

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, November 1, 2017 at the Township Administration Building, Abington, PA., with Commissioner Sanchez presiding.

**CALL TO ORDER:** 8:59 p.m.

**ROLL CALL:** Present: Commissioners SANCHEZ, DiPLACIDO, ZAPPONE, GILLESPIE, BRODSKY

Township Manager MANFREDI  
Assistant Township Manager WEHMEYER  
Township Solicitor CLARKE

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

**MINUTES:** Commissioner Sanchez made a MOTION, seconded by Commissioner Gillespie to approve the minutes of the October 4, 2017 Code Enforcement and Land Development Committee Meeting.

MOTION was ADOPTED 5-0.

Consider Roslyn VFW Waiver of Permit Fees:

Manager Manfredi said both items CE-01 and CE-02 are before the committee because a request came for him to waive these fees. Both agenda items are very different; one is non-profit VFW and the other is the Abington School District. He is not authorized to waive these fees. He recommended that the Board establish a policy setting criteria thresholds for when he is able to waive any fees or not, and if the VFW wants to move forward, we can make an exception while developing that policy.

The second item is waiving a larger amount of money for the School District and the committee will want to have discussion as to whether or not to waive that fee or not.

He requested a motion to authorize Township Manager to work with Township Solicitor to establish a policy in accordance with the ordinances for waiver of fees and to set thresholds to do so. Also, to allow the Roslyn VFW to move forward without paying these fees as they are waiting on permits so as to not hold them up.

Commissioner Sanchez clarified that waiver of fees for Roslyn VFW is building permit fee of \$895.00; Pennsylvania State fee of \$4.00 and permit and inspection fees of \$360.00. Is that correct?

Manager Manfredi replied that is correct.

Commissioner Sanchez asked for any comments from Commissioners.

Commissioner Zappone questioned what type of new policy would be written. For the 18 years that he has been on the Board, the Board has always authorized waivers of fees. Unless there is a not-to exceed amount, but Item CE-02 should be approved by the Board.

Manager Manfredi replied it was not explained to him that way. The ordinance does not provide a waiver of any fees. Township Solicitor's opinion is that even though it is set by ordinance, the Board can waive fees, but there is no policy that grants the Manager the authority to do so. There have been instances where fees were waived that did come before the Board, and the Board does not have to create a policy and have the ordinance stand as is and every fee waiver request will come before the Board.

Commissioner Zappone said if a policy was written; he has a problem with the Board finding out in our packets that a fee was waived unless there is a not-to-exceed amount.

Commissioner Gillespie clarified that request for waiver of fees would still come before the Board, but the Manager is requesting a policy for a threshold. Is that correct?

Manager Manfredi replied yes. He wants to know what his limitations are as to whether the Board wants every item to come before the Board or if the Board wants to establish thresholds.

Commissioner Kline said in the past, the Board has waived fees for the School District, but he does not remember waiving fees for nonprofits such as the VFW. Nonprofits do not pay property taxes and Township expends staff time for inspections and reviews, and if a policy is created, they should be paying fees. If we charge the School District fees, that is just re-circulating tax dollars, so he understands waiving fees for staff time. He does not feel the Board should waive fees for the VFW, and regarding the School District, the Board should not be waiving any fees that the Township may need to pay for outside consultants such as a traffic engineer, etc.

Also, he would like to know if any fees that the Township has paid in the past to the School District because previously there was an issue with the Township being charged for using their auditorium. If we will be waiving fees for the School District, the Township should not be charged fees for using their facility for a public use. He wants to make sure that policy is understood by the School Board before the Township takes action on Item CE-02 of the agenda.

Commissioner Luker agreed to have the Township Manager and Township Solicitor establish a policy.

Commissioner Schreiber commented that she would like some type of guideline for nonprofits in general.

Manager Manfredi said policy would be under what circumstances are fees to be waived and to whom by whom. The Roslyn VFW is waiting for the issuance of permits. If the Board is so inclined to move forward with a policy that establishes which nonprofits, so there is a clear legally binding policy, and in this case, if there is no objection, we will allow the VFW to proceed through the permit process and deal with the permit fees at a later date or the Board can waive their fees.

Commissioner Sanchez made a MOTION, seconded by Commissioner DiPlacido to authorize Township Manager along with Township Solicitor to develop a policy for establishment of waiver of fees and to allow the Roslyn VFW to proceed with and receive the building permit, conditioned upon the understanding that, if the fee is not ultimately waived by the Board, then the VFW would have to pay those fees.

Commissioner Kline clarified that the Board will allow the Roslyn VFW to proceed with and receive building permits, but the policy may require that those permits fees are to be paid at a future date. Is that correct?

Manager Manfredi replied if it is the committee's and the full Board's inclination to develop a policy and not inclined to hold up the permitting process for the VFW and to allow them to proceed with their permits, conditioned upon the understanding that if the fee is not ultimately waived by the Board, then they would have to pay those fees.

Commissioner Sanchez asked for any public comments.

Lora Lehmann, 1431 Bryant Lane, commented that she is opposed to waiving of any fees.

Cathy Gauthier, 1331 Birchwood Avenue, commented that she feels the Board should consider waiving fees for the VFW because they are veterans and use it for the community and they have put their lives on the line for our country.

Walter Draving, 1431 Bryant Lane, commented that he is a veteran of Foreign Wars and he feels groups such as the VFW should still contribute to the costs of their projects.

MOTION was ADOPTED 5-0.

Consider a Fee Waiver from the Requirement Set Forth by Resolution 14-035 for the Abington School District

Commissioner Sanchez made a MOTION, seconded by Commissioner DiPlacido to TABLE Item CE-02 as listed on the agenda until a policy is developed and that Abington School District may proceed with their professional review and their request for fee waiver will be continued at a later date.

MOTION was ADOPTED 5-0.

Consider a Request for Zoning Ordinance No. 2145 Text Amendment by Hightop Real Estate Group

Commissioner Sanchez said the Board will consider whether or not to move forward with request for zoning ordinance text amendment then a motion would be to advertise the ordinance. The applicant has already been before the Township's Planning Commission.

Manager Manfredi clarified that it is at the discretion of the Board of Commissioners if they wish to consider a text amendment to the zoning ordinance. In this particular case, the applicant went before the Planning Commission prior and now they are before the committee.

Denise Yarnoff, Attorney with Riley, Riper, Hollin & Colagreco, 717 Constitution Drive, Exton, PA., 19341, Attorney representing the applicant, introduced David Landskroner, Hightop Real Estate Development Group, and said the text amendment would help implement a redevelopment project located on Old York Road adjacent to Lees Hoagies. Copy of revised text amendment were based on comments received by Township Solicitor, Township Manager, Zoning Officer and members of the Township Planning Commission as well as comments from the MCPC.

Commissioner Hecker commented that discussion about redevelopment of this site have been ongoing for as long as his tenure on the Board. Original project was at a greater density than what is being presented tonight. There were residents who had strong negative reaction to the size and scale of the project through a series of local meetings held. As a result, the developers made changes to proposed structure and one of the other concerns from residents was about sufficient parking to accommodate the number of units. As part of the proposal would be development of a second property on Old York Road used for ancillary parking for residents and visitors.

If this moves forward, he will be having another meeting with residents updating them about the project, and he feels it is appropriate for the project to proceed with a review by the Board. There are two considerations for the Board; one is view of the project and how it fits within the scope of Old York Road corridor and the other is the mechanism for how it can be achieved.

David Landskroner, owner and founder of Hightop Real Estate Development Group, said his family has owned this parcel for the past 20-25 years. This stretch of Old York Road is in need of revitalization, and in trying to lease the property, there has been no viable tenant. We began looking at it as a multi-family project with a much more dense property of 68 units and scaled down several times and now we are proposing 28 units.

Michael Skolnick, Architect, PZS Architects, LLC, 5312 Ridge Avenue, Philadelphia, PA., 19128, presented the site plan noting there is public transportation adjacent to this site; showing 28, one and two bedroom residential units with a total of 38 parking spaces. There are two driveways; one going to a semi-enclosed parking area and the other is downward as the site slopes significantly.

Above the parking area are four residential stories that front onto Old York Road, and at the rear of the property due to input from neighbors, we lowered the height of the back of the building to three residential stories and put a green terrace that would be landscaped to lessen scale as it relates to the residential property. Lower level parking area includes 19 spaces on the first floor with a lobby and upper level parking with another 19 parking spaces.

Ms. Yarnoff reviewed the revised zoning ordinance text amendment to Main Street High Intensity/Density District to add Old York Road Revitalization Modifications for Apartment Building Use with the committee in which a copy was provided to the Board.

Solicitor Clarke reminded the Board that this is a motion to advertise a public hearing on December 14, 2017. If the Board is so inclined to move forward, any impacted neighbors will be given proper notice and a full presentation would be held following advertisement of public hearing.

Commissioner Hecker commented that it would be appropriate for the Board to provide a fair and thorough review. There will be questions about what is presented tonight in terms of the mechanism and he is in favor of moving forward with the process. He will be having another meeting with residents prior to the public hearing to provide an update on this matter.

Commissioner Sanchez suggested that when the applicant comes back to present at the public hearing, he asked to hear the testimony of a planner so the Board can see how this would fit in with the broader scheme of the zoning ordinance in regards to density, etc.

Commissioner Kline commented that he attend the last Planning Commission meeting and it is incumbent upon the applicant to show the properties that would be affected by this potential change as well as statistics about those properties to be able to fully analyze the overall effectiveness of this potential change.

Commissioner Sanchez said asked for the number of parking spaces on the offsite parcel to be used for overflow parking.

Ms. Yarnoff replied the site meets parking requirements of the ordinance, but due to concerns by residents about not wanting parking in their neighborhood, Mr. Landskroner looked at another parcel nearby that could be used for overflow parking, if necessary.

Mr. Landskroner added that it is approximately 30 parking spaces, although that parcel has an environmental issue that he is still working on and that is not part of this ordinance amendment.

Mr. Penecale clarified that this plan was presented to the Township's Planning Commission; however, the Planning Commission elected not to make any formal recommendations, which will be done at its meeting on November 15<sup>th</sup>. They wanted the Code Enforcement Committee and Board of Commissioners to hear this application without any swayed testimony or recommendation from them. The Planning Commission will make a formal recommendation at its meeting on November 15<sup>th</sup>.

Commissioner Sanchez made a MOTION, seconded by Commissioner DiPlacido to advertise the date of December 14, 2017 for the Board of Commissioners of the Township of Abington to hold a public hearing on the zoning text amendment filed by Hightop Real Estate & Development Group known as proposed Ordinance No. 2145, amending Article X MS-H Main Street High Intensity/Density District to add Old York Road Revitalization Modifications for Apartment Building Use.

Commissioner Sanchez asked for any other comments from Commissioners or staff. There were none.

Commissioner Sanchez asked for any public comments.

Lora Lehmann, 1431 Bryant Lane, commented that she was opposed to the motion.

MOTION was ADOPTED 5-0.

Consider Ordinance No. 2147 Zoning Text Amendment by Philadelphia Presbytery Homes

William F. Kerr, Attorney representing the applicant, with High Swartz, 40 East Airy Street, Norristown, PA. 19401 said we have a land development and reverse subdivision application pending and we have not been before the Township's Planning Commission yet. Township Engineer's review letter has been received identifying certain zoning issues, which are created by the fact that the project was initially approved under the old code and now we are operating under the new code. So rather than going before the ZHB, we are proposing a text amendment.

Commissioner Sanchez noted the applicant has met with the neighbors several times getting much feedback from them, and in that early day, the project fit hand and glove with existing zoning. The project has begun as far as the roads and infrastructure, but due to the time zones of zoning code, the applicant is proposing an amendment.

Mr. Kerr gave a power point presentation about Rydal Park; the history of the project; Rydal Waters property; the site plan; renderings of the cottages; record plan subdivision; land development plan; resource conservation plan; as well as reviewed the zoning ordinance text amendment relating to provisions of the SNR Senior Neighborhood Residential, Riparian Corridor, Steep Slope and Open Space Districts with the committee in which a copy was provided to the Board.

Commissioner Sanchez made a MOTION, seconded by Commissioner DiPlacido to schedule and to advertise a formal hearing of the Board of Commissioners of the Township of Abington on Thursday, December 14, 2017 for the zoning text amendment known as Proposed Ordinance No. 2147 filed by Philadelphia Presbytery Homes for the proposed development of the Rydal Waters Property, amending the Zoning Ordinance of the Township of Abington, relating to provisions of the SNR Senior Neighborhood Residential, Riparian Corridor, Steep Slope and Open Space Districts.

Commissioner Sanchez asked for any comments from Commissioners or staff. There were none.

Commissioner Sanchez asked for any public comments.

Lora Lehmann, 1431 Bryant Lane, asked for a single page on each property, and questioned whether this applies to other properties too. Also, she was opposed to the motion.

Commissioner Sanchez replied that this applies to the Senior Neighborhood Residential District, which is only this property.

MOTION was ADOPTED 5-0

Code Enforcement Committee Meeting

November 1, 2017

Commissioner Sanchez asked for any general comments relating to Code Enforcement and Land Development. There were none.

**ADJOURNMENT:** 10:26 p.m.

Respectfully submitted,

Richard J. Manfredi, Township Manager/Secretary

sev



