

The stated meeting of the Board of Commissioners Working Session was held on Thursday, September 8, 2022 via webinar and in-person at the Township Administration Building, Abington, PA, with President Hecker presiding.

CALL TO ORDER: 7:45 p.m.

PRESENT: Commissioners BRODSKY, ROTHMAN, DiPLACIDO, VAUGHN, THOMPSON, WINEGRAD, HENRY, ZAPPONE, SPIEGELMAN, BOLE, SCHREIBER, BOWMAN, VAHEY, HECKER

Excused: Commissioner CARSWELL

Also Present: Township Manager MANFREDI
Township Solicitor CLARKE

CONSIDER APPROVAL OF MINUTES:

President Hecker made a MOTION, seconded by Vice President Vahey to approve the minutes of the Working Session of July 14, 2022.

MOTION was ADOPTED 14-0.

UNFINISHED BUSINESS: None.

NEW BUSINESS:

Receive public comment on the Township's cable franchise renewal with Comcast:

President Hecker announced that the Board of Commissioners will now take public comment regarding the cable franchise renewal for the Township of Abington. The Township's current franchise agreement with Comcast is within the normal industry renewal window and the Township is beginning the process of renewing the franchise agreement.

This is part of the preliminary portion of franchise renewal in which the Township reviews the cable operators past performance and identifies the Township's future cable-related community needs. As such, we invite comments from any citizen who wishes to speak regarding either or both the aforementioned subjects.

Lora Lehmann, resident, questioned whether the Township has any control within the franchise agreement about “paying outrageous sums of money and then the cable company puts ads all over the screen.”

Manager Manfredi replied that the content that Comcast puts on the screen is not something we can negotiate within the franchise agreement, but we can send comments to them with respect to that matter.

Mike Tobin, resident, asked what does Abington Township get from Comcast for allowing the franchise?

Manager Manfredi replied they pay a franchise fee that is regulated by the Federal government for operating within the Township’s rights-of-way.

A resident questioned whether Comcast could have a facility for teens where they are able to watch movies and use the internet.

President Hecker replied we will take that under advisement and follow up with the Township Manager.

Rick Bruce, resident, questioned whether there is anything Comcast could do to lower our tax base, which would be a gain for the Township or make any community improvements particularly for our youth.

Review and discuss the request by Toll Mid-Atlantic, L.P. Company, Inc. (Toll Brothers) for a Zoning Text Amendment to create the AR-Age-Restricted Carriage Home Overlay District and a Zoning Map Amendment to rezone certain parcels on the northeast side of Fox Chase Road as AR – Age-Restricted Carriage Home Overlay:

President Hecker reminded everyone that there will be no formal vote taken this evening and this is so that the Board of Commissioners can be briefed on the scope of the proposal and for the public to address the Board with comments or questions.

Commissioner Rothman said Toll Brothers will make their presentation and then we will take public comment to have all voices heard. If this moves forward, there will be future meetings, and there will be an opportunity to ask questions between now and then.

During the last meeting of the Comprehensive Plan Consistency Committee, he made comments in response to the Planning Commission meetings that occurred in August, and he stands firmly behind the public's desire not to have the side streets of Ascot, Montgomery, and Gibson opened for traffic from this potential development funneling in/out of both sides of the neighborhood. Also, Toll Brothers has been very receptive in working with the residents regarding setbacks and not pushing for an open walking path.

The Board of Commissioners will hear his plea on behalf of the residents to keep the plan as presented by Toll Brothers.

Mr. Lou Colagreco, Attorney representing Toll Brothers, said Toll Brothers needs a determination from the Township as to whether age-restricted housing is a good use for St. Basil's property under the conditions set forth in the draft ordinance, which has been vetted by the Planning Commission and the CPCC.

Sketch plan was presented showing carriage home units proposed for the site, which is currently zoned CS-Community Service and that will remain as this is just an overlay. Age-restricted housing needs a certain density to support the amenities for the community while keeping HOA fees low, and density is proposed at 3.2 dwellings unit per acre.

Setback is proposed at 125 ft. from the property line and the ordinance would require a 40 ft. planted buffer within the setback adjacent to the adult community, and it was suggested to allow that 40 ft. buffer to float somewhere within the 125 ft. setback, so there is flexibility within the proposed ordinance, and that will be determined during the land development process. Also, a parking calculation for the carriage home use was added to the proposed ordinance and there is nothing in the ordinance that requires a trail, so it is open-ended on that issue.

Toll Brothers has addressed resident's concerns through numerous meetings, and we heard loud and clear that cut-thru traffic through abutting communities is not going to work for the residents and it does not work for Toll Brothers either because the streets do not have the infrastructure to handle secondary access. The plan shows a boulevard entrance coming into the development and an emergency access coming out of Fox Chase Road, so there is ample means of ingress and egress for emergency vehicles.

President Hecker asked for any public comment.

Nicole Lauria, resident, provided photos showing how narrow Ascot, Gibson and Montgomery Avenue is, and she does not want those roads to become an emergency access for the safety of her young child who walks along there. Also, a pathway for anyone to access would not be safe for the children in the neighborhood and she does not want benches either.

President Hecker reassured the residents that Commissioner Rothman has done an effective job communicating with the Board of Commissioners about concerns articulated by residents throughout this process, and simply because there is a recommendation from an advisory group, the Board of Commissioners are under no obligation to accept their recommendations. We will do what is in the best interest of the Township and Commissioner Rothman has told us what is in the resident's best interest based on their feedback, so that is the road we will travel.

John Tracey, resident, commented that 150 age-restricted housing units on St. Basil's property would be over-development resulting in approximately 300 more cars traveling in/out of Fox Chase Road, and the cut-thru streets will be seen as alternative routes to get to Fox Chase from those who live in the new community, so he does not want them or a public walking path.

Liz Kerr, resident, commented that she has solar panels and trees had to be cut down in the back of her property. The neighbors were pretty good with the rendering presented by Toll Brothers, and we made such great strides with this project, and then the Planning Commission wants trees and benches, which is frustrating because it feels they are working against the taxpayers of Abington Township.

Ray Vandergrift, resident, commented that every single neighbor that borders the property on both sides of the field do not want a walking path behind our properties and we do not want the tree line closer to our property.

The neighbors asked Toll Brothers to provide space behind our properties, and they came up with a total of 125 ft., 85 ft. from the back of our property line to the 40 ft. tree buffer, and everyone likes that plan, and Commissioner Rothman has been very supportive of the neighbors helping us reach an agreement. So, we do not want cut-thru streets and we do not want the trees closer to us and no walking trail, and the first proposal presented by Toll Brothers should be the final plan.

Pierce Kerr, resident, agreed with his neighbors that any cut-thru on Ascot, Gibson and Montgomery should not even be considered, and there is no need for a walking trail, and the tree line should be on the new development side and not on his side. Also, he suggested that the Planning Commission attend all meetings before making recommendations.

Vince Kelly, resident, commented that open space means a lot to him and his family, and he does not want a trail, benches, or cut-thru streets.

Steve Borland, resident, encouraged the Board of Commissioners to vote against a zoning text amendment proposed by Toll Brothers because it avoids the Township's regulations and procedures, and although the CS-Community Service zoning will remain, when the residents resell their new property, the CS zoning could be a problem. He has been against this project since he first heard about it almost two years ago.

A resident from the Hollywood section agreed about no cut-thru streets because there is also a problem with cut-thru traffic in her neighborhood.

Mike Tobin, resident, said he does not want the side streets opened, and he asked for reassurance from the Board, so the residents do not have to worry about it.

President Hecker replied that the Board has heard consistently and unanimously the concerns from residents as well as from Commissioner Rothman who supports the neighbors about what should and should not be in the tentative plan with Toll Brothers.

Also, the Planning Commission is advisory to the Board of Commissioners, and we can adopt in whole, part, or none of their recommendations, and given what the community has voiced this evening, he does not see why anyone on the Board would recommend something other than what the Commissioner of the ward is advocating for based on interactions with his residents.

Rick Bruce, resident, commented that if the stub roads are not wide enough to safely access, then they should be eliminated and make it into common open space. Also, he suggested having an environmental engineer assess the open space.

Lora Lehmann, resident, expressed concern about "nothing being written down during meetings with residents and the developer, and those meetings should have been filmed so the Planning Commission could watch and then know what the residents want."

Ross Able, resident, commented that if there was a public-use path, it could be setback closer to residences versus abutting the existing homeowners.

President Hecker said the next step would be to forward this matter to the Board of Commissioners Regular Meeting for a vote to advertise a public hearing on the zoning text and map amendments. He asked for any comments from Commissioners.

Commissioner Winegrad questioned whether the text amendment as proposed considers resident's concerns.

Solicitor Clarke replied that the text amendment would allow the developer to use the property for the proposed type of development that includes the approximate density and layout, but the specifics of the project will go through the land development process where a fully engineered plan will be reviewed by Township consultants as well as by his office. Most of the resident's concerns will be properly addressed during the land development phase of the project.

Vice President Vahey clarified that there is nothing in the proposed text ordinance that requires a walking trail, certain setbacks, or anything the residents are not happy about. Is that correct?

Solicitor Clarke replied that is correct. The text amendment will have certain dimensional aspects such as density, but everything else will go through the land development process.

Also, the Planning Commission suggested that this should not be a separate district and be merged with the SNR (Senior Neighborhood Residential) District due to concern about "spot zoning." He does not recommend merging with the SNR District, and it does not meet the definition of "spot zoning," so there can be a separate text amendment for this parcel.

President Hecker said as a matter of law, the Board of Commissioners will follow the Solicitor's recommendation, and the proposed text and map amendments will be forwarded to the Board of Commissioners Regular Meeting in October as an agenda item for a motion to advertise a public hearing in November where the substance of the proposal would be considered.

ADJOURNMENT: 9:09 p.m.

Respectfully submitted,

Liz Vile, Minutes Secretary