

The stated Working Session of the Board of Commissioners of the Township of Abington was held on Thursday, April 10, 2025 via webinar and in-person at the Township Administration Building, Abington, PA, with President Hecker presiding.

CALL TO ORDER: 8:12 p.m.

PRESENT: Commissioners BRODSKY, ROTHMAN, DiPLACIDO, LANEY-MARTIN, BROWNE, WINEGRAD, HENRY, ZAPPONE, YOUNG-GERTZ, SPIEGELMAN, BOLE, SCHREIBER, BOWMAN, VAHEY, HECKER

Also Present: Township Manager Christman
Township Solicitor Clarke

CONSIDER APPROVAL OF MINUTES:

President Hecker made a MOTION, seconded by Vice President Vahey to approve the minutes from the Working Session of January 9, 2025.

MOTION was ADOPTED 15-0.

UNFINISHED BUSINESS: None.

NEW BUSINESS:

Presentation of an ordinance amending the Code of the Township of Abington at Part II [General Legislation], Chapter 162 [Zoning] by amending and restating Article III [R-1 Low-Density Residential District], and the Use Matrix Appendix to include the G-3 Art Gallery or Museum Use as a permitted use in the R1 Low-Density Residential District and Article XXI [Use Regulations] to establish regulations for the G-3 use where located in the R1 Low-Density Residential District.

Solicitor Clarke said the Township was approached by the property owner with this project and a zoning change would be needed to permit it. An ordinance has been drafted for review and consideration of advertisement next month.

Ms. Julie Von Spreckelsen, Attorney representing the applicant, said proposed is an amendment to the low-density R-1 Residential District to permit a Use G-3 Art Gallery or Museum by-right in that zoning district.

The draft text amendment states that Use G-3 Art Gallery or Museum provides the same provision as in the existing ordinance, which is that an art gallery shall not exceed 3,000 square feet. Also, the amendment defines a museum as a building or place, open to the general public, with entry provided for free or a fee; where works of art, scientific specimens, or other objects of permanent value are kept and displayed. There is no retail sales permitted with museum use.

The following regulations shall apply in the R1 Low-Density Residential District:

Limited Use Permitted. Only a museum may be located in R1 Low Density Residential District as permitted under this use.

No Art Gallery use shall be permitted in the R1 Low-Density Residential District.

A minimum gross lot area of 10 acres shall be provided.

Second Principal Use. A museum use may constitute a second principal use on a lot. No more than two (2) principal uses may exist on a lot.

In the R-1 District, there are a number of uses permitted; one is single-family residential, and if someone was fortunate enough to have an extensive array of art collection it would be beneficial to the Township to be able to have this use associated with their dwelling.

Also, permitted in the R-1 are places of worship, municipal complexes, colleges and schools, so a museum would be compatible with those uses.

The museum should have limited public operating hours from 10:00 a.m. to 10:00 p.m.

As part of a conditional use approval, the Board of Commissioners may reduce the parking requirements of Section 2304.G where good cause is shown that the museum will be adequately served, and the modification will reduce the environmental impact of the use. So, as of now, the parking requirement for this type of use is 1 space for every 350 sq. ft. of the exhibit area, and if it can be proven that many parking spaces are not necessary, there can be a reduction in the number of spaces resulting in less impervious coverage onsite.

This is a low impact use that would benefit the public as it is a philanthropic endeavor.

The ordinance as currently drafted states that this use would be permitted by conditional use and permitting it by-right would make more sense because this use is already permitted by-right in 12 districts. Additionally, there are a number of limitations on this type of use. It is very restricted.

Typically, many conditions are placed on a use during a conditional use hearing, but they are already in place, so a hearing would not be necessary because the protection is there.

Michael Markman, resident, 900 Morgan Road, said he represents Mr. Bruce Toll, his business partner, who has been a resident for over 50 years. Bruce has developed a real affection for the Township, and he is an avid art collector, and while he could donate his art collection to the Philadelphia Museum of Art, he does not want to do that. He also has an extensive sculpture collection. Due to his affection for Abington, he wants to create a museum to display his art that would be run by a foundation and would be of cultural benefit to the people of Abington Township.

Solicitor Clarke clarified that this use is permitted by-right in 12 other districts. Is that correct?

Ms. Von Spreckelsen replied that is correct.

Solicitor Clarke said subsection e. is important as it states that if the applicant can demonstrate they don't need all the required parking, it would be within the Board's discretion to reduce the amount of parking; however, the burden will be on the applicant to show that. Also, the hours of operation may be more limited, and an appointment may be required.

President Hecker said this museum would be located in his ward, and Mr. Toll reached out last year about this unique opportunity to retain a cultural asset within the community and protect the parcel of land. It is one of the last tracts of land that is pristine and parklike. Mr. Toll could choose to sell that property and by-right subdivide to build many houses, which may or may not be the right move for the community. This would afford the opportunity to retain a cultural asset and make it available not just to those in the Township, but to those in the surrounding region.

President Hecker asked for any comments from Commissioners.

Commissioner DiPlacido questioned whether any residents have been contacted about these plans.

Mr. Markman replied there are no plans. It is just an ordinance to allow for it and then we would need to go through the land development process where the residents would have the opportunity to be involved.

Solicitor Clarke added that if the Board authorizes the advertisement of the ordinance, the property will need to be posted, so there would be steps in that regard. At this stage, it is just a concept of a zoning change, and no one is required to be notified.

Commissioner DiPlacido replied he understands there is no plan; however, there is an idea, and it is important prior to any advertising that residents be informed so they can provide input as to whether they support it or not. It is in an R-1 District and all residents in the area should be made aware of any changes.

Mr. Markman said a by-right plan for this property could result in subdividing it into 25 single family homes, which would be a tragedy.

Commissioner DiPlacido agreed. He would love an art museum as his wife and daughter are artists. When there was development in his area, he made sure every one of the neighbors were notified before any advertising or meeting was set up.

Solicitor Clarke clarified that if this is authorized to be advertised, the applicant agrees that notices will be sent to the appropriate number of property owners. Is that correct?

Ms. Von Spreckelsen replied yes.

Commissioner Schreiber clarified that the Planning Commission will review the plan as part of the conditional use process as well as if it is permitted by-right. Is that correct?

Ms. Von Spreckelsen replied for the ordinance to be adopted, it will need to be sent to the county for review and then a public hearing would be held on the amendment and the same for the conditional use process.

Commissioner Schreiber clarified the ordinance includes a regulation on how many people could attend at one time or whether it is by appointment. Is that correct?

Solicitor Clarke replied that is an example of what the applicant could do if they do not need as much parking as required by the ordinance.

Commissioner Rothman questioned whether the applicant would object to limiting the number of people so that the parking lot would not be used by the masses.

Mr. Markman replied there would be an assessment of the type of art and the size of the building, but we cannot begin unless we have the zoning. It will be a process on the type of building, how many people would be expected, and the amount of parking, but nothing has been drawn up yet.

Commissioner Rothman said there should be some sort of limited component to it.

Mr. Markman said he lives near here and he would like to see the creation of this use that will not cause overdevelopment. It is permitted in 12 different districts currently in the Township, 10 acres are required, and it needs to meet all other requirements. If this were to pass, a plan would be drawn that would go through the complete process, and we will work with the Township to make sure it is something palatable for everyone. If the Board does not want to go down this road, Bruce Toll will take his art elsewhere, although he would rather share it with the Abington community.

Commissioner Young-Gertz asked for the compelling reason not to proceed through the conditional use process as there would be more opportunities for the public to weigh-in.

Solicitor Clarke said conditional use is something permitted by the conditional use approval process that is held before the Board of Commissioners. If it was a use that needs a variance, that would need to be approved by the Zoning Hearing Board. The applicant proposes to create this use in this zone and the issue is whether it is by-right or does it need to go through the conditional use process.

Commissioner Young-Gertz questioned whether there are two separate definitions currently in the statute for art gallery and museum.

Ms. Von Spreckelsen replied that Section 2103.G under Use G-3 provides a general overview of the use and subsection 2 specifically defines the museum use, which does not have a retail component to it.

Commissioner Henry asked how many properties in Abington would this effect?

Ms. Von Spreckelsen replied there is a requirement of 10 acres and most properties in the R-1 District are not 10 acres.

Commissioner Spiegelman said the notion of Mr. Toll's vast art collection being open to the public is an appealing idea. His property is one of the larger single-family properties in the Township, and the idea that it would be preserved would be incredible. He will be considering the issue of by-right versus conditional use.

Commissioner Bowman said he supports the concept of adding it by conditional use, and he would appreciate Mr. Toll's generosity. It is a beautiful idea, and he supports it in every way.

Commissioner Laney-Martin said it is a fantastic idea, and she supports it being permitted by-right, and it does not need the conditional use process.

Commissioner Winegrad said it sounds like it would be a good use, and he appreciates the educational and cultural part of it. It was stated there would be no retail component; however, would there be any charge for going onto the property? Is the intention to have an outside sculpture garden so the public can walk around or is something else envisioned?

Mr. Markman replied if the zoning were in place, we would discuss it with the Board and community to see what makes the most sense. Mr. Toll intends to keep living there, so if the museum were built, he would want it to be limited to certain hours. Charging may be for maintenance and not a profit-oriented thing.

Commissioner Winegrad questioned whether that could be discussed further during the conditional use process.

Solicitor Clarke replied if it is by conditional use, it would just be the list of standards of our ordinance.

President Hecker said there is clearly support for the concept and working out the details will be part of the process going forward. He had the opportunity to have a tour of some of the art collections and it is stunning, historic and there is an educational component to it that the schools could tap into in a meaningful way. We will consider whether it makes sense for the community, and he agrees that we have someone who devoted his life to the community and who wants to leave a lasting legacy that will exist well beyond his time, so he is supportive of that concept.

Commissioner Winegrad suggested seeing how many properties this could be subject to.

President Hecker said we will discuss that further at the next meeting.

Review an ordinance amending the Code of the Township of Abington at Part II [General Legislation] creating Chapter 89 [Food Trucks and Mobile Food Vendors] to provide regulations for the operation of Mobile Food Vendors.

Fire Marshal Chris Platz said included in the agenda packet is his proposal for a mobile food vendor licensing process within the Township. It has grown more common and, right now, our enforcement mechanism, specifically for the safety of the residents, is limited.

Proposed is a two-part process; one is the license for the mobile food vendor. They will need to register as a business, pay business privilege taxes as well as get an inspection to make sure they are abiding by the rules and operating safely.

The second part is the location process; one is a host business process where a business within the Township can sponsor a food truck or food trucks to be located at their business. This will allow the Township to control when and where they can operate making sure they are abiding by the rules.

There are also single-use events such as food truck festivals or having one at your house for an event and there are parameters such as noise, an increase in population as well as an increase in parking for how that will be allowed to happen.

Host businesses are permitted in the BC-Business Center, Main Street and SI-Suburban Industrial Districts, and in the Residential District, only a single-use food truck would be permitted, which would need to be applied for individually. Other locations would be permitted under special use, and a review would be conducted. Also, there will be no operations permitted in public right-of-way.

A site plan needs to be provided that includes trash receptacles onsite; they are not to block vehicles or make unsafe egress pathways. Also included in the proposal is when a commercial property abuts residential property, there is an increased separation requirement. The hours of operation will be between 7 a.m. – 9 p.m. and they must comply with all other Township regulations.

President Hecker asked for any comments from Commissioners.

Commissioner Winegrad questioned whether there are any current issues that need this legislation.

Mr. Platz replied quite a few food truck owners have reached out asking how they can operate, and we do not have a process, so they just take up shop, and if we do not have a process to restrict it, we cannot enforce it. Also, we need to regulate where they can be placed as food trucks can have safety issues. We need to evaluate and find a solution to an existing problem.

Commissioner Bowman agreed this is something that should be addressed. There are certain parts in town where they would need to park in the street at least for a limited time, so we could have a length of time restriction.

Mr. Platz replied there is a stipulation where it could be approved as part of the single use event that would be authorized by the Zoning Officer as well as communicated with the police department.

Solicitor Clarke added that it would be in a residential area and parked in the street for a limited time. We would not allow a business to have food trucks parked in the street.

President Hecker suggested an educational campaign for the community providing enough lead time prior to any action being taken.

Mr. Platz replied we will reach out to residents in the community as well as the vendors.

Commissioner Young-Gertz clarified that a single use event vendor would be required to obtain all the necessary permits as well as a business license. Is that correct?

Mr. Platz replied yes. The vendor must obtain a license from the Township regardless of whether they are part of a host business or single use event. They need to register with the Township and Tax Office and then get an inspection, which is good for a year, and they would be licensed to operate at any of these locations. For a single use event, the property owner would need to apply for a single use permit to allow the vendor to come onto their site and the food vendor also needs a permit.

Commissioner Henry questioned whether vendors in other municipalities typically follow a process such as this one.

Mr. Platz replied yes. It is standard in other municipalities in which they have their own processes.

Commissioner Spiegelman asked for the timeframe between adoption and enforcement of the ordinance.

Mr. Platz replied the effective date is five days after enactment and there would be a learning curve.

President Hecker agreed there should be a learning curve during the first phase of implementation.

Commissioner Laney-Martin agreed there should be lead time for residents to obtain permits for vendors coming onto their site versus the amount of lead time for vendors to make sure they fill out their necessary paperwork. This is a great ordinance, and it will allow Abington to receive revenue from mobile businesses.

President Hecker said this item will be placed on the May agenda to discuss, deliberate and vote on whether to advertise.

PUBLIC COMMENT:

Adele Kubel, resident, expressed concern about rats, open dumpsters, and rotted houses, and we don't want food trucks. Also, developers should be paying for traffic calming studies because they are creating the issue and not the taxpayers. The museum could be put on Old York Road and Easton Road, and we don't need it in a neighborhood.

Bill Rearden, resident, expressed concern that if an exception is made it will set a precedent, and the Township will have to live with it. There are a lot of empty buildings that could possibly be used. There should be no fee in an R-1 area, and the property should be used as a one use and one use only, so that in the future it does not become a building sitting in an R-1 zone that someone may want to build apartments or retail. He supports the concept, but he does not support the change in zoning in an R-1 District.

Lora Lehmann, resident, expressed concern about the speaking rules. She agrees that residents need to know about this, and they should have been encouraged to come and speak and learn about the proposed ordinance. Also, caterers and food businesses should be notified about the food trucks.

ADJOURNMENT: 9:22 p.m.

Respectfully submitted,

Liz Vile, Recording Secretary