

The stated meeting of the Code Enforcement and Land Development Committee of the Board of Commissioners of the Township was held on Monday, March 2, 2015 at the Township Administration Building, Abington, PA., with Commissioner Sanchez presiding.

**CALL TO ORDER:** 7:22 p.m.

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

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

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

**MINUTES:** Commissioner Sanchez made a MOTION, seconded by Commissioner DiPlacido to approve the minutes of the February 2, 2015 Code Enforcement and Land Development Committee Meeting.

MOTION was ADOPTED 4-0.

Subdivision SD 15-01 – James Sheridan – 1777 Kimball Avenue

Commissioner Sanchez made a MOTION, seconded by Commissioner Myers to approve the subdivision and land development application of James Sheridan, applicant for the property located at 1777 Kimball Avenue. The applicant seeks approval to subdivide the property into three lots. Lot No. 1 will contain the existing single-family dwelling and consist of 22,640 square feet with frontage on Kimball Avenue. Lots No. 2 and 3 are proposed for development and are plotted at 7,662 square feet each. Both Lots 2 and 3 have frontage on Smith Avenue. The properties are zoned in the (R-4) Residential District in Ward No. 8 of the Township of Abington.

This motion is subject to the following conditions:

1. The applicant is required to provide the Township with three (3) new executed, signed, notarized and recorded deeds. This is a requirement of the subdivision process.
2. The applicant is required to set eight (8) concrete monuments as directed by the Abington Township Engineering Office.
3. Any work proposed within the roadway will require a "Highway Permit" from the Township Engineer's Office.
4. An escrow fee of \$15,500 will be required for the storm sewer and roadway improvements, which includes inspection fees.
5. All sanitary sewer pipes placed within the public right-of-way are required to be ductile iron pipe. Plastic/PVC pipe is not acceptable within the public right-of-way.

This motion is subject to the following waivers:

1. Waiver from Section 146-11.A – Property Identification Plan.
2. Waiver from Section 146.11B – Existing Features Plan.
3. Waiver from Section 146.11.C – Propose Layout Plan.
4. Waiver from Section 146-11.L. – Architectural Plan.
5. Waiver from Section 146-27 – Installation of Sidewalks.

Commissioner Sanchez asked the applicant to present their plan.

Joseph C. Kuhls, Esquire, 500 Office Center Drive, Suite 400, Fort Washington, PA 19034, representing the applicant, said this is a three-lot subdivision and there is an existing home on the property that is slightly less than one acre and the applicant proposes to subdivide that parcel into three lots. The existing home will remain on the larger lot of 22,640 square feet on Kimball Avenue. There will be two lots created that will front on Smith that are close in size.

This plan complies with the Township SALDO and the requirements of the Zoning Ordinance and it was also the subject of a Zoning Hearing Board application in which the plan was found to be in conformance with the zoning ordinance.

There are a number of waivers requested by the applicant and the Township's Planning Commission recommended granting approval of those waivers, except for one, which was a waiver from installation of street lighting. We met with Township staff and the applicant has agreed to install a street light on an existing light pole.

Commissioner Sanchez clarified that Township staff is satisfied with the street light condition.

Mr. Matteo replied yes.

Commissioner Sanchez asked for any comments from Commissioners.

Commissioner Myers commented that there have been meetings with the neighbors, and Smith Avenue is a very narrow dead-end street and the new homes will front on Smith. There is parking on one side of the street, so there have been two neighborhood meetings with the developer and the developer has done everything that has been asked of him. Storm sewers have been installed where there were none and there is a condition for street light installation. Also, she met with Mr. Micciolo at this site to discuss how trash and snow removal will be handled with the addition of two new driveways.

The neighbors have requested a different traffic pattern on Kimball Avenue, which is a one-way street and that is now in the hands of Traffic Safety Officer Freed. The neighbors also requested a "Dead End" street sign to be posted and we certainly can make sure that is done.

Commissioner Kline clarified that the applicant requested a waiver from installation of sidewalks on Kimball Avenue and there are existing sidewalks on Smith. Is that correct?

Mr. Kuhls replied that is correct.

Commissioner Myers added the existing home is located on Kimball and there are no existing sidewalks on Kimball and the entrance to the new homes will not be on Kimball.

Commissioner Markman recused himself from voting on this item.

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

Commissioner Myers noted that she is in opposition of this plan, but it has nothing to do with anything that the developer has done.

MOTION was ADOPTED 2-1. Commissioner Myers opposed.

Land Development LD-15-02 – Molly Court Associates, LLC – 720 Rhoads Avenue

Commissioner Sanchez made a MOTION, seconded by Commissioner DiPlacido to approve the subdivision and land development application of Molly Court Associates, LLC, applicant and owner of the property located at 720 Rhoads Avenue. The applicants seek approval to demolish the existing structures onsite and subdivide the property into eight lots. A new road is proposed with access to Rhoads Avenue. The eight proposed lots will range in size from 15,098 square feet to 18,292 square feet. The applicant proposes to construct a new single-family dwelling on each of the lots. The properties are zoned within the (R-2) Residential District in Ward No. 3 of the Township of Abington.

This motion is subject to the following conditions:

1. The applicant is required to provide the Township with eight (8) new executed, signed, notarized and recorded deeds. This is a requirement of the subdivision process.
2. The applicant is required to set eight (8) concrete monuments as directed by the Abington Township Engineering Office.
3. Any work proposed within the roadway will require a “Highway Permit” from the Township Engineer’s Office.
4. The items listed within the staff review letter dated, February 2, 2015 becomes conditions of the application.
5. The applicant has submitted an Act 537 Exemption application for the seven (7) new EDU’s that will be required for this proposal.

This motion is subject to the following waivers:

1. Waiver from Section 146-11.A – Property Identification Plan.
2. Waiver from Section 146.11B – Existing Features Plan.
3. Waiver from Section 146-11.F.b. – Phasing 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 146-27- Street Improvements.

Commissioner Sanchez asked the applicant to present their plan.

Steven Kozlowski, 872 Jenkintown Road, Elkins Park, PA, Partner with Adam Reiff of Molly Court Associates, LLC, owners of property located at 720 Rhoads Avenue, Rydal, PA, said we are proposing to demolish the existing home and barn onsite and subdivide the property into eight building lots. We had multiple meetings with neighbors to address their concerns about the trees that surround the property, and we will have another meeting this coming Saturday with neighbors who boarder the property to address their concerns about landscaping and trees.

Mr. Matteo added that members of the Historic Society are also invited to the upcoming meeting to see what can be salvaged from the home and barn, and we are continuing discussions with the neighbors.

Commissioner Jones noted that there is also a request from a neighbor about an historical marker to be placed, but it is uncertain as to whether or not that site would qualify for a marker. Also, most of the surrounding homes are single-story and the new homes are proposed to be two-story and there was discussion about offsets and how the neighbors would be impacted. There was a request for a stop sign on the new street, which was brought to Traffic Safety Officer for review and there was discussion about snow removal. He is looking forward to the upcoming meeting on Saturday.

Mr. Matteo noted that this is a by-right plan and conforms to the zoning code.

Commissioner DiPlacido asked about sidewalks.

Mr. Penecale replied one of the waivers is from installation of sidewalks and the issue is that the new road comes out to Rhoads Avenue and there is no sidewalk on that side of the Rhoads, so coming in from Old Huntingdon Pike this development would be on the left.

Mr. Kozlowski continued that the lower portion of the driveway will be done in EP Henry pavers, which is a pervious paving stone designed to collect water runoff from the driveway into the system and store it in an underground seepage pit and each lot will have its own underground seepage pit for the impervious surface create by the building footprint.

Commissioner DiPlacido clarified that the Montgomery County Planning Commission recommended installation of sidewalks. Is that correct?

Mr. Matteo replied that is correct; however, the Township's Planning Commission recommended waiver request from installation of sidewalks.

Mr. Penecale added that the plan shows homes fronting on Essex and a home fronting on Old Huntingdon Pike and, if sidewalks were installed, they would not travel the 150 linear feet needed to connect to Essex Avenue and also they would not travel the 200 linear feet down to Old Huntingdon Pike, so there would be no connection of sidewalk.

Commissioner DiPlacido expressed concern about having a safe place to walk outside the circle of the cul-de-sac such as for children walking to a bus stop, so something should be installed in and around there.

Commissioner Kline concurred with Commissioner DiPlacido. Since there are sidewalks on Essex, there should be sidewalks on Rhoads Avenue and around the cul-de-sac as they would provide safety as well as creating a more walkable community, and to honor recommendation made by the MCPC.

Commissioner Spiegelman commented that this is an opportunity to get sidewalks and he concurred with Commissioners DiPlacido and Kline.

Mr. Matteo clarified that sidewalks should be installed completely around the entire property. Is that correct?

Commissioner Sanchez replied yes.

Commissioner Kline said to strike waiver request from installation of sidewalks.

Commissioner Jones agreed that the Township needs the walkability, but he does not want to see it being a “bridge to nowhere” and there is no future plan to make that continuity.

Commissioner DiPlacido said this is new development and the opportunity is there now to help bridge these gaps.

Commissioner Jones replied he understands, but where does that put the Township in bridging that gap?

Mr. Matteo replied if the waiver request is denied the applicant will need to install sidewalks. The Township cannot force the other two property owners to install sidewalks to continue them.

Commissioner Jones commented that he is not opposed to the sidewalks as it will be a good thing for the community, but his concern becomes when sidewalks are installed there is no continuity. What was the motivation for staff not to require installation of sidewalks?

Mr. Penecale replied from staff’s standpoint, we looked at whether adjoining properties have sidewalks, and they do not, so we supported the waiver from installation of sidewalks

Also regarding stormwater management; as of now, there will be a portion of the right-of-way approximately six feet around the entire bulb that will be green area, and if sidewalks are installed, four of the six feet will become paved surface and we need to account for that stormwater.

Commissioner Kline said he would agree if there were no sidewalks close by, but there is the possibility of a connection and sidewalks should be installed. The amount of stormwater runoff is negligible and can be handled.

Commissioner Sanchez asked for any public comments.

Lora Lehmann, 1431 Bryant Lane, asked for the time and place of the meeting with the neighbors.

Commissioner Jones replied that meeting will be held onsite of the property and it is a meeting with the developer for residents who share the property line and who live directly across the property line.

Ms. Lehmann asked how many trees will be removed and how many will remain?

Mr. Penecale replied 61% of the existing trees will remain and 39% of the trees are proposed to be moved. Also an additional 12 shade trees will be planted and a number of Evergreen trees will be added to the site. The requirement is that the applicant maintain at least 25% of existing tree canopy and we accounted for each tree that is 10 caliper inches or larger.

The applicant also put together a tree protection plan for during construction where the soil erosion controls will be placed and where all seepage beds will be located and this was reviewed by Township's Shade Tree Commission to make sure that the disturbed area was not in the drip line of any of the trees proposed to remain.

Cheryl Furey, 806 Rhoads Avenue, expressed concern about the specimen of certain trees being removed. There is supposed to be a 40-foot setback on the front of the property and Lot #6 has a curved front and the 40-foot marking is the center.

Mr. Penecale replied it is 40 feet all the way across the property.

Ms. Furey continued to express concern about the historical value of the existing three-story home as it was built in 1740 along with the barn.

Commissioner Markman asked is there an ordinance to prevent tearing down a home because of its age?

Mr. Matteo replied no.

Ms. Furey expressed concern about milled bituminous material being used for the construction entrance and questioned whether it is a pollution hazard.

Mr. Kozlowski replied the construction entrance will be built where the new road will be and, as part of that road, will be a stone tire cleaner so trucks do not track mud into the street. Millings are used for base course driveways or possibly the road itself and it meets Township's standards.

Commissioner Markman clarified that Township staff will make sure there are no contaminants. Is that correct?

Mr. Matteo replied yes.

Ms. Furey expressed concern that the construction driveway will be excavated, milled and put it into an embankment.

Mr. Matteo replied staff will address the speaker's concerns before the next meeting.

Commissioner Jones said he will work with Township staff to make sure the answers are received by the speaker.

Ms. Furey questioned whether all residents are invited to the meeting on Saturday.

Commissioner Jones replied the upcoming Saturday meeting was coordinated as late as today, and there is a mailing distribution list for notices. For a previous meeting, delivered were invitations to those on the mailing list in which he hand-delivered an invitation to the meeting to Ms. Furey's home and surrounding neighbors. Additional invitations were delivered to homes on other streets as well.

A subsequent meeting was initially called for those individuals specific to the property line because specific questions were asked about vegetation, etc., and again he will hand-deliver an invitation to Ms. Furey's home.

Additionally, he sent a copy of the invitations to everyone on his email blast for those residents in that area and all of Ward 3.

The upcoming meeting on Saturday is more specific to those who abut the property line to address their questions and concerns. However, he will work with Township staff to make sure Ms. Furey's questions are answered.

Commissioner DiPlacido made a MOTION, to AMEND the MOTION to strike and deny waiver request by the applicant for installation of sidewalks, seconded by Commissioner Sanchez.

MOTION to AMEND the MOTION – PASSED 4-0.



MOTION as AMENDED – PASSED 4-0.  
Code Enforcement Committee Meeting

March 2, 2015

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

Lora Lehmann, 1431 Bryant Lane, expressed concern that she feels code enforcement at the Colonade was “inadequate,” and the guidelines should be changed in regards to what level of work should be done there.

**ADJOURNMENT:** 8:17 p.m.

Respectfully submitted,

Michael LeFevre, Township Manager

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