

The stated meeting of the Code Enforcement and Land Development Committee of the Board of Commissioners of the Township of Abington was held on Monday, March 30, 2015 at the Township Administration Building, Abington, PA., with Commissioner Sanchez presiding.

CALL TO ORDER: 7:39 p.m.

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

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

Also Present: Commissioners LUKER, KLINE, SCHREIBER, JONES, BOWMAN, KALINOSKI, SPIEGELMAN, ZAPPONE, HECKER

MINUTES: Commissioner Sanchez made a MOTION, seconded by Commissioner Myers to approve the minutes of the March 2, 2014 Code Enforcement and Land Development Committee Meeting.

MOTION was ADOPTED 5-0.

Historic Resource Survey Project:

Commissioner Sanchez made a MOTION, seconded by Commissioner Gillespie to authorize the execution of a Partnership and Scope of Services Agreement with the Heritage Conservancy for the development of a Historic Resource Survey of the Township.

Lucy Strackhouse and Cathy Gauthier, Members of the Township's Planning Commission, provided the Board with a handout on historic resource surveys.

Ms. Strackhouse said there is funding available from the Pennsylvania Historic Museum Commission and she, along with Cathy Gauthier had several meetings with reps of the PHMC as well as the Heritage Conservancy and came up with a scope of work for the project. The Heritage Conservancy will pay up to \$20,000 to the Township for this historic resource survey.

There are economic benefits such as historic tax credit programs, so buildings eligible to be listed on the National Register would be eligible for 20% in Federal tax credits for income producing properties. There are also State tax credit programs, but we are waiting to see whether Governor Wolf will include that in the State's budget this year.

We will work with the Old York Road Historical Society on gathering information and the end product will be an actual survey produced by the Heritage Conservancy with copies provided to the Township and the State of Pennsylvania.

Commissioner Markman questioned whether \$20,000 is the total cost for the survey.

Ms. Strackhouse replied we do not believe it will cost that much because all of the work will be done by volunteers, but there will be costs for the Heritage Conservancy's staff time to assemble data and produce the end-product.

Commissioner Markman clarified there is no cost to the Township. Is that correct?

Ms. Strackhouse replied that is correct, although we would like the Township to provide meeting space to train volunteers.

Commissioner Myers referred to the Historic Resource Survey Project Partnership and Scope of Services Agreement, where it says, "The municipality will contribute funds/resources to the project to help cover costs of the project," and asked for that to be deleted.

Ms. Strackhouse replied that can be deleted and a revised agreement will be prepared.

Ms. Gauthier suggested that if this is approved by the Board, to add an addendum saying "It is our understanding that there will be no funds needed from the Township as suggested in the agreement," and attach it to the existing proposal. It is possible that she and Lucy will get reimbursed for their time and this project will be done within each ward using volunteers to assist us.

Solicitor Clarke replied he will have a more definitive answer prior to the Board meeting next Thursday as to whether the agreement should be edited or to prepare correspondence to Jeff Marshall, President of the Heritage Conservancy, indicating that the Township is planning on removing that language and see whether there is any objection to it.

Commissioner Jones commented that if the Township provides meeting space then resources are being provided, and if no dollar amount is mentioned as written, the Township would not be responsible to provide any funds for this project.

Solicitor Clarke suggested removing the word “funds” and the word “resources” can remain, which refers to meeting space and making copies, so there is no monetary commitment on behalf of the Township other than in-kind contributions of other resources.

Ms. Gauthier continued that after this is approved by the full Board, we will then begin recruiting volunteers. The Commissioners and all Abington residents are welcome to help.

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

MOTION was ADOPTED 5-0.

Land Development LD 15-01 – Patient First (PF) Abington, Inc. 938-944 Old York Road

Commissioner Sanchez made a MOTION, seconded by Commissioner Gillespie to approve the subdivision and land development application of PF Abington, Inc., applicant for the properties located at 938 and 944 Old York Road. The applicant seeks approval to demolish the existing structure on the site and construct a new 7,151 square foot building. The proposal is for a new parking lot, design, site lighting, landscaping and an onsite stormwater management system. In addition, the plan calls for the relocation of the lot line between the two properties. The properties are zoned in the (PB) Planned Business District and the (R-2) Residential District in Ward No. 7 of the Township of Abington.

This motion is subject to the following conditions:

1. The applicant is required to provide the Township with a two (2) new executed, signed, notarized and recorded deeds. This is a requirement of the subdivision process.
2. The applicant is required to set concrete monuments as directed by the Abington Township Engineering Office.
3. Any work proposed within the roadway will require a “Highway Permit” from PennDOT.
4. The items listed within the Staff Review letter dated, February 2, 2015 becomes a condition of the application.
5. The applicant has submitted an ACT 537 Exemption application for the three (3) new EDU’s that will be required for this proposal.
6. The applicant is required to relocate the ADA parking stall down two to three stalls to allow for better use of the these stalls. (This can be completed without the loss of any onsite stalls).
7. The applicant is required to submit a sight line diagram of the southernmost driveway that will include all of the proposed landscaping and signage. (This plan is to be reviewed and approved by the Traffic Safety Officer, prior to the installation of any improvements).

8. The applicant will install a bench and trash can to be placed in front of the new building.
9. A bike rack will be added to the site.
10. The applicant should add additional planting and ground level shrubbery to the front yard buffer.

This motion is subject to the following waivers:

1. Waiver from Section 146-11.A. – Property Identification Plan.
2. Waiver from Section 146-11.B. – Existing Features Plan
3. Waiver from Section 146-11.F.b. – Street Plan
4. Waiver from Section 146.11.1 – Phasing Plan
5. Waiver from Section 146-11.J. – Recreation Facilities Plan
6. Waiver from Section 146.11.L. – Architectural Plan
7. Waiver from Section 146-30 – Lot Shape

Commissioner Sanchez asked the applicant to present their plan.

Debra Shulski, of Riley, Riper, Hollin & Colagreco, PO Box 1265, 717 Constitution Drive, Suite 201, Exton, PA., 19341, representing the applicant, said we propose to redevelop an existing site located at 938 Old York Road. The applicant proposes to demolish the building and construct a new building to be occupied by Patient First in the same location and access points will remain the same.

The applicant went before the Zoning Hearing Board in November, 2014 and was granted dimensional variances and the plan before the committee tonight was modified slightly, which eliminated the need for some of those variances.

The applicant also went before the Township's Planning Commission who made a favorable recommendation subject to a number of conditions in which the applicant will comply. The applicant will also comply with items listed in Township staff review letter dated, February 2, 2015. Also, several meetings were held with staff and the neighbors to address their issues.

Commissioner Sanchez noted that some of his constituents appealed the Zoning Hearing Board's decision and the applicant met with those residents to address their concerns. The plan before us tonight includes concessions that have been made about lighting and landscaping for the site. Additional meetings will be held if necessary and the applicant indicated they wanted to proceed with the land development application to stay on schedule.

Commissioner DiPlacido asked for the hours of operation of this business and does the pharmacy have the same hours?

Carl Right, applicant, PF Abington, Inc., PO Box 1908, Media, PA., replied 8 a.m. – 10 p.m. every day of the year, which is the same for the pharmacy.

Commissioner Kline said since there is an ongoing Zoning Hearing Board appeal case, how will it affect this land development application?

Solicitor Clarke replied it is problematic as he was not aware there was a pending appeal case. Is it close to being resolved?

Ms. Shulski replied she feels it is close to being resolved as we have a meeting this Thursday to hopefully finalize the matter. The applicant granted an extension from the briefing schedule of the court and we do not see any impediment from moving forward.

Commissioner Kline asked will construction begin prior to the ZHB appeal case being resolved?

Ms. Shulski replied she would not recommend that.

Solicitor Clarke added that the Township would not be able to permit that unless the ZHB appeal is withdrawn before next Thursday's Board meeting. If the Board approves the application, a condition will be placed on the plan that the applicant agrees that no permits will be issued during the Zoning Hearing Board's decision on the pending appeal case (Docket No. 2014-33063), which should be written as Condition No. 11.

Ms. Shulski replied the applicant agrees to Condition No. 11.

Commissioner Markman clarified that the applicant has agreed to change the lighting on the site and to increase buffering. Is that correct?

Ms. Shulski replied that is correct.

Commissioner Sanchez made a MOTION, to AMEND the MOTION to add Condition No. 11 that says, "That the applicant agrees that no permits will be issued during the Zoning Hearing Board's decision on the pending appeal case – Docket No. 2014-33063, seconded by Commissioner Myers.

Commissioner Sanchez asked for any public comments on the motion to amend.

Lora Lehmann, 1431 Bryant Lane, expressed concern that she feels this is similar to the Colonade situation in regards to moving forward with an application before the judge rules, which is a concern for residents.

Solicitor Clarke replied Condition No. 11 is consistent with the MPC (Municipality Planning Code) and it is in the best interest of the Township as well as the residents.

Commissioner Myers clarified that this application has nothing to do with the Colonade as this is brand new construction. Condition No. 11 says that, "No permits will be issued during the appeal."

Ms. Shulski agreed that the applicant needs permits from the Township prior to construction.

MOTION to AMEND the MOTION – PASSED 5-0.

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

Lora Lehmann, 1431 Bryant Lane, expressed concern about how solicitation laws are being enforced.

Commissioner Kline replied the police issue permits and enforce the door-to-door solicitation ordinance, which is a public safety matter.

Commissioner Myers added that the speaker is concerned about a police ordinance that is enforced by the Police Department and the Public Safety Committee will be meeting this coming Wednesday night where Chief Kelly will be in attendance.

ADJOURNMENT: 8:09 p.m.

Respectfully submitted,

Michael LeFevre, Township Manager

sev