

The stated meeting of the Planning Commission of the Township of Abington was held on Tuesday, February 23, 2021 as a Zoom webinar and teleconference with Chairperson Lucy Strackhouse presiding.

CALL TO ORDER: 7:32 p.m.

ROLL CALL: Present: BROWN, GAUTHIER, ROSEN, COOPER, BAKER, RUSSELL, STRACKHOUSE
Excused: DICELLO, ROBINSON

Also Present: County Planner NARCOWICH
Administrative Manager WYRSTA
Commissioners THOMPSON, WINEGRAD,
BOLE, SPIEGELMAN

PLEDGE OF ALLEGIANCE

CONSIDER APPROVAL OF MINUTES:

Mr. Rosen made a MOTION, seconded by Ms. Gauthier to approve the minutes of the Planning Commission Meeting of January 26, 2021.

MOTION was ADOPTED 7-0.

PRESENTATION: None.

UNFINISHED BUSINESS: None.

ANNOUNCEMENT:

Ms. Strackhouse announced that Item b. of the agenda of the proposed minor land development plan for the Galman Group has been withdrawn and will be rescheduled for the March meeting.

Consider approving the proposed minor subdivision plan for property address 1405 Rothley Avenue – Kevin S. Maguire & James J. Maguire Jr. to create one new building lot for a single-family dwelling use. The property is zoned within the R-4 Residential District of Ward No. 5:

Mr. Gary Tilford, PE, with Charles E. Shoemaker, Inc., 1007 Edge Hill Road, Abington, PA., representing the applicant, presented the subdivision plan for property located at 1405 Rothley Avenue on the southside showing an existing single-family dwelling that is between Rothley and the SEPTA Train Station that runs along the rear of the property.

The plan has been presented before the ZHB for two items of relief – to allow 7.9 ft of setback between created property line and existing house and the second variance was for frontage along the building setback line of the newly created building lot, Lot 2 where 48.25 ft. is provided, but 50 ft. is required. Rothley Avenue has a 50 ft. right-of-way and 30 ft. cartway that meets the standard with existing sidewalk in front of the entire property both on Lots 1 and 2, but the sidewalk is not in a location per standard code.

The applicant has received review letters from the MCPC, Pennoni Associates and the EAC.

Ms. Strackhouse noted that the MCPC's review letter states that zoning requires street trees to be planted every 40 linear ft. or a fraction thereof and suggested money be placed in escrow for trees to be planted after construction of the new home. Also, the letter indicates that a small portion of the driveway on the neighboring property extends onto the subject property, so will the pavement extending onto Lot 2 be removed?

Mr. Brian McVan, Attorney, representing the applicant, replied that is agreeable with the applicant. The applicant will grant the neighbor an easement to use that part of the existing driveway and the neighbor is aware of the proposed plan and is in favor of it subject to the applicant's willingness to grant an easement to use a few inches of their property.

Ms. Strackhouse asked for any comments from members of the Planning Commission.

Ms. Gauthier asked about the shed on the neighbor's property in the back of Lot 1 that encroaches on the applicant's property.

Mr. McVan replied we will resolve the issue of the shed with that neighbor with an easement or whatever makes that neighbor content with our land development plan and both issues will be addressed and documented.

Ms. Gauthier said both issues should be conditions of approval.

Ms. Strackhouse asked the applicant to address comments from the EAC.

Mr. Tilford replied the EAC did not have any comments on the subdivision plan but encouraged the applicant to contact the EAC and STC for suggestions on native plants. Also, when there is a plan to build a new home, stormwater management will be addressed at that time.

Ms. Strackhouse asked for the timeline of when a new home will be constructed.

Mr. McVan replied we are in consultation with various builders for a site plan that would illustrate the type of structure to be built on the property, and in connection with that plan, we will consult with the Shade Tree Commission making sure it is landscaped in a manner consistent with their objectives.

Ms. Strackhouse said it would be advantageous for the character of the neighborhood to build a home that is similar in size and mass to existing homes on that street.

Mr. McVan replied it will blend in properly with the community as it currently exists.

Ms. Gauthier asked about connection to the water line.

Mr. Tilford replied there is a water line on the other side of the center line to hook into and the same with the sewer lateral at the curb line that will serve this lot.

Ms. Gauthier questioned whether the proposed house and driveway would be built on the side of the existing structure, and if so, would that be a shared driveway?

Mr. McVan replied yes, it will be built on the side where the existing structure is located with a shared driveway.

Mr. Khaled Hassan, Township Engineer with Pennoni Associates, noted that regarding the proximity of proposed structure; there is a building envelop that is required and the applicant must build within the footprint of that envelop.

Also, included in his review letter dated February 19, 2021 are waivers requested by the applicant as follows: Section 146 -11 A. (4) – Identification Plan; Section 146 -11B. (3) – Existing Features Plan; Section 146 -11. B. (7) Existing Features – Utilities; Section 146 -27 B. (1) – Sidewalks and Curb - the applicant proposes to keep existing sidewalks as is and waiver is requested to permit the existing nonconforming sidewalk to be less than four (4) feet in width in residential areas; and Section 146-27. C. – Sidewalk Location – the applicant proposes to keep existing sidewalks as is and waiver is requested to allow the existing nonconforming sidewalk to be located between the curb and right-of-way line at more than six (6) inches from the property line.

Also, the code requires survey elevations to be based upon sanitary sewer datum of Abington Township for consistency; however, if the applicant diverts from it, a waiver would be required.

Mr. Tilford said the applicant will comply with requirement of sanitary sewer datum of Abington Township.

Mr. Hassan indicated that he supports waivers requested by the applicant.

Ms. Strackhouse asked for any public comments. There were none.

Waivers requested by the applicant as follows:

Section 146 -11 A. (4) – Identification Plan.

Section 146 -11B. (3) – Existing Features Plan.

Section 146 -11. B. (7) Existing Features – Utilities Plan.

Section 146 -27 B. (1) – Sidewalks and Curb - the applicant proposes to keep existing sidewalks as is and waiver is requested to permit the existing nonconforming sidewalk to be less than four (4) feet in width in residential areas.

Section 146-27. C. – Sidewalk Location – the applicant proposes to keep existing sidewalks as is and waiver is requested to allow the existing nonconforming sidewalk to be located between the curb and right-of-way line at more than six (6) inches from the property line.

Section 146-43. A. (1) – Erosion and Sediment Control – Grading.

Section 146-44 – Steep Slopes.

Township Engineer supports waiver requests.

Also, the applicant will comply with requirement of sanitary sewer datum of Abington Township, so no waiver is required.

Ms. Gauthier made a MOTION, seconded by Mr. Rosen to recommend approval of minor subdivision plan for property located at 1405 Rothley Avenue subject to the conditions that the applicant will comply with Township Engineer's review letter dated February 19, 2021; that the applicant will provide easements to the neighbors regarding the driveway and the shed; that the applicant will put money in escrow for street trees to be planted after construction of the new home; that the applicant contact the EAC and Shade Tree Commission for suggestions on native plants; and approval of waivers as listed.

MOTION was ADOPTED 7-0.

Consider a motion to approve the Land Development application, LD-21-01, AQUA Pennsylvania, Inc. at property address 315 Chelsea Avenue, Glenside to upgrade and expand the North Hills Pump Station to implement a PFAS treatment system:

Mr. Brennan Kelly, Engineer and Project Manager with AQUA PA, introduced Margie Gray Principal Engineer with Mott MacDonald and Jason Marie Vice President of Mott MacDonald, and stated that this project is to construct a PFAS treatment system at the North Hills well station located at 315 Chelsea Avenue in Glenside, and this well provides drinking water for approximately 2,500 households in the area.

The well has been out-of-service since July 2018, and beginning in March 2019, we performed a 12-month test for treatment of PFAS. Results of the test were approved by PADEP, and in August, PADEP issued a permit to construct this treatment system. The well produces 475 gallons a minute and treatment will be accomplished by using two-eight ft. diameter steel vessels with ion exchange resin in them.

This past November, AQUA received a grant from the Pennsylvania Legislature for \$3.9 million for this project and we are anxious to make this improvement for the community.

Ms. Strackhouse asked for further explanation of PFAS and why this treatment system is needed.

Mr. Kelly replied PFAS is a contaminate found in many products mostly in firefighting protection foam and it has gotten into the groundwater. There has not been an MCL (maximum contaminate level) issued by EPA yet, but there has been talk about it coming soon, so AQUA is trying to get ahead by providing treatment prior to MCL being established.

Mr. Jason Marie presented the site plan showing the footprint of the existing well station and proposed is to add a building addition on the front part of the lot that houses the vessels for ion exchange resin. Also, to be in compliance with the Township's stormwater management requirements, proposed is an underground storage detention basin to capture storm events, and inside the front setback line is a new transformer set by PECO to supply additional power per requirements of the upgrade. Also, proposed is to connect to the existing sanitary sewer; there will be several yard-piping modifications needed for process connections; and the existing driveway will be repaved and restored to its original condition upon completion of construction.

The applicant appeared before the ZHB for variances for landscaping requirements due to the difficulty of the site relating to utilities and will continue to work with the Township to provide landscaping on the frontage facing Chelsea Avenue.

The applicant received review letters from the MCPC and Pennoni Associates, and we are in the process of writing a response letter addressing those comments.

Ms. Strackhouse said once all permits are approved when will the project be shovel-ready?

Mr. Marie replied the project is shovel-ready now, we are just waiting on clarification from PENNVEST (Pennsylvania Infrastructure Investment Authority) regarding funding documents to meet proper requirements.

Ms. Strackhouse asked for any comments from members of the Planning Commission.

Ms. Gauthier asked about variances for landscaping granted by the ZHB.

Mr. Marie provided the rendering that was submitted to the ZHB reflecting the landscape plan.

Ms. Gauthier noted there are incorrect names of plants listed on the plan.

Mr. Marie replied that will be corrected.

Ms. Strackhouse noted that the EAC concurs with recommendations of the MCPC's review letter dated February 16, 2021 and the EAC recommends using native vegetation where possible and the applicant should consult with the Shade Tree Commission on selection of appropriate street trees.

Mr. Hassan noted the applicant's requested waivers from Section 146-27 – Sidewalks – to not provide sidewalks along the frontage of Chelsea Avenue and Section 146-10. A. 2 – Plan Size – waiver from providing plans on required 24" X 36" inch size and that 22" X 34" is a required client standard, and he supports these waiver requests.

Also, the applicant submitted concurrent applications for land development and relief from the Zoning Hearing Board and received variances from the ZHB at the same time as his review was completed for the land development submission. Comment #7 on Page 2 of his review letter indicates the variance that was granted to the applicant. Also, the ZHB approved a variance from Section 2403.B.4. a. (5) regarding alternative landscaped buffer and the ZHB would like a street tree proposal from the applicant. The code requires a tree to be planted every 40 feet and this project is barely 80 feet wide, which means a maximum of two street trees. If the applicant provides that prior to presenting before the Board of Commissioners, the applicant will have satisfied the condition imposed by the ZHB.

Mr. Rosen questioned whether the neighbors appreciate the proposed aesthetics.

Mr. Hassan replied neighbors were notified about the ZHB application and he is not aware of any opposition.

Mr. Cooper commented that he appreciates the architectural aesthetics, and when the project is completed, it will look more residential for the neighborhood.

Mr. Narcowich said his review letter contains an image of an area that could be considered for planting of a street tree and recommended using native plants as suggested by the EAC; and he asked for clarification on the fence.

Mr. Marie replied proposed is a vinyl coating fence.

Mr. Rosen asked about the security of the property.

Mr. Kelly replied there are security cameras, motion sensors, and alarms if there is an intruder on the property.

Mr. Baker asked about lighting around the facility.

Mr. Kelly replied the new addition will have outside lighting, but it is not a motion sensor.

Mr. Narcowich asked about using an opaque fence on the property to help filter the view from neighboring properties.

Ms. Strackhouse said currently there is an open chained-link fence and that is what she prefers.

Mr. Marie presented the rendering showing the view from each neighboring parcel.

Mr. Hassan said renderings are conceptual to provide an idea of what the project will look like, and the fence will be in a location that is in accordance with codes and agreed to keep it see-through.

Ms. Allison Lee, Pennoni Associates, noted the applicant was asked to provide lighting calculations making sure no lighting filters beyond the lot line.

Mr. Rosen asked about any dangerous open elements onsite.

Mr. Marie replied everything is enclosed and at-grade.

Ms. Strackhouse asked for any public comments.

Lora Lehmann, resident, commented that it looks like an improvement.

Waivers requested by the applicant as follows:

Section 146-27 – Sidewalks – to not provide sidewalks along the frontage of Chelsea Avenue.

Section 146-10. A. 2 – Plan Size – waiver from providing plans on required 24” X 36” inch size and 22” X 34” is a required client standard.

Section 142-302. B.(2)(a) - waiver from providing ERSAM (Existing Resource and Site Analysis Map) relating to stormwater management as this project does not require it.

Township Engineer supports waiver requests.

Applicant will provide lighting calculations to show that no lighting filters beyond the lot line.

Applicant received variances from the Zoning Hearing Board for: nonconforming use; to permit a six (6) ft. high fence; alternate landscaping and permit a roof-mounted exhaust fan. Also, a special exemption for construction of a well-station in an R-4 Zoning District that complies with Comprehensive Use Matrix Code – E-17.

Ms. Gauthier made a MOTION, seconded by Mr. Cooper to recommend approval of Land Development application, LD-21-01, AQUA Pennsylvania, Inc. at property address 315 Chelsea Avenue, subject to the conditions that the applicant comply with Township Engineer’s review letter dated February 19, 2021; that the applicant use native vegetation where possible onsite and the applicant should consult with the Shade Tree Commission on selection of appropriate street trees; and approval of waivers as listed.

MOTION was ADOPTED 7-0.

Consider a motion to approve the submitted petition to amend the Township’s Zoning Ordinance by PREIT:

Mr. Marc B. Kaplin, Esquire representing the applicant PREIT (Pennsylvania Real Estate Investment Trust) owner of the Willow Grove Mall and stated the face of malls has been changing rapidly with closures of anchor stores and PREIT has been trying to resuscitate its malls by turning them into mixed use facilities to protect the longevity of its Willow Grove Mall in its current location.

There have been discussions with Mr. Narcowich and Township staff as well as a presentation to the neighbors back in October. Also, a presentation was made before the Board of Commissioners Committee of the Whole who referred this matter to the Planning Commission, and tonight is the beginning of the public process.

Mr. Dan Herman, Senior Vice President of Development of PREIT, provided a power point presentation and noted that at a future date Jennifer Nebbit of Bel Canto, a local developer partner will discuss their services in detail. Presented was the history of retail; Willow Grove before and after; multifamily initiative; and location/walkability; also presented were the economics by adding this use as a permissible use in the zoning district.

Mr. Kaplin continued that the applicant submitted a formal petition to the Township requesting the addition of a multifamily use in the Business Commercial Zoning District, which is not a permitted use in the Willow Grove Mall area, so that a development like the rendering could be constructed benefitting the Township.

We are not requesting that any action be taken tonight as this is an introduction to the Planning Commission, and next month reps of Bel Canto will attend, who are pros in design, construction, and management for this type of apartment project. Also, Jennifer Nebbit of Bel Canto indicated that it is expected that the apartments will generate \$1 million in taxes to the School District and the Township, and the applicant hopes that the addition of apartments will help stabilize and preserve the mall.

Ms. Strackhouse asked about the language in proposed text amendment regarding construction standards relating to fire protection.

Mr. Kaplin replied the construction standards of the IBC (International Building Code) and NFPC (National Fire Protection Code) have changed and the focus is not on the type of material, but on 1-hour or 2-hour fire ratings in which there are strict requirements in the new code. Also, sprinkler and venting systems are built into new buildings in accordance with the IBC and NFPC to provide notice of a fire in getting residents out and firefighters into the building and to provide adequate supply of water.

The applicant has retained a fire protection expert, Mr. Drew Gerard, who will meet with Fire Marshal Rohrer to address any concerns that precipitated the noncombustible requirement and come to an agreement on what the fire protection system should be for this development, and when that is determined, it will be brought before the Planning Commission.

Ms. Strackhouse questioned whether sprinklers are being considered and is wood frame construction being proposed.

Mr. Kaplin replied sprinklers are a requirement of the current fire code and we expect there will be consideration of upgrades to the type of sprinklers. It will be wood frame construction that will meet all fire protection requirements.

Ms. Strackhouse asked for any comments from members of the Planning Commission.

Mr. Baker commented that it is a surprise that wood frame construction would be permitted considering the size, height and use of proposed building. It should be built using concrete or steel.

Ms. Gauthier asked for projections of the number of school children that would result from the project as well as costs for increase in services; and about projected economics relating to COVID-19.

Mr. Herman replied he would need to consult with the Bel Canto team as economics are based on their product.

Mr. Kaplin added that Bel Canto added additional space to the apartments as we are all working from home.

Ms. Gauthier asked to see more information on projected service costs and impact on schools based on the long-term such as 10 years after the project is built. Also, she asked for clarification on whether the H-12 use - Senior Apartment Living was ever adopted. Also, regarding Section D. – Construction Standards, that provision should not be listed in a zoning ordinance, which is inappropriate.

Mr. Russell asked what is the applicant trying to achieve tonight?

Mr. Narcowich replied the focus is to review the zoning text amendment and no action is required tonight. The presentation is on the vision of the multifamily use to help provide context and background on the petition.

Mr. Russell asked why the multifamily use was not originally included in the BC District.

Mr. Narcowich replied he has always expressed support for mixed use including residential at the Willow Grove Park Mall; however, revision of the zoning ordinance was a product of many participants and the Zoning Ordinance Committee back then felt that residential would have a negative fiscal impact; create too much traffic along with other concerns about multifamily apartments. Since then, there has been a transformation of shopping centers and now the potential for mixed use could create vibrancy and self-reinforcing uses, and this ordinance is linked to transit-oriented development, so the use is targeted to be within a proximity of regional rail stations.

Mr. Brown asked for an overview of the details of the proposed text amendment such as maximum building height and will this effect similar parcels elsewhere or is this proposed specifically for the Willow Grove Park Mall site. Also, he asked about data determining the parking needs for the mall.

Mr. Narcowich replied PREIT expressed an interest in this idea and proposed an initial draft that was submitted to the Township for informal comments along with comments from the MCPC. Regarding specific requirements, the applicant is addressing the transit-oriented apartment/condo use, and he presented an image of PREIT's shopping center development at the Plymouth Meeting Mall.

Mr. Kaplin added that to determine the number of parking spaces for an apartment building is to take measurements at 1 a.m. – 3 a.m. during the weekdays as that is the time when the maximum number of vehicles are parked at an apartment building and there have been multiple studies showing 1.2 parking spaces per apartment is the criteria that works.

Mr. Herman noted that most effected would be the anchor stores and the number of parking spaces in proximity to its door. Department store owners have realized that people are not shopping at the same time and the internet has exemplified that concept. Data is also used from the Urban Land Institute that continually does studies and updates.

Mr. Rosen questioned whether it will be one- and two-bedroom apartments, what will be the cost of rent and what about green space.

Mr. Kaplin replied that will be answered next month when Bel Canto reps are present.

Mr. Rosen asked how will the apartment dwellers save the mall in continuing its viability?

Mr. Herman replied there is not one factor that will guarantee saving the mall. We believe that changes made to the mall by adding restaurants and non-traditional tenants was to reinvest and diversify. By adding the multifamily use, it will increase sales due to the proximity of tenants being able to walk to it and become patrons giving it a sense of place.

Mr. Rosen asked about the pace of buildout and minimum guaranteed buildout of multifamily use.

Mr. Herman added that Bel Canto will underwrite as to what the market dictates and build the number of units that makes sense, and we would rather see less units and have tremendous demand than worry about vacancies.

Mr. Kaplin said the building will be built all at one time, and if there is a demand for two bedrooms, there will be less apartments overall and that will be determined by Bel Canto.

Ms. Gauthier commented that she has a lot of issues on how proposed zoning text amendment is written and how it ties in with the Township's zoning ordinance.

Ms. Strackhouse asked for any public comments.

Steve Farrell, resident, expressed concern about the long-term viability of the mall, and when it becomes a “ghost town,” what will the attraction be for the tenants? Also, he expressed concern about the size of proposed structure that is out of character and scope of the area.

A resident expressed concern about adding renters to the area that are too close to homes, and she does not see this as a positive and that her way of life will change drastically.

A resident questioned whether the zoning amendment could permit this type of apartment complex to be expanded such as on the other side of the mall.

Mr. Kaplin replied there are limitations in the ordinance regarding height near residential districts.

Mr. Narcowich added that due to proximity of residential to regional rail stations, the area where this type of development could be built would keep it away from residential neighborhoods.

David Forbes, resident, suggested that zoning ordinance amendment should be specific to just this property, and he is in support of it because Abington Township will continue to grow.

Reid Stever, resident, expressed concern about the noncombustible language of proposed text amendment and how it would set precedent for future applicants. The Township has a higher standard for a reason and why should it be lowered.

Mr. Kaplin replied that will be addressed by the fire protection expert as well as Township’s Fire Marshal.

Mark Penecale, resident, commented that he did not see anything in proposed text amendment about the number of units per acre or any type of yields. Also, he understands provisions about being a certain distance to a rail station, but this affects all properties within the BC District. Since no site was defined in the plans and no dimensions were provided; what is the yield for number of units per acre?

Mr. Kaplin replied there is an FAR provision in the ordinance, which is a relationship between the size of the property and the amount of square footage of a building.

Mr. Seth Shapiro, representing PREIT, added that FAR was chosen because it is a parcel of a mixed uses.

Mr. Penecale continued that the applicant should be able to define the area of the mall within the distance of the rail station and provide the public at-large an understanding of what the maximum numbers would be regardless of how it is calculated. Also, does the applicant plan on presenting vacancy rates of anything that has been built within the last two years?

Mr. Kaplin replied that the rendering is what is intended to be built by the developer and the ordinance will allow construction of an apartment building built on a parking lot controlled by Bloomingdale's. Also, he does not plan on presenting anyone else's vacancy rates, but Bel Canto will construct a sophisticated apartment development per the market.

Susan Odher, resident, expressed concern that the size of proposed building is too large with little room for greenery and requested that the building be three or four stories high as opposed to five stories with fewer units. Also, if the zoning is changed will there be other buildings be built?

Cakky Evans, EAC member, asked for the number of proposed parking spaces noting the applicant is requesting a density bonus for just three spaces for electric vehicles.

Mr. Brett Owens, representing PREIT, replied estimated are 632 parking spaces to accommodate the number of units.

Ms. Evans requested that the applicant review the "Ready for 100" resolution adopted by the Board of Commissioners; and that the Planning Commission not consider this in its current form.

Paul E. Morse, resident, questioned whether this is the only applicable site for this use and could it be built in Noble Town Plaza, and expressed concern about the impact on schools. Also, he suggested these meetings be held in-person that would enable the community to have a more unified voice.

Mr. Narcowich replied this use can only be built within proximity of regional rail stations in which this area is only a portion of the Willow Grove Park Mall development center, and it cannot be built in the Noble Town Plaza.

Van Strother, resident, commented that typically a market study is done to see what the existing housing vacancy rate is and whether there is a demand or need, because within a three-mile radius, there is about five or six mega-apartment structures, so was a market study done?

Mr. Kaplin replied Bel Canto has a sophisticated in-house analytics team and they have done a market study and will answer questions next month.

Mr. Strother continued that he is a nearby neighbor on Old Welsh Road and the connector road is Cummings Avenue, which is a busy unsignalized intersection where there are always accidents including a fatality, and he will be pressing for a traffic impact study to include whether the size of the roads can handle increased volume of traffic.

Mr. Kaplin replied a traffic study will be presented at a future meeting.

Len Zangwill, resident, asked for the number of Bloomingdale's parking spaces will be dedicated to this proposal. Also, he expressed concern that this is a zoning ordinance amendment for an entire district as opposed to a variance for a specific project, and it seems to be giving a "blank check" to the developer. The proposed building is too large and out-of-scale for this area and green space should be a major factor as well as public space such as a playground for families living there. He requested that the Planning Commission turn the proposal down.

Mr. Owens replied the tenants will park via the parking garage attached to the building and it is 285 parking spaces in front of Bloomingdale's lot.

Lora Lehmann, resident, said she agrees with the majority, and questioned whether there could be further development on the mall property; also, that the text amendment to be reviewed line-by-line at a presentation prior to the meeting.

Ms. Strackhouse announced that the PREIT team will be invited back next month to continue discussion.

Ms. Gauthier requested that the applicant provide a comparison of existing dimensional regulations and bonuses as to what is being proposed.

Mr. Kaplin agreed.

ADJOURNMENT: 10:39 p.m.

Respectfully submitted,

Liz Vile, Minutes Secretary