

The stated Working Session of the Board of Commissioners of the Township of Abington was held on Thursday, October 10, 2024 via webinar and in-person at the Township Administration Building, Abington, PA, with President Hecker presiding.

CALL TO ORDER: 7:52 p.m.

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

Also Present: Assistant Township Manager Wehmeyer
Township Solicitor Clarke

CONSIDER APPROVAL OF MINUTES:

President Hecker made a MOTION, seconded by Commissioner Spiegelman to approve the minutes from the Working Session of September 12, 2024.

MOTION was ADOPTED 15-0.

UNFINISHED BUSINESS: None.

NEW BUSINESS:

Presentation of LD-24-03 by Lifecycle Abington, 1329 Old York Road – Preliminary/Final Major Subdivision and Land Development Plan:

Ms. Carrie Nace, Attorney representing the applicant, said the proposal is to redevelop the property located at 1329 Old York Road. Lifecycle is a nonprofit organization providing midwife gynecological and birth-oriented healthcare. Their current location is in Bryn Mawr, operating since 1978, and they are looking to expand and open a new location here.

The existing building was previously used by Rothman as a medical office and has remained vacant for numerous years. Lifecycle has purchased the property and will renovate it as a birth center as well as provide routine gynecological services.

The rendering of the proposed building showed the access drive and parking lot, and the plan is to demolish the front portion of the building, which will provide a larger front yard setback and build a new addition. The main center of the building will remain as is and then build a new addition in the rear taking up a small portion of the parking lot, otherwise the parking will remain the same configuration, and two additional ADA parking spaces will be added along with a cutout for turnaround traffic.

The access road with parking in the back along with the main entrance will be in the rear of the site. A new trash enclosure will be provided with a fence around it. Also, there will be birth suites and medical office rooms, and the center will operate during the hours of 9 a.m. – 5 p.m. with approximately three to five patients, however, there is the ability to have overnight hours in case someone is in labor.

The applicant appeared before the Zoning Hearing Board and were granted several variances for the number of parking spaces; perimeter buffer; and tree disturbance protection zones as well as a special exception to allow the expansion of a nonconforming use because the medical use is not permitted within this zoning district.

The applicant submitted the plan as preliminary as final and requested a waiver from the land development approval process as well as other waiver requests. A review letter was received from Township Engineer and the applicant will comply with all comments as listed. The applicant presented their plan before the Planning Commission who recommended approval.

Waivers requested by the applicant –

Land Development Plan – a waiver from the land development plan approval process since this application is for the construction of a primary building less than 10,000 sq. ft. and the minor building addition is not more than 20% of the existing principal building.

Dimensions of Parking Spaces – a waiver for restriping of the existing nonconforming parking stalls that measure 9X18 feet and maintain those spaces.

Off-Street Parking Areas – a partial waiver to utilize the existing vegetation located along the south and east sides of the parking area to comply with this screening requirement and the applicant would like to supplement with Evergreens and shrubs and add that to the landscaping plan.

Preliminary Plan Submission – a waiver from preliminary plan submission and submit a combined preliminary/final land development application.

Utilities – a waiver to show the existing utilities within 400 ft. from the site. The applicant surveyed the distance around the site and an aerial has been included showing the surrounding properties.

Mr. Hassan said the parking spaces will remain 9X18 as the property is an existing nonconformance.

Commissioner Young-Gertz asked what will the new structure in the front of the building look like as there is an historic piece to the building, and will the main entrance be in the rear of the site?

Ms. Nace replied the historic piece will remain, and patients will use the access road to park in the back where the main entrance will be located.

Commissioner Bowman said he agrees with the waivers, and this will be a beautiful reuse of the building, which was old and outdated, so it's a good plan.

Commissioner DiPlacido asked why this property was not previously zoned for medical use.

President Hecker replied that is something we should look into.

Commissioner Browne asked what has Lifecycle done regarding bringing awareness to the disparity in mortality rates among African American women and birthing, and what type of activities/events would they hold as they will be new to Abington?

Ms. Nace replied she does not know at this time but will pass that along and be prepared to provide that info at the next Commissioners meeting.

President Hecker said we will move this forward to the November meeting for review and approval of the final plan.

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

Mr. John Anderson, Project Engineer representing the applicant, said this is a residential subdivision application fronting on Old Welsh Road, Parkview Avenue and Fairview Avenue in the R-4 District. The plan is to maintain the existing dwelling and build six additional lots for a seven-lot subdivision. This is a by-right plan, no zoning relief is needed, and code requirements will be met except for waiver requests.

The applicant has received review letters from the Township's consultants and will comply with comments as listed except for the waivers.

Stormwater management will consist of individual stormwater infiltrations basins located on each of the six new homes underneath the driveways.

The plan was presented before the Planning Commission who gave a recommendation of approval.

Waivers requested by the applicant –

Stream Bank Erosion Requirements – A waiver from the requirement to utilize the SCS Type II distribution. The applicant is proposing to utilize the Rational Methodology for stormwater computations as opposed to the SCS Methodology.

Existing Conditions Plan – A waiver from the requirement to show the existing utilities within 400 linear feet of the site. The applicant has provided the existing utilities immediately surrounding the site and has requested a waiver from showing all existing utilities within 400 linear feet of the site.

Right-of-Way Width – The right-of-way paving width on Parkview Avenue is to the Township's standard of 50 ft.; however, the cartway width is only 24 ft. wide and it is required to be 30 ft., and we are not proposing on-street parking. Parkview has just been paved with curbing on both sides, so widening the street an additional six feet would be excessive for this project.

Streetlighting – A waiver from the requirement to provide streetlighting along each subdivision and along each street front abutting a public street in each development. The applicant is requesting a waiver from the requirement to provide streetlighting along the frontage of Old Welsh Road, Fairview Avenue and Parkview Avenue.

Erosion and Sediment Control – A waiver permitting cut and fill slopes 15% and steeper. The applicant is proposing grading with slopes 15% and steeper due to the existing grades onsite.

Mr. Hassan said he is not opposed to the waiver from streambank erosion requirements. And he along with staff have discussed the waiver for the right-of-way width, and there is no opposition as the roadway functions the way it was intended, and a fire truck will have access to the existing right-of-way. He asked the applicant to provide a plan showing the existing lighting so he can make a final determination whether additional lighting will be required. Also, there is no concern regarding the slopes as design practices will ensure stabilization for the area to be disturbed.

President Hecker asked for any comments from Commissioners.

Commissioner Laney-Martin said she had a meeting with residents as well as received a letter from residents of Parkview Avenue who would be directly affected by the 2241 Old Welsh Road residential subdivision project and who expressed their opposition and concerns as well as their opposition to the recommendation made by the Planning Commission. She is advocating on behalf of her residents and will help them as much as possible in hopes there can be a resolution that honors the spirit of the community.

Commissioner DiPlacido asked has the County reviewed the plans and application yet?

Mr. Hassan replied yes, their review letter is dated May 17, 2024, and they are in favor of this project.

Commissioner DiPlacido questioned whether they mentioned anything about sidewalks.

Mr. Hassan replied no.

Commissioner Laney-Martin added that she had a meeting with Township staff and there are five-foot sidewalks and green space on Fairview Avenue.

Mr. Anderson noted that along Old Welsh Road there is an existing sidewalk against the curbline, and on Parkview and Fairview, we are proposing a new sidewalk and four-foot green space.

President Hecker asked for any public comment.

Aaron Conway, 2233 Parkview Avenue, commented that he and his wife are original owners on the block, and we have witnessed an evolution into a closeknit, peaceful and harmonious community. We request a thorough examination of the proposed development project of 2241 Old Welsh Road. We understand that development is a natural part of growth, and we support the rights of individuals and businesses to pursue opportunities; however, there is a difference between leveraging an opportunity and exploiting one.

Our request is not about resisting progress, it is about ensuring that progress enhances the unique qualities of our community that include a family-friendly, safe, clean, and organized environment for current and future generations. We recognize economic factors play a significant role in decision making and respect the property owners' rights, but at the same time, we believe it is the responsibility of our community's officials to balance those interests with the protections of the neighborhood at-large.

We ask for consideration of our experience and concerns, and as taxpayers and stakeholders in this process, we respectfully request the following: a safe and appropriate lighting solution; amend the slope waiver to 15% other than the side on Fairview; address street nonconformity; as well as a detailed plan for staging, removal and management of materials, equipment and vehicles related to this project to minimize disruption to our daily lives. And before finalizing plans, we request that an independent impact assessment for the proposed development, a lighting plan, and an independent infrastructure impact assessment to be done as well.

Also, we request improved written communication from the Township ensuring that it is timely and transparent as this will allow us to stay informed and engaged in the process that directly affects our family, community and daily lives.

Scott Eveslage, 2229 Parkview Avenue, commented there are concerns about the change in the character of the neighborhood with this potential development. We understand that the buyer presented a by-right plan, and while it is an R-4 high density area, we are concerned about the density of the project; also, he was concerned about parking on both sides of the street; single lane traffic in both directions on Fairview and Parkview, and he fails to see why the waiver for the width of the road would be granted as is it a safety concern as well as the lighting and slopes as they pertain to stormwater. He requested a thorough review and for the waivers to not be granted.

Adele Kubel, resident, commented that there has been a lot of land for sale in the Crestmont area and adding more will get to a point where it is unlivable and green space is disappearing, which should be a priority. Also, this area has more apartments, and more traffic and people cannot afford higher taxes and would much rather have open space, so green space should be bought.

Shannon Jones, 2225 Parkview Avenue, commented that she has a young adult with special needs and her main concern is the widening of the street. Her son currently receives door-to-door service to/from school, and currently, it is difficult for the bus to maneuver the turnaround. Also, she was concerned about emergency vehicles having access to her block.

Shanlena Eveslage, 2229 Parkview Avenue, commented that we have a unique block, which is a small, dead-end, dark road and it is difficult to backout without pulling into someone's driveway to get to Fairview Avenue. Living there through all seasons is challenging and four homes on this block would be excessive.

Deb Kendra, 2210 Parkview Avenue, expressed concern about the waiver for the width of the road as the width is already a nonconformity, so it does not require a waiver, but something else from the Township, and on that basis, we are not ready to move forward with this application. Also, the entire road would need to be widened, not just the section that is being developed. She also supports the community and understands there will be development, but it should not be overpopulated causing other issues for the neighborhood.

Ketura Singleton, 1821 Fairview Avenue, commented that her main concern is water issues, which she already has due to the slopes in the area. The entire area is hilly and slopes down into her yard and the street continues to slope down Fairview, so the waiver would be ridiculous because it will be a mess when they begin building. And the corner of Parkview and Fairview is where the bus stops for the school children are, so there are already traffic issues, and this project will make it worse. Also, the builder and Township should take responsibility to not have these many homes in this area.

Christopher Kendra, 2210 Parkview Avenue, expressed concern about the ability of getting fire apparatus, EMS and police down the street; also, about water issues and basins underneath the driveway, which will collapse as the ground is too soft and the water slopes downhill, so it will be a mess for everyone. And there should be a solid plan for logistics and staging of equipment and material.

Lora Lehmann, resident, commented that she saw the topography, and no one should be voting on this without going to look at it. Also, this was an incomplete application, and the street is a violation of the zoning code, so the Township should not allow a waiver from the zoning code because the hardship is made by the owner. Also, the County said the steep slope laws should be observed, and waivers cannot be granted if they affect the health, safety and welfare of the people.

Commissioner Schreiber said she supports Commissioner Laney-Martin as well as the neighbors who came out tonight who clearly expressed their concerns. This is a beautiful property with a lot of green space and a nice old house, and she hopes the developer is hearing what the neighbors are saying and works with them to honor the spirit of the community.

Commissioner Brodsky said he supports Commissioner Laney-Martin and her neighbors. Also, Manager Manfredi, Chief Molloy and Deputy Chief Porter have always acted in a professional, prompt, courteous and responsive manner to the residents of his ward.

Commissioner Laney-Martin asked Township Engineer to explain how widening the road would impact the number of homes that could be developed.

Mr. Hassan replied the zoning district does not have a maximum density requirement; however, if the right-of-way were to be widened, it would need to meet new sidewalk and curb requirements, and green space would be lost in front of the property and consumed by curb and sidewalk.

President Hecker said it seems further discussion is warranted regarding the waiver requests based on feedback. Also, the Township Engineer would like to see additional information on existing lighting coverage before making a recommendation to the Board.

Solicitor Clarke said the applicant signed the standard time extension, so there is no time restraint, and the Board does not need to move this item forward at this time. We can then meet with Mr. Hassan, Township staff and the applicant to further discuss these issues.

President Hecker said no vote will be taken tonight. We will have follow-up discussion with the developer, Township Engineer and Township Solicitor to work diligently on how to address resident's concerns to bring this forward.

Consider and discuss an ordinance amending the code of the Township of Abington at Part II [General Legislation], Chapter 162 [Zoning], by amending and restating Article XXI [Use Regulations] to revise the definition of Indoor Recreation:

Solicitor Clarke explained that we found a loophole in the Township's zoning ordinance. We realized the original definition for Indoor Recreation does not include anything related to using larger indoor spaces as banquet facilities, catering halls or similar venues, so we would like to tighten the definition by adding language to have the ability to regulate if someone uses the space for that purpose.

Commissioner Browne questioned whether the existing facilities need to act on the new ordinance in any way.

Solicitor Clarke replied if they are already using it for that purpose, it will be considered a preexisting nonconforming use, or they will have some vested rights in the way they are using it. This is for future regulation.

Commissioner Henry clarified that this is not to prevent it, just regulate it when it does occur. Is that correct?

Solicitor Clarke replied that is correct.

President Hecker clarified that the agenda item in November will be a motion to advertise the change and then a vote in December. Is that correct?

Solicitor Clarke replied that is correct.

EAC update on Single-Use Plastics and Polystyrene Products Use Ordinance:

Ms. Karin McGarry-Rosen, EAC Chair and Andrea Soo, EAC Secretary indicated they want to raise awareness about single-use plastic pollution. They propose to restrict single-use plastics in our community as they impact infrastructure, and some studies have shown that plastics are found in the form of microplastics in waterways in Pennsylvania. We recycle no more than 5% of plastics and the vast majority goes to landfills or incinerated.

The EAC proposes to prohibit single-use plastic bags and plastic straws/stirrers with plastic straws provided on an "as needed" or "as requested" basis. Also defined is the compliant paper bag and there would be a \$.015 fee for paper bags, although prescription drug bags are exempt.

Map showed 12 states that have enforced an outright ban on single-use plastics.

Commissioner Laney-Martin clarified that this would not include wrapping food. Is that correct?

Ms. Rosen replied that is correct.

Vice President Vahey asked why is there concern about bags with “recycled” printed on them?

Ms. Rosen replied that is from Penn Environment’s ordinance, so the Township does not get any complaints.

Commissioner Bole said he understands the general concept that microplastics are everywhere and we are inhaling them, and they are harmful; however, the initial presentation from Penn Environment had major holes and major problems. After doing some research, he found counterarguments for not banning single-use plastic bags, so he is not compelled by a map showing other places that have done it.

He would like to strengthen our argument by hunting for information about how local business owners from other municipalities feel about being harmed by the passing of these ordinances, and if we find that those arguments are not compelling, he would be more likely to support this.

He does not understand how we can show a picture of 5,000 plastic bags clogging a drain and not question our own Wastewater Team about whether plastic bags are consistently and regularly found in our storm drains, and whether they are concerned about it.

How can we dictate what local businesses can charge for a paper bag as they may not want to charge a fee to their customers? Also, he does not understand the enforcement of mandating businesses to provide bags that offer “no old growth fiber” or “a minimum of 40% post-consumer recycled material,” and who will enforce it?

Also, has research been done on what the harmful effects of single-use plastic bags would be in Abington, not just generally as a concept?

Ms. Rosen replied she asked Mr. Jones if there was a plastic bag issue in the drains in Abington and he indicated they do not see a lot of plastic bags, but they see plastic bottles.

The problem is when plastic bags are placed in the recycling container and dumped at the recycling plant they get stuck in the machinery and need to be pulled out, which happens multiple times a day. Microplastics are in the Tookany-Tacony-Frankford Watershed, which is in Abington, and regarding the language of “no old growth fiber,” that was taken from Penn Environment’s draft ordinance.

Commissioner Young-Gertz clarified that the plastic bags are a significant source of microplastics in our water. Is that correct?

Ms. Rosen replied yes, when the plastic bag breaks down into smaller pieces, the fish eat it, and stream-keepers tested the water and found that microplastics are in Abington.

Commissioner Spiegelman said he was in favor of this years ago and more in favor of it now. He also has researched counterarguments and opinion pieces funded by industries that do not want to see single-use plastic bags, straws and polystyrene products banned, which he found to be suspicious.

He appreciates Commissioner Bole's emphasis on what the local impact would be; however, the map significantly shows where the bans are being adopted, which are the most densely populated parts of our commonwealth, such as our area, where we are most likely to be sending the greatest amount of plastic into our waterways. Microplastics in our waterways do the most damage and are the most direct pipeline into our bodies.

Ms. Rosen continued that we presented the single-use plastic draft ordinance to the NAACP in Willow Grove and received their letter of support. Also, we provided a memo and link to a business survey to the Glenside Business Association as well as a memo to the Willow Grove Mall that was forwarded to their businesses.

We revised the memo and draft ordinance and sent that to the Board of Commissioners for review. We received business owner feedback via survey and door-to-door. Letters of support were provided by Curds and Whey and Heirloom Pottery Studio; and feedback was received from surrounding townships postimplementation.

The EAC requested this be enacted by January 1, 2025 with a phased-in approach.

Business Outreach/Survey Responses by Ward were presented along with their results and business owner/manager comments. Also, feedback from surrounding townships postimplementation was presented.

A resident from Upper Moreland Township commented that a ban went into effect on January 1st and there hasn't been any issues.

Commissioner Bowman said he was prepared to accept this in a macro way with no further information; however, he appreciates the hard work done on detailing the effects on Abington. And there are some citizens concerned about trash and blight, so this should make them happy too.

Commissioner Laney-Martin said she is a business owner, and this would have a direct impact on her and she still uses plastic bags, although she has been using less Styrofoam. It would be helpful to offer business owners with a guide outlining what products are good for packaging food as the goal is to provide great food for the customers.

Commissioner Browne said communication will be key and one way to involve the community would be to solicit the schools to help promote it.

President Hecker asked for any public comment.

Adele Kubel, resident, asked who will be getting the \$0.15 per bag?

President Hecker replied the business owner.

Ms. Kubel commented that this would be a big win for the large ones like Target, but it should go into community service as the streets are not clean enough, and plastics are in the gutters, but it's not the bags, it's the convenience store stuff.

Joe Rooney, resident, expressed concern that the February presentation had large holes and was mostly fraudulent. Is the goal to reduce microplastics and where is the connection between plastic bags and microplastics? What about the inconvenience and cost to the consumers? There is no compelling argument, and this will not be done to help the environment, people, or businesses, it is just "political power."

Lora Lehmann, resident, commented that there are people volunteering to bring their own bags, so this is an important thing to do, so please move this small step forward.

A resident commented that she is in favor of the ban on plastic bags.

Commissioner Laney-Martin announced that the last day to register to vote is October 21st and the last day to apply for your mail-in ballot is October 29th and Election Day is November 5th. If anyone needs help getting to the poles, reach out.

ADJOURNMENT: 10:05 p.m.

Respectfully submitted,

Liz Vile, Minutes Secretary