

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, October 5, 2016 at the Township Administration Building, Abington, PA., with Commissioner Sanchez presiding.

CALL TO ORDER: 7:43 p.m.

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

Township Manager LEFEVRE
Township Solicitor CLARKE
Township Engineer POWERS
Director of Code Enforcement MATTEO
Planning & Zoning Official PENECALE

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

MINUTES: Commissioner Sanchez made a MOTION, seconded by Commissioner Gillespie to approve the minutes of the August 29, 2016 Code Enforcement and Land Development Committee Meeting.

MOTION was ADOPTED 4-0.

Subdivision SD-16-07 – Robert Morris – 1511 Susquehanna Road and 1112 Rydal Road

Commissioner Sanchez made a MOTION, seconded by Commissioner Gillespie to approve the subdivision and land development application of Robert Morris, applicant and owner for the properties located 1511 Susquehanna Road and 1112 Rydal Road, Abington Township. The applicant proposes to relocate the existing property lines to create a third lot that will contain the existing carriage house. The carriage house is proposed to be demolished and a new single-family dwelling constructed. The plan submitted has the proposed new lot fronting on Susquehanna Road and having the minimum one acre in lot area. The properties are zoned in the (R-1) Residential District in Ward No. 1 of the Township of Abington.

This motion is subject to the following conditions:

1. Sanitary sewer service is available for this development. However, if approved, the applicant is required to obtain DEP approval for the additional EDU's prior to the recording of the final plan. To date, that application has not been submitted.
2. The items listed within the Staff Review letter, dated August 10, 2016 are to be taken under consideration by the Board of Commissioners of the Township of Abington.
3. The applicant must obtain stormwater management permits from the Engineering Department of the Township of Abington.

This motion is subject to the following waivers:

1. Waiver from Section 146-11.A – Property Identification Plan - Waiver from Section 146-11.A – Property Identification Plan – The plan is required to supply the tax parcel information, owners' name and lot area for all properties within 400 feet of the site involved in this application. .
2. Waiver from Section 146.11B – 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 proposed to remain and be removed.
4. Waiver from Section 146-11.L – Architectural Plan - An architectural plan is required to be submitted with this subdivision plan. A rendering of the proposed single-family dwelling has been submitted. The applicant stated that the proposed single-family dwelling will be very similar to the home currently under construction.
5. Waiver from Section 146-39.1 – Shade Trees – The applicant will be planting the required shade trees. However, they seek approval to plant the trees within the front yard setback area and not within 5 feet of the front property line. The Planning Commission recommends the trees not be planted within 25 feet of the front property line.
6. Waiver from Section 146-11.F - Street Improvement Plan – The applicant is required to submit a profile plan of the streets involved in the this application.
7. Waiver from Section 146-11.1 – Phasing Plan – No phasing plan has been submitted. This is a single lot development, no phasing is proposed.
8. Waiver from Section 146-24 – Right-of-Way Width – To allow the paved surfaces within the right-of-way to remain as currently installed. The request was approved on the prior application. The applicant stated that all setbacks have been plotted from the Ultimate Right-of-Way.

9. Waiver from Section 146-27 – Curbing & Sidewalks – The applicant is required to install full street improvements along the frontages of Susquehanna Road and Rydal Road for the lots involved in this application. This request was approved on the prior application.
10. Waiver from Section 146-30 – Lot Shape – The ordinance states that irregular shape lots are to be avoided. Lot No. 1 and Lot No. 3 are considered to have an irregular shape. Irregular shape lots can be problematic when installing fences, accessory structures and with property maintenance related issues.
11. Waiver from Section 146-11.38 – Street Lighting – The applicant has requested a waiver from installation of additional street lighting.

Joseph Kuhls, Attorney representing the applicant, 1800 Pennbrook Parkway, Suite 200, Lansdale, PA., 19446, introduced Nick T. Rose, P.E. Protract Engineering, Inc. PO Box 58, Hatboro, PA., 19040 and the owner Robert Morris.

The property is approximately 4.2 acres and this is a three-lot subdivision and the applicant is in compliance with all zoning requirements of Abington Township's zoning ordinance. The applicant is in receipt of Township staff review letter dated, August 10, 2016 and the MCPC review letter dated, September 27, 2016. There were a number of comments contained in the review letters that have been resolved between the time the letters were generated and this evening.

A recommendation was made by the Township's Planning Commission for approval of the plan as well as a recommendation to grant all waiver requests.

Mr. Rose presented that plan to the Board noting that the nonconforming carriage house will be removed and replaced with a new single-family dwelling.

Commissioner Sanchez clarified that the lot shape will not create a problem. Is that correct?

Mr. Penecale replied there is language in the SALDO recommending avoiding irregular shaped lots, but it does not say that all lots have to be rectangular in shape.

Solicitor Clarke added that the shape of these lots as well as various other issues connected with this project have been extensively reviewed by his office along with Mr. Penecale and there is no issue with the shape of these lots.

Commissioner Sanchez asked for any comments from Commissioners.

Commissioner Gillespie clarified that both property owners will use existing driveway. Is that correct?

Mr. Kuhls replied that is correct.

Commissioner Kline reviewed the list of waivers and questioned whether there was an existing features plan included with original subdivision plan.

Mr. Penecale replied the original plan did have an existing features plan in which the applicant identified utilities onsite as they extend into public right-of-way, but it did not identify utilities that are on surrounding properties within a 400 ft. radius of the property.

Commissioner Kline asked will the applicant build the same type of house as Lot #3 on Lot #2, and if so, why are architectural plans requested to be waived if they are already in place?

Mr. Kuhls replied because the Board has already seen the plans and the home is currently under construction.

Commissioner Kline questioned whether architectural plans were submitted as part of the subdivision plan.

Mr. Kuhls replied the architectural plans were submitted as part of Lot#3 building permit application, but were not submitted as part of this subdivision and land development application.

Commissioner Kline questioned whether the County Planner recommended approval of waiver for Shade Trees.

Mr. Penecale replied the applicant is not asking to eliminate planting of shade trees; however, they are requesting a waiver that the trees do not need to be planted within five feet from the front property line, but instead planting them 25 feet back from front property line.

Commissioner Kline asked about waivers for street improvement, phasing plan and right-of-way width.

Mr. Penecale replied that would be a profile plan of any improvements being made to the public right-of-way. The driveway entrance remains the same and there is waiver request for installation of curb, gutter and sidewalks.

Regarding the right-of-way width; the applicant did plot the ultimate right-of-way width on the plan and lot area is calculated based on the ultimate right-of-way width; however, as it is laid out today, the applicant is providing the existing right-of-way, although the applicant may want to offer the ultimate right-of-way, but it will not affect the lot areas as shown on the plan.

Commissioner Kline clarified that the setbacks and lot areas are from the ultimate right-of-way, so what is the reason for the waiver request?

Mr. Kuhls replied we can put an offer of dedication of the ultimate right-of-way on the plan.

Commissioner Kline questioned waiver for street lighting.

Mr. Penecale replied the ordinance requires street lights to be placed within 50 feet of each frontage and there are limited existing street lights on Rydal Road as it has been referred to as a "country lane." The plan does not reflect the installation of any additional street lights, so a waiver is needed.

Commissioner Kline asked about setbacks for Lot#3, and regarding Lot #1, how was the ordinance interpreted for the 200 foot frontage?

Mr. Kuhls replied Lot #3 is measured 50 feet off of the ultimate right-of-way of Susquehanna, so it is a setback line that indicates that nothing can be built closer than that line to Susquehanna and there is no requirement that is part of the building envelop.

There is 200 feet of linear distance along Susquehanna Road that is part of Lot#1, and pursuant to the lot width definition of the ordinance, there is something slightly in excess of 200 feet of lot width.

Commissioner Kline asked that waiver request from Section 146-24 –Right-of-Way Width is removed.

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

Commissioner Sanchez made a MOTION to AMEND the MOTION to remove waiver request from Section 146-24 –Right-of-Way Width, seconded by Commissioner Markman.

MOTION to AMEND the MOTION – PASSED 4-0.

MOTION as AMENDED – PASSED 4-0.

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

Code Enforcement Committee Meeting

October 5, 2016

ADJOURNMENT: 8:03 p.m.

Respectfully submitted,

Michael LeFevre, Township Manager

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