

ABINGTON TOWNSHIP

JANUARY 28, 2025



PLANNING COMMISSION MEETING



TOWNSHIP OF ABINGTON

PLANNING COMMISSION MEETING

A G E N D A **January 28, 2025** **7:30 PM**

There are three ways for the public to participate in the meeting: in-person, online or by phone. Residents who wish to attend in person can do so in the Abington Township Board Room located at 1176 Old York Road, Abington, PA 19001, 2nd Floor. Alternative means of public participation are offered for those who do not wish to or are unable to attend the meetings in person. Residents who wish to participate in the meeting remotely can access the meeting online by a computer, iPad, iPhone, or Android at <https://uso6web.zoom.us/j/83637406019>. This link will enable residents to hear the meeting and see presentations. There will be no video capabilities. Residents, who are unable to join online, can listen to the meeting by calling 1-929-436-2866 and entering the meeting ID number 836-3740-6019 when prompted.

CALL TO ORDER

ROLL CALL *BROWN, DICELLO, ROBINSON, BAKER, WEATHERLY, GOLDSTONE*

CONSIDER APPROVAL OF MINUTES

- a. Consider Approving Planning Commission Minutes of December 18, 2024.

PRESENTATION

UNFINISHED BUSINESS

NEW BUSINESS

- a. Re-Organization of Chair and Vice-Chair
- b. Review and discuss an Ordinance regulating vape shops.

PUBLIC COMMENT

ADJOURNMENT

To subscribe and receive agenda posting notifications, please sign up on our website under *Email Updates* at www.abingtonpa.gov/agendas

BOARD POLICY ON PUBLIC PARTICIPATION

For Information Purposes Only

The Township shall conduct business in accordance with the Commonwealth of Pennsylvania Laws governing the conduct of public meetings and only establish guidelines that shall govern public participation at meetings consistent with the law.

Each commenter shall:

- Direct their comments to the Presiding Officer;
- Speak from the podium or into a microphone designated by the presiding officer;
- State their name for the record;
- Either orally or in writing provide their address for the record;
- Have a maximum of three minutes to make their comments. Each commenter when speaking to a specific agenda item, is to keep their comments relative to that identified agenda item;
- Speak one time per agenda item;
- When commenting on non-agenda items, the commenter is to keep their comments related to matters of the Township of Abington, Montgomery County, Pennsylvania.
- State a question to the Presiding Officer after all commenters have spoken, and;
- Be seated after speaking or upon the request of the presiding officer;
- Not engage in debate, dialogue or discussion;
- Not disrupt the public meeting, and;
- Exercise restraint and sound judgement in avoiding the use of profane language, and the maligning of others.

The stated meeting of the Planning Commission of the Township of Abington was held on Wednesday, December 18, 2024 via webinar and in-person at the Township Administration Building, Abington, PA, with Mr. Brown presiding.

CALL TO ORDER: 7:30 p.m.

ROLL CALL: Present: BROWN, BAKER, STRACKHOUSE, WEATHERLY
Excused: DICELLO, ROBINSON, GOLDSTONE

Also Present: Township Engineer Lee
County Planner Narcowich

PLEDGE OF ALLEGIANCE

CONSIDER APPROVAL OF MINUTES:

Mr. Weatherly made a MOTION, seconded by Ms. Strackhouse to approve the Planning Commission Meeting minutes from October 22, 2024.

MOTION was ADOPTED 4-0.

PRESENTATION: None.

UNFINISHED BUSINESS: None.

NEW BUSINESS:

Consider approving the Preliminary Major Subdivision and Land Development for LD-22-01 DJS Associates located at 1603 & 1617 Old York Road:

Mr. Brown said the Planning Commission has seen this proposal back in 2022; however, the applicant’s current proposal is the consolidation of two existing parcels (1603 & 1617 Old York Road) yielding a total area of 41,451 sq. ft., and lot consolidation of the two parcels would create a triple-frontage lot.

The applicant plans on demolishing the existing brick masonry building located at 1617 Old York Road to construct a new 2,460 sq. ft. two-story building addition with an enclosed link connection to the existing parent building of 1603 Old York Road as well as constructing a parking area location below and adjacent to the new building along with new curbing, sidewalk and walkways; retaining walls; landscaping; and stormwater management. The new building addition is proposed to continue being serviced by public water and sewer.

Mr. John McShea, Attorney representing the applicant, said the Zoning Hearing Board granted variances for the project to allow the reduction of the minimum green area requirement; allow smaller windows on the ground floor facing Butler Avenue; allow 11 off-street parking spaces where 18 are required; and allow an HVAC unit to exist within the front yard of the consolidated property.

Township's consultants and staff have reviewed the current plan and issued review letters.

Mr. Eric Clase, PE, representing the applicant, said the existing lots proposed to be consolidated total approximately 41,000 sq. ft. and a building addition of 2,460 sq. ft. The Township's Fire Marshal, Director of Wastewater Utilities Department and Traffic Engineer had no comments. Also, the Township Engineer provided a review letter, and other than the waiver requests, the applicant will comply with all comments as listed.

Mr. Brown clarified that the two remaining items listed in the Township Engineer's review letter relate to stormwater infiltration testing and fire truck circulation. Is that correct?

Ms. Allison Lee replied yes, the applicant is working on those items.

Waivers requested by the applicant:

Property Identification Plan – The applicant is requesting a partial waiver to permit an aerial photograph plan with a 400 ft. distance and the abutting property owner information shown on the plan.

Existing Features Plan – The applicant has provided an aerial photo plan with a 400 ft. distance boundary line from the site, parcel lot lines, and block-unit numbers shown on the aerial plan. The applicant is requesting a partial waiver to permit an aerial photograph plan with a 400 ft. distance and the abutting property owner information shown on the plan.

Off-Street Parking Areas – The applicant is proposing the new parking spaces be ten (10) ft. wide by eighteen (18) ft. long, which is less than the required twenty (20) ft. length requirement. The applicant is also delineating an approximately 21.60 ft. two (2)-way aisle width adjacent the Butler Avenue access driveway, which is less than the required minimum twenty-four (24) ft. wide aisleway.

The applicant is requesting a waiver to allow for the proposed off-street parking spaces to be 10' wide x 18' long as opposed to the 10' wide x 20' long off-street parking space requirement to match the existing off-street parking space dimensions onsite.

Erosion and Sediment Control Plan – The applicant is proposing to regrade along the Butler Avenue site frontage that currently has a stone retaining wall and existing 25% slopes near the current driveway area to proposed 33% slopes.

The applicant is requesting a waiver to allow for proposed slopes of 33% for the proposed grading located along the Butler Avenue site frontage, which exceeds the required 15% slopes for cut and fill slopes. The applicant is requesting a waiver to allow for proposed slopes of 33% for the proposed grading located along the Butler Avenue site frontage, which exceeds the required 15% slopes for cut and fill slopes.

Stormwater Site Plan Requirements – The applicant has provided an existing condition plan for the site. The applicant is requesting a partial waiver to not provide an existing resources and site analysis map (ERSAM) due to the size and scope of the project and there are no environmentally sensitive areas nor wetlands currently existing within the site.

Mr. Brown asked the applicant to provide an updated overview of the plan along with any changes that may have occurred since originally presented.

Mr. Clase replied most of the work will be done on the north side of the site, which is on the Butler Avenue side. There will be three parking spaces within the proposed structure and outdoor parking spaces adjacent to it, and on the street side of the building, there will be an underground stormwater detention basin. It is a small building addition tying it into an existing site and an existing building.

Mr. Brown asked for any comments from members of the Planning Commission.

Mr. Weatherly asked for the location of the steep slopes.

Mr. Clase replied they are on the north side of the building.

Mr. Brown asked about the flow of vehicular traffic through the site.

Mr. Clase replied it will be full flow from both access drives, which is an existing condition, and there is not much traffic onsite.

Mr. Brown clarified that there were conditions of the variances granted by the Zoning Hearing Board, noting there is some availability for off-street parking spaces nearby. Is that correct?

Mr. Clase replied that is correct. Along Hamilton Avenue, there is a property (not shown on the plan) that has a number of parking spaces, and those spaces have to remain per relief granted by the ZHB or the applicant will lose their approval.

Mr. Baker questioned whether there will be enough parking for employees and clients.

Mr. Justin Schorr, DJS Associates, replied yes. The proposed building is a garage, and we would be adding three parking spaces to this building.

Mr. Baker asked what will the garage be used for?

Mr. Schorr replied to park three field vehicles.

Mr. Narcowich questioned whether there will be a designated place for loading/unloading vehicles.

Mr. Schorr replied there is no loading/unloading, just deliveries.

Mr. Narcowich asked will the applicant provide street furniture and benches.

Mr. Schorr replied yes, per the ordinance.

Mr. Baker asked is there a photo showing the size of the HVAC unit.

Mr. Clase replied no; however, the HVAC unit will be buffered with plantings, so it will not be visible.

Mr. Brown clarified that the applicant is seeking preliminary approval on the application. Is that correct?

Mr. McShea replied the applicant is seeking preliminary as final approval of the plan as we have appeared before the Planning Commission previously and were granted relief from the Zoning Hearing Board.

Ms. Allison Lee asked the applicant to provide an updated waivers request letter to include a waiver from the land development stages.

Mr. McShea asked for that waiver to be included in the plan as presented tonight.

Ms. Allison Lee noted that is a waiver from Section 146-9 – Land Development Plan Stages.

Mr. Weatherly questioned whether the partial waiver from providing an ERSAM is generally accepted by the Township Engineer.

Ms. Allison Lee replied this is the first we have seen where the ERSAM is requested to be waived. Typically, we advise the applicant to prepare it as an existing conditions plan/ERSAM and put a note on the plan that there are no environmentally sensitive areas or steep slopes onsite, and that would comply.

Mr. Weatherly suggested the applicant revise the existing features plan into an ERSAM, so the information is noted on the plan.

Ms. Allison Lee continued that it will be an Existing Conditions Plan/ERSAM, and the applicant should add the notes.

The applicant will comply.

Mr. Brown asked for any public comment. There were none.

Mr. Brown clarified that waivers requested by the applicant are from Existing Features Plan; Off-Street Parking Areas – being of the required size; Property Identification Plan; Erosion & Sediment Control Requirements; also, waiver from Stormwater Site Requirements section will be removed and an ERSAM will be provided adding notes to the plan; and for the plan to be approved as preliminary as final.

Ms. Strackhouse made a MOTION, seconded by Mr. Baker to recommend approval of the preliminary as final major subdivision and land development plan for DJS Associates located at 1603 & 1617 Old York Road including the waiver requests as listed.

MOTION was ADOPTED 4-0.

Mr. Brown announced that this is our last meeting for 2024, and Ms. Lucy Strackhouse's term expires after tonight. He thanked Lucy for her many years of dedicated service and wished her well in her retirement as a member of the Planning Commission.

Ms. Strackhouse thanked Township staff and Mr. Mike Narcowich for all their help as well as Ms. Liz Vile for her amazing minutes. She wished "Good Luck" to the members of the Planning Commission hoping all their meetings go well in the future. Thank you.

ADJOURNMENT: 8:01 p.m.

Respectfully submitted,

Liz Vile, Minutes Secretary

ABINGTON TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA

ORDINANCE NO. _____

AN ORDINANCE OF THE TOWNSHIP OF ABINGTON, MONTGOMERY COUNTY, PENNSYLVANIA, AMENDING THE CODE OF THE TOWNSHIP OF ABINGTON AT PART II [GENERAL LEGISLATION], CHAPTER 162 [ZONING], BY AMENDING ARTICLE XXI [USE REGULATIONS], SECTION 2103 [CATEGORIES OF PERMITTED USES] AND THE COMPREHENSIVE USE MATRIX APPENDIX TO ADD PROVISIONS FOR USE C-39, TOBACCO STORE, SMOKE SHOP AND VAPE SHOP

CERTIFICATION

I, CHRISTOPHER S. CHRISTMAN, BEING DULY SWORN ACCORDING TO LAW, DEPOSE AND SAY THAT I AM THE TOWNSHIP MANAGER IN ABINGTON TOWNSHIP, MONTGOMERY COUNTY, PA AND THAT ATTACHED HERETO IS A TRUE AND COMPLETE CORRECT COPY OF ORDINANCE NO.

_____.

Christopher S. Christman, Township Manager
_____, 2025

ENACTED: _____

**ABINGTON TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA**

ORDINANCE NO. _____

AN ORDINANCE OF THE TOWNSHIP OF ABINGTON, MONTGOMERY COUNTY, PENNSYLVANIA, AMENDING THE CODE OF THE TOWNSHIP OF ABINGTON AT PART II [GENERAL LEGISLATION], CHAPTER 162 [ZONING], BY AMENDING ARTICLE XXI [USE REGULATIONS], SECTION 2103 [CATEGORIES OF PERMITTED USES], ARTICLE XXIII [PARKING AND TRANSPORTATION], SECTION 2304 [PARKING USE REQUIREMENTS], AND THE COMPREHENSIVE USE MATRIX APPENDIX TO ADD PROVISIONS FOR USE C-39, TOBACCO STORE, SMOKE SHOP AND VAPE SHOP

WHEREAS, The Board of Commissioners of Abington Township is duly empowered by the First Class Township Code, 53 P.S. § 55101, *et seq.*, to enact certain regulations relating to the public health, safety welfare of the residents of Abington Township;

WHEREAS, The Board of Commissioners of Abington Township has adopted a comprehensive zoning ordinance, known as The Revised Abington Township Zoning Ordinance, as amended, in accordance with the provisions of Article VI of the Pennsylvania Municipalities Planning Code, 53 P.S. § 10101, *et seq.*, which is intended to provide for the orderly development and redevelopment of Abington Township;

WHEREAS, the First Class Township Code and Pennsylvania Municipalities Planning Code, *supra*, authorize the Board of Commissioners to make, amend and adopt amendments to The Revised Abington Township Zoning Ordinance, as amended, that are consistent with the Constitution and laws of the Commonwealth that it deems necessary for the proper management and control of the Township and the best interests of its residents; and

WHEREAS, the Board of Commissioners of Abington Township has determined that certain amendments to The Revised Abington Township Zoning Ordinance, as amended, are required for the orderly administration of the laws of Abington Township; and

WHEREAS, the Board of Commissioners has determined that the Code of the Township of Abington should be amended at Section 2103 [Categories of Permitted Uses] to add a definition of Use C-39 – Tobacco Store, Smoke Shop and Vape Shop, Section 2304 [Parking Use Requirements] and to amend the Comprehensive Use Matrix Appendix to account for the newly added use, for the maintenance of peace, good government, health and welfare of the Township and its residents.

NOW, THEREFORE, BE IT HEREBY ORDAINED AND ENACTED by the Board of Commissioners of Abington Township that the Township’s Code is amended as follows:

SECTION 1. Amendment to Chapter 162 [Zoning], Article XXI [Use Regulations], Section 2103 [Categories of Permitted Uses] to add provisions for Use C-39 – Tobacco, Smoke and Vape Shop

The Code of the Township of Abington, Part II [General Legislation], Chapter 162 [Zoning], Article XXI [Use Regulations], Section 2103 [Categories of Permitted Uses] is hereby amended to add provisions for Use C-39 – Tobacco, Smoke and Vape Shop, as follows:

Section 2103 – Categories of Permitted Uses:

[...]

Use C-39: Tobacco Store, Smoke Shop or Vape Shop.

1. A business establishment whose principal purpose is selling tobacco and/or tobacco products and/or vaping products. A retail sales or wholesale establishment which maintains 20% or more of its total merchandise as tobacco and/or tobacco products and/or vaping products shall be considered a tobacco store/smoke shop for the purposes of this Chapter. For the purposes of this Chapter, a retail or wholesale establishment which holds itself out as a “tobacco store”, a “smoke shop”, a “vape shop” or a similar establishment, shall also be considered a tobacco store, smoke shop or vape shop for the purposes of this Chapter. Examples of vaping products referred to in this Chapter include, without limitation, vaporizers, vape pens, vapor products, hookah pens, electronic cigarettes, e-cigarettes, e-cigs, e-pipes and any other electronic nicotine delivery system (“ENDS”). ENDS shall be deemed noncombustible tobacco products. Tobacco products as referred to in this Chapter shall include, without limitation, matches, lighters, hookahs, pipes, chewing tobacco, cigarette rolling machines, ashtrays, pipe tools, pipe supplies and pipe accessories. For the purposes of this Chapter, cannabidiol products, also known as “CBD” topical or non-smoke/non-vapor products, shall be excluded when counting the total merchandise of such a retail sales or wholesale establishment.
2. This definition shall not include medical marijuana dispensaries, as that term is defined and regulated by the provisions of this Chapter 162.

3. All Tobacco, Smoke or Vape Shops shall conform to the following standards:
 - a. Each tobacco store, smoke shop or vape shop shall be located no closer than 1,000 feet from any other tobacco store, smoke shop or vape shop.
 - b. There shall be one (1) off-street parking space required for each 150 feet of gross floor area or fraction thereof.
 - c. Hours of operation shall be limited to 10:00 AM until 8:00 PM.

[...]

**SECTION 2. Amendment to Article XXIII [Parking and Transportation],
Section 2304 [Parking Use Requirements]**

The Code of the Township of Abington, Part II [General Legislation], Chapter 162 [Zoning], Article XXIII [Parking and Transportation], Section 2303 [Parking Use Requirements], is hereby amended at Subsection C [Commercial Land Uses] to add subsection 38, as follows:

2304.C.38 Use C-39: Tobacco Store, Smoke Shop or Vape Shop: (1) off-street parking space required for each 150 feet of gross floor area or fraction thereof.

**SECTION 2. Amendment to Chapter 162 [Zoning], Comprehensive
Use Matrix Appendix.**

The Code of the Township of Abington, Part II [General Legislation], Chapter 162 [Zoning], Comprehensive Use Matrix Appendix is hereby amended, as follows:

1. Use C-39 – Tobacco Store, Smoke Shop or Vape Shop, shall be marked with an “N”, corresponding to “Not Permitted”, in the following Zoning Districts: CS, LP Overlay, R1, R2, R3, R4, RC, SNR MS-H, MS-L, MS-VC, SI-G (but reference Note 13), SI-W (but reference Note 13).
2. Use C-39 – Tobacco Store, Smoke Shop or Vape Shop, shall be marked with a “Y”, corresponding to “Permitted”, in the following Zoning Districts: BC: Lots<1 Acre, BC: Abington Towne Center, BC: Foxcroft, BC: Huntingdon Valley, BC: Noble, BC: Willow Grove Park.
3. Use C-39 – Tobacco Store, Smoke Shop or Vape Shop, shall be marked “A” (but reference Note 17), in the AO District.

SECTION 3. Repeal and Ratification.

All ordinances or parts of ordinances inconsistent herewith or in conflict with any of the specific terms enacted hereby, to the extent of said inconsistencies or conflicts, are hereby specifically repealed. Any other terms and provisions of the Township's Code unaffected by this Ordinance are hereby reaffirmed and ratified.

SECTION 4. Severability.

Should any section, paragraph, sentence, clause, or phrase in this Ordinance be declared unconstitutional or invalid for any reason, the remainder of the Ordinance shall not be affected thereby and shall remain in full force and affect, and for this reason the provisions of this Ordinance shall be severable.

SECTION 5. Effective Date.

This Ordinance shall become effective five (5) days after enactment.

ORDAINED AND ENACTED this _____ day of _____ 2025, by the Board of Commissioners of the Township of Abington.

**TOWNSHIP OF ABINGTON
BOARD OF COMMISSIONERS**

THOMAS HECKER
President

[Seal]

Attested by:

Christopher S. Christman
Township Manager & Secretary