

**BOROUGH OF HATORO
COMMITTEE MEETING
MONDAY, APRIL 14th, 2014**

PRESENT

President Zygmunt, Vice President Tompkins, Councilpersons Harbaugh, Hegele, Palmer & Rich; Mayor Hawkes, Borough Manager Zollers, Assistant Borough Secretary Hegele, Chief Gardner, Solicitor Keurney & Borough Engineer Dougherty.

ABSENT

Councilman Sheedy and Treasurer Kalnajs were both absent.

CALL TO ORDER

President Zygmunt called to order the April 14th, 2014, Public Hearing portion of the Committee Meeting of Borough Council to order at 7:03 P.M.

PUBLIC HEARING – MIXED USE OVERLAY ORDINANCE

Solicitor Keurney opened the hearing. She reviewed with everyone the context of the ordinances and a list of exhibits was reviewed. She then briefly reviewed the procedure for the hearing. She stated Mr. Van Rieker would make a short presentation, then Council would ask questions and the floor would be opened to the public for comment.

Mr. Van Rieker, AICP Planner for this project reviewed the changes. He reviewed the different overlays and highlights from each.

Overlay OD-1, included taller buildings, more density, retail permitted, no underlying changes to zoning only overlay on top, new use opportunities to existing use.

Overlay OD-2, less intense opportunity, townhouses introduced, lower density, no retail and no underlying map amendments proposed.

Overlay OD-3, lesser use, base zoning, present use protected under non-conforming status, rezoned HI to O, no retail and includes opportunity for other uses. All three parcels would have to come in as 1 property application to meet overlay requirements.

Overlay OD-4, this was a result of previous meetings with neighbors, multiple uses here presently, one map amendment, underlying districts HB, RC-2, HI-MU all stay as is, residents requested consider another underlying district, which was looked at and RC-2 seem best fit.

Vice President Tompkins asked about retail option along Jacksonville Road. Van Rieker stated HI-MU includes retail. He stated OD-1 and OD-4 permit retail while OD-2 and OD-3 do not as there is more residential in that area. Van Rieker stated the standards are the same as before, there are some new opportunities, town homes were added since there seems to be a trend for them.

President Zygmunt asked Solicitor Keurney to review with everyone what would trigger a change in this area. Solicitor Keurney stated that the overlays still permit the many uses. There are three properties in the HI that will still continue use as HI but will have the opportunity to change to O Office. They do not lose rights as they have today and can sell the property as the same use. She explained what would trigger non-use would be if a property owner sold and changed to O office and operate under that zoning for several years, and then they cannot revert back to HI. President Zygmunt asked if a property owner abandoned their property what would happen then. She stated there is case law that if a property is abandoned for a couple of years due to the economy, the use would not change. She stated the property owner would need to tear down a building and use as office and then abandon, it needs to be specific to be abandoned. She stated the courts recognize the legal rights of property owners.

Mark Schlotter, 322 Springdale Avenue stated he is concerned if he sells property can it still maintain HI zoning, he asked why change the zoning. Solicitor Keurney responded the right to continue use is still permitted. She stated one non-conforming use to another is ok. He asked the Board to take into account changing properties across the street.

Joseph Doyle, 318 Springdale Avenue stated he understood he is grand fathered but wanted something written in layman's term so he could understand, he stated he may sell in the future and he wanted to be assured it would be ok. Van Rieker agreed with Mr. Doyle saying that perhaps a document that he could hold maybe an opinion letter from the Zoning Officer or Solicitor. Mr. Doyle stated the businesses in this area where there long before the houses, some date back to the 1920's. Mr. Rieker stated if you look at the definition of HI some of the uses there are not really defined under HI.

Richard Rose, 206 Lincoln Avenue stated he has concerns about truck traffic mixing with residential traffic; there are problems there now. He stated roads would have to be improved, the streets are too small, there is not enough parking, parking is bad, car dealers are parked all over and there are always large trucks navigating through the neighborhoods. Mr. Rieker stated that long range planning would be considered when properties developed. Mr. Rose stated retail, townhouses, HI and large trucks equal's problems. Vice President Tompkins stated if the properties are developed they would be subject to the codes, they would have to go through the SALDO process, which includes studies and a very detailed review. Mr. Rose stated the roads need to be widened; he worries about kids in the street with the added traffic congestion. Vice President Tompkins stated that impacts on the neighborhoods would be looked at if/when plans are submitted.

Deb Worstall, 419 Jacksonville Road stated her business was once a house and is now her real estate office; she wanted to know if she could put apartments in that building. Van Rieker responded she could submit a plan and see if authorized, he told her it is not an easy process but if the base zoning was RC-2 that zoning allow residential zoning.

Keith Gordon, Pershing Avenue stated OD-2 and OD-3 allow townhouses/apartments. He was told yes. He stated as a resident in the area a lot of people there have learned to live with the business people. He stated some of the buildings there are big enough to put apartments in.

TESTIMONY FOR/AGAINST

Solicitor Keurney opened the floor for testimony for or against the ordinance change.

Rich Rose, 206 Lincoln Avenue, is against it, industrial properties pay taxes, no school, do not use a lot of Borough services, town homes would use more services.

Mark Schlotter, 322 Springdale Avenue, is against OD-3 zoning, should be equivalent to OD-2.

Deb Worstall, 419 Jacksonville Road, is for the change, as a realtor it is a good idea for the area, may not attract young families because of all the industrial more for young professionals. She feels Hatboro Lofts is a great addition to the Borough and improved the area and enhanced economic status, it is good for tax base.

Joe Doyle, 318 Springdale Avenue, stated he is against present form, it puts in danger, loss of value if uses can't continue, he asked why segregate these properties.

ADJOURNMENT – Council closed the public hearing at 7:48 PM. At this time President Zygmunt reviewed procedure for the remainder of the meeting.

PUBLIC SAFETY

FIRE COMPANY EXPENDITURE LIST – Councilman Palmer stated Council was in receipt of the March 2014 Fire Company Expenditure list in the amount of \$17,874.76. This item was moved to the April 28th Council meeting agenda for approval.

FIRE COMPANY CAPITAL EXPENDITURE LIST – Councilman Palmer stated Council was in receipt of the March 2014 Capital Expenditure list in the amount of \$18,936.54. This item was moved to the April 28th Council meeting agenda for approval. Vice President Tompkins asked if these were surprise expenses. Fire Chief Gordon responded they were not planned; it is for major repair to the ladder truck.

FINANCE

Councilman Harbaugh stated he had nothing for his agenda tonight. President Zygmunt asked if there would be a capital budget meeting in May. Councilman Harbaugh stated he would coordinate a meeting with staff.

GRANTS AND FUNDING

Councilman Sheedy was absent tonight; there was nothing to report.

PUBLIC WORKS

Councilman Hegele stated he had nothing for his agenda tonight.

FACILITIES AND PARKS

2014 POOL EVENTS

Manager Zollers stated he is in receipt of a request to use the pool for Pennypack Day on Wednesday, June 11th, Crooked Billet Day on Thursday, June 12th and Community Day on Saturday, June 14th. This item was moved to the April 28th agenda for approval.

ZONING/HISTORIC PRESERVATION

MIXED USE OVERLAY ORDINANCE NO. 1020

Councilman Tompkins stated this change to the Ordinance has been discussed at several meetings, the hearing was tonight before this meeting and the vote will take place tonight after the Committee Meeting.

MIXED USE OVERLAY ORDINANCE NO. 1021

Councilman Tompkins stated this change to the Ordinance has been discussed at several meetings, the hearing was tonight before this meeting and the vote will take place tonight after the Committee Meeting.

ADMINISTRATION

HRA – FEE WAIVER REQUEST

President Zygmunt introduced Ms. Melinda Goodwin President of the HRA. Ms. Goodwin stated the Farmers Market will be on Friday nights beginning May 2nd through October 24th. The HRA is asking Council to waive the \$125.00 Solicitor Permit Fees for this event. This item was moved to the April 28th agenda for approval.

HOMETOWN STREETS PROJECT – SELECTION COMMITTEE APPOINTMENT

President Zygmunt stated Council has to appoint a selection committee for this project for engineering selection. It was discussed and agreed that Manager Zollers, Vice President Tompkins and Councilman Hegele would be appointed for this committee. This item was moved to the April 28th agenda for approval.

CLOCK TOWER AGREEMENT – WINSHIP’S

President Zygmunt stated Council is in receipt of an agreement with Winship’s to do the work on the clock. The Solicitor is still working on finalizing and the agreement was sent to Ken Moskowitz. The Solicitor is still waiting to hear comments back. This item was moved to the April 28th agenda for approval.

DECLARATIONS OF COVENANTS – CLOCK TOWER PROJECT

President Zygmunt stated Council is in receipt of this document, he stated he has concerns about work in Borough Hall. Council is working on a facilities study and will be doing work to the interior of Borough Hall in the future as a result of this study. Solicitor Kurney stated she would discuss with Solicitor Pionzio and the Historic Commission and investigate further. This item was moved to the April 28th agenda for approval.

Vice President Tompkins announced the Community Channel is still down, there is a myriad of technical issues and the Borough hopes to have the channel back on soon.

ADJOURNMENT

The April 12th, 2014 Committee meeting of Borough Council was adjourned at 8:01 P.M.

VOTING MEETING

CALL TO ORDER – The voting meeting was called to order at 8:01 PM.

PRIVILEGE OF THE FLOOR – This was for voting items only.

Rich Rose, 206 Lincoln Avenue – stated the purpose of zoning is to keep separate, changing causes problems.

Mark Schlotter, 322 Springdale Avenue – feels OD 2 & OD-3 are the same, feels people are being singled out and it is not positive to have 3 properties as one.

Andy Schlotter, 401 Lincoln Avenue – stated is against this and it is cruel to do away with Heavy Industrial Zoning.

ORDINANCE NO. 1020 – Solicitor Keurney stated Ordinance No. 1020 was an ordinance amending the code of Hatboro Borough specifically Chapter 27, known as the Borough of Hatboro Zoning Ordinance of 1985, to add overlay zoning districts and amending the height of accessory structures to the zoning ordinance in various sections including, and repealing any inconsistent provisions therewith. Councilman Harbaugh motioned to approve Ordinance No 1020, motion seconded by Vice President Tompkins, all ayes. Motion carried 6-0.

ORDINANCE NO. 1021 – Solicitor Keurney stated Ordinance No. 1021 was an ordinance amending the official zoning map to rezone certain parcels and to reflect the addition of new overlay districts, OD-1, OD-2, OD-3 and OD-4 created by Ordinance No. 1020. Vice President Tompkins motioned to approve Ordinance No. 1021, motion seconded by Councilman Rich, all ayes. Motion carried 6-0.

PRIVILEGE OF THE FLOOR

Karen Shubick, 37 Fulmor Avenue asked Council about the pool resolution recently passed, she stated she did not know the content of what was voted on. She requested to see the resolution being considered. President Zygmunt stated she had the opportunity to ask questions at the Committee meeting where the matter was discussed and she was in attendance. President Zygmunt stated the staff is given the fees, which were discussed at the meeting, and they prepare the resolution, the same one that has been used for many years. He stated if she had questions about the resolution she should have asked at the Council meeting where the matter was voted on.

Mrs. Shubick asked about work at the Bridge on Horsham Road and other projects in the area. Vice President Tompkins stated there was discussion about a School District Project and the Borough preparing a letter supporting their project. It is not a Borough project. President Zygmunt stated the other project was the Academy/Moreboro/Horsham Road CDBG project,

which has been discussed for 3 years, and she was not at those meetings before when it was discussed.

Vice President Tompkins stated that the pool fees are an administrative item typically handled by staff, Council discussed this matter and authorized a minimal increase along with a new membership for ½ off for memberships purchased after August 1. He stated resolutions when prepared by staff are not going to be posted on line prior to Council approval. The Borough simply does not have the staff to do this.

Mike Gorn, 8 James Road wanted to assist Mrs. Shubick and asked Council to explain in a sentence or two how the process works. President Zygmunt stated all items on the Committee agenda are discussed and moved to the Council meeting for vote/approval.

Ron Battis, 320 W. Moreland Avenue stated if he is unsure of something he will always ask at a meeting.

ADJOURNMENT

The voting meeting of April 12th, 2014 was adjourned at 8:14 PM.

Respectfully submitted,

Alfred "Fred" Zollers
Borough Secretary

Transcribed by Assistant Borough Secretary Diane Hegele