

The stated Working Session of the Board of Commissioners of the Township of Abington was held on Thursday, June 12, 2025 via webinar and in-person at the Township Administration Building, Abington, PA, with President Hecker presiding.

CALL TO ORDER: 8:08 p.m.

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

Also Present: Township Manager Christman
Township Solicitor Gallagher

CONSIDER APPROVAL OF MINUTES:

President Hecker made a MOTION, seconded by Vice President Vahey to approve the minutes from the Working Session of May 8, 2025.

MOTION was ADOPTED 13-0.

PUBLIC COMMENT ON AGENDA ITEMS:

Elysa Katz, resident Elkins Park, said she is in favor of and urges the passage of the proposed ordinance to prohibit the retail sale of puppies and kittens in our Township. Similar ordinances have already been enacted elsewhere throughout the state.

This ordinance will protect both people and animals by eliminating a potential market for puppy and kitten mills. These mills are notorious for selling sick animals, which is a consumer nightmare for purchasers who are then faced with unexpected veterinary costs and the emotional stress and heartache of having unknowingly bought sick and sometimes critically ill pets.

These mills are also notorious for being inhumane as animals are confined in small cages and in filthy conditions. The animals are exposed to frigid temperatures during the winter and extreme heat during the summer. The animals are bred repeatedly and then killed when they are no longer productive.

This ordinance will not deprive anyone of obtaining a dog or cat of any breed and they will be able to adopt a pet from a local shelter, rescue or from a responsible breeder. She urged the Commissioners to pass this ordinance and to take a stand against cruel puppy and kitten mills and to protect the residents of our Township.

Grace Kelly Herbert, President and co-founder of Finding Shelter Animal Rescue, a Montgomery County based rescue, said we love doing adoptions here in Abington and visiting your wonderful community. Finding Shelter Animal Rescue started 15 years ago, and she has been rescuing dogs from Lancaster County as well as multiple counties throughout Pennsylvania personally rescuing 10,000 dogs and a few hundred cats, many of them not well. So, the puppies leave the farm and are sent to the pet stores and then people's homes and they can transmit sickness to the humans that care for them.

We hope this ordinance will be considered as a preventative measure so that your community does not welcome these practices in Abington Township. There are also predatory lending issues, and even though Pennsylvania has laws, there are loopholes. The pet stores could charge \$6,000 and the animals are financed, and if it is outside the Puppy Lemon Law and the puppy dies, they are not only out the money they paid to purchase the puppy, but also the money they paid to help the puppy.

She encouraged the Board of Commissioners to consider this ordinance and take this compassionate measure not only for the animals, but for the people of Abington Township.

Steven Kline, resident Washington Lane, said regarding Item b. on the agenda regarding editing Section 1908 of the zoning ordinance; it is an unneeded checks and balance in the zoning ordinance for nonconforming lots. During his time on the ZHB, we never had a reason to turn down an application for a special exception under Section 1908 for nonconforming lots. It is a disproportionate burden for small lots, specifically in the R-4 and Main Street Zoning Districts where properties are smaller than 7,500 sq. ft.

The Board should have faith in the Zoning Officer to review and adjudicate these specific issues of nonconforming lots without having to appear before the ZHB.

Review LD-24-01 – 2241 Old Welsh Road – Final Major Subdivision and Land Development Plan:

Mr. Khal Hassan, Township Engineer, said this is a final major subdivision and land development plan that was brought before the Planning Commission and the Board of Commissioners back in 2024 when they both granted preliminary approval of this application.

This is the final plan for the project that is located within the R-4 Residential District and this site is a triple frontage lot fronted on Parkview, Fairview Avenue, and Old Welsh Road. Under this application, the applicant proposes to demolish the existing detached garage, gazebo, stone walls, and a rear concrete driveway and subdivide the existing site into seven lots.

Since preliminary plan approval was granted, there has been one major comment contained in our review letter pertaining to the applicant receiving approval from the Montgomery County Conservation District, and since then, they have obtained approval. The Board also granted approval of four waivers requested by the applicant.

President Hecker clarified that the only change to the application is that the Montgomery County Conservation District issued its endorsement of the project. Is that correct?

Mr. Hassan replied that is correct.

President Hecker said this item will be on the July agenda.

Discuss an ordinance amending the Code of the Township of Abington at Part II [General Legislation], Chapter 162 [Zoning], Article XIX [Nonconforming Uses, Structures, Lots and Signs] by amending and restating Section 1908 [Expansion of or Construction on a Nonconforming Lot] to revise provisions for special exceptions:

Solicitor Gallagher said currently the Township requires special exceptions for expansion of a building of a nonconforming use that triggers a review by the ZHB more often than intended, so we reviewed it with Township staff, and it is appropriate to revise the ordinance to remove the special exception requirement in those instances.

Commissioner Bowman asked for further explanation.

Solicitor Gallagher explained that a special exception is for a use or dimensional requirement that is permitted provided certain requirements of the ordinance are met. It triggers an appearance before the ZHB where the applicant needs to pay an application fee, file the application and go through the public hearing process, creating additional hurdles for the property owner that may in other districts only require permits. So, due to the requirement of having to go before the ZHB and the frequency they are being granted, it was determined that this would be an appropriate change.

Commissioner Bowman clarified that this is Mr. Kline's position. Is that correct?

Mr. Kline replied yes, he agrees this is an unnecessary check and balance in the zoning ordinance for this specific aspect. The Zoning Hearing Board wrote a letter to the Board of Commissioners to that effect.

Commissioner Laney Martin asked for further clarification on Section 1908 of the ordinance.

Solicitor Gallagher explained that Section 1908 says, “that a building may be altered or erected on any nonconforming lot that was lawfully in existence at the time of the adoption of this ordinance if the applicant obtains a special exception,” and that is the requirement that will be removed, but they still need to meet other requirements.

Commissioner Spiegelman said we should move forward with it.

President Hecker said this item will be on the July agenda.

Discuss an ordinance amending the Code of the Township of Abington at Part II [General Legislation], Chapter 162 [Zoning] at Article II [Definitions]. Article XXI [Use Regulations], Article XXII [Parking and Transportation], and the Comprehensive Use Matrix to incorporate provisions for the C-39 [Medical Marijuana Dispensary] and D-18 [Medical Marijuana Grower/Processor] Uses:

Solicitor Gallagher said several years ago, the legislature enacted legislation allowing for medical marijuana, growing processors and dispensaries. At about that same time, the Township was working on a comprehensive zoning rewrite, and the medical marijuana legislation had an enactment date that the Township had to comply with, so the Township separately passed a medical marijuana ordinance. Then shortly thereafter, the zoning rewrite was passed, and we did not adjust the medical marijuana ordinance to account for the new zoning districts and the new Use Matrix, so this is an amendment to incorporate the medical marijuana uses into the updated Use Matrix.

President Hecker clarified that we are cleaning up language in the ordinance that the Township was required to pass. Is that correct?

Ms. Gallagher replied that is correct.

President Hecker said this item will be on the July agenda.

Discuss an ordinance amending the Code of the Township of Abington at Part II [General Legislation], Chapter 58 [Animals] to add a new Article VII [Sale of Dogs and Cats]:

Solicitor Gallagher said this ordinance will prohibit any retail pet store from selling, offering for sale, delivering, bartering, auctioning or transferring a dog or cat. The intent of this ordinance is to address “puppy mills.”

Commissioner Bowman questioned whether we could “stamp out” dog stores if we so choose in our Township.

Ms. Gallagher replied it still allows for rescues. It addresses selling pets but will not affect reputable breeders because they are not pet stores.

Commissioner Bowman said he supports it.

Commissioner Winegrad asked who determines whether it is a reputable breeder?

Ms. Gallagher replied it would be an individual who sells animals they have bred and raised.

Commissioner Schreiber said we don't currently have pet stores doing this. The only pet store in the Township is PetSmart and they only have rescue animals.

President Hecker said this item will be on the July agenda.

PUBLIC COMMENT:

Adele Kubel, resident, expressed concern about "tighter" buildings being built where they put up buildings that ends up hurting the building next door. Parkview is the tiniest street with a few trees and the Township could buy that small space and make it more livable and prevent this area from becoming a high-density apartment area.

Lora Lehmann, resident, asked how small can a nonconforming lot be to put a house on it?

Ms. Gallagher said this ordinance only eliminates the special exception requirement. If dimensional zoning relief is needed, they are required to obtain it.

ADJOURNMENT: 8:48 p.m.

Respectfully submitted,

Liz Vile, Recording Secretary