

The stated meeting of the Land Use Committee of the Board of Commissioners of the Township of Abington was held on Wednesday, February 3, 2021 as a Zoom webinar and teleconference with Chairman Commissioner Thompson presiding.

**CALL TO ORDER:** 7:03 p.m.

**ROLL CALL:** Present: Commissioners THOMPSON, WINEGRAD, BOWMAN, VAHEY, VAUGHN

Township Manager MANFREDI  
Assistant Township Manager WEHMEYER  
Township Solicitor CLARKE  
Fire Marshal ROHRER

Also Present: Commissioners SPIEGELMAN, MYERS, SCHREIBER

**CONSIDER APPROVAL OF MINUTES:**

Commissioner Thompson made a MOTION, seconded by Commissioner Winegrad to approve the minutes of the Land Use Committee Meeting from December 2, 2020.

MOTION was ADOPTED 5-0.

**PRESENTATION:** None.

**UNFINISHED BUSINESS:** None.

**NEW BUSINESS:**

LU-01-03-11-21 - Consider Baederwood Residential Partners, L.P. – Land Development Application:

Commissioner Thompson made a MOTION, seconded by Commissioner Winegrad to recommend that the Board of Commissioners approve the Preliminary/Final Land Development Application of Baederwood Residential Properties, LP for the property located at The Fairway to construct a 244-unit apartment building with associated improvements and grant all requested waivers, subject to the applicant's voluntary agreement to continue negotiations with the adjacent property owner to acquire secondary access to the property for firefighting equipment per SALDO Section 146-41. B (1) (d).

Commissioner Thompson asked about any other waivers requested by the applicant.

Mr. Marc B. Kaplin, Esquire, representing the applicant, replied the applicant's only waiver request is modification of the requirement from the SALDO for a secondary access, and the applicant engaged a fire protection expert, Drew Gerard, who along with Fire Marshal Rohrer, worked on a series of enhancements to the plan regarding firefighting ability and protection of firefighters and residents, which is a significant degree above what is required by the International Building Code and the National Fire Protection Agency.

Also, since the Board of Commissioners last reviewed the plan, the applicant has made changes due to the fire protection aspect and there is a new owner of the shopping center. Brian Keaveney of Pennoni Associates suggested that the easternmost access be moved to the opposite of Whole Foods front door and there are some other changes in which the applicant would like to present this evening.

Mr. Christos Dinoulis, P.E. Bohler Engineering, representing the applicant, added that the easternmost signalized access has been modified, and for the westernmost signalized access, some modifications were made to the interior of the site closer to the bend and strip retail building as well as modifications to the lighting within the shopping center. The biggest change as it relates to fire truck access is the driveway up to the apartment building. Concrete islands were added, and we created a throat to the signalized access point between Whole Foods and Baederwood Pharmacy providing easier truck movement for loading operations associated with Whole Foods.

All lighting is proposed to be upgraded within the shopping center complying with Township codes. The largest improvement is the driveway access up to the multi-family apartment building where a two-ft. wide mountable curve, which is an angled curve with a flat section of concrete in the middle of it that will be in the center of the driveway to provide for two separate dedicated lanes to the apartment building, so there will be two 12 ft. lanes that widen along the curves to insure that fire trucks will be able to stay completely within those lanes as they make their way up to the apartment building.

Commissioner Thompson asked for any comments from Commissioners.

Commissioner Winegrad questioned whether the 244-unit rental apartment building will have one- and two-bedrooms apartments; what is the price range and who is the target market?

Mr. Fred Snow, President of Brandolini, replied the apartment building would be split 50/50 with one- and two-bedroom apartments; rent will range between \$1,300-\$2,200 a month and most renters will likely be transit-oriented as well as older residents. Also, part of the change to the Whole Foods entrance will be a sidewalk to the right of the driveway from The Fairway to Whole Foods making it more pedestrian-friendly.

Commissioner Winegrad asked for the plan on how residents would get from the apartment building to Whole Foods.

Mr. Snow replied there is a sidewalk that runs along the entire roadway going upwards.

Commissioner Winegrad clarified that as part of this plan there will be improvements made to The Fairway. Is that correct?

Mr. Snow replied yes. The existing site has four full access points; one to the east next to Rydal Park; one in front of Whole Foods; one towards Panera Bread and one on the eastern portion of the site.

The access closest to Rydal Park is now only a right-in, right-out and we will be extending The Fairway median so traffic cannot make a left-in or left-out. So, the next access along The Fairway is the new traffic signal that will take traffic into Whole Foods and will have pedestrian crossing signalization; also, currently there are two pedestrian crosswalks on The Fairway that will be removed to direct pedestrians to cross at the traffic signal.

Entrance currently in front of Panera Bread is a full access and that will be converted to a limited access with a right-in and right-out, and coming down The Fairway, traffic can still make a left into the car dealership that is across the street.

Mr. Kaplin noted the Township's traffic engineer indicated that this would be the best solution.

Commissioner Winegrad clarified that there will be two crossings with crosswalks at The Fairway. Is that correct?

Mr. Snow replied yes, pedestrians will be able to cross at both signalized access points.

Mr. Drew Gerard, Fire Protection Expert, representing the applicant, said he was brought onto the team to help address concerns of the Township's Fire Department personnel about only one access road. The main concern is the potential front impairment to the access road that could result in a delay by the Fire Department's ability to respond to a fire. We all want to be sure that tenants have enough time to safely exit the building as well as give the Fire Department enough time to gain access to the structure and make sure the fire is kept in-check.

So, we propose fire protection and life-safety enhancements to the building and to the site that go above and beyond code minimums mitigating delay should a fire occur. Also, enhancements were made to the access road that improve movements and accessibility for the fire trucks and other improvements including a second fire hydrant and a second fire department connection where hoses are hooked-up during a fire so they can provide extra water and pressure to the sprinkler system that will be located at the rear of the building near the truck turnaround as shown on the plan. We also optimized the underground waterlines to provide as much water as possible for firefighting, which is 3,000 gallons a minute to fire hydrants and that is more than code minimum providing ample water supply on-scene.

Within the building, multiple enhancements will be provided including a fire command station; increasing sprinkler protection; a more capable fire alarm system; smoke removal fans; increasing ventilation rates in the parking garage; and provide emergency responder radio coverage with the goal of getting residents out safely and to protect the firefighters. The Fire Command Station is not required for a building of this type; however, we feel it is beneficial to the fire department to have a central location to access all fire equipment and building plans and it is a staging location that will be located on the ground level entering the complex.

The sprinkler system is designed to control the fire and keep it in-check and proposed within the parking garage is to increase the amount of water that is discharged to protect the foundation of the building making the occupants and firefighters safe.

The upgraded fire alarm system utilizes a voice evacuation prompt rather than horns and bells, and the system informs the tenants with a verbal description of the emergency including specific instructions that will be used by the Fire Department as a PA system, so they can send messages to the tenants and firefighters to encourage evacuating the building and get to a safe place on-foot rather than get in their vehicles potentially congesting the roadway.

Also, proposed is a smoke removal system that evacuates smoke from the corridors within the building, which will benefit the fire department as they can quickly purge the smoke from a tenant's apartment.

Another improvement proposed within the parking garage is an increase in ventilation rates that will provide better control of the fire in exhausting the smoke and hot gases from the parking garage to aid in firefighting activities.

The last proposed improvement is to include an emergency responder radio amplifier and this system insures there will be no dead zones on the property and improve radio communication with firefighters while responding to an incident.

Commissioner Thompson asked for clarification on the smoke removal system for the corridors and stairs.

Mr. Gerard replied there are three entrance points from the stairwells and there are elevators, and the proposed system will have a shaft going up to all levels with dedicated fans at the top of the shaft that will kick on the exhaust fan and start pulling the smoke out of the corridor.

Commissioner Thompson questioned whether there will be positive pressurization in the stair-towers.

Mr. Gerard replied no, the requirement for stair pressurization comes from a high-rise classification in which this structure is not a high-rise.

Commissioner Thompson said his understanding is that all proposed improvements were bringing this building up to high-rise code. He asked Fire Marshal Rohrer if that was his understanding as well.

Fire Marshal Rohrer replied not to bring it up to high-rise code, but it is going above and beyond what the applicant is required to do for this type of building. He thanked Mr. Gerard and his team as they have spent many months working with the Fire Chiefs and fire personnel on the best solution to provide safety for residents and firefighters, and we all feel comfortable with the proposed improvements. Referring to the driveway on the plan showing location of the original fire hydrant, if that were to be the only one, we would block that driveway with fire hoses, but with the addition of the second hydrant, it allows the fire department to change our operations permitting other trucks easier access on-scene.

Commissioner Thompson asked Fire Marshal Rohrer if he feels proposed improvements to the building by Mr. Gerard and his team are safe for residents and firefighters in the event of an emergency.

Fire Marshal Rohrer replied yes.

Commissioner Thompson asked Brian Keaveney, Township's Traffic Engineer with Pennoni Associates, to clarify the width of lanes of the access driveway, the concrete median in the middle and assessment of turning radii as provided by the applicant's engineer, Bohler Engineering.

Mr. Keaveney replied the original driveway was narrower than currently proposed as the applicant considered the largest truck used by the Fire Department, which is a sizeable ladder truck, and the applicant used that maneuverability template on the drawing to scale to try to widen where possible to facilitate extra room around the curves so both curves have extra width between the center median and the curve line to facilitate fire truck movements.

Commissioner Thompson clarified with Fire Marshal Rohrer that those are the fire trucks used to arrive on-scene. Is that correct?

Mr. Rohrer replied yes, those are the largest types of fire trucks used.

Commissioner Thompson clarified with Mr. Keaveney that any fire trucks used by any of the fire companies of the Abington Township Fire Department would be able to successfully navigate these access roads to the site. Is that correct?

Mr. Keaveney replied that is correct?

Commissioner Thompson asked for any other comments from Commissioners or staff. There were none at this time.

Commissioner Thompson asked for any public comments.

Lora Lehmann, resident, questioned whether there are three parcels with different ownership; who permitted the design of the building; and how many less units would there be if it were designed differently?

Mr. Kaplin replied when the property was zoned, there was a cross-easement agreement recorded against the property that was reviewed and approved by the former Township Solicitor, and the owner of the shopping center is an applicant signed onto to our application when we submitted our land development plan some time ago.

Paul E. Morse Jr., 755 Glenn Road, said this development is in his ward and he expressed concern about overcrowding of schools as there is no commitment to one- or two-bedroom apartments by the applicant, and the impact could be significant and should be considered.

In 2019, he spoke about the lack of a fire lane in the back of the site, and although there is a fire hydrant, he feels it is insufficient for the building and does not benefit the health, safety, and welfare of the Abington community.

Also, he expressed concerned about the two traffic lights on The Fairway causing traffic to backup as well as traffic from the 244-apartment units will use Harte Road, so they do not get stuck on Old York Road.

Mr. Matt Hammond, TPD (Traffic Planning & Design), representing the applicant, replied extensive traffic studies have been done over the years on The Fairway. We worked with Township staff and Township's traffic engineer to determine enhancements that could be made to The Fairway by redesigning the access points with two additional traffic signals with pedestrian-accommodations that will eliminate uncontrolled crosswalks on The Fairway and proposed is to coordinate the signals along The Fairway up to Old York Road that will provide safety as well as safe and efficient access in/out of the center in addition to pedestrian traffic.

Commissioner Bowman commented that ultimately the Board's obligation is to review the fire safety issues and he is satisfied that Fire Marshal Rohrer has indicated that he could fight a fire in the building and the fact that it will have sprinklers increases safety monumentally for public safety as well as for the safety of the First Responders, so he is satisfied and prepared to vote in favor of the changes.

Solicitor Clarke clarified with Mr. Kaplin that all the issues in the various land development review letters are "will-complies" by the applicant. Is that correct?

Mr. Kaplin replied absolutely, yes.

Solicitor Clarke said during the conditional use hearing there was discussion that if the Township acquired a secondary access easement that the applicant would be responsible for the costs associated with that secondary access and it is understood by the applicant that is still a continuing obligation. Is that correct?

Mr. Kaplin replied absolutely, yes.

Solicitor Clarke clarified that the applicant agrees to the conditions that the improvements will be made to The Fairway as part of any land development approval when the Board of Commissioners votes next week. Is that correct?

Mr. Kaplin replied yes.

Solicitor Clarke clarified that if the Board of Commissioners were to grant the waiver on the secondary access that will be subject to the applicant agreeing to negotiate with the adjoining property owner to secure that secondary access. Is that correct?

Mr. Kaplin replied yes. Sooner or later, someone will buy that property and they will need the applicant's and the Township's cooperation, and at that time, he believes the applicant will be able to get that connection.

MOTION was ADOPTED 5-0 - subject to the waiver on the secondary access and improvements made by the applicant and that this matter will be listed as an agenda item on the Board of Commissioners Regular Meeting on Thursday, February 11, 2021.

**PUBLIC COMMENT – general matters relating to Land Use:**

Lora Lehmann, resident, expressed concern about a waiver being passed along based on the word of the Fire Marshal who said, "everything looks good." Also, about "the applicant zoning for a large portion of the BC District and we deserve a proper resident's meeting for everything to be explained."

**ADJOURNMENT:** 8:07 p.m.

Respectfully submitted,

Liz Vile, Minutes Secretary