



BUILDING, ZONING, & REVITALIZATION COMMITTEE
MEETING MINUTES
January 9th, 2017
7:30 p.m.

Call to Order: Councilor K. Farrell called the meeting to order.

Attendance

- **Committee members present:** Councilor M. Golden, Councilor K. Farrell, and Councilor J. Lugar
- **Committee members absent:** Councilor T. Danilak and Councilor C. Whitney.
- **Others present:** President D. Pancoe, Vice President R. Bunker, Solicitor N. Taylor-Smith, Borough Manager G. Locke, Police Chief A. DiValentino, and Director of Finance R. Ware.

Public Comment: Peggy Downs, 301 Runnymede Avenue, appeared before the committee to ask for an update of the violation notice issued to 303 Runnymede Avenue. Borough Manager G. Locke stated that the violation notice was issued in December and his time frame for the appeal has not expired yet. Ms. Downs asked if Borough Manager G. Locke has received any information regarding an appeal to the notice of violation.

Borough Manager G. Locke informed Ms. Downs that an appeal has not yet been filed with the Borough. Borough Manager G. Locke stated that if the tenant does not appeal the notice of violation, a citation will be issued.

Ms. Downs asked Borough Manager G. Locke if the citation would be issued on the 12th of January, which is thirty days after the violation was written.

Borough Manager G. Locke replied by stating the citation will be issued the day after the thirty days have expired, assuming that it is a work day.

Ms. Downs also wanted the Building, Zoning and Revitalization Committee to note that the log splitting business was in full effect for three hours on December 31st. Ms. Downs called the police as advised as well as emailed the Police Chief and the Borough Manager. Ms. Downs stated that Borough Manager G. Locke responded to both Ms. Downs and Police Chief A. DiValentino that if the logs were being cut for personal use there is no violation. Ms. Downs wanted to note that the log splitter was louder than the decibels required in the Borough Code, but also that the logs were being cut for a business. Ms. Downs stated that during the November meeting, she walked away feeling as though if the log splitter was used a violation would have occurred and a citation would be issued.

Borough Manager G. Locke responded to Ms. Downs by stating that the decibel limit is prosecuted by the Police Department. Borough Manager G. Locke also wanted to point out that the noise decibel limit code lists exceptions for homeowners.

Ms. Downs disputed the wood being split for personal use as the MLS listing states that the fireplaces in the house are gas fireplaces.

Borough Manager G. Locke agreed with Ms. Downs that if the MLS listing is correct then yes, he would not necessarily need wood for the fireplaces, however if the tenant was to remove the gas insert wood would

be needed for the fireplace. Borough Manager G. Locke stated that you would not need a permit to remove the gas insert and return it to a wood burning fire place.

Councilor K. Farrell asked that Police Chief A. DiValentino address the matters regarding the wood splitter.
Police

Chief A. DiValentino stated that he previously spoke to Ms. Downs when she felt the violation occurred. Police Chief A. DiValentino stated that he believes the home lawn equipment is an exception to the noise ordinance, however it does not specifically list a log splitter. If the Police Department feels as though there is an excessive use of the machine, they can consider that harassment and prosecute accordingly. Police Chief A. DiValentino did want to highlight that there is a mediation for this subject scheduled on January 18th.

Vice President R. Bunker asked how the Borough could confirm how to determine if wood is needed on the property.

Borough Manager G. Locke stated that that would be a question for the solicitor who was unable to attend tonight. Borough Manager G. Locke is unsure whether he would have to go to the District Judge for an administrative search warrant or could write a citation off of the MLS listing, but will follow up with the solicitor.

Christian Wurst, 445 Leedom Street, wanted to inform Committee that he had previously had an issue with the tenant running a log splitter on the property on Leedom Street. Mr. Wurst informed the Committee that when the log splitter was idling he was reading the decibel limit at 67 and when in operation over 82 decibels. This noise is not only above the residential threshold but the commercial threshold as well. Mr. Wurst also wanted the Committee to know that this was also being used for commercial use as when he walked through an open house event at 303 Runnymede Avenue, the house all the fireplaces were gas.

Joanne Everett, 304 Runnymede Avenue, wanted to ask Chief A. DiValentino why he considered a log splitter every day equipment as she feels as though it is more like landscaping equipment or professional equipment because most would not use one every day.

Police Chief A. DiValentino agreed with Ms. Everett that it is not everyday equipment. Police Chief A. DiValentino wanted to make note that he stated to the Police Department that if the officers were to see someone leaving the property with wood to issue a citation and it would be forwarded to Borough Manager G. Locke. That being said, Police Chief A. DiValentino stated there is not one report on file of the truck leaving with wood.

Dave Downs, 301 Runnymede Avenue, what will happen in spring when the concrete business gets going? Mr. Downs does not want to continue to go through this process come spring.

Councilor K. Farrell responded to Mr. Downs by stating that the Borough is waiting for either the tenants to appeal the violation or the appeal time frame to be up to issue a citation. The Borough does have to wait for the appeal timeframe to expire however before a citation can be issued

Alison Frasier, 416 Cedar Street, had a questions regarding 433 / 435 Cedar Street. Ms. Frasier wanted to make sure there would be public comment during the 433 / 435 Cedar Street agenda item. Councilor K. Farrell confirmed that there would be.

John Walko, attorney from Hamburg, Rubin, Mullin, Maxwell & Lupin, wanted to appear before Committee as he represents a client that would like to open a medical marijuana dispensary in Jenkintown on York Road. Mr. Walko has worked on many medical marijuana ordinances from both a municipal side and a developer side. Mr. Walko wanted to introduce himself and invite the Committee to ask any questions for clarification should they need any on the Medical Marijuana Act.

Presentations

- **2035 Comprehensive Plan** – Marley Bice appeared before the Committee tonight to highlight the draft for the 2035 Comprehensive Plan.

Featured Items for Discussion

- **Zoning Hearing Board – Hearing scheduled for Thursday, January 26th, 2017:** Councilor K. Farrell highlighted that the Zoning Hearing Board has two hearings scheduled for Thursday January 26th. The application for 501 Washington Lane was submitted by Jim Glanzmann to request multiple variances from the Zoning Hearing Board to demolish the existing office building and re-purpose as additional vehicle display and storage lot for Glanzmann Subaru. The second application for 320 Nice Avenue was submitted by Steven Jadach to request a variance from the rear yard setback to allow for a covered patio to be built at the off of the existing garage. Borough Manager G. Locke highlighted that the Jenkintown Planning Commission met tonight to discuss their recommendations for these two properties. JPC is recommending that there is buffering between the lot and the properties on Cedar Street.

Lucinda Bartley, 132 Walnut Street, understands that this section of town has had some issues with stormwater management and the Comprehensive plan focuses on stormwater management, why the Borough would support adding impervious surface in these areas.

Borough Manager G. Locke responded that the plans include stormwater management however these plans would have to reviewed by the County Planners, Borough Engineer and such and that the County feels strongly in regards to pervious paving and green parking lots and such.

Dave Downs, 301 Runnymede Avenue, wanted to know who owned the alley behind 501 Washington Lane.

Borough Manager G. Locke stated that there is no indication that it is Borough owned. The Borough has been looking into who owns this alley for the past few months as the service center is required to install their gas supply and had shown on their plans that it would be coming across York Road. PennDOT however will not allow Glanzmann Subaru to open up York Road as it was just paved last year. Glanzmann Subaru now would like to put their gas supply in through the alley, but must ask permission to whoever owns that alleyway. Glanzmann Subaru is now attempting to identify who owns that alley. Borough Manager G. Locke stated that the Borough does not plow or maintain that alleyway.

- **Zoning Hearing Board – Open items** – Councilor K. Farrell wanted to discuss the anticipation of the application for 325 Highland Avenue, Jenkintown School District, to appear before Zoning Hearing Board. The Jenkintown School District would be applying for a variance to allow their proposed electronic sign to be installed at the corner of West Avenue and Walnut Street. Councilor K. Farrell stated that she recommends appearing before the Jenkintown School District Board to ask any questions regarding this proposal as the school is the one who will be funding the project as well as applying for the variance. Councilor M. Golden agreed with Councilor K. Farrell as he believes it may be best to approach the School District regarding any concerns as they may be able to be addressed before the request before the Zoning Hearing Board is submitted.
- **Proposed Zoning Ordinance – Medical Marijuana Act** – Borough Manager G. Locke stated that since Pennsylvania has passed the law approving medical marijuana, multiple towns have begun to look into their zoning codes and land uses on where a medical marijuana dispensary would be allowed within the Borough. The Borough's Solicitor has written a memo on this subject and it has been placed in Dropbox for review. The Borough has had multiple people approach him regarding

placing a dispensary in town, however the Pennsylvania State Code has a lot of limitations to help the municipalities regulate this business. This use is considered to be a professional office or pharmacy such as a CVS or Rite Aid. If the Borough does not enact an ordinance shortly placing this use within one of the Zoning Districts, this use can go anywhere within the Borough.

Councilor M. Golden asked if this item needed to be forwarded to full Council tonight or if this item can be discussed a bit further in Committee.

Solicitor N. Taylor-Smith responded that it does not need to go before Council this month but she does not recommend waiting very long on this subject, so that the Borough is ahead of the curve.

Vice President R. Bunker supported the possibility of a dispensary coming into town, however would not like to see it be placed in a pedestrian filled area. Councilor K. Farrell agreed

Solicitor N. Taylor-Smith highlighted that the medical marijuana will not be in a smokeable or edible form. It will either be pills, oils, or other ways.

Peggy Downs, 301 Runnymede Avenue, wanted the Committee to take into consideration to try and write this ordinance for the zoning code in such a way that there is no grey area so as to enforce code appropriately without the need for interpretation for potentially new incoming Zoning Officer.

Councilor K. Farrell wanted to confirm with Solicitor N. Taylor-Smith that they are drafting an ordinance for the medical marijuana act to which Solicitor N. Taylor-Smith confirmed.

Vice President R. Bunker would like to see this use on York Road, and not mixed in with residential. President D. Pancoe stated that the Borough has three zoning districts along York Road, Town Center, Neighborhood Commercial Residential, and Gateway Commercial.

President D. Pancoe agrees with President R. Bunker that the use should be limited to York Road, but all of these districts have some portion that back up to residential properties.

Councilor M. Golden asked Solicitor N. Taylor-Smith if there could be an overlay district within these to allow for the use to only be allowed in certain sections, specifically those that front York Road. Solicitor N. Taylor-Smith affirmed that there could be an overlay district.

John Walko, attorney from Hamburg, Rubin, Mullin, Maxwell & Lupin, stated that you could make it as a condition that the property must face York Road, as well as other conditions that the business must adhere to such as signage.

Marley Bice, stated that the County Planners are helping municipalities out with their ordinances pertaining to medical marijuana. Marley wanted to suggest that the Borough keeps in mind the spacing limitations from things such as the school but wanted the Borough to note to make sure that they are not inadvertently excluding it.

- **Design Review Board – Open Items** – Councilor K. Farrell highlighted that there are still open items with the Design Review Board such as 206 Township Line Road, 249 Mather Road, and 207 West Avenue. All of these items are on-going and there is nothing exceptional to note.

- **Open Space Planning – 433 /435 Cedar Street** – Councilor K. Farrell wanted to discuss the open space planning at 433 /435 Cedar Street. Councilor K. Farrell read a statement that included information regarding the timeline of the acquisition of the Cedar Street property. The statement read:

On September 8th, 2016, by unanimous vote at a public meeting, Borough Council voted to approve the purchase of real property located at 433 & 435 Cedar St. in Jenkintown pursuant to the Pennsylvania Borough Code. This acquisition adds to the only other borough-owned community park space – Town Square. Prior the purchase of the property, in performing its due diligence, the Borough commissioned the following studies; a comprehensive appraisal of the property, an environmental study, ESA I, through a qualified environmental firm, as well as contracted with a home inspection firm to complete a home and property inspection. On November 9th, by unanimous vote at a public meeting, Borough Council voted to approve the borrowing of \$250,000 from Republic Bank for a term of 15 years to purchase real estate located at 433 & 435 Cedar Street Jenkintown PA. The Borough was approached by the property owner who indicated that he would prefer to sell the land to the Borough rather than a developer. Information received from business owners and residents through the public survey and information sessions held for the 2035 Comprehensive Plan included input that pocket parks and open space was desired. The Jenkintown Environmental Action Committee has been active over the last two years identifying parcels that would accommodate small pocket parks or seating areas throughout the Borough and they strongly supported a project of this nature. The initial plan has been for the Borough to secure this open space, continue the process to gather public input, and apply for available grant funding to accomplish the desired outcome at the lowest possible cost to the Borough taxpayer.

Councilor K. Farrell finished this statement by stating that Council felt this was a rare opportunity to acquire and develop open space in a town that has very little open space at this point. The Borough plans to apply for grant funds through several different granting authorities that will enable opportunities to create the greenspace and amenities needed to help decongest the area and allow for an area that will improve the health and welfare of the residents. The planning process will involve public input and information sessions, and the implementation of those plans is expected to take place over the next couple years. Councilor K. Farrell wanted to stress to the residents that there are no definitive plans regarding this space yet and will be relying on public input to help determine the best use for this space. Also, Council understands that the purchase of this property will remove its tax revenue which is approximately \$9,000 a year, which was primarily school taxes; the long-term vision for preservation of green space and the serendipity of this property being offered to the borough at a discount seemed to this forward-thinking Council to be a wise purchase for the future of the community. Additionally, the Borough was made aware that developers were intending to purchase the property and were proposing to place three-unit town homes on each lot which would increase the density in an already dense neighborhood.

Mary Doheny, 431 Cedar Street, appeared before Council to voice her displeasure in which Council acquired the properties at 433 / 435 Cedar Street. Ms. Doheny resides at the property next door as was not informed of the purchase until after it was made.

President D. Pancoe responded to Ms. Doheny by stating that some preliminary ideas for the Cedar Street lot would be incorporating some place space or a "tot lot" and perhaps space for a community garden. These are the types of ideas that the Borough has begun to think about, however they want to receive input from the public regarding the use of the lot as the public will be the ones who utilize the lot.

Vice President R. Bunker added that the Borough purchased the property with no increase in taxes to the Borough this year due to the refinancing of other debt and surplus in the budget. Vice President R. Bunker also highlighted that the Borough has every intent to apply for grants with the help of the County Planners to fund the demolition and the rehabilitation into the park. Vice President R. Bunker stated that there would be some monetary match that the Borough is required to place due to granting requirements however, the match is usually 20% of the funding amount received.

Joanne Everett, 304 Runnymede Avenue, was in favor for a place for the children on Cedar Street and the adjoining streets to play as the streets in that area are quite dense with children as they may not be able to walk to the school.

Alison Frazier, 416 Cedar Street, would like to know what would happen next in regards to the development of these properties.

Councilor K. Farrell responded with stating that the public information and input sessions would be the first step in this process as Council would like to receive as much public input as possible. The Borough then would be going for as much public funding that is able to be applied for, as the Borough is looking to try and not spend the tax payer's money, but as of now there is no hard timeline as to when this project will be completed.

Robin Spilner, 503 Willow Street, wanted to know if these properties are currently inhabited by renters and is there any plans to bring the property up to code to continue to rent it.

Borough Manager G. Locke stated that 435 Cedar Street had a renter living in the property however this tenant gave the Borough notice that they would be moving out and moved out at the beginning of January. Borough Manager G. Locke also stated that he personally did an inspection with that tenant as she had placed an escrow with the original owner. Borough Manager G. Locke stated that it would not be his recommendation to continue to rent out the property in its current state. Borough Manager G. Locke stated that if Council decides to rent the property, the Borough would have to do some improvements to bring it up to the current code.

Mr. Spilner stated that he doesn't understand why the Borough does not subdivide the two lots into three, keeping the green space in the middle and selling the two lots on either side to allow for the rehab of the homes. Mr. Spliner likes the density of the area, and believes that a park in that area would be rather large, therefore he would like to see the lots subdivided with a park in the middle.

Solicitor N. Taylor-Smith wanted to thank Mr. Spilner for his input as that is what Borough Council is looking for. President D. Pancoe confirmed Solicitor N. Taylor-Smith's comment to Mr. Spilner as Council would like to hear as much resident input as possible.

Mary Doheny, 431 Cedar Street, asked when both properties will be vacant.

President D. Pancoe responded by stating that 435 Cedar Street has been vacant since the beginning of January. The property at 433 Cedar Street is currently still being occupied by the previous owner and will be vacant ninety days from the purchase, approximately around February 21st, 2017. President D. Pancoe also wanted to highlight that because the property is classified as mixed use, the garages behind the property are rented.

Robin Spilner, 503 Willow Street, asked what this property was classified as.

Borough Manager G. Locke responded by stating that the properties at 433 / 435 Cedar Street were zoned as C-1 modified. This zoning district does allow some commercial uses, however the uses would have to conform to the Borough's Zoning Code.

- **Residential Resale Use & Occupancy** – Borough Manager G. Locke has stated that this is still a working progress. Borough Manager G. Locke feels as though this topic should be acted on within the first few months of this year. Councilor K. Farrell asked that this item be discussed and concrete inspection items be listed for next month's meeting. Last month, Borough Manager G. Locke placed a memo in Dropbox listing four items that he believes should be on the residential resale use & occupancy. These items include a notarized affidavit of the location of smoke detectors, curb and sidewalk inspection, videotaping of the sewer lateral from the house to the main and a four-inch reflective sign indicating the street address of the property. Borough Manager G. Locke would like to model the ordinance for the lateral inspection off of Cheltenham's lateral inspection ordinance.

Action Items

- **Zoning Hearing Board Appointment** – Councilor M. Golden made a motion, seconded by Vice President R. Bunker, that Resolution #2017-1, appointing Vincent McCabe to the Zoning Hearing Board for a term of 5 years move to full Council.
Motion passed unanimously.
- **Re-Organization of BZ&R Committee** - President D. Pancoe stated that the Building, Zoning & Revitalization committee is going through a re-organization period. President D. Pancoe announced that Councilor K. Farrell has stepped up and has decided to take on the role of chairing the Building, Zoning & Revitalization Committee. President D. Pancoe also wanted to highlight that the two new Council members, Anne MacHaffie and Jennifer Lugar, will be serving on the Building, Zoning & Revitalization Committee as well as the Administration & Finance Committee. President D. Pancoe will provide a list to Borough Manager G. Locke updating which Councilors are on which Committees, so that the website can be updated accordingly.

Items for Information

- **Jenkintown Planning Commission Report** – Borough Manager G. Locke stated that the Jenkintown Planning Commission did not oppose the project at 501 Washington Lane, however had comments such as the ones voiced tonight, such as buffering, screening and one travel lane around the parking. The Jenkintown Planning Commission will send their recommendations to Borough Council before the January 23rd Council meeting.

Ongoing Items

- **101 York Road Land Development Update** – Borough Manager G. Locke stated that Glanzmann Subaru has reported that they are 80% completed with their project at 101 York Road. They have hit a small glitch. Glanzmann Subaru was expecting to run a gas main from the old bank property across York Road, however PennDOT is requiring that the gas main ran in the alleyway behind the property as PennDOT has a moratorium that a newly paved road cannot be opened until five years after the road has been paved. Glanzmann Subaru and Speedwell Construction are currently trying to determine who is the owner of that alleyway as the owner of the alley must grant permission to place the gas main in the alley. Glanzmann Subaru has also filed for their first escrow release.
- **Borough Gateway Welcome Sign** – Councilor K. Farrell stated that this project is ongoing between Glanzmann Subaru, the Borough, and the Borough's Engineer. Borough Manager G. Locke stated that there is a new cost estimate that the Engineer has created. Originally the Planning Commission wanted the signs to be made out of limestone. Since the cost of limestone was so high, the Planning Commission has now changed the material reducing the cost. This memo is in Dropbox for the Committee to review. Borough Manager G. Locke highlighted that there may be a grant opportunity to assist with the cost of these signs. Borough Manager G. Locke will be working with the County Planners on the potential grant opportunity and will update the Committee as more information becomes available.
- **Banner Program** – Councilor K. Farrell stated that there are no new updates. Last month, Borough Manager G. Locke wanted to highlight that the Borough has continually been working on implementing a banner program for Jenkintown Borough. The Borough has reached out to King Design to have them design a branding proposal. Borough Manager G. Locke highlighted that the Borough has budgeted in 2017 for the design of the banners and \$2,000 for replacement.
- **Dead Tress on York Road** – Councilor K. F reported that there are five trees that need to be replaced, which includes three dead trees and two trees that have been removed. The replacement cost for these trees have been budgeted in the 2017 budget. Councilor K. Farrell stated that public Works will be planting new trees that will be able to withstand the conditions of York Road. This project will begin in the Spring when the weather allows. Borough Manager G. Locke stated that the Borough had an arborist look at the trees on York Road. The arborist stated that he was very impressed with the species of tree that the Borough had on York Road. This tree will put up with the pollution, and so forth. Borough Manager G. Locke stated that when the Borough replaces these trees, they will be replaced with the same species. In certain areas, such as in front of the theatre, the Borough will be working with the Environmental Advisory Committee and the same arborist to plant the correct tree as the previous trees grew too tall for certain sections of York Road.
- **Zoning Code Review** – No new updates. Last month, Borough Manager G. Locke stated that the Borough is looking to update their Zoning Code with the help of the County Planners, the Solicitors Office and the Zoning Officer. Borough Manager G. Locke began a preliminary list of items that have created a difficult review in the past. The Borough also received a preliminary list from the Jenkintown Borough Planning Commission. Both lists have been turned over to the Solicitors office for legal opinion.
- **Borough Sidewalk Safety Program** – Borough Manager G. Locke highlighted that this pertains to all the curb and sidewalk notification that has taken place within the Borough. Borough Manager G. Locke stated that there is still one property on Linden Street, eight properties on Rodman Avenue, eleven properties on West Avenue and three properties on Greenwood Avenue that remain non-compliant. The Borough has followed up on each of these properties and sent out notices for completion. Borough Manager G. Locke highlighted that since the Borough will be paving Washington Lane this year as part of the 2017 paving project, the Borough will be marking out deficient curb and sidewalks on Washington Lane. Borough Manager G. Locke intends on creating a map showing the sections of town that have been paved and the curb and sidewalk that

has been completed to update the committee and council as to the progress that has been completed under this program.

Marley Bice wanted to highlight that she knows Linda Vista Avenue is scheduled to be paved under the 2017 paving project but wanted to highlight that the comprehensive plans call out a “parklet” at the intersection of Linda Vista Avenue, Cheltona Avenue and Hillside Avenue to which the County has begun renditions of such “parklet”. Ms. Bice feels as though this rendition may help with safety, greenspace and stormwater management within that area. This property is already owned by the Borough as it is in the public right of way. Borough Manager G. Locke did note that the Borough paved that intersection during the 2015 paving program, however, PECO will be installing gas mains along that area so it will be repaved within the coming months. Ms. Bice is also working on renditions to green the library lot.

On motion of President D. Pancoe, seconded by Vice President R. Bunker, the motion to move into Executive Session for discussion of matters of real estate.

At the conclusion of Executive Session, President D. Pancoe announced that an Executive Session was held for the purpose of discussing matters of real estate. A motion made by President D. Pancoe seconded by Councilor K. Farrell to go back into the public meeting passed unanimously.

Adjournment: On motion of Councilor M. Golden, seconded by Vice President R. Bunker, the motion adjourning the meeting passed unanimously.