



JENKINTOWN PLANNING COMMISSION
February 19th, 2019
6:30pm-8:30pm
700 Summit Avenue, Jenkintown Pennsylvania

MEETING MINUTES

Attendance

Members Present: Gabriel Lerman – Chairperson, Jon McCandlish, Lucinda Bartley
Members Absent: Glen Morris, Joe Hentz, John Krebs, Phil Zimmerman,
Others Present: Patrick Hitchens – Borough Solicitor, George Locke – Borough Manager, Deborah Sines-Pancoe, Eric Horowitz

Reports

PC Chairman Gabe Lerman stated that due to deficient member attendance, no quorum could be held, and the meeting could not serve in any official capacity.

New Business

Ordinance #2019-2: Vehicle Storage

Mr. Lerman reiterated that the proposed Ordinance would regulate the location of Automobile Dealership Off-Site Storage Lots as a permitted use in the G Gateway Commercial District, to regulate the location of such storage lots, in order to maintain the general welfare, cleanliness and beauty of the Borough, as set forth under 8 Pa.C.S.A. § 1202(5). He then asked Mr. Eric Horowitz to present his comments to the PC as a concerned resident. Mr. Horowitz asked the PC to review his written statement.

Mr. Horowitz summarized that he believed that regardless of the intention of the ordinance, the borough should not permit the use of remote vehicular storage in its zoning code. He did recognize that this proposed ordinance may address an exclusion in current zoning and suggested employing shared zoning with adjacent municipalities – multi-community zoning/planning – as a strategy to resolve its exclusion from the Borough's zoning code.

Borough Solicitor Hitchens relayed the challenges of implementing such a strategy, explaining that this would require current Borough zoning to be dissolved and recreated in concert with participating adjacent municipalities. Subsequent to this lengthy and burdensome task, future changes would then need to go before a multi-municipal board and reviewed/ruled on by all parties.

Mr. Hitchens conveyed that this strategy would not be his recommendation, and elaborated that it would likely not be likely or appropriate in that the Borough and all adjacent municipalities are fully developed with zoning having been fully defined.

Mr. Hitchens stated that Mr. Horowitz had posed many interesting points in his statement and that he would research what would be the most appropriate vehicle to both limiting zoning related legal liability to the Borough as well as controlling undesirable uses. Mr. Hitchens stated that he would do this prior to making a recommendation to BZ&R and before the ordinance is accepted. For consideration might be...

- Could this type of use every be considered ancillary to a currently permitted business use?

- Because these use conditions already exist in the Borough – auto storage lots without connected or adjacent sales center/garage – would a provision for a specific permitted use be appropriate as a means to control these conditions?

Mr. McCandlish asked for clarification regarding how a multi-municipality comprehensive plan could be used to control something like this. He inquired whether there is any regional comp plan currently in place that would effectively prohibit such uses, stating that although such a use might be permitted by zoning, a rigorous review process guided by regional planning would effectively deny approval for a conditional use.

Ms. Bice confirmed that only a multi-municipal zoning ordinance would be a legal vehicle to affect joint zoning between municipalities. Mr. Hitchens reiterated in stating that a joint planning document is only a multi-municipality planning tool, not a formal agreement.

Mr. McCandlish impressed upon the PC that approving this ordinance would send the wrong message in Jenkintown and that allowing such a use should be discouraged by the Borough. He recommended that general, catch all language to facilitate inclusiveness of permitted/conditional uses be implemented as a strategy for and minimizing zoning related legal exposure.

Mr. Horowitz asked that if by permitting this use in one part of the Borough – whether or not there is the physical room necessary in the area permitting the use by zoning – would there be precedent set for conditional uses in other parts of the borough?

Mr. Hitchens stated that potential developers couldn't apply for a conditional use unless zoning of proposed area permitted it, and that the applicant would have to apply for a use variance. He elaborated that this would entail a highly burdensome review process that the zoning hearing board would likely ultimately deny. The use would effectively be prohibited.

Ms. Bice reminded the PC that there are multiple "gateway" uses defined within the borough's zoning and comprehensive plan, which could be used to further narrow the limits of permitted uses.

Mr. Horowitz pointed out that much of the surrounding parcels to the gateway districts are residences. He asked that buffer strategies to mitigate noise/light be considered - radius limitation of 60 ft around proposed developments or that corner lots cannot be developed for undesirable uses. Mr. McCandlish stated that although these zoning districts are meant to incur a level of densification, there could there be some restriction required of proposed developments to help protect residential neighbors. Mr. Hitchens reiterated that implementing catch-all use language would allow the Borough the review process to vet and control development.

Mr. Lerman summarized in stating that multi-municipal zoning would not likely be feasible in mitigating undesirable permitted uses in the Borough, although careful review of current and proposed ordinance language and recommended revisions would be a more appropriate solution. No formal action was taken due to a lack of quorum. Borough council members were present and agreed that revision/recommendations would be considered for future council action.

Cedar Street Park Update

Ms. Bartley summarized that the park development committee had recently conducted two public meetings to present the project design and solicit feedback from community members. A final version of the concept plan has been devised, the landscape architect is in the process of completing documentation and Mr. Locke is reviewing project costs. Ms. Bartley affirmed that a comprehensive list of native plants has been created and will be used to pursue additional grant funding.

Section 106: 610 York Road T-Mobile Request

Mr. Locke stated that the Borough hasn't yet received a zoning request regarding the possible addition by T-Mobile of cell antennas to the property located at 610 York Rd. He asked the PC for thoughts/comments regarding how this might affect the historic building. Additionally, he informed the PC that Cricket had recently removed their antennas from the building.

The PC inquired about the appearance of the antennas, requesting further information in the form of dimensioned elevation, roof plan, schedule of the equipment and rendering. Mr. Locke confirmed that he would ask T-Mobile to provide the requested information.

441/443 Leedom Street: Zoning Hearing Board Request

Mr. Locke described a proposed development located at 441/443 Leedom St, with the applicant requesting to add a second structure to the rear yard consisting of a storage garage with apartment above. Although the initial application only requested one variance, the current design now requires eight variances. Mr. Locke confirmed that an application re-submission addressing all variances is expected to be submitted.

Mr. Locke elaborated that this property has been used for multiple different things in the past, including commercial use for some time. The structure had most recently been removed/modified and used for residential. Mr. Hitchens elaborated that there are currently multiple units subdividing the footprint of the existing house, but that the request seeks to subdivide the rear to accommodate new garage and apartment.

Mr. Locke clarified that the owners are proposing to use a driveway to access the rear building. He stated that plans/application would be ready for review in the coming March meeting and that a subsequent Zoning Board hearing would then be scheduled.

Ongoing Business

Review and Update of the Community Local Historic Resource Inventory

Mr. McCandlish inquired about the status of Borough council approval of the updated historical resource inventory. Mr. Locke confirmed that pending inventory finalization, property owners will need to be notified of potential updates and then the list can go before Borough council for review and approval.

Mr. McCandlish stated that a draft is ready to be provided to council. He further inquired about specific language surrounding Historic Resource Inventory, seeking ways to strengthen it. He clarified that the current three classifications are basically the same thing, and that protections only apply to properties at risk of some level of demolition. He impressed upon the PC that he would want to make sure that someone wouldn't come in and do something to a building that would not be in the best interest of the community.

Ms. Bartley conveyed a recent experience in a meeting in Cheltenham where the township was exploring strategies for historic property protections. She recalled that they may have worked with the PA museum commission and suggested that the Borough look to what they are doing for an example.

Mr. Hitchens conveyed that Upper Dublin (historic commission) recognizes multiple categories of historic designation which. He elaborated that the municipality currently has restrictions that apply to Category 1 properties and additional review processes for all designated structures. He offered to provide additional information regarding this and another project in West Goshen for PC review.

Ms. Bice noted that the Borough's review process for any changes to landmark buildings would need to be considered; how will changes be reviewed, will a historic review board need to be formed? She stated that the process could be more formalized in the Borough, with review and approval of Historic Review Board as well as Borough council.

Mr. McCandlish mentioned that the list does not currently include residential properties, with all recommendations regarding borough core buildings.

Mr. Hitchens offered his review of the Borough's current historical review process, and to make further recommendations for any improvements or strategies to formalize the designation/review.

Zoning and SALDO Review Update

Ms. Bice informed that PC that she had recently focused her efforts on the Cedar Street Park grant application, although she would begin reviewing potential improvements to existing Borough zoning ordinance.

Ms. Bice discussed two studies that investigated transit-oriented development standards proposed for areas adjacent to Noble and Jenkintown/Wyncote train stations. She is particularly interested in studying the section of Old York road where Jenkintown meets Abington.

Mr. McCandlish asked what impediments exist that are creating barriers to successful development of the Noble station site. Mr. Locke and Ms. Bice conveyed that there has been specific interest, but that for various reasons TOD related development has not come to fruition. They elaborated that Jenkintown station has successful adjacent residential development, although lacks restaurant and amenity development. Mr. McCandlish inquired about what could be done to encourage this “highest and best” use development in lieu of adjacent ground level business commercial tenants. Mr. Lerman offered that there might be uncertainty surrounding the future development of the train station itself, slowing surrounding TOD efforts. Ms. Bice offers parking and high rents as possible impediments to these types of developments.

Borough council president Sines-Pancoe stated that the borough needs someone to actively pursue these types of developments with owners, in the form of structured borough outreach. This should be a paid individual with this effort as their entire focus. Mr. McCandlish further states that developments within the Borough should be incentivized and inquires how this might be accomplished.

Mr. Hitchens explained that preferential tax treatment for development incentivization would be problematic when it comes to property assessments and subsequent borough or school district appeals. Mr. McCandlish suggests the implementation of general tax abatement but admits that this strategy would be equally problematic and subject to an appeal.

Borough council president Sines-Pancoe stated that she like SEPTA to replace parking that will be lost due to the accessibility renovations – 50 permanent parking spaces total. She stated that adjacent property owners haven’t been interested in negotiations with SEPTA to provide parking in lots that are underutilized, although could be open to discussing directly with the Borough.

Ms. Bice, Proposal for structured parking at Noble station is still a possibility although wouldn’t alleviate parking burden at Jenkintown station.

Mr. Lerman inquired about any other non-tax related incentives. Ms. Bice offered Ardmore and Narberth as two examples of communities that are using creative TOD strategies to promote successful general municipal development. Historic District/HARP and Mixed-Use Special Transportation Overlay District are two instruments that are used to control successful development in the greater Lancaster corridor. Ms. Bice offered to continue researching strategies to incentivize development, as well as paths for calibrating the existing code in support of the Borough’s comp plan.

610 York Road – Verizon

George indicated that Verizon had filed for a Section 106, regarding the addition of a “sled” type cell antennas to be located 610 York Road. Mr. Hitchens noted that there has been recent industry interest in pervasively locating low range, 5g antennas. He conveyed that the placement of such antennae is federally regulated in a way that limits municipality ability to dictate where they can or cannot be located.

Borough council president Sines-Pancoe asked that at the time of their application submittal, Mr. Locke discuss with Verizon maintenance issues with their poles as well as the filling of abandon pole holes.

Southern Gateway

Mr. Locke gave the PC updates regarding the Southern Gateway project saying that bidders returned project pricing that was significantly over what was expected. He stated that project scope and pricing will need to be aligned and more closely track the project budget. Deborah has asked that the PC discuss the development of the southern gateway further in coming meetings, specifically regarding current property owner’s design intentions related to the Borough’s concept plans for the site.