

The stated meeting of the Planning Commission of the Township of Abington was held on Tuesday, February 24, 2015 at the Township Administration Building, Abington, PA., with Chairman Don Marquardt presiding.

CALL TO ORDER: 7:35 p.m.

ROLL CALL: Present: SPEARMAN, RUSSELL (8:02 p.m.), GAUTHIER, COOPER, WEGGEL, MARQUARDT
Excused: STRACKHOUSE, ROSEN, CARTER

Also Present: Director of Code Enforcement MATTEO
Planning & Zoning Official PENECALE
County Planner NARCOWICH
Commissioner MYERS, JONES

PLEDGE OF ALLEGIANCE

ANNOUNCEMENT:

Mr. Marquardt announced that the Board of Commissioners has reappointed Dale Russell to the Planning Commission of the Township of Abington for a four-year term.

AGENDA ITEM PC1:

Subdivision and Land Development Application of James Sheridan, applicant for property located at 1777 Kimball Avenue

Mr. Marquardt read agenda Item PC1 into the record, and 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 all lots comply with existing zoning ordinance. The existing single family dwelling on Kimball will remain and two new lots will be constructed fronting on Smith Avenue.

We received Township staff review letter dated, January 12, 2015, and listed under engineering section; the applicant will comply with items one through four. Item five was in regards to sanitary sewer in which ductile iron pipe should be used and not plastic/PVC pipe within the right-of-way and that was a revision made to the plan on February 9, 2015. The applicant will comply with items seven and eight as well. The applicant will comply with all items listed in the remaining sections of the staff review letter.

Item #18 was the primary issue that caused the applicant to be removed from last month's agenda and that related to an easement depicted on the plan related to storm sewer. The applicant was required to adjust the building envelop to be set back from the storm sewer, so we worked with Township Engineer and eliminated the easement and modified the building envelop, which is shown on the plan.

The applicant is requesting waivers from SALDO - Section 146.11.A – Property Identification Plan; Section 146.11.B – Existing Features Plan; Section 146.11.C – Proposed Layout Plan; Section 146.11.D – Grading Plan; Section 146.11.L – Architectural Plan; Section 146-24.D – Roadway Improvements; Section 146-27 – Installation of Sidewalks; and Section 146-38 – Street Lighting.

Mr. Marquardt asked for the timeframe of when construction will begin.

Mr. Kuhls replied we will be applying for building permits soon.

Mr. Marquardt clarified that sidewalks already exist in this location. Is that correct?

Mr. Kuhls replied yes, there is sidewalk on Smith, but no sidewalk on Kimball.

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

Ms. Gauthier noted there is sidewalk at the corner lot in the front on Windsor and continues down. How many units in total will take access on Smith Avenue since it is a dead-end street?

Mr. Kuhls replied there will be two new, but he does not know how many exist today.

Ms. Gauthier clarified that these lots will take away some of the on-street parking, and are there any proposed trees?

Mr. Penecale replied yes, these homes will generate two additional curb-cuts for driveways. They are shown as single access car driveways that open up side-by-side parking, so that the apron width would be approximately 12 feet. There are four homes directly across the street on Smith Avenue and there is a large gate at the dead-end on Smith that allows access to the rear of the homes.

Also, there are two corrections to Township staff review letter; the Township received DEP Planning Module and the waiver request from Section 146-11.D- Grading Plan has been addressed on the plan, so there is no waiver request for that.

Robert Jordan, Woodrow & Associates, PE, 1108 N. Bethlehem Pike, Suite 5, Lower Wynnedd, PA, 19002, indicated that the plan shows landscaping of street trees and buffering along the back of the property; the two street trees are Red Maples; Pine trees along the side of the property; and Douglas Firs and White Spruce trees as well. Red Maples are shown along the back of the property along with Witch Hazel and shrubbery.

Ms. Gauthier asked about existing wells.

Mr. Kuhls replied the existing home is served by an on-lot system and the proposal is that it will remain as an on-lot system. The new lots fronting on Smith will be served by public water.

Ms. Gauthier questioned whether zoning variances were for the on-lot water system.

Mr. Kuhls replied there were no variances granted. There was an appeal from the Zoning Officer's interpretation and the applicant was bound to conform.

Mr. Weggel clarified that the well is potable water. Is that correct?

Mr. Kuhls replied that is correct.

Mr. Marquardt clarified that Township staff had no concerns regarding this subdivision.

Mr. Penecale replied that is correct. The subdivision conforms to zoning requirements of the R-4 District and the only outstanding issue was addressed by the Zoning Hearing Board relating to the well. For the storm sewer that runs between the two properties; originally there was a 20-foot wide easement proposed because the storm sewer straddled the property lines which would have required, according to the zoning ordinance, alternative building setback lines to the edge of the easement. The applicant elected to relocate the storm sewer onto one lot, so therefore there is no longer a need for the easement.

Mr. Marquardt asked for any public comments.

Christine Whistle, 1771 Smith Avenue, commented that her property faces the new proposed lots, and she has a list of 30 signatures of neighbors who live on Smith and Windsor Avenues who were concerned about the construction of two new homes. The ZHB vote resulted in a 3-2 vote against the neighbors and there was never an explanation of why the vote resulted in that way, and she asked for clarification.

Mr. Penecale replied the ZHB issued a formal Opinion and Order of the Board when they rendered their decision.

Mr. Matteo instructed the resident to address this matter with members of the Zoning Hearing Board directly.

Ms. Gauthier clarified that it was a 3-2 vote in favor of the application. Is that correct?

Mr. Matteo replied that is correct.

Ms. Whistle continued to express concern that her street was dug up for storm sewers and she did not receive notification of it.

Mr. Penecale replied that should be addressed with the Township Engineer's department.

Ms. Whistle asked about the waiver for street lighting.

Mr. Marquardt replied there was a requested waiver from installation of street lighting.

Ms. Whistle replied we definitely need street lighting on Smith Avenue, and she requested "Do Not Enter" or "Dead End" street signs to be posted. She also expressed concern about access for trash collection trucks and also access for plows for snow removal.

Mr. Matteo said prior to this application being presented before the Board of Commissioners; he offered to have a meeting with the Department Heads and residents to address concerns by the neighbors.

Mr. Whistle asked will the width of the driveway be two vehicles wide or two vehicles deep?

Mr. Kuhls replied we have not firmed up any design for the driveways at this time, but there is concern about on-street parking. So we are inclined to leave the curb cut as is so as to not eliminate any further distance on the street that is absolutely necessary, but have the drive widened as it ends the property so that two cars can be parked side-by-side.

Ms. Gauthier clarified that the plan meets the tree removal ordinance. Is that correct?

Mr. Penecale replied that is correct.

John McGuigan, 1767 Smith Avenue, commented that there is no parking permitted on the side where the homes will be developed, and he expressed concern about the tree roots when digging begins on the property.

Mr. Marquardt replied there will be a number of trees that will be affected by construction of the homes.

Mr. Narcowich questioned whether a vegetative swale was considered such as wetland or ornamental grasses that would take up water quickly helping with infiltration of runoff and reducing stormwater flows.

Mr. Kuhls replied we will take that into consideration.

Mr. Marquardt suggested that a street light be installed at the light pole in front of the applicant's property on Kimball Avenue.

Mr. Penecale suggested that waiver request from Section 146-38 – Street Lighting be denied.

Ms. Whistle explained that traffic from Smith Avenue has to make a right onto Windsor and then exit onto Fitzwatertown. If we go up to Kimball, traffic is forced to make a left and then go to Old Welsh Road. Could Kimball be changed to a two-way street because Kimball is the same width as Windsor?

Mr. Matteo replied that he will ask the Township's Traffic Safety Officer to look into it.

Ms. Whistle suggested that the work trucks instead of entering Smith Avenue and blocking us in could enter Kimball in the morning.

Mr. Matteo said we will look into it.

Mr. Penecale said in summary, the waiver request for Grading Plan was addressed in revised plan, so there is no waiver request for that. However, the applicant is requesting waivers from Section 146-11.A – Property Identification Plan; Section 146.11.B – Existing Features Plan; Section 146.11.C – Proposed Layout Plan; Section 146.11.L – Architectural Plan; Section 146-27 – Installation of Sidewalks. The waiver request from Section 146-38 – Street Lighting was denied. Waiver requirement for street improvements was granted for Kimball Avenue, but improvements are to be made on Smith Avenue.

Also, direct staff of Public Works Department to look at a “Dead End” street sign to be installed at Kimball and Smith Avenues and also to consider how trash/refuse will be collected on this street and how the street will be plowed; also request Traffic Safety Officer to look at the possibility of a two-way traffic on Kimball Avenue; and schedule a meeting with Township Department Heads to meet with residents to address concerns.

The applicant has submitted the Act 537 Exemption Application for sanitary sewer that is treated by Township's plant on Fitzwatertown Road and there is capacity for it.

Mr. Weggel made a MOTION, seconded by Ms. Gauthier to approve the subdivision and land development application submitted by James Sheridan for property located at 1777 Kimball Avenue subject to the conditions previously stated and approval of the five waiver requests as listed, and to deny waiver request for installation of street lighting.

MOTION was ADOPTED 6-0.

Subdivision and Land Development Application of Molly Court Associates, LLC

Mr. Marquardt read agenda Item PC2 into the record, and 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 this is a four-acre site and we are proposing to demolish the existing home and barn onsite and subdivide the property into eight lots. He introduced Jack Leapson, Project Engineer for the project.

Jack Leapson, PE with TEI Consulting Engineers, Inc., 720 Second Street Pike, Suite 203, Southampton, PA., 18966, said the property is four acres and fronts on Rhoads Avenue that is serviced by public water/sewer and public storm sewer.

This property is located in the R-2 Zoning District and all lots conform. The street would be paved, but it was determined that it would not be desirable to provide paved sidewalks. So we would grade the area to the shape of the curve and install a lawn in which each property owner would maintain and each house would have a driveway out to the each street.

Two acres will be devoted for eight houses and there are over 269 trees onsite and every tree has been surveyed by a landscaped architect and identified. Shown on the plan was a green area around the perimeter that is designated as the tree protection zone where the trees will remain. Proposed homes were also shown on the plan.

To manage the stormwater there will be two methods used. Part of the driveways will be built of pervious block pavement that have open joints and they have a reservoir two inches thick that allows stormwater to store and go into the ground from the pervious pavement. The other method is a BMP measure in which each house will have UAB – (underground absorption bits), which is a system of eight rows of 18-inch perforated pipe mounted on stone, so runoff from new impervious surface will be piped directly to the UAB's.

Preliminary calculations show that the beds are large enough so that all runoff will go into the ground. There will be no concentrated surface runoff from new impervious surface because of the pervious pavement and the underground paths.

We will be able to save 61% of 269 trees and they are listed in the tree protection plan. The contractor will be required to remove any dead trees and dead branches and grind up the wood and be spread as mulch so the tree areas will be walkable.

Stormwater from the new public street will be piped directly to an existing storm sewer in the street and will flow directly to a discharge point in the watershed.

In regards to Township staff review letter dated, February 2, 2015; the applicant will comply with all items listed noting that there is some uncertainty as to whether or not the existing house is connected to public sewer system, and if it is, it will be seven new EDU's, and if not, it will be eight EDU's. An investigation will determine it.

Mr. Kozlowski added that public record shows that it is connected.

Mr. Penecale noted that he has a plumbing card showing it is connected.

Mr. Leapson said so seven new EDU's will be required and they are available. He continued review of Township staff review letter noting that the applicant will comply with remaining items.

Also, the applicant is requesting waivers from Section 146-11. A- Property Identification Plan; Section 146.11.B – Existing Features Plan; Section 146-11.F. b. – Street Plan; Section 146.11.I – Phasing Plan; Section 146-11.J – Recreational Facilities Plan; Section 146-11-K- Planning Module and Section 146-11.L.– Architectural Plan.

We will manage stormwater onsite and there will be no new concentrated flows going into the ground.

Mr. Marquardt asked about the driveways.

Mr. Leapson replied the driveways will be constructed of pervious pavement.

Mr. Penecale noted that the applicant submitted a copy of the permit from Montgomery County Soil & Water Conservation District to the Township and, in addition, they submitted a DEP Planning Module Exemption letter requesting seven additional EDU's, so waiver from Section 146-11.K – Planning Module can be removed. The applicant received a spec sheet from Township Public Works Department on what street lights would be acceptable. Also a letter was sent to Mr. Kozlowski from Aqua indicating public water service is available including fire hydrants.

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

Ms. Gauthier suggested a waiver request for sidewalk installation should be included in list of waivers.

Mr. Weggel asked about sanitary sewer for Lot#6 going across Lot #7.

Mr. Penecale replied that was addressed in staff review letter and it has been revised on the plan.

Mr. Weggel asked for the type of permeable pavement being proposed and would it permit grass to grow between it?

Mr. Leapson replied it is a patented block pavement and the joints allow the water to flow down to the reservoir, but it is not the type that grass flows through it.

Mr. Marquardt said if this plan moves forward, that should be addressed so that it is maintained during the existence of the house.

Mr. Leapson agreed and there will be an operation and maintenance agreement that runs with the land requiring that the owner is required to maintain the existing system and not to make any changes.

Ms. Gauthier commented that there is a note on the record plan saying, "one of the project goals is to preserve as many existing trees as possible therefore a tree protection area has been created and no existing trees can be removed in this area." Will that note be on the record plan so they will be protected and also have some type of management plan?

Mr. Penecale replied no. That tree protection plan and green area is the area they propose to protect during construction and that represents the existing trees and existing drip edge of those trees. There was discussion during a meeting with residents where a request was made to create a dedicated tree protection easement. There were only two properties in the Township where that was added to the record plan and that has been nothing but a "headache" for everyone involved.

Ms. Gauthier commented that it was requested that the historic buildings be integrated into the overall plan and that has not been done.

Mr. Kozlowski replied the way the property is subdivided is that the existing house is located in the middle of the cul-de-sac and barn is just off to the side of it and there was no way to preserve that building in its existing location and be able to develop around it.

Ms. Gauthier suggested that the applicant consider a planted island in the middle of the cul-de-sac to help with stormwater management collection onsite and also a snow easement such as a place where snow will be pushed off of the street as this is eight properties, which is something the applicant should consider. Also, this plan was submitted to the Township's Shade Tree Commission; were there any comments?

Mr. Matteo replied he has not heard back from Dr. Rita Stevens, Chairperson of the Shade Tree Commission.

Mr. Marquardt asked will this be a dedicated road?

Mr. Penecale replied yes.

Ms. Gauthier asked for diversity in the types of street trees and for them to not be all Maple Trees.

Mr. Marquardt asked for any public comments.

Robert Rainey, 982 Old Huntingdon Pike, said he lives on the corner of Rhoads Avenue and Old Huntingdon Pike, and he is concerned about stormwater management for this site. The site is in disrepair and there are more trees down than up and the trees on his side are White Pine and are "junk." He would like to see trees that provide privacy to his property.

Mr. Marquardt questioned whether the meeting with the neighbors was successful.

Mr. Penecale replied 20-24 residents attended that meeting as well as the applicant and Commissioners Jones and Markman.

Eileen Faith, 941 Essex Road, commented that she attended that meeting and she expressed concern about not being able to see the details on the plan and she needs to have the information.

Mr. Penecale replied information is posted on Township website.

Ms. Faith continued that she enjoys the privacy that the trees provide.

Commissioner Jones, Commissioner of Ward 3, commented that he sent a link to everyone on his email list, but the link did not contain the actual plans. It was just detailed letters, and it makes sense for everyone to have a copy of the plan. We also discussed at the meeting with residents to have a meeting onsite with residents and the developer to walk the site and discuss issues and concerns, so that a solution can be found. He questioned whether this application could be delayed until that onsite meeting takes place.

Mr. Matteo replied the next meeting of the Planning Commission will be held on March 24, 2015 and the Board of Commissioners needs to act on this application by April 15th.

Mr. Kozlowski commented that he would not want to delay this for another month.

Mr. Reiff added that he does not want to delay this application and we would be happy to meet with residents this coming weekend.

Mr. Weggel questioned whether the existing home and barn will be inventoried.

Mr. Narcowich replied he is also interested in the historic significance of the home and barn because often dates of construction from County Court Assessment data are just estimates.

Mr. Matteo added that the applicant has agreed to work with the Historical Society concerning both structures. He and Mr. Penecale were in those buildings and there are certain areas in the building that might be historical and there may be more in the barn building.

Mr. Reiff commented that we have a demolition contractor who specializes in restoration to look at what could be salvaged. The County Assessment indicated that it was built in 1760, but there are other indications it was built in the late 1800's. There is a lot of termite damage and not a lot of historical significance attached to the house, but anything that can be salvaged, will be.

The idea for tree protection was to preserve the privacy for the neighbors and we agreed to create a new buffer planting Pine Trees on property lines and remove trees that are dangerous, and he wants this application to go forward.

Mr. Penecale suggested that members of the Planning Commission review the waivers list and any other points of interest with this application for the Board of Commissioners to review.

Cheryl Furey, 806 Rhoads Avenue, expressed concern that there may be historical issues that may not have been investigated or addressed, and once this project is approved there will not be another chance to research whether or not there is any historical value. Were the EDU's approved for this project?

Mr. Penecale replied EDU's have not been approved, but there is capacity in the system to handle the additional flows for the seven new units. However, the 537 Exemption certificate is what the Township signs off on and is mailed to DEP for approval of permits. The EDU's are available and the Township has the capacity and the application is forwarded to Township Manager with attached letter from Superintendent of W.W.T. P. indicating that capacity exists and that is mailed to DEP for approval, which has been done.

Ms. Furey questioned whether this is a preliminary or final plan.

Mr. Penecale replied the applicant submitted application as a "preliminary as final" plan and the Board of Commissioners will consider approval for preliminary as final plan, and if approved, it is a final plan.

Ms. Furey questioned whether all setbacks of the plan are in compliance with Township code as well as the proposed homes for this tract will be compliant.

Mr. Leapson replied yes. Each setback requirement complies with the Township's zoning ordinance.

Mr. Marquardt added the lots as drawn on the plan are compliant, but each home will have a separate permit process.

Ms. Furey suggested that if a future neighborhood meeting will be held notices should be sent to all of the neighbors.

Mr. Penecale replied notices were sent to over 35 homes about this meeting as well as the meeting held at the McKinley Fire House. Notices will be sent to the same 35 homes for a future meeting. There is no requirement for notification, but this Township notifies immediate surrounding neighbors and notification for this project was expanded from 15 property owners who abut this property to all of the neighbors who live across the street as well.

Ms. Furey said what is on the property now is the natural environment and she appreciates that the applicant will try to protect the natural environment and maintain the tree buffer, but the habitat will change irrevocably and irreparably. So if everything is done according to law, there is no recourse, but she respects the developer's attempt at least preliminarily to preserve as much as possible.

She referred to the application filled out by the applicant, Item #8, regarding PNDI Project Planning and Environmental Review Form, and asked for clarification.

Mr. Leapson replied the PNDI is a State inventory of environmental problems, and Mr. Wrigley, Superintendent of W.W.T.P., asked that the applicant make certain minor requirements and then the PNDI was submitted and there were no adverse remarks.

Mr. Reiff invited anyone who has credentials to make a determination on any historical value of the structures.

Mr. Marquardt clarified that if that person wanted to record those structures for historical record, they can have access to the property. Is that correct?

Mr. Reiff replied yes.

John Mueller, 715 Rhoads Avenue, asked will stormwater runoff be controlled before it enters Rhoads Avenue?

Mr. Penecale replied yes. There are two new stormwater inlets being proposed; one on each side of proposed new street 35 feet from the center point of Rhoads Avenue.

Mr. Mueller expressed concern about demolition of the structures that contains lead paint particles in the air as well as asbestos all over the pipes, shingles and original flooring.

Mr. Marquardt replied the EPA has instituted significant regulations regarding lead paint and asbestos and other hazardous materials during demolition or renovation processes for projects, especially for projects of this scale.

Mr. Leapson added that there is a requirement on the plan that disposal of all materials from the old structure have to comply with DEP requirements and material has to be accounted for.

Mr. Mueller expressed concern that he feels eight street lights are a lot as there are none now and that it will look like its own community.

Mr. Leapson replied street lights are required by the Township and they are modest 45 watt bulbs and 12 feet high.

Mr. Penecale added that he does not know at this time that the street lights noted on the plan will be approved by Public Works Director. Standard requirements by the Township for street lights are 24 feet high and fully enclosed.

Mr. Leapson noted these street lights are unique.

Mr. Penecale replied that he does not think that the Township will accept them because then the Township is responsible for maintenance once the road is dedicated.

Mr. Mueller asked will sidewalks continue down Old Huntingdon Pike?

Mr. Leapson replied we were requested not to install sidewalks by Township Engineer.

Mr. Mueller asked will there be a construction trailer onsite and will there be a homeowners' association?

Mr. Kozlowski replied there will be a storage trailer onsite and it will be secured. There will be no HOA.

Mr. Mueller asked will there be sprinkler system, and how will the water from the driveways be contained?

Mr. Leapson replied there will be no sprinkler system. There will be porous pervious block paving that will contain the driveway water into a reservoir. Water from the regular paving will be collected into pipes and flow to underground absorption beds and percolate into the ground.

Mr. Mueller clarified that there will be a cleanout station for construction vehicles. Is that correct?

Mr. Reiff replied as part of our erosion and sediment control plan, it includes a tire cleaner and we will be respectful to the neighborhood.

Mr. Leapson added that the Montgomery County Soil & Water Conservation District will inspect and monitor it.

Mr. Spearman made a MOTION, seconded by Mr. Weggel to approve the subdivision and land development plan of Molly Court Associates, LLC, applicant and owner of property located on 720 Rhoads Avenue, subject to another meeting being held by the developer for the residents to discuss historic preservation, buffering and woodlands and for notes to be taken to be passed onto the Board of Commissioners for consideration; also that the building is opened for historical inspection and to notify members of the Planning Commission once that schedule is set; a note was made about increasing the size of the onsite stormwater management detention pits to account for paved driveways; light fixtures need to be approved by Director of Public Works Department; also that the number of trees to be removed must be reflected on the plan and replaced by a diverse type of street trees.

Also, approval was granted for waivers requested by the applicant as follows: Property Identification Plan; Existing Features Plan; Street Plan; Phasing Plan; Recreational Facilities Plan; Architectural Plan; and Installation of Sidewalks.

Each waiver request was voted on separately and the vote was 5-1. Ms. Gauthier opposed each waiver request.

MOTION was ADOPTED 5-1. Ms. Gauthier opposed.

Ms. Gauthier explained that that she opposed the plan because she felt that the Planning Commission should have tabled their vote to fine-tune our recommendations for the plan as part of our responsibilities.

ADJOURNMENT: 10:18 p.m.

Respectfully submitted,

Liz Vile, Recording Secretary