

APPLICATION FOR SUBDIVISION/LAND DEVELOPMENT

TO BE COMPLETED BY THE TOWNSHIP

Submission Information:

Application Number: LD-19-09

File Date: 7/25/19

Project Title: Banewood Shopping Center

Date Complete: 7/25/19

Received By: MAX

90 Day Date: 11/18/19 / 1/17/20

Ward No. 7

REQUIRED MATERIAL FOR ALL SUBDIVISION/LAND DEVELOPMENT APPLICATIONS:

1. This form **MUST** be completed and submitted.
2. A Subdivision/ Land Development Application **MUST** include all of the items listed in the application checklist in Section V to be considered complete.
3. Incomplete application will **NOT** be placed on the Planning Commission agenda. Incomplete applications will be returned to the applicant.
4. Complete applications must be received at least 45 DAYS (see schedule) prior to the Planning Commission meeting at which it will be heard
5. One (1) digital copy, ten (10) full size paper copies, and one (1) 11x17 reduced copy of the plans, plus three (3) copies of each report or study are to be submitted in the initial submission of the complete application.

*It is highly encouraged to submit applications in a digital format

Check # 2550 - 3139
Rec # 457446

Check # 2550 - 3138
Rec # 457447

**Engineer/
Surveyor
Cont'd**

267-402-3400

Phone

267-402-3401

Fax

cbrown@bohlereng.com

Email Address

Attorney

Marc Kaplin

Name

910 Harvest Drive , Blue Bell, PA 19422

Address

610-941-2666

Phone

610-684-2000

Fax

mkaplin@kaplaw.com

Email Address

II. PROJECT INFORMATION

Application Type:

<input type="checkbox"/> Minor Subdivision	<input type="checkbox"/> Minor Land Develop.	<input type="checkbox"/> Preliminary Major SD & LD
<input type="checkbox"/> Preliminary Major Subdivision	<input checked="" type="checkbox"/> Prelim. Major Land Develop.	<input type="checkbox"/> Final Major SD & LD
<input type="checkbox"/> Final Major Subdivision	<input checked="" type="checkbox"/> Final Major Land Develop.	

Full street address of the property: The Fairway, Abington Township, Montgomery County, PA 19406

Tax Parcel No.: 30-00-66644-007 County Deed Book No.: 5563 Page No.: 683

Description of Proposed Work: _____
Proposed 5 story multi-family residential addition with 244 units. Two underground levels of parking with 491 parking spaces.

Total Tract Acreage: 18.87 Ac. Project Acreage: 8.42 Ac.
(18.87 including 10.45 of Baederwood SC not under this applicant's ownership)

Zoning District: FTD Existing Number of Lots: 3 Proposed Number of Lots: 3
(of which 1 is Baederwood SC not under this applicant's ownership)

Existing Sewer Flows: 0 Proposed Sewer Flows: 39,100 gpd

Proposed Land Use:

<input type="checkbox"/> Single Family Detached	<input type="checkbox"/> Single Family Attached	<input type="checkbox"/> Single Family Semi-Detached
<input checked="" type="checkbox"/> Multi-Family	<input type="checkbox"/> Commercial	<input type="checkbox"/> Office
<input type="checkbox"/> Other (Describe): _____	<input type="checkbox"/> Industrial	

III. REVIEW

Please complete the following section by circling a response:

- Have you met with the Zoning Officer regarding this plan? Yes No
- Are there known variances/any zoning relief necessary for this project? Yes No
- If YES, have you submitted an application to the Zoning Hearing Board? Yes No
- Has this plan been heard by the Zoning Hearing Board? Yes No

*Please be advised that if any variances are found to be necessary during the course of the review of this plan, you will be required to go to the Zoning Hearing Board prior to proceeding to the Planning Commission. In addition, you will be requested to grant the Township a waiver to the 90-day action period or an immediate denial of this application will be made, and you will be required to resubmit the application.

It is recommended that ALL Land Development and Major Subdivision applications have a pre-submission meeting to discuss the project prior to full application submittal.

Minor Subdivision applications may request a pre-submission meeting; if one is desired.

Meetings are held the fourth Tuesday of each month beginning at 9:30 a.m. at the Township Administrative Offices.

Applicants assume responsibility of any fees associated with this meeting.

Applicant signature

Date

To schedule a pre-submission meeting, please contact the office of the Township Manager at 267-536-1003 or email TCastorina@abington.org

V. SUBMISSION

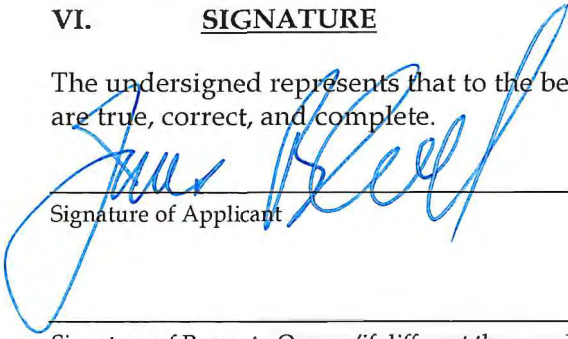
APPLICATION CHECKLIST

The applicant is responsible for the submission of a complete application. This checklist will aid both the applicant and staff in ensuring that all applications are complete. The following is a per item submission checklist for all Subdivision, Land Development and Conditional Use Applications for the Township of Abington.

- Application Form: completed and signed by the owner/applicant
- 10 (ten) copies of the proposed plan, folded to legal file size. Plan should not be smaller than 1" = 50' and not exceed a sheet size of 24" x 36"
- One (1) reduced copy of the proposed plan, no larger than 11" x 17"
- One (1) Digital PDF file of the proposed plan
- Two (2) sets of tentative architectural plans for all applications proposing construction or land development
- One (1) copy of the Recreation Facilities Plan (if required by §146-40)
- Letter of Sanitary Sewer availability from the Township Wastewater Treatment Department
- Two (2) copies of Sewage Facilities Planning Module Applications
- Letter of Water availability from AQUA PA
- One (1) copy of any previous Zoning Hearing Board decisions related to the subject property
- Application Fee: Check made payable to the Township of Abington
- Escrow Fee: Check made payable to the Township of Abington. Separate check from application fee

VI. SIGNATURE

The undersigned represents that to the best of his/her knowledge and belief, all the above statements are true, correct, and complete.



Signature of Applicant

Signature of Property Owner (if different than applicant)

6/24/19

Date

Date

THE FOLLOWING IS FOR INTERNAL USE ONLY:

PAYMENT

Application Fee Amount: \$ _____ Check No.: # _____

Review Escrow Fee Amount: \$ _____ Check No.: # _____

DECISION INFORMATION

Approval Denial Decision Date: _____

Comments/Conditions:

PLANNING PROCESS EXTENSION AGREEMENT

The Pennsylvania Municipality Planning Code (MPC) and the Abington Township Subdivision and Land Development Ordinance state that action must be taken by the Township within ninety (90) days after a complete application is filed with the Township. In the Township, complicated, unique, and community impactful projects have or may require additional time in order to complete a thorough review before being considered for approval. As such, an applicant may voluntarily waive the timing requirement at any time, but is encouraged to submit this waiver with the completed application.

I, the applicant, hereby voluntarily waive the timing requirement as set forth in the MPC (Section 509) and the Abington Township Subdivision and Land Development Ordinance (Section 146-13).

Signed: _____
Applicant

Date: _____

Received: _____
Township

Date: _____

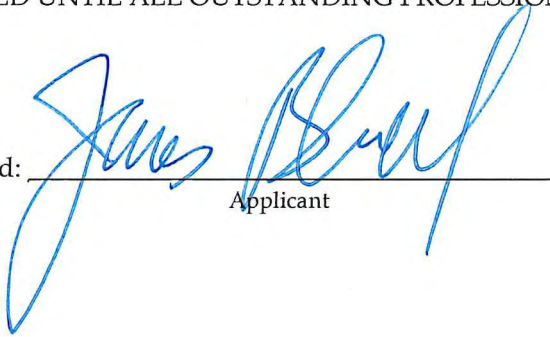
**ESCROW AGREEMENT FOR PROFESSIONAL REVIEW FEES
FOR SUBDIVISION/LAND DEVELOPMENT APPLICATIONS**

The undersigned hereby agrees to post an escrow to cover the costs of the review of subdivision and land development applications by the Township's Planner, Engineer, and Solicitor. The amount of said escrow shall be according to the attached "Schedule of Fees" and shall be posted at the time of initial submission of an application to the Township. Said fees shall be placed in an escrow account and any balance remaining shall be returned to the applicant subsequent to the receipt of final approval.

The applicant is advised that the "Schedule of Fees" represents only an estimate of the costs associated with plan review. The completeness and quality of the submission, the complexity of the project, the number of revisions and other factors may cause costs to exceed the established escrow amounts. If during the course of a subdivision/land development review an escrow amount falls to 10% of the original escrow amount or \$250, whichever is greater, the Township may require the posting of additional escrow.


NOTE: NO FINAL APPROVALS, CONSTRUCTION, BUILDING OR OCCUPANCY PERMITS SHALL BE ISSUED UNTIL ALL OUTSTANDING PROFESSIONAL REVIEW FEES HAVE BEEN SATISFIED.

Signed: _____



Applicant

Date: _____

6/24/19


Marc B. Kaplin
Direct Dial: (610) 941-2666
Direct Fax: (610) 684-2000
Email: mkaplin@kaplaw.com
www.kaplaw.com

January 15, 2020

**VIA ELECTRONIC TRANSMISSION AND
FIRST CLASS MAIL**

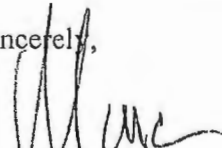
Mark Penecale
Planning and Zoning Official
Abington Township
1176 Old York Road
Abington, PA 19001

RE: Redstone at Baederwood – Preliminary/Final Land Development Application

Dear Mark:

Our current time extension runs out on February 7, 2020. Please accept this letter as a further sixty (60) day extension of time within which the Board of Commissioners must act on the above application.

Sincerely,


Marc B. Kaplin

MBK:lk

cc: Fred Snow (via e-mail)
Jim Bladel (via e-mail)

#6269260



BOHLERTM
ENGINEERING

1515 Market Street, Suite 920
Philadelphia, PA 19102
PHONE 267.402.3400
FAX 267.402.3401

December 17, 2019
Via: FedEx

Abington Township
1176 Old York Road
Abington, PA 19001

RECEIVED
DEC 24 2019

Attention: Mark A. Penecale, Planning & Zoning Officer
Phone: (267) 536-1010
Email: mpenecale@abington.org

BY:

Re: Baederwood Residential Partners, L.P.
Baederwood Shopping Center
1657 The Fairway
Jenkintown, Abington Township
Montgomery County, PA 19046
Bohler Project No. PP150555

Dear Mr. Penecale:

With regard to the above referenced project, the Applicant is requesting the following waivers from the Subdivision and Land Development Ordinance:

- 1. A waiver from §146-11. A.4 to not provide tract boundary, lot size, tax parcel number, name and address of all properties within 400 feet of the site.

1.The limit of survey for this project does not provide tract boundary, lot size, tax parcel number, name and address of all properties within 400 feet of the site. The adjoining property information including the owner, TMP and location of lot lines that abut the subject property have been included on Site Plans A- C.

- 2. A waiver from §146-11. B.3 to not provide the location of property lines and names of landowners within 400 feet of any part of the site.

The limit of survey for this project does not provide the location of property lines and names of all landowners within 400 feet of any part of the site. The adjoining property information including the owner, TMP and location of lot lines that abut the subject property have been included on Site Plans A- C.

- 3. A waiver from §146-11. B.7 to not provide the location, size, type & ownership of utilities within 400 feet of the site.

The limit of the survey for this project does not extend 400 feet past the property line. Utility information is provided within the subject site as well as within the Fairway which are the only areas that proposed utilities will be connecting to.

- 4. A waiver from §146-35. C.2 to not provide 8” ductile iron pipe for use in sanitary laterals.

The sanitary system has been designed to utilize 8” PVC pipe. The size is adequate to meet the demand of the proposed development and the material is typical to industry standards and has been used on other projects in the Township in the past.



Boucher & James, Inc.
CONSULTING ENGINEERS

AN EMPLOYEE OWNED COMPANY
INNOVATIVE ENGINEERING

Fountainville Professional Building
1456 Ferry Road, Building 500
Doylestown, PA 18901
215-345-9400
Fax 215-345-9401

2756 Rimrock Drive
Stroudsburg, PA 18360
570-629-0300
Fax 570-629-0306

Mailing:
P.O. Box 699
Bartonsville, PA 18321

559 Main Street, Suite 230
Bethlehem, PA 18018
610-419-9407
Fax 610-419-9408

www.bjengineers.com

January 6, 2020

Mr. Richard Manfredi, Manager
Abington Township
1176 Old York Road
Abington, PA 19001

**SUBJECT: REDSTONE AT BAEDERWOOD RESIDENTIAL DEVELOPMENT
PRELIMINARY/FINAL LAND DEVELOPMENT PLAN REVIEW NO. 3
ABINGTON TOWNSHIP, MONTGOMERY COUNTY, PENNSYLVANIA
PROJECT NO. 1926013R**

Dear Mr. Manfredi:

Pursuant to the Township's request, we have completed our third review of the Preliminary Land Development Plan Application for Baederwood Residential Partners, L.P. The submitted information consists of the following items.

- Response letter prepared by Bohler Engineering, dated December 19, 2019.
- Waiver Request letter prepared by Bohler Engineering, dated December 17, 2019.
- Electronic file of submitted documents.
- Supplemental Infiltration Summary Letter prepared by Earth Engineering Incorporated, dated July 31, 2019.
- Application for Conditional Use approval letter prepared by Abington Township, dated March 18, 2019.
- Act 537 Application for Exemption approval prepared by the Pennsylvania Department of Environmental Protection, dated November 19, 2019.
- Sanitary Sewer Service availability letter prepared by Abington Township, dated March 5, 2018.
- Water availability letter prepared by Aqua, dated February 26, 2018.
- Application for Traffic Signal Approval prepared by Traffic Planning and Design, Inc., dated December 19, 2019.
- Traffic Signal Design Study prepared by Traffic Planning and Design, Inc., dated December 18, 2019.
- Drainage Narrative prepared by Traffic Planning and Design, Inc., dated December 18, 2019.
- Erosion & Sediment Control Plan Narrative prepared by Bohler Engineering, dated October 9, 2019.
- General Project Description and Stormwater Management Calculations prepared by Bohler Engineering, dated December 16, 2019.
- Building Plans dated November 19, 2018.
- Preliminary/Final Land Development Plan (68 sheets) prepared by Bohler Engineering, dated July 1, 2019, revised December 16, 2019.



BACKGROUND INFORMATION

The Owner/Applicant, Baederwood Residential Partner, L.P., is proposing a land development on its property located on the northern side of The Fairway approximately 1,500-feet east of its intersection with Old York Road (S.R. 0611).

The existing property has a total gross lot area of 18.869 acres and is located within the FTD, Fairway Transit District. The property consists of an existing retail shopping center with associated parking taking access from The Fairway.

The proposed land development consists of the construction of a 244-unit apartment building with associated parking garage and access driveway through the existing shopping center. In addition, the shopping center parking lot will be reconfigured. Stormwater management, lighting, landscaping, and public water and sewer services are also proposed.

Dimensional variances from Sections 504.6.H, 504.8.B, 504.8.C.d and f, 504.8.E.2, 504.8.G, and 902.1.A of the Zoning Ordinance in effect at the time of application were granted on February 20, 2018.

Based on our review of the above information and our previous letter dated November 11, 2019, we offer the following comments and/or recommendations for your consideration.

SUBDIVISION AND LAND DEVELOPMENT ORDINANCE COMMENTS

1. In accordance with Sections 146-11.A.(4) and 146-11.B.(3), tract boundaries with tax parcel numbers, owner's names, and acreages of lots within 400-feet of the project site must be provided. ***(Previous Comment 1) Waivers from Sections 146-11.A.(4) and 146-11.B.(3) are requested. Immediately adjacent property owner's information is provided on the plan.***
2. In accordance with Section 146-11.B.(7), existing waterlines, sanitary sewer lines, storm sewer lines, electric lines, telephone lines, gas mains, fire hydrants, and streetlights located on and within 400 feet of the project site must be shown on the plan. ***(Previous Comment 2) A waiver from Section 146-11.B.(7) is requested. The request indicates existing utilities within the project site and along The Fairway are shown and that proposed utilities will connect to those already shown in plan view.***
3. In accordance with Sections 146-11.E.(3), 146-43.E.(2), and 146-43.E.(3), erosion and sedimentation control plan approval by the Township Engineer is required. The proposed disturbance is greater than one (1) acre, therefore an erosion and sedimentation control plan adequacy letter and a PADEP NPDES Permit are required. ***(Previous Comment 6) All correspondence with and approvals from the County Conservation District and PADEP must be provided to the Township.***
4. In accordance with Section 146-11.F.3.(b), a profile of the proposed sanitary sewer must be provided on the plan. Utility crossings and concrete encasements must be shown in profile view. ***(Previous Comment 13) The Prop Bldg to San MH01 profile on Sheet 62 must also show all utility crossings to ensure no conflicts will occur.***

(Previous Comment 7) The following comments are related to our review of the Prop. Bldg. to San. MH01 profile on Sheet 62.

- a. ***Two (2) storm sewer crossings are shown in plan view between Prop. San. MH05 and Prop. San. MH04. The profile must be revised to show the crossings.***
 - b. ***The proposed gas line shown in plan view between Prop. San. MH02 and Prop. San. MH06 must also be shown in the profile.***
5. A horizontal plan of the proposed storm sewer has been provided as required in Section 146-11.F.(4)(a)[2]. The following comments are related to our review of the Utility Plans (Sheets 14 through 17) and Stormwater Management Calculations. The plan and storm sewer calculations must be revised accordingly. ***(Previous Comment 14) Inlets IN03, IN02, and IN-EX02 must be labeled in plan view. (Previous Comment 8) On Sheet 61, the proposed connection to the existing storm sewer in The Fairway is labeled inconsistently between the plan, profile, and Pipe Report. The plan, profile, and Pipe Report must be revised accordingly.***
6. In accordance with Section 146-11.F.(4)(b), storm sewer profiles must be provided. Utility crossings and concrete encasements must be shown in profile view. ***(Previous Comment 9)***
- a. ***The UGB to Ex profile on Sheet 61 must be revised to include the jellyfish structure and the storm sewer piping between the jellyfish structure and OS01. (Previous Comment 9.a) The invert in elevations at OS01 and the Prop. Jellyfish must be provided in the profile. In addition, the invert out elevation at the Prop. Jellyfish is inconsistent between the plan and profile views. The plan and/or profile must be revised accordingly.***
 - b. ***Utility crossings must still be shown in the profiles. (Previous Comment 9.c) On Sheets 61 and 62, the invert elevations listed for the San. Crossing in the IN17 to MH02 and IN06 to MH02 profiles are inconsistent with those in the Prop. Bldg. to San. MH01 profile and the plan view. (Also refer to Comment 29.) The plan and/or profiles must be revised accordingly.***
 - c. ***On Sheet 61, the length and slope of the storm sewer pipe between IN04 and UGB shown in the YD01 to UGB profile is inconsistent with that in plan view and the Pipe Report and must be revised. (New Comment)***
7. In accordance with Section 146-11.J, a narrative describing recreation facilities in the proposed open space areas shall be submitted. ***(Previous Comment 10) The response indicates the proposed recreation facilities will be public, will meet the needs of the future community, and will meet the requirements of the National Recreation and Parks Association.***
8. An improvement and completion guarantee must be provided in accordance with Section 146-17. A detailed construction cost estimate with specific line items must be submitted for review. ***(Previous Comment 12) This comment has been acknowledged.***

The response indicates a construction cost estimate will be provided.

9. In accordance with Section 146-27.E, sidewalks shall be extended to the curb line with ramps for adequate and reasonable access across curbs by physically handicapped persons, including those in wheelchairs. The plan must include detailed ramp design consisting of dimensions, spot elevations, and slopes for each proposed or reconstructed ramp. We suggest larger scaled detailed plans be provided for clarity. Review of all handicap ramps will be completed upon receipt of the detailed plans. ***(Previous Comment 14) The following comments are related to our review of the handicap space and ramp details on Sheets 64 and 65.***
 - a. ***Spot elevations must be provided at the proposed handicap ramp shown in the Penn Community Bank ADA Grading detail. (Previous Comment 14.b)***
 - i. ***It appears the spot elevations of 173.36 in the Penn Community Bank ADA Grading detail is incorrect and should be revised.***
 - ii. ***The proposed northern handicap ramp shown in the Penn Community Bank ADA Grading detail located in the middle of Sheet 64 has slopes of 5.4% and 6.3%. A landing area is required and must be shown in the detail with associated spot elevations, slopes, and dimensions.***
 - b. ***Spot elevations must be provided at the two (2) proposed handicap ramps shown to the south and east of Panera Bread in the Panera Bread ADA Grading detail. (Previous Comment 14.d) The proposed slope at the southern handicap ramp is 8.2%. A landing area is required and must be shown in the detail with associated spot elevations, slopes, and dimensions. Design information must still be shown for the handicap ramps to the east (across the driveway) of Panera Bread.***
 - c. ***Sidewalks and handicap ramps are proposed in the new island located between Panera Bread and Penn Community Bank. Detailed plans in support of the proposed sidewalk and handicap ramps must be provided. (Previous Comment 14.g) The southern handicap ramp shown in the Penn Community Bank ADA Grading detail located in the middle of Sheet 64 must clearly be shown in its entirety with associated spot elevations, slopes, and dimensions.***
 - d. ***Detailed plans must also be provided for the proposed handicap ramps at the westernmost intersections with the existing and proposed access drives shown in plan view on Sheet 11, and those providing access to the proposed building shown in plan view on Sheet 13. (Previous Comment 14.h)***
 - i. ***The spot elevation of 138.97 shown at the northeastern handicap ramp in the Proposed Driveway ADA Grading detail located in the top left corner of Sheet 65 appears incorrect and should be revised. In addition, the proposed spot elevations at the top of the handicap ramp are unclear and the detail shall be revised for clarity.***

- ii. *The proposed spot elevation on the northeastern corner of the southeastern handicap ramp must be shown in the Proposed Driveway ADA Grading detail located in the top center of Sheet 65. In addition, a landing area is required at the northeastern handicap ramp and shall be shown with associated spot elevations, slopes, and dimensions.*
 - iii. *The proposed slope exceeds 5% at the northern handicap ramps shown in the Proposed Building ADA Grading details located in the top center and top right corner of Sheet 65. Landing areas shall be shown with associated spot elevations, slopes, and dimensions must be provided.*
 - e. *Detectable warning surfaces must be shown at all proposed handicap ramps. (New Comment)*
10. In accordance with Section 146-28.E and 146-41, the plan shall be submitted to the Township Fire Marshal for review. *(Previous Comment 31) A submission was made to the Fire Marshal and comments received August 1, 2019. Responses to the comments received have been provided with this submission. (Previous Comment 15) No approval from the Fire Marshal has been received by this office to date.*
11. The proposed sanitary sewer has a diameter of 6-inches. Section 146-35.C.(2) requires the sanitary sewer to have a diameter of 8-inches and the plan must be revised. *(Previous Comment 16) The proposed sanitary sewer is now 8-inches in diameter. A waiver from Section 146-35.C.(2) is now requested for the pipe material. Section 146-35.C.(2) requires ductile iron pipe and PVC pipe is proposed.*

STORMWATER MANAGEMENT ORDINANCE COMMENTS

The proposed development is located within the Pennypack Watershed and the B Management District. The proposed land development has a disturbed area greater than one (1) acre. Therefore, Article III and the requirements of Sections 404, 405, 406, and 409 must be followed.

12. In accordance with Sections 302.A.6, 302.B.23, 401.A, 401.D, and 403.A, erosion and sedimentation control approval is required. The proposed disturbance is greater than one (1) acre, therefore an erosion and sedimentation control plan adequacy letter and a PADEP NPDES Permit are required. *(From Previous Comment 18) All correspondence with and approvals from the County Conservation District and PADEP must be provided to the Township.*
13. In accordance with Sections 302.A.12 and 302.B.22, a permanent access and maintenance easement having a minimum width of 15-feet must be provided for the proposed underground detention basin to implement the Operation and Maintenance Plan. The easement shall permit access by the Township to inspect and maintain the proposed stormwater management facilities as needed and at no cost to the Township. The easement must be shown in plan view and/or a note to this effect must be placed on the plan. *(Previous comment 39) The easement must be revised to provide access to the underground basin from The Fairway. In addition, the note provided on Sheet 60 must include language related to access, inspection, and maintenance "at no cost to*

the Township.” (Previous Comment 19) After further review we believe a blanket easement should be placed to provide access to the proposed underground basin and associated storm sewer/conveyance facilities.

14. In accordance with Section 302.B.7, storm sewer profiles must be provided. Utility crossings and concrete encasements must be shown in profile view. *(Previous Comment 44) Storm sewer profiles are now provided on Sheets 61 to 63. Refer to Comment 9. (Previous Comment 20) Refer to Comment 6.*
15. In accordance with Section 409, Area P, Subsection I, on-site drainage facilities shall be designed to safely convey off-site flows through the development site. *(New Comment) The off-site drainage area directed to the proposed underground basin must be included in the basin routing to determine if the proposed underground basin can accommodate the additional stormwater.*
16. In accordance with Section 701.A, a financial guarantee is required for the proposed stormwater management improvements. A detailed cost estimate with specific line items must be submitted for review. *(Previous Comment 27) This comment has been acknowledged. The response indicates a cost estimate will be submitted.*
17. In accordance with Sections 702.A and 704, an operation and maintenance plan and agreement must be provided. *(Previous Comment 28) This comment has been acknowledged.*

STORM SEWER AND STORMWATER MANAGEMENT DESIGN COMMENTS

18. The Prop. Basin Outlet Structure OS-1 (UGB#1) detail provided on Sheet 34 specifies data that is inconsistent with the Summary for Pond 9P: UGB1 and must be revised. *(Previous Comment 64) On Sheet 42, the “6” x 20” orifice elevation = 124.50” in the Prop. Basin Outlet Structure OS-1 (UGB #1) detail must be revised to reference the proposed 18” x 7” orifice at elevation 174.50. In addition, the reference to a 1.0” (inch) weir at elevation 176.75 must be revised to reference a 1.0’ (foot) weir. (Previous Comment 30) The detail on Sheet 42 has been revised, however the same detail provided on Sheet 58 must still be revised. We suggest only one (1) detail be provided for clarity.*
19. The invert elevation of the proposed discharge pipe is inconsistent between the Summary for Pond 9P: UGB1 and the plan view on Sheet 15 and must be revised. *(Previous Comment 71) The invert out elevation of 169.50 referenced in the Summary for Pond 9P: UGB1 is the elevation of the basin outlet pipe and not the discharge elevation at the proposed outlet structure. The invert out elevation at the outlet structure as shown in plan view on Sheet 15 is 169.01. The plan, detail, and Summary must be revised accordingly. (From Comment 31) The details on Sheets 42 and 58, or the information provided for OS01 in plan view on Sheet 15 and in the UGB to Ex profile on Sheet 61 must still be revised.*

MISCELLANEOUS COMMENTS

20. All comments received from the traffic engineer, shade tree commission, and fire marshal must be addressed to their satisfaction. *(Previous Comment 40)*

PLAN REVISION COMMENTS

21. On Sheet 3, a do not enter sign is shown at the exit of the parking area located behind the westernmost existing building. This sign should be a stop sign. It also appears a third stop sign should be placed at the western intersection with the new access drive to the proposed building. The plan shall be revised accordingly. In addition, the handicap signs (D, E, and F) shall be labeled on Sheets 3, 4, and 5. *(Previous Comment 43) Seventeen (17) handicap parking spaces, two (2) being van accessible, are proposed. Per the 2010 ADA Standards for Accessible Design every six (6) or fraction of six (6) handicap spaces shall be van accessible. Therefore, three (3) van accessible parking spaces are required and the plan must be revised. In addition, the penalties sign has been removed from the plan. This shall be addressed.*
22. On Sheet 41, a No Parking Here to Corner Sign detail is provided and references a nomenclature of R7-11. This sign type is not provided in the PennDOT's Handbook of Approved Signs (Publication 236M) and the nomenclature shall be removed from the plan. *(From Previous Comment 48) The Proposed Signage Symbol Legend on Sheets 3, 4, and 5 still reference a "No Parking Here to Corner" sign and must be revised.*
23. A pavement joint detail shall be provided for connection between the existing and proposed pavement. Alternatively, the Mill & Overlay Detail on Sheet 41 should be revised accordingly. *(Previous Comment 49) The response indicates a pavement joint detail has been included on Sheet 41, however it does not appear one has been provided and the plan must still be revised.*
24. On Sheet 61, a double Type M inlet is specified in the IN16 to IN09 profile. The plan view on Sheet 17 must be revised to show the double inlet. In addition, a double Type M inlet is also specified in the YD01 to UGB profile. The plan view on Sheet 17 suggests a yard inlet is proposed. The plan or profile must be revised. *(New Comment) (Previous Comment 50) The plan views must still be revised to show double Type M inlets (two inlets) at IN16 and YD01.*
25. On Sheet 3, pedestrian crossing signs shall also be provided at the westernmost crosswalk proposed along the existing shopping center building. In addition, and on Sheet 5, the pedestrian crossing signs shown in front of the proposed building shall be located on both sides of the proposed driveway to alert motorists traveling both east and west. *(New Comment)*
26. On Sheet 17, the invert out at Prop. IN05 is illegible and the plan must be revised. *(New Comment)*
27. There are duplicate details on Sheets 42 and 58. We suggest only one (1) of each detail be provided for clarity. *(New Comment).*

Mr. Richard Manfredi, Manager
Abington Township
January 6, 2020
Page 8 of 8

28. The proposed storm sewer structures must be shown on Sheets 54, 55, and 56. *(New Comment)*
29. The invert in and out elevations at Prop. San. MH02, Prop. San. MH03, and Prop. San. MH04 shown in the Prop. Bldg. to San. MH01 profile on Sheet 62 are inconsistent with those shown in the plan views on Sheets 15 and 17. The profile or plan must be revised. *(New Comment)*

The above comments represent a thorough and comprehensive review of the information submitted with the intent of giving the Township the best direction possible. However, due to the number and nature of the comments, the receipt of a revised plan submission may generate new comments.

In order to facilitate an efficient re-review of revised plans, the Design Engineer shall provide a letter, addressing item by item, their action in response to each of our comments.

We recommend the above comments be addressed to the satisfaction of Abington Township prior to approval of the proposed Land Development Plan.

If you should have any questions regarding the above, please call me.

Sincerely,



Melissa E. Prugar, P.E.
Municipal Engineer

MEP/cg

cc: Amy Riddle Montgomery, Director of Engineering and Code – Abington Township
Mark Penecale, Planning & Zoning Officer – Abington Township
Michael P. Clark, Esquire, Rudolph Clarke, LLC – Abington Township Solicitor
Baederwood Residential Partners, L.P. – Applicant/Property Owner
Cornelius Brown, P.E., Bohler Engineering – Applicant's Engineer
Michael Narcowich, Montgomery County Planning Commission



3100 Horizon Drive
Suite 200
King of Prussia, PA 19406
T: 610-277-2402
F: 610-277-7449

www.pennoni.com

November 12, 2019

ABINT18001

Richard Manfredi
Township Manager
Abington Township
1176 Old York Road
Abington PA 19001

**RE: Redstone at Baederwood
Preliminary/Final Land Development Application
Traffic Engineering Review #2**

Dear Mr. Manfredi:

We have completed our review of the above referenced land development application, and offer the comments below for consideration by the Abington Board of Commissioners:

Submission:

1. Traffic Impact Study prepared by Traffic Planning and Design Inc, dated June 25, 2019, Revised October 2, 2019.

Traffic Impact Study Comments:

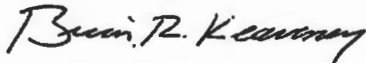
1. We concur with the recommendations within the traffic study regarding modifications to the existing intersections in the study area, which include:
 - a. Old York Road (SR 0611) & The Fairway/Harte Road – Provide optimized traffic signal timing during the weekday PM and weekend peak hours. We recommend that this optimization be completed after occupancy of the proposed development in order to reflect actual traffic conditions at that time.
 - b. The Fairway & Western Shopping Center Driveway – Revise the existing right-in/right-out access to allow all movements and install a new traffic signal with ADA compliant pedestrian crossing facilities.
 - c. The Fairway & Western/Central Shopping Center Driveway – Revise the existing full-movement intersection to a right-in/right-out for the shopping center, and a right-in/right-out/left-in for the car dealership;
 - d. The Fairway & Eastern/Central Shopping Center Driveway – Install a new traffic signal with ADA compliant pedestrian crossing facilities.
 - e. The Fairway & Eastern Shopping Center Driveway – Revise the existing full-movement driveway to a right-in/right-out driveway.

- f. Removal of existing mid-block pedestrian crosswalks – With the signalization of the Western and the Eastern/Central driveways, each with ADA compliant pedestrian facilities, the existing mid-block crossings can be removed.
2. Provide electronic SYNCHRO files for review.
3. Based on recommendations in the Traffic Impact Study, the applicant should submit the proposed Traffic Signal Permit and Construction Plans, as well as all supporting design documentation, to the Township for review and approval. The applicant's engineer has indicated that they will comply.

If you should have any questions, please do not hesitate to contact us.

Sincerely,

PENNONI ASSOCIATES INC.

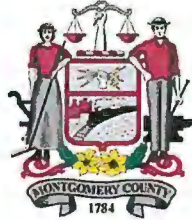


Brian R. Keaveney, PE, PTOE
Township Traffic Engineer

- cc: Amy Montgomery, PE, Township Engineer
Mark Penecale, Township Planning & Zoning Official
John J. Rohrer, Township Fire Marshal
Matthew Hammond, PE, Traffic Planning and Design, Inc
Angela Garland, PE, PTOE, RSP, Pennoni, email copy

**MONTGOMERY COUNTY
BOARD OF COMMISSIONERS**

VALERIE A. ARKOOSH, MD, MPH, CHAIR
KENNETH E. LAWRENCE, JR., VICE CHAIR
JOSEPH C. GALE, COMMISSIONER



**MONTGOMERY COUNTY
PLANNING COMMISSION**

MONTGOMERY COUNTY COURTHOUSE • PO Box 311
NORRISTOWN, PA 19404-0311
610-278-3722
FAX: 610-278-3941 • TDD: 610-631-1211
WWW.MONTCOPA.ORG

JODY L. HOLTON, AICP
EXECUTIVE DIRECTOR

September 26, 2019

Mr. Richard Manfredi, Manager
Abington Township
1176 Old York Road
Abington, Pennsylvania 19001-3713

Re: MCPC #19-0195-001
Plan Name: The Fairway
(1 lot/244 DUs comprising 18.87 acres)
Situates: The Fairway at Rydal Road
Abington Township

Dear Mr. Manfredi:

We have reviewed the above-referenced land development plan in accordance with Section 502 of Act 247, "The Pennsylvania Municipalities Planning Code," as you requested on July 26, 2019. We forward this letter as a report of our review.

BACKGROUND

The applicant, Baederwood Residential Partners, LP, has submitted a land development plan that proposes the construction of 244 multifamily residential units on an 18.87-acre tract. The site is located in the BC Business Center District and is served by public sewer and water. However, since the proposal for this site was initially submitted when the FTD Fairway Transit District zoning was in effect, it must comply with the FTD zoning. The tract's southern portion is on the site of the Baederwood Shopping Center. The applicant has submitted a preliminary plan dated July 1, 2019. We previously reviewed plans for this site on June 5, 2018, November 17, 2010, August 26, 2009 and February 18, 2009.

CONSISTENCY WITH COMPREHENSIVE PLAN

The proposed improvements are generally consistent with *Montco 2040: A Shared Vision, The Montgomery County Comprehensive Plan*. The plan shows the property as located in the "Rail Station 1/2 Mile Walkshed." This category includes higher-density multifamily development that supports pedestrian traffic to and from the train station.



RECOMMENDATION

The Montgomery County Planning Commission (MCPC) generally supports the applicant's proposal, however, in the course of our review we have identified the following issues that the applicant and township may wish to consider. Our comments are as follows:

REVIEW COMMENTS

COMMENTS FROM PREVIOUS REVIEW LETTER

The applicant addressed a few of our comments from our previous review letter; however, most comments remain relevant. In summary, we reiterate that we recommend:

- A. Providing the required focal features for open space: a water fountain, sculpture, obelisk or other focal feature [§504.8.G].
- B. Addressing the tree pits of inadequate size proposed for the large parking lot and widening the verge along the hooked access drive to the apartment building to create adequate space for healthy tree root growth.
- C. Submitting design renderings [§504.8]
- D. Creating a pedestrian connection to Rydal Waters and a pedestrian walking trail in the wooded area of the applicant's property [§504.6]
- E. Providing a crosswalk in front of the stop bar on the proposed road coming from the multifamily building
- F. Working with the Township to improve pedestrian safety at the existing crosswalks over the Fairway as this project will increase their use

OPEN SPACE

- A. We recommend that benches, street furniture and walkways be added to the public open space areas to make them usable.
- B. As the grading is unmarked, we question whether the smaller open space area will only be accessible from the shopping center.

CONCLUSION

We wish to reiterate that MCPC generally supports the applicant's proposal but we believe that our suggested revisions will better achieve the township's planning objectives for transit-oriented multifamily residential development.

Please note that the review comments and recommendations contained in this report are advisory to the municipality and final disposition for the approval of any proposal will be made by the municipality.

Should the governing body approve a final plat of this proposal, the applicant must present the plan to our office for seal and signature prior to recording with the Recorder of Deeds office. A paper copy bearing the municipal seal and signature of approval must be supplied for our files.

Sincerely,

A handwritten signature in black ink that reads "Mike Narcowich". The signature is fluid and cursive, with a long, sweeping tail on the letter "h".

Mike Narcowich, AICP
Assistant Section Chief: Community Planning
610.278.5238 - mnarcowi@montcopa.org

c: Baederwood Residential Partners, LP, Applicant
Bohler Engineering PA, LLC, Applicant's Representative
Amy Montgomery, P.E., Township Engineer
Michael P. Clarke, Esq., Rudolph Clarke, LLC, Township Solicitor

Attachments: (1) Aerial Image, Project Site
(2) Site Plan

Aerial Image, Project Site



Maria Wyrsta

From: Abington Shade Tree Commission <abingtontrees@gmail.com>
Sent: Wednesday, August 28, 2019 7:32 AM
To: Amy Montgomery
Cc: Maria Wyrsta
Subject: Baederwood Residential Partners, LP - The Fairway

Dear Amy,

Thank you for directing representatives from the Baederwood Residential Partners, L.P. to the STC for discussion of the draft landscaping plan for the proposed *The Fairway Project*. Reps from Brandolini and Bohler Engineering attended the August 14 STC meeting to support discussion of this project. Three members of the STC participated in the discussion.

The overall project was explained to the group while emphasizing the agreed upon objective to improve the overall shopping center parking lot landscaping along with the construction of the 244 unit apartment building.

Key discussion points:

- STC appreciates the attention to improve the parking lot, which includes the creation of planted islands at the end of parking rows
- STC voiced concern for the condition of the steep embankment and the need to control water runoff during construction to avoid adversely impacting the overall site
- STC recommends that White Fir and Douglas Fir not be used as it is not reliably successful in this area
- STC recommends the use of Oriental Spruce, Norway Spruce and Siberian Spruce as a more reliable selection of evergreen

Please let me know if you need anything further.

Sincerely,

John Kennedy, Acting Chair Abington STC
m 215.680.5545

--

Abington Township Shade Tree Commission

a volunteer group commissioned by Abington Township
education and outreach to plant and preserve trees

<http://www.facebook.com/AbingtonTrees>



ABINGTON TOWNSHIP FIRE MARSHAL

1176 Old York Road, Abington, Montgomery County, Pa., 19001

267-536-1056 fax 215-884-8271

LAND DEVELOPMENT – SUBDIVISION CHECKLIST

Date: 08/01/2019

ADDRESS: Baederwood Residential Partners – LD-19-09

Reviewed By: John Rohrer

Fire prevention requirements.

(1) Fire lanes. Fire lanes shall be provided and maintained where the development of building groups is proposed, as designated by the Fire Marshal.

(a) Fire lanes shall permit access to every building by fire-fighting equipment. Fire lanes shall be of an all-weather surface not less than 20 feet of unobstructed width, able to withstand live loads (with a thirty-ton minimum) of fire-fighting apparatus and have a minimum vertical clearance of 14 feet; and they shall be located not less than five feet nor more than 30 feet from any structure. The grade of the fire lane shall be within the limits established by the Fire Marshal.

(b) No apparatus, device or structure, including but not limited to utility meters, transformers and protecting bollards, shall be located within a fire lane.

(c) All portions of the first three floors of a building must be within 150 feet of a street or an approved fire lane, as the hose would be laid. When buildings are protected throughout by an approved automatic sprinkler system, the provisions of this subsection may be modified.

(d) All buildings of three or more stories must be provided with two means of access, each not less than 25 feet wide, from the roadway or fire walkway to the building, which shall provide access for fire-fighting equipment to the entire building.

NOTE: Proposed Easement from Noble Town Center MUST be completed.

(e) A fire lane or walkway may be no closer than five feet and no farther than 30 feet from a structure.

(f) Fire lanes shall be marked with freestanding signs and/or marked curbs, sidewalks or other traffic surfaces painted in contrasting colors of a size, spacing and wording approved by the Fire Marshal.

(g) All private drives and roads must be marked as such and approved by the Fire Marshal.



ABINGTON TOWNSHIP FIRE MARSHAL

1176 Old York Road, Abington, Montgomery County, Pa., 19001

267-536-1056 fax 215-884-8271

LAND DEVELOPMENT – SUBDIVISION CHECKLIST cont.

(2) Overhead obstructions. No driveway, roadway, alley, fire lane or other accessway to any development site, building or group of buildings shall be obstructed in any manner and shall be maintained such that fire-fighting equipment will, at all times, have clear access to each and every structure.

(3) Fire hydrants and fire connections. The Abington Fire Marshal shall approve the location of all fire hydrants and connections thereto.

(a) No off-street parking area shall be located within 15 feet of a fire hydrant.

(b) Approved hydrants meeting the minimum fire-flow requirements established by the Fire Marshal, the standards of the National Fire Protection Association (NFPA) Code 24 and all other requirements of this section shall be installed.

(c) All hydrants shall be accessible to fire-fighting apparatus by roadways meeting the specifications for access by fire-fighting apparatus as required by this chapter. Fire hydrants shall be painted the color determined by the Fire Marshal. As required by the Fire Marshal, reflective markers identifying fire hydrant locations shall be installed. All fire hydrants shall be equipped with outlets of the size and thread type as determined by the Fire Department of the Township of Abington. All fire hydrants shall be installed on water mains of at least eight inches in diameter. Systems shall be looped when practicable and shall not require the operation of manual valves or other devices in order to achieve the required fire flow.

(d) A working hydrant shall be located within 500 feet of all buildings under construction. On-site hydrants and access roads shall be installed prior to and during construction. An unobstructed roadway with a stone base capable of supporting 30 tons shall be provided to allow passage of fire-fighting equipment to any building under construction.

(e) The fire flows of hydrants shall meet National Fire Protection Association (NFPA) 1231 criteria as a minimum.



ABINGTON TOWNSHIP FIRE MARSHAL

1176 Old York Road, Abington, Montgomery County, Pa., 19001

267-536-1056 fax 215-884-8271

LAND DEVELOPMENT – SUBDIVISION CHECKLIST cont.

(f) Fire Department connections shall be provided at locations approved by the Fire Marshal. Required sprinkler system and standpipe connections shall be located within 50 feet of public streets or fire lanes and 200 feet of a hydrant.

(g) Fire hydrants located in parking areas shall be within three feet of the driveway or roadway. The hydrant shall be protected by eight-inch elevated concrete curbing.

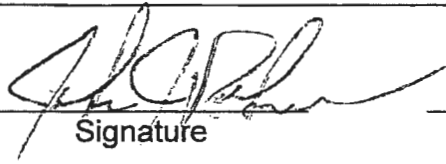
(4)

Trash containers and enclosures.

(a) No trash container or enclosure may be located within 15 feet of any property line or building.

(b) No trash container or enclosure may be located in any fire lane, right-of-way, easement or parking space.

Additional Comments:



Signature

Fire Marshal

Title

08/01/2019

Date



January 20, 2020

MEMO

To: Lucy Strackhouse, Chair – Abington Township Planning Commission

From: Abington Township Environmental Advisory Council

RE: Redstone at Baederwood – Preliminary/Final Land Development Plans – Baederwood Residential Partners, L.P.
– Rev 1 - Dated 10/9/2019

Dear Chairperson Strackhouse:

The members of the Abington Township Environmental Advisory Council (EAC) have reviewed the above referenced site plans and offer the following comments. We understand that there have been subsequent plans submitted after the set we reviewed. These comments reflect the referenced version noted above.

Site Summary

Zone – FTD – Fairway Transit District
Proposed Use – C-34 – Transit oriented development
H-1 – Apartment Building
Zoning Code Reference: Ordinance 2000 (enacted 1991 as amended)

General Comments

- Aesthetic concern about bulk and height of building. True height is about 300 ft, due to steep topography (75 feet on base elevation of 242 feet.) Adjacent properties on east side of property could be looking at 6-8 foot retaining walls.
- The lack of emergency vehicle access to rear of the building is extremely concerning.
- Lack of detail about infiltration capacity of underground detention basin for stormwater
- Lack of detail regarding proposed “Green Stormwater Infrastructure” – Plan notes and claims 3 bonus point qualification based on **Recycled Rainwater**, but plan includes no reference to this system or details. Bonus for this is therefore hard to evaluate.
- Requested waivers from basic stormwater management criteria on a steeply sloped and forested property should not be considered. See detailed comments and recommendations below.

Comments of Waivers Requested from SLDO

- **Section 146-11.87 – To not provide all stand-alone trees with calipers of 10” –**
EAC Opinion: The SLDO requires applicants to identify trees of 10” caliper or above and those being removed or retained. Due to the wooded and steeply sloped nature of this parcel and the environmental significance of trees over 10” caliper, this waiver should not be granted. This would allow more thorough review of the existing

woodland resources and the number and type of larger trees that are proposed to be removed. We recommend that existing tree locations be shown on Sheets 6 (overall existing conditions & demolition plan) and 9 (Existing conditions & demolition plan (c) clearly indicate location of trees over 10" in caliper.

Requested Waivers from Township's Stormwater Ordinance

- **Section 142.405A.1.e – to not provide pretreatment prior to infiltration**
- **Section 142-405A. 2 – To not infiltrate the recharge volume on site and have the recharge volume be equal to 1.0 inch of runoff over all proposed impervious surfaces**
- **Section 142-405. B.3. – To not have infiltration basin structure be designed for the required recharge volume.**
- **A waiver from providing the water quality requirement in accordance with S142-407A.**

EAC Comments:

The Township's stormwater ordinance is intended to safeguard residents and properties from the impacts of unmanaged or poorly managed runoff. The specific waivers being sought would relieve the developer of meeting the basic groundwater recharge requirements of the stormwater ordinance. Proposed development or development in the township must adhere to the infiltration and water quality standards and criteria to assure runoff generated from this development does not overwhelm existing storm sewer infrastructure, which can lead to flooding and property damage and increased pollution of our waterways, which is inconsistent with the township's stormwater permit conditions. Therefore, the EAC strongly opposes waiving these key requirements. We encourage the development team to explore opportunities to capture, infiltrate and treat rainwater on the site by incorporating Green Stormwater Infrastructure (GSI) features, including installation of a green roof, conveyance via bioswale features along proposed access road and bioretention features within the proposed open space areas. Reducing the overall footprint could also provide better opportunities for on-site stormwater management.

An underground storage basin is indicated on Sheet 53 (overall Post Construction Stormwater Management Plan). Basin design details are illustrated on Sheet 58; however, it is not clear if the 89,590-c.f. referenced will meet the required recharge volume. These details should be included in order to properly evaluate ability to meet water volume control requirements of the stormwater ordinance. Although the underground storage basin may be able to provide storage capacity, it doesn't appear to include features that would address water quality.

Questions/Clarifications Needed:

Please clarify how rooftop runoff is to be conveyed. Utility plan seems to indicate one conveyance pipe from roof to storm sewer pipe.

The recycled rain-water bonus feature noted on sheet 2 (overall site plan) is not clearly explained in detail sheets. As this is to be used to claim bonus for increasing building height and density, more information is needed to evaluate.

Sheet 57, PCSWM B.M.P. Notes:

- #2 – Not able to locate stormwater basins other than the underground basin referenced above.
- #3 – No infiltration capacity for basin is indicated

- #5 - indicates that swales have been provided to convey a portion of the post development flow. Can these swales be clearly defined on the plan?
- #6 - Natural Conservation Area – States that 25 acres located in floodplain has been conserved. To the best of our knowledge, the site doesn't include any area within a 100-yr floodplain.

In closing, we feel that there are still many questions and concerns that need to be addressed by the development team as indicated above. We feel there should be more consideration of sustainable features within the site and building and welcome opportunity for continued discussion.

Respectfully submitted,



Susan Myerov,
Member, Abington Township EAC

cc: Amy Montgomery
Richard Manfredi
EAC Members



pennsylvania
DEPARTMENT OF ENVIRONMENTAL
PROTECTION

**SENT VIA U.S. MAIL AND ELECTRONIC MAIL TO
RMANFREDI@ABINGTONPA.GOV**

RECEIVED
DEC 24 2019

November 19, 2019

BY:

Mr. Richard Manfredi, Manager
Abington Township
1176 Old York Road
Abington, PA 19001

Re: Act 537, Application for Exemption
Redstone at Baederwood Apartments
DEP Code No. 1-46001-241-E
Abington Township
Montgomery County

Dear Mr. Manfredi:

The Department of Environmental Protection (“DEP”) has received the above referenced subdivision plan. This letter confirms DEP’s determination that the above referenced project is exempt from the requirement to revise the Official Plan for new land development. This determination is based in part on municipal and other sign-offs. The proposed development is located at 1657 The Fairway in Abington Township, Montgomery County.

This project proposes a 244 unit apartment building on 8.4 acres.

The project will be connected to the Abington Township collection system and will generate 35,566 gallons of sewage per day to be treated at the City of Philadelphia Northeast Water Pollution Control Plant.

Any person aggrieved by this action may appeal the action to the Environmental Hearing Board (Board), pursuant to Section 4 of the Environmental Hearing Board Act, 35 P.S. § 7514, and the Administrative Agency Law, 2 Pa.C.S. Chapter 5A. The Board’s address is:

Environmental Hearing Board
Rachel Carson State Office Building, Second Floor
400 Market Street
P.O. Box 8457
Harrisburg, PA 17105-8457

TDD users may contact the Environmental Hearing Board through the Pennsylvania Relay Service, 800-654-5984.

Appeals must be filed with the Board within 30 days of receipt of notice of this action unless the appropriate statute provides a different time. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

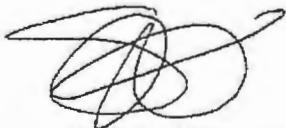
A Notice of Appeal form and the Board's rules of practice and procedure may be obtained online at <http://ehb.courtapps.com> or by contacting the Secretary to the Board at 717-787-3483. The Notice of Appeal form and the Board's rules are also available in braille and on audiotape from the Secretary to the Board.

IMPORTANT LEGAL RIGHTS ARE AT STAKE. YOU SHOULD SHOW THIS DOCUMENT TO A LAWYER AT ONCE. IF YOU CANNOT AFFORD A LAWYER, YOU MAY QUALIFY FOR FREE PRO BONO REPRESENTATION. CALL THE SECRETARY TO THE BOARD AT 717-787-3483 FOR MORE INFORMATION. YOU DO NOT NEED A LAWYER TO FILE A NOTICE OF APPEAL WITH THE BOARD.

IF YOU WANT TO CHALLENGE THIS ACTION, YOUR APPEAL MUST BE FILED WITH AND RECEIVED BY THE BOARD WITHIN 30 DAYS OF RECEIPT OF NOTICE OF THIS ACTION.

If you have any questions or concerns, please contact me at 484.250.5186 or at SteRittenh@pa.gov and refer to the project name project name and DEP Code No. as referenced above.

Sincerely,



Stefanie Rittenhouse
Sewage Planning Specialist 2
Clean Water

cc: Montgomery County Health Department
Montgomery County Planning Commission
Montgomery County Conservation District
Mr. Wrigley – Abington Wastewater Utilities Department
Baederwood Residential Partners, LP
Mr. Ponert - City of Philadelphia Water Department
Planning Section
Re 30



February 26, 2018

RECEIVED
DEC 24 2019

James Bladel
Brandolini Companies
1301 Lancaster Avenue
Berwyn, PA 19312

BY:

Re: Water Availability
Redstone at Baederwood (behind Baederwood Shopping Center)
The Fairway
Abington Township, Montgomery County

Mr. Bladel:

In response to your request of February, 26, 2018, this letter will serve as confirmation that the above referenced property is situated within Aqua Pennsylvania Inc. service territory.

Domestic water and fire service is available to this property, and will be provided in accordance with Aqua Pennsylvania, Inc. Rules and Regulations. For further details, visit www.aquaamerica.com.

With regard to our capacity for domestic and fire service for this area, flow data information can be obtained upon written request to Lisa Thomas-Oliva of our Control Center. Lisa Thomas-Oliva can be reached at (610) 645-1067. Her fax number is (610) 645-1162.

Should you have any further questions or have any further questions, please contact me at (610) 937 - 7684.

Regards,

Joseph M. Ciliberti
Special Services Representative
Aqua Pennsylvania, Inc

FEB 23 2018



Township of Abington

Wayne C. Luker, *President*
Steven N. Kline, *Vice President*
Richard J. Manfredi, *Manager*
Jay W. Blumenthal, *Treasurer*

February 21, 2018

Marc B. Kaplin, Esq.
Kaplin Stewart Meloff Reiter & Stein, Pa.
Union Meeting Corporate Center
910 Harvest Drive, P. O. Box 3037
Blue Bell, Pa. 19422-0765

Re: Application #17-07: The Application of Baederwood Residential Partners, LP

Dear Mr. Kaplin,

I am pleased to inform you that at the stated meeting of the Zoning Hearing Board of the Township of Abington the application you presented for Baederwood Residential Partners, L.P. for the property known as Baederwood Shopping Center and the vacant 8 acre parcel was approved without condition.

I have on file the Conditional Use application you submitted for the same project on February 2, 2016. Please feel free to revise the plans to reflect the Zoning Hearing Board approval and submit the revised plan to the Engineering & Code Office of the Township of Abington. If there are any questions that you may have, please feel free to contact me at 267-536-1017.

Sincerely,

Mark A. Penecale
Planning & Zoning Officer
Township of Abington.

Cc: Ben Sanchez; Commissioner Ward #7
Zoning Hearing Board Member
Bruce E. Eckel, Esq.
Engineering & Code Department Staff



Township of Abington
 Zoning Hearing Board
 1176 Old York Road
 Abington, Pennsylvania, 19001

Gertrude M. Hackney, Esq. Zoning Hearing Board Chairperson
 John DiPrimio, Zoning Hearing Vice Chairperson
 Michael O'Connor, Zoning Hearing Board Member
 Barbara M. Wertheimer, Zoning Hearing Board Member

Bruce J. Eckel, Zoning Hearing Board Solicitor

DECISION

17-07: This is the amended application of Baederwood Residential Partners, LP, applicants for the property known as Baederwood Shopping Center, located at 1575 thru 1631 The Fairway, Jenkintown, Pa. The applicants have submitted a revised application and have requested dimensional variances to reduce the size of the on-site parking stalls to 9 feet in width, allow the four existing ingress/egress points to remain as constructed, eliminate the requirement for sidewalks, the verge wall and street trees along the access drives, allow the existing parking lot light standards to remain as installed, allow the existing landscaping and fence to serve as the required screening of the loading areas abutting adjoining properties and allow the existing buffering to serve as the required landscape buffer and verge wall along the frontage of the site. Dimensional variances have been requested from Section 902.1.A, Section .504.6.H, Section 504.8.B, Section 504.8.C.d.f, Section 504.8.E.2 and Section 504.8.G of the Zoning Ordinance of the Township of Abington. The property is zoned within the {BC} Business Center Noble District of Ward #7 of the Township of Abington.

First Hearing Date: October 17, 2017
 Second Hearing Date: December 19, 2017
 Facts & Finding Due Date: January 12, 2018

You are hereby notified that your application has been DENIED/APPROVED/APPROVED WITH THE FOLLOWING CONDITIONS, by decision rendered on February 20, 2018.


BOARD SIGNATURES

Vote

CONDITION(S)

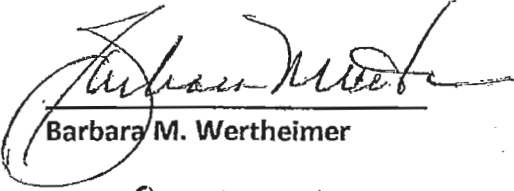

 Gertrude H. Hackney, Esq. Chairperson

Aye:
 Nay:


 John DiPrimio, Vice Chairperson

Aye:
 Nay:

DECISION amended application 17-07 Baederwood Residential Partners, LP


Barbara M. Wertheimer

Aye:
Nay:


Michael O'Connor

Aye:
Nay:

Dated: February 20, 2018

Date of Mailing: 2/21, 2018

There is a 30-day period after the date of this decision for an aggrieved person to file an appeal in court to contest an approval or denial by the Zoning Hearing Board. Applicants that take action on a Zoning Hearing Board approval during the 30-day appeal period, do so at their own risk.

All applicable application and/or permits must be secured from the Township of Abington within six months of the date of this decision or this decision becomes null and void.

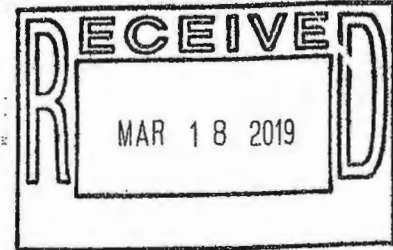


RECEIVED
DEC 24 2019

Township of Abington

Wayne C. Luker, *President*
Steven N. Kline, *Vice President*
Richard J. Manfredi, *Manager*
Jay W. Blumenthal, *Treasurer*

March 18, 2019



Marc B. Kaplin, Esquire
Kaplin Stewart Meloff Reiter & Stein, P.C.
910 Harvest Drive, Suite 200
P.O. Box 3037
Blue Bell, PA 19422-0765

Re: **Application for Conditional Use - Baederwood Residential Partners, L.P.**
Tax Map Parcel Nos. 30-00-66644-00-7, 30-00-66636-00-6, 30-00-66652-00-8

Dear Mr. Kaplin:

The Board of Commissioners of the Township of Abington has granted approval of the above referenced Conditional Use Application submitted by Baederwood Residential Partners, L.P. ("Applicant"). Conditional use hearings were held before the Board of Commissioners on November 19, 2018 and January 31, 2019. Enclosed herewith please find a copy of the Findings of Fact and Conclusions of Law associated with the approval.

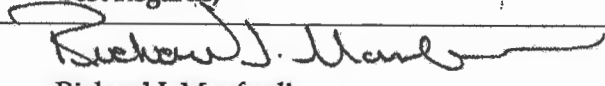
The application at issue seeks approval for a multi-story, 244-unit apartment building with structured parking on the rear parcel at the above-identified property. At the conditional use hearings, the Applicant agreed to, and the Board of Commissioners imposed, the following conditions of approval:

1. The Applicant shall reimburse the Township for any and all expenses, without exception, incurred by the Township relating to an emergency access to and from the Rear Parcel, including, without limitation, expenses for acquisition of an easement over other property or properties, appraisal fees, legal and engineering fees, surveys, and filing fees.
2. The Applicant shall install at its sole expense accessibility ramps as required by the Americans With Disabilities Act, in coordination with the accessible parking spaces and crosswalks on the Shopping Center Parcels.

As outlined in the attached Findings of Fact and Conclusions of Law, the Board of Commissioners' approval of the conditional use application is subject to the Applicant's compliance with both of the two (2) conditions of approval cited herein. If you wish to appeal this Decision, please be guided by the appropriate Rules of Civil Procedure.

If you have any questions or concerns, please do not hesitate to contact me.

Best Regards,


Richard J. Manfredi
Township Manager

cc: Wayne C. Luker, President, Board of Commissioners
Michael P. Clarke, Esquire

BACKGROUND

1. Applicant, Baederwood Residential Partners, L.P. (hereinafter the "Applicant"), is the record owner of certain undeveloped real property located within the Township of Abington, Montgomery County, Pennsylvania, consisting of 8.32 acres, being Tax Map Parcel No. 30-00-66644-00-7 (hereinafter the "Rear Parcel"), and being part of an overall 18.88 acre tract of land adjacent to Fairway Valley Road (hereinafter the "Site"), on which is located the Baederwood Shopping Center (hereinafter the "Shopping Center"). The Shopping Center is located on approximately 10.56 acres of the Site, comprised of Tax Map Parcel Nos. 30-00-66636-00-6 and 30-00-66652-00-8 (hereinafter the "Shopping Center Parcels"). The Shopping Center Parcels are owned by BSC Jenkintown Limited Partnership. Applicant, through an affiliated entity, owned the Shopping Center Parcels until 2013. (Ex. A-4).
2. The Township is the Township of Abington, a First Class Township organized and existing pursuant to the laws of the Commonwealth of Pennsylvania.
3. On or about February 4, 2016, Applicant submitted a Conditional Use Application (hereinafter the "Application"), proposing a transit oriented development consisting of a multi-story, 244-unit apartment building with structured parking on the Rear Parcel, as depicted on a Conditional Use Plan (hereinafter the "Initial Plan"). (Ex. A-1).

FINDINGS OF FACT

1. At the time the Application was filed, the three parcels that comprise the Site were located in the Fairway Transit Zoning District (hereinafter the "FTD District") and were subject to Ordinance 2000, enacted by the Township in 2011 (hereinafter the "FTD Ordinance"). (Ex. A-4).
2. A Transit Oriented Development (hereinafter a "TOD") is permitted within the FTD District as a conditional use (Use C-34), subject to several enumerated conditions set forth in the FTD Ordinance,¹ including the requirement that the TOD use include any mixture of office, commercial, residential and community uses, and the requirement that all such uses comply with design and dimensional standards of the FTD Ordinance. (Ex. A-2).
3. The Application proposes a TOD, including, *inter alia*, a 244-unit multilevel apartment building (Use H-1) with structured parking, and an access driveway from Fairway Valley Road through the Shopping Center. (Ex. A-1).
4. The Application proposes to meet the mixed-use requirements of a TOD by relying on the commercial uses existing on the Shopping Center Parcels, thereby including the entire Site in the Application. (Ex. A-1).

¹ Because the subject Application was filed prior to the Township's enactment of an amended Zoning Ordinance in 2017, the provisions of the FTD Ordinance are applicable to the Application, although the FTD District was eliminated pursuant to the amended Zoning Ordinance.

5. The existing development on the Shopping Center Parcels is non-conforming in that the Site does not comply with the use, dimensional, special development, or design standards of the FTD Ordinance. (Ex. A-1).
6. Following submission of the Initial Plan by the Applicant, on July 18, 2016, the Township Planning and Zoning Officer, Mark A. Penecale, issued a zoning determination (hereafter the "Determination") indicating that the Application did not comply with the requirements of the FTD Ordinance and that in order to so comply the Applicant would be required to make the following modifications to the Shopping Center Parcels (Ex. A-3):
 - a. Installation of crosswalks between all existing buildings located on the Shopping Center Parcels;
 - b. Installation of bicycle racks throughout the Shopping Center Parcels;
 - c. Installation of landscaping on the Shopping Center Parcels along all residential land uses, including Rydal East and Rydal West (across the Fairway);
 - d. Eliminate three of the four curb cuts on the Shopping Center Parcels, along the Fairway;
 - e. Screen from all streets and adjacent properties the existing loading and service areas on the Shopping Center Parcels;
 - f. Installation of landscaping in the existing parking areas on the Shopping Center Parcels;
 - g. Installation of sidewalks, landscaping, benches, trash cans, planters and bicycle racks along the Fairway;
 - h. Installation of sidewalks along the on-site access drives;
 - i. Compliance with the design standards of Section 504.C.2.g, h., i., j. and k of the FTD Ordinance;
 - j. Amendment of the conditional use plan to indicate the location of public open spaces; and
 - k. Installation of new light standards throughout the parking area on the Shopping Center Parcels.

7. On or about June 12, 2017, the Applicant filed with the Zoning Hearing Board an application for variances (hereinafter the "Initial Variance Application") from all of the deficiencies identified in the Determination. (Ex. A-4).

8. The Applicant subsequently worked with BSC to obtain BSC's approval, as the owner of the Shopping Center Parcels, for certain modifications to the Initial Plan in order to bring the Shopping Center Parcels into compliance with certain of the deficiencies identified in the Determination. (Ex. A-4).
9. After receiving BSC's approval, Applicant modified the Initial Plan, and prepared an amended plan (the "Amended Plan") and on September 14, 2017, submitted to the Zoning Hearing Board an amended variance application (hereafter the "Amended Variance Application"), based on the Amended Plan. (Ex. A-4).
10. The Amended Plan reflected the following modifications to the Shopping Center Parcels (Ex. A-4):
 - a. Reducing the size of the existing parking stalls from 10' x 18' to 9' x 18';
 - b. Providing the required crosswalks between buildings and a sidewalk to the street and adjoining properties;
 - c. Providing the required screening of all loading and service areas;
 - d. Providing the required parking lot landscaping;
 - e. Providing the required landscaping benches, trash cans, planters and bike racks;
 - f. Complying with the design standards of Section 504.8.C.2.g, h., i., j. and k of the FTD Ordinance; and
 - g. Complying with the design standards of Section 504.8.F of the FTD Ordinance.
11. On March 26, 2018, the Zoning Hearing Board entered its Opinion and Order granting the following variances to the Applicant (Ex. A-4):
 - a. A partial variance from Section 902.1.A of the Abington Township Zoning Ordinance, to allow the existing parking spaces on the Shopping Center Parcels to be reduced to 9 feet by 18 feet;²
 - b. A variance from Section 504.6.H of the FTD Ordinance to allow the four existing curb cuts within the Shopping Center Parcels to remain;
 - c. A partial variance from Section 504.8.E.2 of the FTD Ordinance to allow the existing parking lot lighting standards within the Shopping Center Parcels to remain;

² The FTD Ordinance incorporated the general off-street parking requirements of Article IX of the Zoning Ordinance in effect at the time of enactment of the FTD Ordinance, which required a minimum parking space of 10' x 18'.

- d. A variance from the requirement of § 504.8.C.2.d that street trees be planted along all of the other access drives other than the main access drive;
 - e. A variance from the requirement of § 504.8.C.2.f for sidewalks and verge along secondary access drives;
 - f. A variance from the requirement of § 504.8.G.3.c for a landscape screen along the eastern property line contiguous to Rydal Park or the western property line abutting the Noble Town Center; and
 - g. A variance from the requirement of § 504.8.B.2.b for a 5-foot wide landscaped area with a 3-foot high wall or hedge between the existing sidewalk and parking lot on the Whole Foods Parcel.³
12. On March 29, 2018, Applicant submitted to the Township the Amended Plan, addressing the items identified in the Determination, together with an updated Traffic Impact Study. (Ex. A-5, Ex. A-11).
13. Subsequent to issuance of the Zoning Hearing Board's Opinion and Order, and following discussions with Township officials, Applicant prepared a Concept Plan depicting proposed modifications to the existing access configuration on the Shopping Center Parcels to address Township concerns regarding traffic and pedestrian safety, and submitted an updated Traffic Impact Study dated August 24, 2018, depicting revised access improvements along the Fairway for both vehicular and pedestrian traffic. N.T. 11/19/18, at 25, 75-76.
14. The modifications proposed by the Applicant pursuant to the Concept Plan are as follows (N.T. 11/19/18, at 26, 27, 29, 53-54, 77-78, 79, 83, 87, 92):
- a. Conversion of the westernmost access driveway from a right-in/right-out driveway to a full movement, signalized driveway and creation of a longer driveway throat within the Shopping Center so that there are no direct access points from the parking areas into that access driveway;
 - b. Conversion of the second driveway (identified by the Applicant as the "Main Access") from a full-movement driveway to a right-in/right-out driveway, the creation of an intersection within the Site so that incoming traffic from the Main Access must turn left or right, and the addition of striping for thirteen parking spaces adjacent to the existing single row of parking spaces located between the Main Access and strip of retail stores located at the rear of the Shopping Center (collectively identified by the Applicant as the "Main Access Modification");
 - c. Provision of dedicated left turn lanes from the Fairway into the two westernmost access driveways on both the north and south sides of each intersection;

³ The Whole Foods Parcel is the easternmost of the Shopping Center Parcels.

- d. Installation of a traffic signal at the full-access driveway on the Fairway which serves as the Whole Foods main access;
- e. Conversion of the existing easternmost full-access driveway access to a right-in/right out access by the extension of the median in the Fairway;
- f. Creation of a potential future connection point from the Site to the Noble Town Center located to the west of the Site; and
- g. Elimination of two existing mid-block crosswalks across the Fairway and creation of ADA-accessible crosswalks at signalized intersections along the Fairway and throughout the Site.

15. The Applicant submitted an updated Traffic Impact Study dated August 24, 2018, demonstrating that the modifications identified above and shown on the Concept Plan would materially improve the safety of the various access points to the Site, as well as overall safety along the Fairway for vehicular and pedestrian traffic.

16. A hearing on the Application was commenced on November 19, 2018 at 7:00 p.m., at which time additional testimony was taken and the hearing was recessed until December 13, 2018.⁴ Notices of the hearings were duly advertised, the Site was posted with notices of the hearings, and notices were mailed to neighboring residents, in conformity with Section 1806 of the Abington Township Zoning Ordinance. N.T. 11/19/18, at 6, 112.

17. Any modification to the access configuration on the Shopping Center Parcels is subject to the approval of the owner of those parcels, BSC Jenkintown Limited Partnership (hereinafter "BSC"). N.T. 11/19/18 at 88-89.

18. BSC has agreed to some, but not all, of the access improvements to the Shopping Center Parcels, excluding from its approval the "Main Access Modifications" proposed in the Concept Plan. Id.

19. The Applicant is willing to construct all of the access improvements identified in the Concept Plan, with the exception of the "Main Access Modifications." N.T. 1/31/19 at 7.

20. Pursuant to the FTD Ordinance, at Section 504.7, the building height, impervious coverage, nonresidential floor area and residential density may be increased beyond the maximum allowable dimensional requirements in the event an applicant achieves certain specific bonus points outlined in Section 504.7. (Ex. A-2).

21. Applicant proposes an increased density and an increased building height, relying on achieving eight (8) bonus points as depicted on the Amended Plan, as follows:

- a. One (1) bonus point by providing landscaping amenities such as a gazebo in the open space in front of the proposed apartment building and in two open spaces

⁴ By agreement, the continued hearing was postponed until January 31, 2019.

behind the Existing Shopping Center, and by providing a plaza area containing public art in front of the Existing Shopping Center. N.T. 11/19/18, pp. 32-33.

- b. Two (2) bonus points by utilizing decorative masonry for more than 50% of all proposed building façades. N.T. 11/19/18, pp. 33, 66-68.
 - c. Two (2) bonus points by utilizing a parking structure for 100% of the required minimum parking spaces (491 parking spaces) for the proposed apartment building and making at least 15% of those parking spaces available for public use. N.T. 11/19/18, pp. 33-34.
 - d. Three (3) bonus points by installing sustainable stormwater management features, including rain water capture and re-use for irrigation of the development site. N.T. 11/19/18, p. 34.
 - e. Three (3) bonus points for making off-site traffic improvements to the Fairway. N.T. 11/19/18, p. 34.
22. At the November 19, 2018 hearing, party status was granted to Mr. Herb McMahon, a resident of the Township having an address of 1046 Huntingdon Road. N.T. 11/19/18 at 59-60.
23. In support of the Application, Applicant offered the testimony of Adam Benoskey, who was admitted as an expert in the field of site design by the Board of Commissioners and testified as follows:
- a. Mr. Benoskey is a principal in Bohler Engineering, is licensed in the Commonwealth of Pennsylvania as a landscape architect, and as such is authorized to prepare site plans. N.T. 11/19/18, at 16-17.
 - b. The Determination issued by the Township Planning and Zoning Officer, Mark Penecale on July 18, 2016, did not identify any issues or areas of noncompliance with regard to the Rear Parcel on the Site but was related only to the nonconformities on the Shopping Center Parcels. N.T. 11/19/18, at 18-19.
 - c. Mr. Benoskey directed the preparation of the existing conditions plan, identified as Exhibit A-8, showing the existing conditions of the Shopping Center and the Rear Parcel. N.T. 11/19/18, at 19.
 - d. Mr. Benoskey prepared the Amended Plan identified as Exhibit A-5, showing modifications made to the Initial Plan in response to Mr. Penecale's Determination, including the addition of crosswalks, bicycle racks within the parking areas and along the frontage of the Shopping Center and along the Fairway, screening for loading and dumpster areas, landscaping and hardscaping improvements, benches and trash cans, and sidewalks. N.T. 11/19/18 at 20-24.

- e. The Concept Plan shows reduction in the parking stall size, pursuant to the variance approved by the Zoning Hearing Board, allowing revisions to the access points on the Site. N.T. 11/19/18 at 25-27.
- f. The Amended Plan depicts the proposed apartment building and the access driveway to the apartment building on the Rear Parcel, from the westernmost access drive on the Shopping Center Parcels, and shows the pedestrian and vehicular access to the building, including access to the parking structure within the building, as well as the parking areas, crosswalks and sidewalks, emergency access and a dumpster enclosure, and also depicts the proposed future connection to the Noble Town Center, directly adjacent to the Site. The Amended Plan also indicates proposed amenity spaces, such as courtyards and a pool area, which amenities have not yet been designed. The building contains five (5) levels of apartments, for a total of 244 units and two (2) levels of parking beneath the building. The overall height of the building is 75 feet. The Amended Plan shows a public open space in front of the apartment building and some retaining walls surrounding the building, creating a terrace effect in the landscaping, setting the building into the side of the existing contour. N.T. 11/19/18 at 27-30.
- g. The proposed apartment development meets all of the zoning requirements of the FTD Ordinance. N.T. 11/19/18 at 31.
- h. The Amended Plan relies on eight (8) bonus points, pursuant to Section 504.7 of the FTD Ordinance, in order to permit the proposed building height and density. The bonuses identified by the Applicant in order to obtain the sufficient number of bonuses include: one (1) point for the addition of landscape amenities, including open space and plaza areas and installation of a gazebo and public art; two (2) points for the use of decorative masonry on all building façades; two (2) points for the proposed structured parking, with fifteen percent (15%) available for public use; three (3) points for green infrastructure and sustainable stormwater management, through the use of recycled rain water systems for capture and reuse of rain water for on-site irrigation; and three (3) points for off-site traffic improvements. N.T. 11/19/18 at 32-34.
- i. The proposed apartment building development meets the requirements of the FTD Ordinance and therefore, together with the variances obtained with regard to nonconformities on the Shopping Center Parcels, meets the conditional use requirements of Section 504.3.C of the FTD Ordinance. N.T. 11/19/18 at 35-36.
- j. The total number of parking spaces shown on the Amended Plan for the apartment building development is 491 spaces, as required by the Zoning Ordinance. N.T. 11/19/18 at 38.
- k. The Concept Plan, when compared to the existing conditions plan, indicates the improvements made for pedestrian safety, by modification of the access driveway leading to the Rear Parcel to create a channelized access with a sidewalk and

crosswalks as well as curbed islands to channel vehicles away from the pedestrian paths and end caps at the end of parking spaces and striping to prevent vehicles from driving through parking areas. N.T. 11/18/19 at 53-55.

- I. Light pole standards will be repositioned within landscape islands in order to remove them from areas that would otherwise constitute drive aisles, to improve vehicular circulation. N.T. 11/18/19 at 55-56.

24. In support of the Application, Applicant offered the testimony of Charles Chappell, who testified as follows:

- a. Referring to the architectural renderings for the proposed apartment building development, Mr. Chappell explained how the front of the building and lobby entrance, as well as the garage entrance, as well as the proposed decorative masonry, and the grade changes, will appear, and also showed the perspective of the building from the Noble Town Center and looking toward Noble Circle. N.T. 11/19/18 at 65-68.

25. In support of the Application, Applicant offered the testimony of Matthew Hammond, P. E., who testified as follows:

- a. Mr. Hammond is Executive Vice President of Traffic Planning and Design, Inc., and is a licensed professional engineer specializing in traffic engineering and transportation planning. (Ex. A-9).
- b. Mr. Hammond reviewed the proposed development of the Site in order to determine what improvements could be made to help alleviate existing concerns relating to access to the Shopping Center. N.T. 11/18/19 at 75.
- c. Based on concerns raised regarding the existing access points, Mr. Hammond created the Concept Plan, proposing modifications to the access points, by (i) converting the westernmost access from a right-in/right out driveway to a full-movement, signalized driveway as well as a signalized access point to the automobile dealership on the south side of the Fairway; (ii) adding a median opposite the next access point, leaving the full access driveway otherwise the same; (iii) adding a second signal to the next access point; and (iv) modifying the easternmost access to be a right-in/right-out access point, by adding a median in the center of the Fairway, all subject to the approval of the owner of the Shopping Center. N.T. 11/18/19 at 76-79.
- d. After review of the initial Concept Plan by the Township's traffic engineer, and consideration of the comments provided by E-mail dated July 26, 2018, by the Township's traffic engineer, Mr. Hammond revised the Concept Plan and prepared an updated Traffic Impact Study, revised as of August 24, 2018. N.T. 11/18/19 at 81-84.
- e. The updated Traffic Impact Study, along with the revised Concept Plan, were submitted to the Township's traffic engineer on September 4, 2018. The updated

Traffic Impact Study shows, in Mr. Hammond's opinion, a drastic improvement with respect to how the access points to the Site operate and in the safety along the Fairway for both vehicular and pedestrian traffic. N.T. 11/18/19 at 84-86.

- f. The proposed signalized access points would include dedicated left-turn lanes on both sides of the Fairway. N.T. 11/18/19 at 87.
 - g. If the proposal for two signalized access points is implemented, the timing of the two signals would be coordinated. N.T. 11/18/19 at 94-95, 98.
 - h. There is little that can be done to change the effect of the proposed apartment development on the easternmost access nearest to the intersection of the Fairway and Rydal Road, but Mr. Hammond is working with the Township's traffic engineer to investigate the addition of some striping, signage, and other means of alleviating concerns related to that intersection. N.T. 11/18/19 at 100-101.
26. Herb McMahan, of 1046 Huntingdon Road, spoke neither in favor of nor in opposition to the Application. Mr. McMahan requested that the Applicant's witness, Adam Benosky, explain the location of the proposed apartment building development to the surrounding properties and uses and the impact of the density of the proposed development on infrastructure, traffic, utilities and public safety. N.T. 11/18/19 at 60-63, 108-109.
27. Amanda Detweiler, of 1116 Penmore Place, spoke neither in favor of nor in opposition to the Application. Ms. Detweiler expressed concerns regarding traffic on the Fairway, the effect of the apartment building development on the school district, and whether traffic signals will be synchronized with PennDOT's signals on Route 611 and Susquehanna Road. N.T. 11/18/19 at 105-108.
28. Patricia Levenvach, of 1570 Fairway, spoke neither in favor of nor in opposition to the Application. Ms. Levenvach expressed concerns regarding the safety of pedestrians crossing the Fairway, particularly those who are handicapped. N.T. 11/18/19 at 110-111.
29. At the continued hearing convened on January 31, 2019, counsel for the Applicant, Marc B. Kaplin, Esquire, explained on behalf of the Applicant the status of the Applicant's proposal for development of the Site, providing the following updated information:
- a. As indicated through testimony offered at the hearing on November 19, 2019, the Applicant has not received the consent of the owner of the Shopping Center Parcels for the proposed access improvements at the entrance previously identified as the Main Access entrance and accordingly the Applicant has withdrawn the modifications proposed at that Main Access entrance on the Concept Plan, pending further discussions with the owner. N.T. 1/31/19 at 7-8;
 - b. Nevertheless, the Applicant's traffic engineers are of the opinion that with the addition of the two signalized entrances and other changes shown in the Concept Plan the problems associated with the Main Access will be alleviated. Id.;

- c. The Applicant will proceed with the additional improvements to the Shopping Center Parcels identified at the hearing on November 19, 2018. N.T. 1/31/19 at 8;
- d. At the westernmost access point, the internal changes include extending the throat of the access in order to alleviate cross traffic and possible congestion at that entrance and signalization of that entrance will also improve traffic circulation. N.T. 1/31/19 at 9-11;
- e. With regard to the possible second emergency access from the Real Parcel, through the Noble Town Center, the Applicant will agree to a condition of the Conditional Use Approval to the effect that in the event the Township incurs any expenses related to such emergency access, including, without limitation, costs related to acquisition of an easement, appraisals, surveys, and legal and engineering fees with regard to such emergency access, the Applicant will reimburse the Township for any and all such expenses without exception. N.T. 1/31/19 at 17-18, 28.
- f. The Applicant intends to install ADA-compliant ramps on the Shopping Center Parcels, in particular near the Panera Bread restaurant, where there is an elevation differential between the sidewalk and the abutting roadway. N.T. 1/31/19 at 22; and
- g. The Applicant's position is that the Amended Plan shows that the proposed development on the Rear Parcel is accessible for firefighting equipment. N.T. 1/31/19 at 23, 33.

30. Lora Lehmann, of 1431 Bryant Lane, of 1570 Fairway, spoke in opposition to the Application, expressing concerns regarding the absence of a firm commitment for an emergency access from the Rear Parcel. N.T. 1/31/19 at 36.

DISCUSSION

For purposes of the Township's review of the Application, the subject property is located in the Fairway Transit District, as defined in the FTD Ordinance. A transit oriented development is permitted within the Fairway Transit District as a conditional use on sites larger than one (1) acre, § 504.3.D, and such development must contain a mixture of office, commercial, residential and community uses, with a minimum of 20% residential floor area, § 706.C.⁵ In addition, all development proposed within the Fairway Transit District is subject to certain special development regulations, § 504.6, and certain design standards, § 504.8.

The Applicant appealed to the Abington Township Zoning Hearing Board, requesting variances from certain of the applicable special development regulations and design standards.

⁵ The FTD Ordinance included a provision amending Article VII Use Regulations of the Zoning Ordinance, to add Use C-34, Transit Oriented Development, to Section 706.C Commercial Uses. As noted hereinabove, the provisions of the FTD Ordinance are applicable to the subject Application.

Pursuant to an Opinion and Order entered by the Zoning Hearing Board on March 26, 2018, the Applicant received approval for the variances identified in Finding of Fact # 11 above.

In addition to the specific conditions imposed by the FTD Ordinance, all conditional uses must comply with Section 1806 of the Abington Township Zoning Ordinance, which provides as follows:

“B. The Board of Commissioners shall grant a conditional use only if it finds adequate evidence that any proposed development submitted will meet all of the following general requirements as well as any specific requirements and standards listed herein for the proposed use. The Board shall require that any proposed use, and its location among other things, shall be:

1. In accordance with the Abington Township Comprehensive Plan.
 2. Consistent with the spirit, purposes, and intent of the applicable zoning district.
 3. An improvement which is not a detriment to the property in the immediate vicinity, and which shall be in the best interests of the Township.
 4. In conformance with all applicable requirements of this Ordinance and all municipal, state and federal codes applicable to the use or process in question.
- C. The burden of proof in a conditional use application shall be on the applicant to establish that the proposed use meets all the requirements and objectives of this Ordinance, including those specifically set forth in Article I.”

“A conditional use is nothing more than a special exception which falls within the jurisdiction of the municipal governing body rather than the zoning hearing board.” Williams Holding Group, LLC v. Bd. of Supervisors of W. Hanover Twp., 101 A.3d 1202, 1212 (Pa. Commw. Ct. 2014).

Pennsylvania law is well settled with respect to the shifting burden of proof that the Township Board of Commissioners must apply when considering conditional use applications. Northampton Area School District v. E. Allen Township Bd. of Supervisors, 824 A.2d 372 (Pa. Commw. Ct. 2003). Under the burden shifting framework, the initial burdens of production and persuasion are placed upon the applicant to demonstrate that the applicant meets all of the specific objective requirements for the conditional use as set forth in the zoning ordinance. Thereafter, the burden of proof shifts to any objectors to demonstrate to a high degree of probability that the conditional use would be detrimental to the public health, welfare and safety in a manner not normally associated with the proposed use. Appeal of George Baker, Jr., 19 Pa. Commw. Ct. 163, 165-66, 339 A.2d 131, 134 (1975).

The Commonwealth Court has explained that “[a]n applicant who satisfies this prima facie burden is entitled to approval, unless objectors in the proceeding offer credible and sufficient evidence indicating that the proposed use would have a detrimental impact on public health, safety, and welfare.” Williams Holding Group, LLC, supra, 101 A.3d at 1212. The shifting burden of proof is applied because “[t]he fact that a certain use is permitted as a conditional use evidences a legislative determination that such use would not have an adverse impact on the public interests in normal circumstances” K. Hovnanian Pa. Acquisitions, LLC v.

Newtown Tp. Bd. of Supervisors, 954 A.2d 718, 724-25 (Pa. Commw. Ct. 2008). The burden to disprove a general detrimental effect of the proposed use on the health, safety and welfare may not be imposed upon the applicant. Joseph v. N. Whitehall Tp. Bd. of Supervisors, 16 A.3d 1209 (Pa. Commw. Ct., 2011); Manor Healthcare Corp. v. Lower Moreland Tp. Zoning Hearing Bd., 139 Pa. Commw. Ct. 206, 590 A.2d 65 (1991); Bray v. Zoning Bd. of Adjustment, 48 Pa. Commw. Ct. 523, 410 A.2d 909 (1980).

Based upon the evidence produced at the conditional use hearings, including the testimony of the Applicant's witnesses and the agreed upon conditions of approval, the Applicant has sustained its burden of proof that the proposed use complies with all of the above listed criteria for approval and that the conditional use application, as amended, should be granted, based on the following:

- a. The Applicant proposes a residential development, bringing the Site into compliance with the use regulations of the FTD Ordinance;
- b. The FTD Ordinance permits development of the Site for Use H-1, Apartment Building/Multiplex Unit;
- c. The evidence presented by the Applicant demonstrates that the proposed residential apartment development, as shown on the Amended Plan, complies with all of the density regulations, dimensional requirements, special development regulations and design standards of the FTD Ordinance;
- d. The evidence presented by the Applicant demonstrates that the proposed residential apartment development, as shown on the Amended Plan, complies with all of the conditional use standards set forth in Section 504.3.C of the FTD Ordinance;
- e. The evidence presented by the Applicant demonstrates that the Applicant is entitled to eight (8) bonus points, pursuant to Section 504.7 of the FTD Ordinance, in order to achieve the proposed density and building height, as depicted on the Amended Plan;
- f. There was no evidence offered with regard to the likelihood that the proposed development would endanger the public health, welfare and safety of the residents of the Township of Abington. Accordingly, no party offered any evidence or testimony that would sustain the burden of proof under the burden shifting framework identified above.

Therefore, the Board of Commissioners, at the hearing conducted on January 31, 2019, granted the Conditional Use Application, as amended, subject to the agreed upon conditions identified herein.

CONCLUSIONS OF LAW

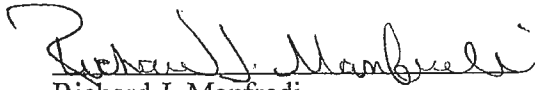
1. The Applicant agreed to the imposition of the following conditions of approval:
 - a. The Applicant shall reimburse the Township for any and all expenses, without exception, incurred by the Township relating to an emergency access to and from the Rear Parcel, including, without limitation, expenses for acquisition of an easement over other property or properties, appraisal fees, legal and engineering fees, surveys, and filing fees.
 - b. The Applicant shall install at its sole expense accessibility ramps as required by the Americans With Disabilities Act, in coordination with the accessible parking spaces and crosswalks on the Shopping Center Parcels.
2. The Board of Commissioners approved the conditional use application, as amended, subject to the above listed two (2) specific conditions.
3. In addition, the approval is subject to the following general conditions of approval:
 - a. Applicant's continued compliance with all conditions of approval, and any conditions imposed pursuant to any previously obtained zoning relief.
 - b. Applicant shall comply in all respects with each and every requirement of the Abington Township Zoning Ordinance, all of the requirements of each and every other Township Ordinance and regulation, and the laws and regulations of each and every governmental entity having jurisdiction over any aspect of the application and/or the subject property, including the Pennsylvania Department of Transportation.
 - c. Applicant shall comply with any and all requirements of the Township Engineer as well as any comments or conditions set forth in any land development approval process.
 - d. Applicant shall comply with all requirements or comments from the Township Fire Marshal.
 - e. The addition of any other uses or the expansion of any existing uses shall require further conditional use approval from the Board of Commissioners.
 - f. Applicant shall reimburse the Township for all fees and costs associated with the review of the Application and Plans, as well as the conditional use hearing process, including engineering and attorney's fees and shall become current with all financial obligations to the Township.

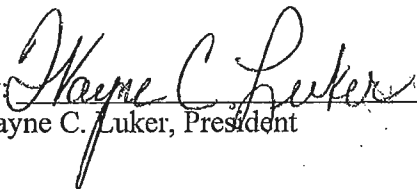
CONCLUSION

WHEREFORE, the Board of Commissioners of Abington Township, Montgomery County, Pennsylvania, GRANTS the application of Baederwood Residential Partners, L.P., for conditional use approval to develop the Site as proposed in the Amended Plan, at Tax Map Parcel Numbers 30-00-66636-00-6, 30-00-66652-00-8 and 30-00-66644-00-7, subject to all of the conditions set forth herein.

**TOWNSHIP OF ABINGTON
BOARD OF COMMISSIONERS**

Attest:


Richard J. Manfredi,
Township Manager & Secretary

By: 
Wayne C. Luker, President