; not only does the applicant need to contain it onsite, but reduce it by 20%. After 10 years, the Township will still be responsible for inspecting the system.

Commissioner Markman said in regards to the water that needs to be held onsite, what percentage are rain gardens and what percentage is underground detention.

Mr. Powers replied 30% rain gardens and 70% underground detention.

Commissioner Markman clarified that everything required is being done to capture stormwater. Is that correct?

Mr. Powers replied yes, Township's ordinance is very strict.

Commissioner Markman made a MOTION to AMEND the MOTION to **not** grant waiver from Section 146-27 – Sidewalks as requested by the applicant, as listed as number eight (8) in the motion, seconded by Commissioner DiPlacido.

MOTION to AMEND the MOTION – PASSED 5-0.

MOTION as AMENDED – PASSED 5-0.

Draft Ordinance No. 2131 – Medical Marijuana Dispensary and Medical Marijuana Grow Facility

For Information Only –

Commissioner Sanchez announced that the Board of Commissioners will consider the adoption of Draft Ordinance No. 2131, an amendment to the Zoning Ordinance of the Township of Abington. Ordinance No. 2131 creates use definitions for both a medical marijuana dispensary and medical marijuana grow facility. In addition, onsite parking regulations and separation requirements have been included in the ordinance. 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, April 13, 2017 at 7:30 PM in the boardroom.

Commissioner Sanchez asked for any general comments relating to Code Enforcement and Land Development.

Lora Lehmann, 1431 Bryant Lane, commented that she asked for documents relating to vacant properties and expressed concern that she feels “public money is used for blighted properties.”

ADJOURNMENT: 7:51 p.m.

Respectfully submitted,

Michael LeFevre, Township Manager

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