

The stated meeting of the Planning Commission of the Township of Abington was held on Tuesday, February 10, 2015 at the Township Administration Building, Abington, PA., with Chairman Don Marquardt presiding.

CALL TO ORDER: 7:04 p.m.

ROLL CALL: Present: SPEARMAN, RUSSELL, GAUTHIER,
STRACKHOUSE, COOPER, ROSEN, CARTER,
MARQUARDT
Excused: WEGGEL

Also Present: Commissioner KLINE
Director of Code Enforcement MATTEO
Planning & Zoning Official PENECALE
County Planner NARCOWICH
Commissioners DiPLACIDO,
SPIEGELMAN, SANCHEZ
Zoning Hearing Board DIPRIMIO, ECKEL
Environmental Advisory Council
SHERWOOD, KACZALEK

PLEDGE OF ALLEGIANCE

Agenda Item PC1:

Mr. Marquardt read agenda Item PC1 into the record, which was review of the Comprehensive Zoning Ordinance revisions commonly referred to as the "Draft."

Commissioner Steven Kline, Commissioner of Ward1, Vice President of the Board and Chairman of the Zoning Ordinance Rewrite Committee, said tonight's presentation will be limited to the following sections of the "Draft:"

1. Recap
2. Landscaping Standards
3. Street/Sidewalk-Scape Standards
4. Green & Renewable Energy
5. Telecommunication Standards
6. Adult Uses
7. General Regulations
8. Administration
9. Next Step

Recap:

At Planning Commission Meeting of December 4, 2014, we discussed the Planning Commission's role in the review process; overview of zoning map changes; reviewed definition changes and additions; reviewed use regulation changes and additions; reviewed Residential Districts (R1—R-4) changes; and reviewed Apartment/Office District (AO) changes.

At the Planning Commission Meeting of January 7, 2015, we reviewed Community Service (CS) District changes; reviewed Main Street (MS-L, MS-M, MC-VC) Districts; and reviewed Business Center (BC) District.

At the Planning Commission Meeting of January 26, 2015, we reviewed Suburban Industrial (SI) District changes; reviewed Recreation/Conservation (RC) District changes; reviewed Overlay District changes: riparian, steep slope, floodplain, land preservation; reviewed Sign Ordinance changes; and reviewed Parking & Transportation Ordinance changes.

Landscape Standards:

Intent - A substantial intent section was added and this explains the goals of the landscaping regulations.

Protection of existing vegetation – this section was significantly expanded and now structured around various sections for “public trees” and “private trees” as listed. Public tree requirements include provisions for tree removal permit; property abutting public area; and emergency situations.

Private tree requirements include provisions for tree removal permit; replacement after impervious coverage increase; public health nuisance; and replacement after impervious coverage increase.

Parking lot landscaping is a new section with provisions for parking lot islands, landscaped strips with walkways, street walls for BC and MS Districts and SI-W on Davisville Road and minimum landscaped area.

Building foundation landscaping required for nonresidential or multifamily development. There are landscape standards for street trees, buffers and screens as listed.

A new buffer table was created for buffer type required for proposed land uses and adjoining land use classifications and then it indicates which landscape buffer requirement will need to be met as listed.

Buffers were further described in categories such as low intensity buffer; medium intensity buffer; high intensity buffer; very high intensity buffer; and limited area buffer.

Mr. Marquardt asked for any comments/questions by members of the Planning Commission.

Mr. Carter questioned whether a sketch could be drawn for the types of buffers described in the presentation.

Commissioner Kline replied he will work on that.

Mr. Marquardt referred to the requirements listed under Private Trees that says, "If impervious coverage is increase by at least 500 square feet and such an increase required tree removal, each removed tree with a caliper greater than six inches must be replaced with two trees each with a caliper of greater than 2.5 inches," and his concern is that if there is a modest site, adding two trees may be too much for the property.

Commissioner Kline replied the tree removal permit is not required unless 25% of the tree canopy is removed and our concern was that we do not want a large amount of tree removal to take place on smaller construction projects in residential areas.

Mr. Marquardt suggested that the numbers listed for tree replacement on private property be reevaluated making sure they are reasonable for property owners with smaller lots and for "tree canopy" to be clarified.

Mr. Penecale said the definition for "woodland area" is listed in the ordinance and speaks to the canopy; but he will make sure it references "woodland area."

Mr. Marquardt referred to the provision under buffers and screens in which concrete masonry walls are prohibited, and he asked for that to be clarified in the ordinance.

Ms. Strackhouse referred to Public Health Nuisance listed under Private Trees and questioned whether it could lead to a situation where a resident would call the Township about their neighbor who had dead trees on their property that were leaning towards their house and then asks for them to be removed.

Mr. Penecale replied if there are two neighbors in dispute over the health of a tree, we give the tree owner the option of obtaining a report on the tree from an arborist. If the complainant is not happy with the report, they can hire another arborist. Both arborists can then make the determination about what should be done with the tree.

Mr. Russell suggested within the street wall section to add language about sight triangles on the exits within five feet.

Mr. Narcowich replied he made note of it.

Ms. Gauthier commented there are notes within the draft zoning ordinance about recommended plant material list to be determined. Has that been updated?

Commissioner Kline replied no, but we have compiled a list of ideas for plant material. It is more suitable to be included in the SALDO and the list still needs to be updated for the Township.

Ms. Gauthier suggested a tree list be included as an appendix in the zoning ordinance as well as in the SALDO.

Also, should “woodland management” requirements be included in the landscaping section of the zoning ordinance for remaining trees making sure they are properly taken care of?

Commissioner Kline replied that is a land development requirement in the SALDO.

Ms. Gauthier clarified that the provision in the new landscaping standards will not prohibit best management practices from being followed for stormwater infiltration for parking lot islands. Is that correct?

Commissioner Kline replied that is correct.

Mr. Spearman referred to the draft zoning ordinance under Suburban Industrial buffer that says, “front yard buffer shall be a minimum of three feet wide,” and that is in the Suburban Industrial District in Glenside, so how will that be enforced because that is in front of SPS and there is no buffer there now.

Commissioner Kline replied that is a requirement only if the property is redeveloped.

Mr. Marquardt asked for any public comments.

Lora Lehmann, 1431 Bryant Lane, asked for the reason why a permit is required for removing a 10 inch tree.

Commissioner Kline clarified that it is not any 10 inch caliper tree. It is 10-inch caliper trees if the property owner is removing 25% of the tree canopy on the property. Policy decision being proposed is for discussion by the Planning Commission as well as the Board of Commissioners that stems from properties in the Township being clear-cut of trees prior to any land development application being submitted to the Township and there was no ability for the Township to stop it.

This proposed policy was a topic of many discussions, and we feel it would be a manageable requirement for the Township, if the Board of Commissioners decides to adopt it.

Mr. Rosen questioned whether Township Solicitor was consulted on this proposed policy.

Commissioner Kline replied draft ordinance has been reviewed by Township Solicitor's Office and there were no concerns about this proposed policy.

Mr. Rosen said he would like to know if an ordinance such as this has received judicial review around the country.

Commissioner Kline replied this is no different than the existing woodland tree replacement ordinance with the only exception that this is written more clearly as to how tree replacement should be handled as compared to the language in the existing ordinance.

Mr. Rosen asked that the Township Solicitor survey the law making sure there is no issue with it.

Commissioner Kline replied he made note of it.

Ms. Gauthier commented that she has seen ordinances from other municipalities and the requirement benefits the Township because once a tree is removed, it affects stormwater runoff, etc.

Mr. Narcowich commented that tree canopy is also associated with quality of life in a community such as home values, etc.

Mr. Marquardt said there is a separate provision for public tree canopy; will that be handled differently?

Commissioner Kline replied there is a method by which street trees are designated that is included in the definitions and where a street tree is located in relation to the right-of-way.

Areas such as in Glenside, Roslyn and Ardsley where the trees are right on the street line or on the front section of the property create character along the street and we want to protect that character within those neighborhoods.

Mr. Marquardt questioned whether the permit process is one of assessment and possible denial or do they just need a permit to remove. He asked for the requirement to be clarified.

Commissioner Kline replied if the requirements are met there would be no denial.

Mr. Marquardt asked for the requirement to be clarified.

Commissioner Kline replied for removal of a street tree, a permit has to be applied for if it is a 10-inch caliper or greater and replaced with two, 2.5 or greater caliper inch trees.

Mr. Rosen questioned whether a permit would be issued as a matter of right subject to the land owners' responsibility of replacing the tree or is there a standard to adhere to?

Commissioner Kline replied there is no subjectivity in this provision.

Mr. Marquardt asked for any public comments.

Lora Lehmann, 1431 Bryant Lane, was opposed to this provision for residents.

Commissioner Kline clarified that it is a misconception that this requirement is primarily designated just for residential properties. It is a requirement that stemmed from irresponsible development and developers or property owners that had no intention of following the SALDO, and we need to give the Township some "teeth" to enforce it.

Joe Markham, 2056 Woodland Road, asked for clarification on the provision that says, "Property owner of land abutting the public area responsible for cost of all maintenance or replanting of shade trees," because it seems to shift a large burden on private property owners that they don't currently have.

Commissioner Kline replied this is similar to the provision that a property owner is responsible for maintenance of sidewalks in front of their property and they are required to maintain trees in front of their property in the right-of-way.

Cakky Evans, 1132 Lindsay Lane, questioned whether the draft zoning ordinance includes a provision for trees being used as an incentive or bonus?

Commissioner Kline replied they are not an incentive, but a requirement for land development and also hard requirements for streetscape plantings for primary access points and landscaping along an existing street.

Ms. Evans questioned whether additional tree canopy could be used as an incentive.

Commissioner Kline replied we will look into it.

Streetscape/Sidewalk Stds:

Street Wall – where parking in the MS Main Street and BC Business Center Districts (and SI-W on Davisville Road) is permitted between the building and the street; it shall be screened by a decorative low fence and landscaping, which shall not block the sight triangle); all of which is consistent with the specifications as listed.

Decorative Masonry Wall – height and materials were listed.

Landscaping – requirements were listed and no landscaping is required for the SI-W Davisville Road location.

Traffic Calming – Traffic calming measures shall be implemented when prescribed by Township Safety Officer, consistent with PennDOT’s traffic calming handbook (a wide variety of traffic calming options exist such as speed bumps, raised crosswalks or median islands, curb bump-outs, etc.).

Street Furniture – General recommendations for durability and type of furniture that are consistent with Revitalization Plans, etc.

Land under owner common ownership shall provide waste and recycling receptacles at least once every 100’ and bike racks at least once every 300’ (200’ in MS and BC Districts). Planters shall be provided at least every 50’. At least ½ of required bike racks shall be covered or take the form of bike lockers.

MC-VC – Residual space between building and sidewalk should encourage pedestrian activity and may be used for street furniture, decorative paving, low-growing perennials or shrubbery, public art or similar features, but shall not include trees unless used to screen/soften parking lots.

Sidewalks – street front sidewalk in BC, MS and CS Districts and shall include a verge. Dimensions for minimum widths were listed and sidewalks should be internal to a development in the BC Business Center and MS Main Street Districts. Sidewalks must connect buildings, parking, streets, public transportation, public open space, and onsite transit stops.

Decorative verge is required for streets and main access drives, and intended for street trees, street furniture, and landscaping of a minimum of 25%. Width of sidewalks - BC: six feet on streets; and four feet on access drives. MS and CS (Old York Road): three feet-tree pits may extend into sidewalk, so they may attain width of four feet.

Mr. Marquardt asked does the entire verge area include the sidewalk and grass area?

Commissioner Kline replied the verge area is only the space between sidewalks and curb line.

Crosswalks – location required at street intersections and intersections of multiple access drives and where buildings of at least 50,000 sq. ft. lie across an access drive from a parking area or pedestrian destination. Required width: six feet-10 feet. MS and CS (Old York Road) must consist of a minimum 50% decorative paving. BC: 100%.

Mr. Marquardt questioned whether these are crosswalks that are put in as part of an agreement with a developer. Is that correct?

Commissioner Kline replied that is correct as part of new land development.

Mr. Penecale added that it is not just limited to new land development, but also for renovations such as to the existing car dealerships and for onsite crosswalks to get from parking areas to individual sidewalks or various stores.

Mr. Marquardt asked for any comments/questions by members of the Planning Commission.

Mr. Rosen asked are these decorative crosswalks a traffic control measure?

Mr. Narcowich replied traffic has to yield to pedestrians in a crosswalk.

Mr. Rosen asked is there signage for crosswalks and should there be a certain type and specific amount of signage adjacent to pedestrian walkways.

Mr. Penecale replied there are a traveling set of signs that Public Works Department installs. His concern would be “sign blight” and he would not want to see directional signs for each crosswalk. In some areas, crosswalks are located at intersections that are controlled by pedestrian crosswalk buttons.

Mr. Rosen recommended speaking with a highway safety engineer who could provide the appropriateness for signage of crosswalks particularly on Rt. 611.

Commissioner Kline said a few years ago, the Board made a determination that they would follow PennDOT’s regulations as their guideline for street signage, speed limits, etc., and within those regulations there are requirements for signage including pedestrian walkways. Code Enforcement Department and Traffic Safety Officer would review it for private property.

Mr. Marquardt asked for any public comments.

Lora Lehmann, 1431 Bryant Lane, expressed concern about reducing green space making the Township look more urban rather than suburban.

Commissioner Kline replied that is the reason why the Zoning Ordinance Rewrite Committee drafted standards requiring a landscaped verge to be included in the revised zoning ordinance as it is not currently required in existing ordinance.

Green & Renewable Ordinance:

Commissioner Kline said this is a new chapter added to the draft zoning ordinance that includes an extensive section of definitions.

Accessory Solar Energy Systems are permitted by-right in all zoning districts. They shall be mounted on building whenever feasible, and if not, applicant shall prove that it is not feasible due to structural limitations of buildings. Owners are encouraged to obtain solar access easements from neighboring landowners and require administrative approval by Zoning Officer.

Requirements for setbacks of building mounted devices and ground or pole-mounted may not be installed in required yard setback or along street. Ground mounting may not extend into rear or side yard setback when oriented at minimum design tilt.

Height requirements for building mounted and ground or pole-mounted devices were listed along with photos.

Accessory Wind Energy Systems are permitted by-right as an accessory use in all zoning districts where structures of any sort are allowed. Setback requirements were listed and there is no height limitation, but it must meet noise and setback requirements. Noise shall not exceed 55 dba as measured at the exterior of any occupied building on a non-participation landowners' property.

Wind Turbine Equipment shall conform to industry standards (numerous specific sources listed in zoning ordinance). Accessory building shall not exceed 150 sq. ft. Engineered drawings are required for building permit and a soil study is required for turbines of 20 kW. Turbines must be removed if inoperable for six-plus months.

Accessory Anaerobic Digester Systems are permitted by-right as accessory use in all zoning districts where farming operations and agriculture use are allowed. Minimum lot area 10 acres and setback requirements were listed. Design and construction must be consistent with DEP regulations and must show evidence of Federal/State regulatory approvals. Review is required by the Montgomery County Conservation District, and applicant shall document methods of minimizing impacts on neighboring properties.

Accessory Geothermal Systems are permitted as accessory use in all zoning districts. Design and installation of systems and boreholes shall comply with industry standards. Requirements for closed loop and horizontal loop systems were listed as well as setback requirements.

Accessory Wood-Fired Boilers are permitted by-right as accessory use in all zoning districts where structures of any sort are allowed. A minimum lot size is 10 acres and setback from property lines are at least 150 feet. Stack height and fuel type requirements were listed.

Principal Solar Energy Systems are permitted in SI and MS Districts and the proposed solar energy project shall occupy less than 10 acres, but shall occupy less than 10% of the site and produce more than 10,000 kW of power output. Shall not count towards maximum impervious surface, but shall utilize stormwater BMP's to negate stormwater impact. Should be attached to a building when feasible and liability insurance is required.

Principal Wind Energy Systems are permitted in SI, conditional use in MS Districts. Substantial permit application required and shall conform to industry standards. Redundant braking system is required; color: non-obtrusive; power lines placed underground; setback requirements were listed; emergency services coordination is required and the noise limit is 55 dba.

Regional Anaerobic Digesters are permitted by conditional use in SI Districts and a minimum lot are of 10 acres. Traffic impact study is required; description of measures to minimize impacts on neighbors shall be provided; certified professional shall explain all details of construction; setback requirements were listed and decommissioning required within six months of disuse.

Mr. Marquardt asked for any comments/questions by members of the Planning Commission.

Ms. Gauthier said for accessory use for solar panels; should we include language so that it does not take away from historic integrity of the structure.

Commissioner Kline said it would be difficult to make designations as to what is historical or not, but once the historical resource survey is completed for the Township, we will be able to incorporate language for it.

Ms. Strackhouse said once the historical resource survey is completed; there are many samples of written language that we can review from other Townships as well as from the National Trust.

Mr. Marquardt referred to provision regarding building mounted devices may not be extend past building perimeter; there is new technology that allows integration into roofs and there may be times when a canopy would be viable for an installation such as this.

Commissioner Kline said the caution is that permitting solar panels does not mean an applicant can go beyond the building envelope or setback requirements. But if it is within the setbacks and incorporated into the building architecture, that would not be an issue.

Mr. Spearman clarified that there is no height requirement for wind turbines in residential areas. Is that correct?

Commissioner Kline replied that is correct, because if a wind turbine is not high enough, it will not pick up wind and be useless. The proposed regulations will primarily be for larger properties because of the nature of the way they operate.

Mr. Marquardt asked how the noise decibel requirement was determined?

Commissioner Kline replied 55 dba is an industry standard and is measured at the property line.

Mr. Marquardt asked for any public comments.

Lora Lehmann, 1431 Bryant Lane, expressed concern that she feels wind turbines would be heard constantly at that noise level. She recommended that a removal fee for equipment to be paid each year, so after many years, there would be an escrow account with funds to remove it.

Joe Markham, 2056 Woodland Road, commented that for solar panels as an accessory use to a building; if the building catches on fire, firefighters disconnect the public power coming into the building, but the solar panel stays on. Each panel will still produce power, but the series has to be disconnected, and he is not sure if the Township has language for that in the electrical code, but it could be a hazardous situation.

Commissioner Kline said that language would not be included in a zoning ordinance as it is more of a construction standard.

Mr. Marquardt asked that this be discussed with the Fire Marshal.

Cakky Evans, 1132 Lindsay Lane, asked for clarification on structural limitations of a building for accessory solar panels.

Mr. Penecale replied that is the structural integrity of the building so that framing is adequate to support the equipment.

Telecommunications:

Commissioner Kline said this chapter combines zoning amendments that were adopted since the last zoning codification in 1996, including Ordinances 1793, 1800 and 1997 regulating wireless communications towers and antennas. It also incorporates material provided recently by the Township Solicitor.

Uses – previously, Antenna System (including Vertical Antenna and Satellite Dish Antenna) was the only use in this category.

As a result of incorporating the amendments and making adjustments per the Solicitor, now the following area includes: Vertical Antenna, Satellite Dish Antenna, Home Reception Antenna, Telecommunications Towers, Commercial Antennas and Roof-or-Structure-Mounted Telecommunications Equipment.

Mr. Marquardt asked for any comments/questions by members of the Planning Commission. There were none.

Mr. Marquardt asked for any public comments.

Lora Lehmann, 1431 Bryant Lane, commented that a lot of residents were concerned about cell phone towers and have they been addressed?

Mr. Penecale replied the Township has an ordinance in place since 1997, and there has been three Zoning Hearing Board applications for freestanding monopoles all of which the ZHB has denied. Two applications were appealed and upheld by superior courts. So there is over 200 pieces of equipment in the Township that provide service for cell phones, laptops, etc., and two monopoles. Two were installed prior to an ordinance and two were installed by variance since the adoption of the ordinance.

The directive to the Code Enforcement Department was to enforce Ordinance No. 1800 that requires installing this equipment on existing features in the Township.

Adult Uses Ordinance:

Commissioner Kline said no changes are proposed except that we propose that the sexually-oriented business ordinance and the massage business ordinance will now be incorporated into the Zoning Ordinance as opposed to standalone ordinances, and all requirements of the ordinances will remain the same as written today.

Mr. Marquardt asked for any comments/questions by members of the Planning Commission.

Ms. Gauthier commented that she has complained about the buffering not being maintained in front of the existing bookstore on Easton Road.

Mr. Penecale replied when that business was established, the applicant was not required to install a buffer. The current owner installed planting boxes to appease local ward Commissioner, but due to the weather, the planting boxes are empty.

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

General Regulations:

Commissioner Kline said there have been revisions made to the general regulations section of the zoning ordinance.

Commercial subdivision – a new address may not be assigned to the new use unless the building is converted as a condominium or the property is subdivided.

Community Security Standards – most provisions were deleted as most of these standards are listed in other sections of the zoning ordinance.

Property Abandonment – whenever a building, structure or use is abandoned for more than a seasonal or temporary period longer than three months, the building and site shall be secured. This corresponds with the property maintenance code. Other standards were deleted as they are listed in the property maintenance code.

Density Calculation – this subsection was condensed to be as succinct as possible. There are regulations for maximum residential density and maximum commercial intensity as listed.

Display of Storage of Goods - Outside Display and Storage of Goods – the proposed code contains identical language as in the existing code. The existing code will likely be changed in the coming months and the language of the new code should be amended accordingly.

Height Exceptions – parapet shall extend no higher than 48 inches above the roof line and height exceptions no longer apply to nonresidential uses in residential districts.

Lighting Standards – vague/unenforceable text was eliminated. Revised text includes maximum height, parking lot lighting standards reduced from 20' to 18' and no pedestrian lighting standard may exceed 14'. All lighting now required to use a full-cutoff design.

Lighting Design – It is recommended that lighting be designed to be compatible with the rest of the development's architecture and materials.

Lighting Standards – Protection of Residential Uses - lighting shall be setback 20' from adjacent residential districts or uses. Lighting located within a setback area that lies adjacent to residential district or use shall be no higher than 10'.

AO-Apartment Office District – Lighting poles cannot exceed 13' in height, must be setback at least 20' from single-family residential property lines, and may not shine light onto abutting properties. However, lighting in the rear yard may be as high as 18', if it is setback at least 50' from neighboring residential properties.

Lot Standards - provisions were deleted.

Mechanical Equipment Standards – HVAC shall not be located in the front yard.

Open Space Standards – open space may be used for buffer, land preservation, recreation or scenic purpose. Applicants shall provide open space including appropriate recreation facilities and trails in accordance with the Abington Open Space, Recreation and Environmental Resource Protection Plan.

Standards Applicable to Zoning Uses – in the case where use regulations conflict with district regulations, the stricter regulation shall apply.

Standards for Impervious Surface Area – the Township adopted stricter regulations on stormwater management based on DEP's MS4 requirements that exceeded existing language, so existing language was deleted.

Yard Requirements – where multiple front yard standards are expressed for corner properties. For example; a 50'- 40' setback in the R-1 Low Density Residential District, new construction shall follow the yard setback established by the existing or proposed units in the adjacent block or row which contains the greater number of buildings, provided that those units lie in the same zoning district as the corner property.

Solar Roof Overhangs – this section is referred to Alternative Energy chapter of the zoning ordinance.

Zoning Standards Applicable to Driveways and no driveway shall be more than 20' wide.

Mr. Marquardt asked for any comments/questions by members of the Planning Commission. There were none.

Mr. Marquardt asked for any public comments.

Lora Lehmann, 1431 Bryant, asked where she can find the language for the MS4 requirements.

Mr. Penecale replied in the Engineering Office attached to the newly adopted Stormwater Management Ordinance.

Administration:

Mr. Penecale said the Staff Administration has been reduced from 13 items to nine. We merged the following: the requirements to forward applications to other Township staff and review parties for comment; the direction of the Board of Commissioners to issue citations on their behalf; and at the direction of the Board of Commissioners appear at hearings and the like.

Language was added for Use Permit to require Occupancy Certificates to be displayed.

Sign Permit – language was added to refer to Section 2200.

Conditional Use – Language was deleted as listed. Added was the entire Section 1806 E. 2 a thru m. Language expanding the review procedures and requirements, and language has been added to provide the Board of Commissioners greater direction for the criteria for the approval of a Conditional Use Application.

Non-Conforming Uses, Structures, Lots & Signs – all subsections has remained unchanged and certain sections were removed.

Zoning Hearing Board –

Section 2000 – this section has been completed redrafted to conform to the requirements and language contained within MPC.

Section 2001.1 – this section (General Provision) has been relocated and the same standards for approval of special exceptions and variances remain the same.

Section 2001.2 – Special Exception – Consideration has been expanded to include new language requiring the ZHB to consider the following: suitability of proposed use; community character; nuisance and safety analysis; traffic impact; public utilities; and the ZHB now has the ability to impose conditions.

Commissioner Kline added that we still have some work to do in regards to being consistent with the zoning amendment process to the MPC (Municipality Planning Code)

Mr. Marquardt asked for any comments/questions by members of the Planning Commission.

Ms. Gauthier said in regards to conditional use and special exception approval for noise; some businesses have screens displaying audio commercials and promoting movies that have nothing to do with the use as she has seen in Warrington. Should that be regulated?

Mr. Penecale replied he has seen that, but it is not here in Abington.

Commissioner Kline added that it has to comply with the noise ordinance, and we can look into regulating it.

Mr. Spearman referred to the regulation of nonconforming existing conditions that can continue with respect to side yard setbacks; it that for commercial and residential uses?

Mr. Penecale replied it is strictly for residential uses.

Mr. Marquardt asked for any public comments.

Richard Sauder, 1314 Wheatsheaf Lane, asked in regards to nonconforming lots, residential was 5,000 sq. ft. and it was changed to 7,500 sq. ft. and, if someone wants to build a house on a 5,000 sq. ft. lot and it meets all requirements; do they still need to go before the Zoning Hearing Board for a variance, and if so, why?

Mr. Penecale replied yes, because it does not meet the minimum lot standards within the ordinance.

Mr. Sauder said, but it is nonconforming because the ordinance was changed, so why is the applicant penalized when the ordinance requirement was originally 5,000 sq. ft?

Mr. Penecale replied it is a standalone lot and it is required to have a special exception not a variance. The standards for special exception and the burden for special exception review are substantially less than what they are for a variance. If an applicant owns two or more contiguous lots, a variance would be required. Any dimensional adjustment proposed to the requirements of the zoning ordinance has to be approved by the Board of Commissioners and the appeal process is the Zoning Hearing Board.

Next Steps:

Completion of Draft Two Zoning Ordinance to Abington Township Planning Commission –

Commissioner Kline noted that a list of suggested changes, additions and deletions formulated by staff during four meetings will be transmitted to the Planning Commission for review.

Planning Commission will schedule an agenda item at a future meeting to formalize a recommendation to the Board of Commissioners. ZOC staff will be available to attend to field questions and clarifications.

Recommendations will be distributed to Board of Commissioners.

Meetings will be scheduled with the Board of Commissioners to present Draft Two Zoning Ordinance and Planning Commission's recommendations.

He thanked members of the Planning Commission for their engagement and their input has been extremely helpful to all of the members of the Zoning Ordinance Rewrite Committee.

Mr. Spearman congratulated Commissioner Kline for his extensive work on the proposed revisions of the draft zoning ordinance.

Commissioner Kline replied that this was a collaborative effort made by current and former Township staff members as well as volunteers, which is a huge credit to the Township.

ADJOURNMENT: 9:37 p.m.

Respectfully submitted,

Liz Vile, Recording Secretary