

APPLICATION FOR SUBDIVISION/LAND DEVELOPMENT

PROJECT TITLE: 966 & 968 Old York Road

APPLICANT NAME: JJLH Associates, Ltd. c/o Tom Joyce

TO BE COMPLETED BY THE TOWNSHIP

Submission Information:

Application Number: LD-19-10

Date Complete: 11/13/19

Received By: MARK PENEZALE

90 Day Date: 2/18/19

File Date: 11/12/19

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**

**Engineer/
Surveyor
Cont'd**

215-887-2165

Phone

gtilford@ceshoemaker.com

Email Address

215-576-7791

Fax

Attorney

Labowski Law c/o Gavin R. Laboski, Esquire

Name

314 West Broad Street, Suite 124, Quakertown, PA 18951

Address

215-536-3800

Phone

gavin@laboskilaw.com

Email Address

215-536-3801

Fax

II. PROJECT INFORMATION

Application Type:

Minor Subdivision Minor Land Develop. Preliminary Major SD & LD
 Preliminary Major Subdivision Prelim. Major Land Develop. Final Major SD & LD
 Final Major Subdivision Final Major Land Develop.

Full street address of the property: 966 & 968 Old York Road, Abington, PA 19001

Tax Parcel No.: #966 30-00-49316-00-1 County Deed Book No.: 3094 Page No.: 180
#968 30-00-49320-00-0 5997 2202

Description of Proposed Work: Demolish two existing buildings and convert property for vehicle storage associated with Faulkner Nissan Automobile dealership located at 900 Old York Road

Total Tract Acreage: 0.6625 Acres Project Acreage: 0.6625 Acres

Zoning District: MS-H Existing Number of Lots: Two Proposed Number of Lots: One

Existing Sewer Flows: _____ Proposed Sewer Flows: 0 gpd

Proposed Land Use:

Single Family Detached Single Family Attached Single Family Semi-Detached
 Multi-Family Commercial Office Industrial
 Other (Describe): Automobile Sales Agency vehicle storage

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@abingtonpa.gov

V. SUBMISSION

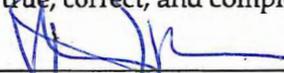
APPLICATION CHECKLIST

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"x17"
- One (1) Digital PDF file of the proposed plan
- N/A Two (2) sets of tentative architectural plans for all applications proposing construction or land development
- N/A One (1) copy of the Recreation Facilities Plan (if required by §146-40)
- N/A Letter of Sanitary Sewer availability from the Township Wastewater Treatment Department
- N/A Two (2) copies of Sewage Facilities Planning Module Applications
- N/A 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

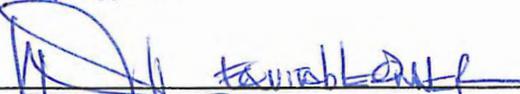
The undersigned represents that to the best of his/her knowledge and belief, all the above statements are true, correct, and complete.



Signature of Applicant

11/8/2019

Date



Signature of Property Owner (if different than applicant)

11/8/2019

Date

THE FOLLOWING IS FOR INTERNAL USE ONLY:

PAYMENT

Application Fee Amount: \$ 1,000.00 Check No.: # 3109
 Review Escrow Fee Amount: \$ 10,000.00 Check No.: # 3108

DECISION INFORMATION

Approval Denial Decision Date: _____

Comments/Conditions:

PLANNING PROCESS EXTENSION AGREEMENT
FOR

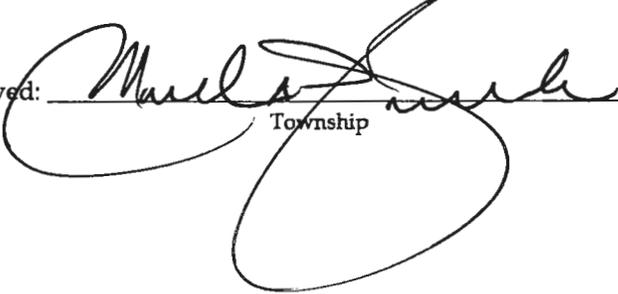
966 & 968 Old York Road
PROJECT NAME

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 53 P.S. 10508) and the Abington Township Subdivision and Land Development Ordinance (Section 146-13). Applicant acknowledges that this waiver can be revoked at any time upon written notice to the Township Manager. The time limitations set forth in 53 P.S. 10508 and Section 146-13 of the Abington Township Code shall be calculated from the date that the written revocation is received by the Township Manager.

Signed: 
Applicant

Date: 11/8/19

Received: 
Township

Date: 11/13/19

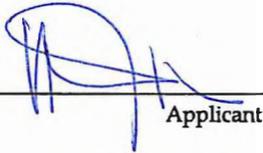
**ESCROW AGREEMENT FOR PROFESSIONAL REVIEW FEES
FOR SUBDIVISION/LAND DEVELOPMENT APPLICATIONS**

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.

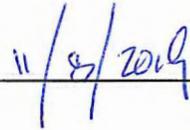
The applicant is advised that the "Schedule of Fees" represents only an estimate of the costs associated with plan review. The completeness and quality of the submission, the complexity of the project, the number of revisions and other factors may cause costs to exceed the established escrow amounts. 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: _____



966 Old York Road

AGREEMENT OF SALE

THIS AGREEMENT OF SALE (this "**Agreement**") is made and entered into this 20th day of July, 2018 (the "**Effective Date**"), by and between **LARMON PHOTO, INC.**, a Pennsylvania corporation ("**Seller**"), and **JJLH Associates, LTD**, a Pennsylvania limited partnership ("**Buyer**").

BACKGROUND:

A. Seller is the fee owner of that certain tract of real property, and the buildings constructed thereon, located at 966 Old York Road, Abington Township, Montgomery County, Pennsylvania, being known as Montgomery County Parcel Identification Number 30-00-49316-00-1 (the "**Property**").

B. By separate agreement, Buyer intends to purchase that certain tract of real property located at 980 Old York Road (the "**Corner Property**") and redevelop the Property and the Corner Property together as one project (the "**Project**").

C. Seller desires to sell to Buyer, and Buyer desires to purchase, the Property in accordance with the terms and conditions hereof.

NOW, THEREFORE, in consideration of the covenants contained herein, and intending to be legally bound hereby, Seller and Buyer agree as follows:

1. **INCORPORATION.** The background recitals set forth above are hereby incorporated into this Agreement by reference as if set forth in full.

2. **PURCHASE AND SALE.** Seller agrees to sell to Buyer, and Buyer agrees to purchase, the Property, together with all improvements, easements, rights and appurtenances thereon, in accordance with the terms and conditions of this Agreement (the "**Transaction**").

3. **PURCHASE PRICE.** The purchase price for the Property shall be [REDACTED] ("**Purchase Price**"), which amount shall be paid to Seller by title company check or immediately available wired funds at Closing (as defined in Section 7 below), plus or minus any applicable adjustments hereunder.

4. **FIXTURES.** All permanent fixtures, systems, equipment and landscaping owned by Seller and located on the Property as of the Effective Date shall be conveyed to Buyer as part of the Transaction.

5. **POSSESSION.** Seller shall deliver the Property to Buyer at Closing free and clear of all tenancies of any kind and all parties in possession thereof, except as otherwise provided hereunder.

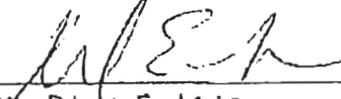
6. **TITLE.** Seller shall transfer the Property to Buyer by special warranty deed ("**Deed**"), conveying good and marketable fee simple title, insurable at regular rates, pursuant to

IN WITNESS WHEREOF, Seller and Buyer have executed this Agreement of Sale on the day and year first written above.

SELLER:
LARMON PHOTO INC., a Pennsylvania corporation

By: 
Name: David Harrar
Title: Pres.

BUYER:
JLH ASSOCIATES, LTD., a Pennsylvania limited partnership

By: 
Name: Robert E. Lewis
Title: Manager of HF Management, LLC
G.P. of JLH Associates, LTD

AGREEMENT OF SALE

THIS AGREEMENT OF SALE (this "Agreement") is made and entered into this 3rd day of December 2018 (the "Effective Date"), by and between **LEILA C. GRAD AND SANFORD BRUCK AS TRUSTEES UNDER THE WILL OF RENA H. GRAD DATED DECEMBER 4, 1995; HARRY K. SCHWARTZ; SUSAN B. UDIN and DAVID UDIN**, as Tenants in Common (together, "Seller"), and **JLH ASSOCIATES, LTD**, a Pennsylvania limited partnership ("Buyer").

BACKGROUND:

A. Seller is the owner of that certain tract or parcel of real property, and the building constructed thereon, located at 968 Old York Road, Abington Township, Montgomery County, Pennsylvania, being known as Montgomery County Tax Parcel Number 30-00-49320-00-6, as more particularly described in that certain Deed dated March 25, 2016 and recorded May 6, 2016 in the Office of the Recorder of Deeds in and for Montgomery County, Pennsylvania in Book 5997, Page 2202 (the "Property"); and

B. Seller desires to sell to Buyer, and Buyer desires to purchase, the Property in accordance with the terms and conditions hereof.

NOW, THEREFORE, in consideration of the covenants contained herein, and intending to be legally bound hereby, Seller and Buyer agree as follows:

1. **INCORPORATION.** The background recitals above are hereby incorporated into this Agreement by reference as if set forth in full.

2. **PURCHASE AND SALE.** Seller agrees to sell to Buyer, and Buyer agrees to purchase, the Property, together with all improvements, easements, rights and appurtenances thereon, in accordance with the terms and conditions of this Agreement (the "Transaction").

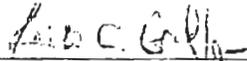
3. **PURCHASE PRICE.** The purchase price for the Property shall be [REDACTED] (the "Purchase Price"), which amount shall be paid by Buyer to Seller as follows:

(a) an earnest money deposit (the "Earnest Money Deposit") in the amount of Forty Thousand Dollars (\$40,000.00) shall be delivered to the Title Company (as defined in Section 6 below) upon the execution of this Agreement and held in an interest-bearing escrow account pending the disposition thereof in accordance with the terms and conditions of this Agreement (the Earnest Money Deposit, and interest earned thereon, shall be non-refundable to Buyer after the end of the Due Diligence Period (as defined in Section 9 below), except in the event of Seller's default hereunder, and shall be credited against the Purchase Price at Closing (as defined in Section 7 below) or delivered to whichever party is entitled its receipt as otherwise provided hereunder); and

IN WITNESS WHEREOF, Seller and Buyer have executed this Agreement of Sale on the day and year first written above.

SELLER:

LEILA C. GRAD AND SANFORD BRUCK, AS
TRUSTEES UNDER THE WILL OF RENA H.
GRAD DATED DECEMBER 4, 1995



Leila C. Grad, Trustee

Sanford Bruck, Trustee

Harry K. Schwartz

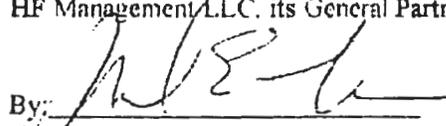
Susan B. Udin

David Udin

BUYER:

JLH ASSOCIATES, LTD., a Pennsylvania limited
partnership

By: HF Management LLC, its General Partner


By: _____
Name: Robert E. Lewis
Title: Manager

IN WITNESS WHEREOF, Seller and Buyer have executed this Agreement of Sale on the day and year first written above.

SELLER:

LEILA C. GRAD AND SANFORD BRUCK, AS
TRUSTEES UNDER THE WILL OF RENA H.
GRAD DATED DECEMBER 4, 1995

Leila C. Grad, Trustee

Sanford Bruck, Trustee
Sanford Bruck, Trustee

Harry K. Schwartz

Susan B. Udin

David Udin

BUYER:

JLH ASSOCIATES, LTD., a Pennsylvania limited
partnership

By: HF Management, L.C., its General Partner

By: [Signature]
Name Robert E. Lewis
Title Manager

[Signature Page to Agreement of Sale]

IN WITNESS WHEREOF, Seller and Buyer have executed this Agreement of Sale on the day and year first written above.

SELLER:

LEILA C. GRAD AND SANFORD BRUCK, AS
TRUSTEES UNDER THE WILL OF RENA H.
GRAD DATED DECEMBER 4, 1995

Leila C. Grad, Trustee

Sanford Bruck, Trustee



Harry K. Schwartz

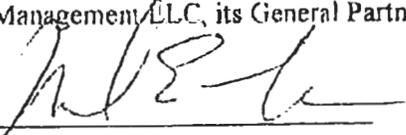
Susan B. Udin

David Udin

BUYER:

JLH ASSOCIATES, LTD., a Pennsylvania limited
partnership

By: HF Management LLC, its General Partner


By: _____
Name: Robert E. Lewis
Title: Manager

IN WITNESS WHEREOF, Seller and Buyer have executed this Agreement of Sale on the day and year first written above.

SELLER:

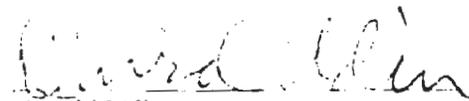
LEILA C. GRAD AND SANFORD BRUCK, AS
TRUSTEES UNDER THE WILL OF RENA H.
GRAD DATED DECEMBER 4, 1995

Leila C. Grad, Trustee

Sanford Bruck, Trustee

Harry K. Schwartz


Susan B. Udin


David Udin

BUYER:

JLH ASSOCIATES, LTD., a Pennsylvania limited
partnership

By: HF Management, L.L.C. its General Partner

By 
Name Robert E. Lewis
Title Manager

[Signature Page to Agreement of Sale]

IN WITNESS WHEREOF, Seller and Buyer have executed this Agreement of Sale on the day and year first written above.

SELLER:

LEILA C. GRAD AND SANFORD BRUCK, AS
TRUSTEES UNDER THE WILL OF RENA H.
GRAD DATED DECEMBER 4, 1995

Leila C. Grad, Trustee

Sanford Bruck, Trustee

Harry K. Schwartz

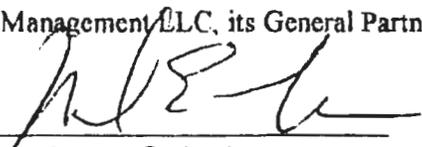
Susan B. Udin

David Udin

BUYER:

JLH ASSOCIATES, LTD., a Pennsylvania limited
partnership

By: HF Management LLC, its General Partner

By: 
Name: Robert E. Lewis
Title: Manager

[Signature Page to Agreement of Sale]

CHARLES E. SHOEMAKER, INC.

ENGINEERS AND SURVEYORS
SOUTHEAST CORNER OF EASTON & EDGE HILL ROADS
1007 EDGE HILL ROAD
ABINGTON, PENNSYLVANIA 19001

February 13, 2020

Amy Montgomery
Director of Engineering & Code
Abington Township
1176 Old York Road
Abington, PA 19001

RE: REVISED WAIVER LIST
966 & 968 OLD YORK ROAD
JLH Associates, Ltd. (Faulkner Nissan)
966 & 968 Old York Road
Co. Parcel No. 30-00-49316-00-1, & 30-00-49320-00-6

Dear Ms. Montgomery:

The following is a list of waivers from the Subdivision and Land Development Ordinance being requested by the Applicant for consideration by the Planning Commission and Board of Commissioners.

WAIVER LIST:

1. Section 146-11.B.(7) - UTILITIES

From the requirement to provide all utility information within 400 feet of the subject property;

2. Section 146-11.J. – RECREATIONAL FACILITIES PLAN

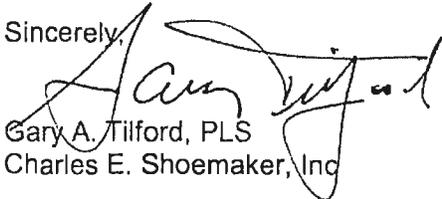
From the requirement to provide recreational facilities;

3. Section 146-43.C.(3)(a). – CUT AND FILL SLOPES

From the requirement cut and fill slopes not to exceed 15% or steeper. Proposed swale, landscape berm, and rain garden slopes exceed 15% but shown not greater than 33% (3:1).

Please present our waivers for consideration during review of the project.

Sincerely,


Gary A. Tilford, PLS

Charles E. Shoemaker, Inc

cc: Tom Joyce, JLLH Associates, Ltd. (email)
Gavin R. Laboski, Esq., Laboski Law (email)
Rachel Vahey, RLA, InFocus Planning (email)
CES File #25857A



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
Bortonsville, PA 18321

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

www.bjengineers.com

February 18, 2020

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

**SUBJECT: 966 & 968 OLD YORK ROAD, JLLH ASSOCIATES, LTD.
PRELIMINARY/FINAL LAND DEVELOPMENT PLAN REVIEW NO. 2
ABINGTON TOWNSHIP, MONTGOMERY COUNTY, PENNSYLVANIA
PROJECT NO. 1926017R**

Dear Mr. Manfredi:

Pursuant to the Township's request, we have completed our second review of the Preliminary/Final Land Development Plan Application for JLLH Associates, Ltd. The submitted information consists of the following items.

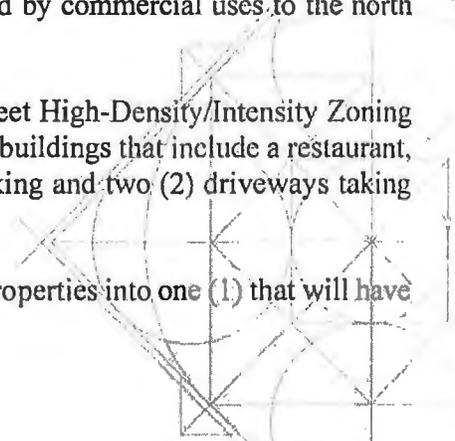
- Response letter prepared by Charles E. Shoemaker, Inc., dated February 4, 2020.
- Revised Waiver List prepared by Charles E. Shoemaker, Inc., dated February 13, 2020.
- Stormwater Management & Erosion and Sediment Control Plan Narrative prepared by Charles E. Shoemaker, Inc., dated October 25, 2019, revised January 31, 2020.
- Landscape Plan & Details, Lighting Plan & Details, and Site Pier & Fence Details (3 sheets total) prepared by InFocus Planning, dated October 25, 2019, revised January 31, 2020.
- Preliminary/Final Land Development Plan (15 sheets), 966 & 968 Old York Road, JLLH Associates, Ltd. prepared by Charles E. Shoemaker, Inc., dated October 25, 2019, revised January 31, 2020.

BACKGROUND INFORMATION

The Owner/Applicant, JLLH Associates, Ltd., is proposing a land development on properties located on the western side of Old York Road (S.R. 0611) at 966 and 968 Old York Road. The properties are bordered by residential dwellings to the west and by commercial uses to the north and south.

The existing properties are located within the MS-H, Main Street High-Density/Intensity Zoning District. The existing properties consist of two (2) commercial buildings that include a restaurant, apartment, and automotive service station with associated parking and two (2) driveways taking access from Old York Road (S.R. 0611).

The Owner/Applicant is proposing to consolidate the existing properties into one (1) that will have



a total net lot area of 28,857 acres (29,157 acres gross).

The proposed land development consists of the demolition of the existing buildings. The proposed construction will include a 92-space parking lot utilized for vehicular storage in support of a nearby Nissan dealership. One (1) driveway is proposed to access Old York Road (S.R. 0611). Stormwater management, landscaping, and lighting are also proposed.

Based on our review of the above information and our previous letter dated December 4, 2019, we offer the following comments and/or recommendations for your consideration.

SUBDIVISION AND LAND DEVELOPMENT ORDINANCE COMMENTS

1. 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 4) A waiver from Section 146-11.B.(7) is requested. Existing utilities immediately adjacent to the project site are shown on the plan and an aerial photograph showing existing features within 400-feet of the project site has been provided.***
2. Calculations and details in support of the proposed swale along the southern property line must be provided in accordance with Section 146-11.F.(4)(c). ***(Previous Comment 7) Calculations in support of the curve number utilized in Hyd. No. 44, To Swale, shall be submitted.***
3. In accordance with Section 146-11.H.(2)(e), the plan must include a planting schedule indicating the species, and number and size of all proposed and required plantings. The following comments are related to our review of the Landscape Plan & Details (Sheet LP-1) and associated Plant Schedule. ***(Previous Comment 8)***
 - a. The symbols shown for the proposed ‘GB’ and ‘GT’ trees are inconsistent in plan view and the plan should be revised. ***(Previous Comment 8.c) The symbols must still be revised for consistency.***
4. In accordance with Section 146-11.J, a narrative describing recreation facilities in the proposed open space areas shall be submitted. ***(Previous Comment 9) A waiver from Section 146-11.J is requested to not require recreational facilities.***
5. 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) The response indicates a construction cost estimate will be provided.***
6. In accordance with Section 146-20.B.(2)(c), a Pennsylvania Department of Transportation Highway Occupancy Permit is required for work proposed along Old York Road (S.R. 0611). All submissions to and correspondence from PennDOT and the HOP Permit must be provided to the Township. ***(Previous Comment 13) This comment has been***

acknowledged. Reference to the HOP Plan must be provided on the Land Development Plan.

7. In accordance with Section 146-27.E, sidewalks shall be extended to the curblines 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 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. Any ramp design associated with the required PennDOT HOP must also be provided to the Township. ***(Previous Comment 15) The northern proposed handicap ramp has a slope of 6.2%± and requires a landing area having a maximum slope of 2%. The landing area must be shown on the plan with spot elevations and slope. Detectable warning surfaces shall be provided at both proposed handicap ramps and the plan must be revised accordingly. In addition, construction details of the proposed ramps shall also be provided on the plan.***
8. In accordance with Section 146.33.B.(1), calculations must be provided in support of the proposed swale along the southern property line. ***(Previous Comment 16) Refer to Comment 2.***
9. In accordance with Section 146-33.C, a minimum of 2-feet of cover shall be provided over the top of the proposed storm sewer. Less than 1-foot of cover is proposed over the storm sewer from inlet I-1 to the proposed Infiltration Bed, and the plan must be revised. ***(Previous Comment 17) Only 1.45-feet of cover is provided over the 15-inch storm sewer at inlet I-1 and less than 2-feet of cover is provided at the westernmost curb shown in the Proposed Trench Drain (T-1) to Infiltration Bed (DB-1) profile on Sheet 8. The plan must be revised accordingly.***
10. In accordance with Section 146-43.C.(3)(a), cut and fill slopes may not be 15% or steeper. Grading along the southern property line is shown at a 33% slope and must be revised, or a waiver requested. ***(Previous Comment 19) A waiver from Section 146-43.C.(3)(a) is requested to permit 3 to 1 (33%) slopes along the proposed swale and rain garden. Erosion control blankets are proposed along these proposed slopes.***

STORMWATER MANAGEMENT ORDINANCE COMMENTS

The proposed development is located within the Pennypack Watershed and the B Management District. The proposed land development is considered a redevelopment and has a disturbed area of 0.60 acres. Therefore, Article III and the requirements of Sections 404, 405, 406, and 409 must be followed.

11. In accordance with Section 302.B.9, an Operation and Maintenance plan, per Section 702, must be provided and shall include notes related to all proposed best management practices. ***(Previous Comment 21) Operation and maintenance procedures are now provided on Sheet 8. Sheet 8 shall be listed as "to be recorded" on Sheet 1 or the procedures shall be moved to a plan sheet intended for recordation.***

12. In accordance with Section 302.C.4, a PennDOT Highway Occupancy Permit is required for the discharge from the proposed Rain Garden toward Old York Road (S.R. 0611). ***(Previous Comment 22) This comment has been acknowledged.***
13. -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) The response indicates a construction cost estimate will be provided.***
14. In accordance with Sections 702.A and 704, an operation and maintenance plan and agreement must be provided. ***(Previous Comment 28) Operation and maintenance procedures are now provided on the plan. Refer to Comment 11. The required operation and maintenance agreement is acknowledged.***

MISCELLANEOUS COMMENTS

15. On Sheet 6, demolition is shown on the adjacent northern property and immediately adjacent to the southern property line. Temporary construction easements will be required for the demolition and other proposed work (i.e., stabilization, grading, etc.). ***(Previous Comment 40) The response indicates temporary construction easements will be shown on the plan once agreed upon by the respective property owners.***
16. All comments received from the traffic engineer, shade tree commission, and fire marshal must be addressed to their satisfaction. ***(Previous Comment 48)***
17. The Abington Township Application number (LD-19-10) must be added to all plan sheets. ***(Previous Comment 49) The Township Application number must still be provided on Sheets 15, LP-1, LP-2, and LP-3.***

PLAN REVISION COMMENTS

18. The legends on Sheets 3 and LP-1 list “new asphalt pavement” and “proposed asphalt pavement,” respectively. The legends shall be revised for consistency with the hatching shown in plan view. ***(New Comment)***
19. On Sheet 9, the 18” silt fence shall be removed from the legend. ***(New Comment)***
20. On Sheet 13, the Rain Garden Detail notes that the landscape plan will include rain garden planting information, however that information does not appear to be provided on Sheet LP-1. The plan shall be revised accordingly. ***(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 nature of the comments, the receipt of a revised plan submission may generate new comments.

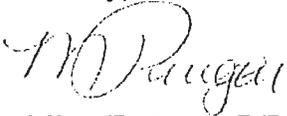
In order to facilitate an efficient re-review of revised plans, the Design Engineer shall provide a letter, addressing item by item, their action in response to each of our comments.

Mr. Richard Manfredi, Manager – Abington Township
966 & 968 Old York Rd, JLLH Assoc, LTD., Prelim/Final Land Development Plan Rvw No. 2
February 18, 2020
Page 5 of 5

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
Michael P. Clark, Esquire, Rudolph Clarke, LLC – Abington Township Solicitor
Tom Joyce, JLLH Associates, Ltd. – Applicant/Owner
Gavin R. Laboski, Esquire, Laboski Law – Applicant's Attorney
Gary A. Tilford, P.L.S., Charles E. Shoemaker, Inc. – Applicant's Engineer
Rachel Vahey, RLA, InFocus Planning – Applicant's Landscape Architect
Michael Narcowich, Montgomery County Planning Commission



Township of Abington

Engineering & Code Department

Wayne C. Luker, President
Steven N. Kline, Vice President

Richard J. Manfredi, *Manager*
Amy R. Montgomery, *P.E., Director*

Mr. Thomas Joyce
JJHL Associates, LTD
4437 E. Street Road
Trevose, Pa. 19053

December 3, 2019

Re: Staff review comments on the reverse subdivision and land development of 966 & 968 Old York Road, Abington, Pa. 19001. This application is known as LD-19-10.

Dear Mr. Joyce,

The plan set prepared by Charles E. Shoemaker, Inc., dated October 25, 2019 has been reviewed by the Fire Marshal's Office, Traffic Safety Office and the Planning & Zoning Office of the Township of Abington. The following is a list of comments that are required to be addressed to the satisfaction of the Board of Commissioners of the Township of Abington. They are as follows:

Fire Marshal's Office:

1. The plan set has been reviewed and this office has no comment at this time.

Traffic Safety Office:

2. The plan set has been reviewed and this office has no comment at this time.

Planning & Zoning Office:

3. This application was approved by the Zoning Hearing Board of the Township of Abington as Case #19-02 on May 22, 2019.
4. Permits are required for the demolition of the existing buildings on the sites. The applicant is required to submit cap-off certifications for water, electric and gas services. In addition, a permit is required for the capping of the sanitary sewer laterals.
5. The applicant is required to provide a detail of the light standard that is proposed to be installed as part of this development. A note is currently on the plan that states that the light fixture is mounted at sixteen feet in height. However, no detail has been provided.

6. The fencing proposed to be installed along the front property line is shown as four feet in height. However, the piers to support this fencing are listed as five feet in height. The piers are also limited to no greater than four feet in height. Please refer to Section 2102.A, Use A-13 of the Zoning Ordinance of the Township of Abington.
7. In accordance with Section 2401.A.2.d.2 of the Zoning Ordinance, Note 1 of the Tree Protection Detail on Sheet 11 must be revised to include the requirements of the tree protection fence being placed a minimum of one foot outside of the existing dripline.
8. In accordance with Section 2402.B.2 and Section 2402.B.c of the Zoning Ordinance, one street tree per every 40 feet of property frontage shall be planted along Old York Road. Street trees must be planted between 5 feet and 15 feet behind the right-of-way of Old York Road. Four street trees are required and 4 trees are proposed, however only three are as required. The proposed Ginko tree at the southeastern corner is located approximately twenty-one feet from the right-of-way line. The tree is required to be relocated to comply with the requirements of the zoning ordinance.
9. In accordance with the requirements of Section 2403.B.4.a, Figure 24.5 of the Zoning Ordinance, a high intensity buffer is required to be installed along the western property line. Please provide a detailed landscape plan that show compliance with the requirements of this section of the Zoning Ordinance. Please be aware that an eight-foot high fence may be installed as per the Zoning Hearing Board approval.
10. The landscape chart on Sheet LP-1 references Option B and we believe it should be revised to reference Option D.
11. In accordance with Section 2403.B.4.a.1, Section 2403.B.4.a.3.a and Section 2403.B.4.a.3.d, canopy trees must have a caliper of 2.5 inches and shrubs must have a minimum height of 24-inches at the time of planting. The Plant Schedule on Sheet LP-1 lists 2-inch caliper canopy trees and 18-inch to 24-inch shrubs. The Plant Schedule must be revised to comply with the requirements of the Zoning Ordinance.
12. In accordance with Section 2403.B.4 and Figure 24.5 of the Zoning Ordinance, a low intensity buffer consisting of one canopy tree, two under story trees and two evergreen trees are required to be planted per every 100 feet along the southern property line. Three canopy trees, five understory trees and five evergreen trees are required. Three canopy trees, four understory trees and five evergreens trees are proposed. Therefore, one understory tree is required to be added to the revised plan.

13. In accordance with Section 2403.C.6.b and Figure 24.7 of the Zoning Ordinance, a Medium Intensity Screen is required around the perimeter of the display parking area. A minimum six-foot high opaque fence with shrubs spaced no further than three feet on center, or an evergreen hedge row having a minimum height of six feet at the time of planting and spaced three feet on center is required. The Landscape Requirements Chart indicates that this requirement is satisfied by the perimeter buffer.
14. In accordance with Section 2500.A.1 of the Zoning Ordinance, the proposed street wall along Old York Road must be revised to include breaks that are spaced a minimum of 30 feet apart and a maximum of 50 feet apart. Pedestrian access to the project site must also be provided.
15. In accordance with Section 2502 of the Zoning Ordinance, street furniture is required along the Old York Road frontage. Please provide a detail of the type and location of the proposed street furniture.
16. In accordance with Section 2504.A of the Zoning Ordinance, the proposed sidewalk is required to be constructed of durable and attractive materials like brick, stone or colored or textured concrete accented with pavers. The concrete sidewalk detailed on Sheet #12 only specifies 4,000 psi concrete with no indication of texture or accents. The plan must be revised to include this detail.
17. Testimony was provided to the Zoning Hearing Board that this site will be unmanned after business hours. Please provide a security plan as to how this site will be monitored after business hours. Please include details on how car alarms will be addressed.

A copy of the plans for this development have been forwarded to Shade Tree Commission, the Environmental Advisory Council and the Township's reviewing engineer. Review comments from these groups will be forwarded to you under separate cover. If there are any questions that you may have, please feel free to contact me directly.

Sincerely,



Mark A. Penecale
Planning & Zoning Officer
Township of Abington

Cc: Amy Montgomery, P.E.; Director of Engineering & Code Department
File Copy (2)

**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

December 13, 2019

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

Re: 19-0276-001
966-968 Old York Road
at Woodcrest Road
Tract Size: 0.66 Acres
Abington Township

Dear Mr. Manfredi:

We have reviewed the above-referenced plan as you requested on November 13, 2019. We forward this letter as a report of our review.

BACKGROUND

JLH Associates, Limited, the applicant, has submitted a plan that would consolidate two lots into one 0.66 acre lot. 966 Old York Road is 0.23 acres and 968 Old York Road is 0.43 acres. The applicant proposes demolition of an existing two-story, mixed-use building and an existing one-story, automotive services building (the two buildings share a party wall) and replacing them with a parking lot—a portion of which will consist of pervious paving. A rain garden will be located between the parking lot and the street. The parking lot would be used by an automotive sales business on a noncontiguous site. The parking lot would share access to Woodcrest Road with an adjacent retail-office use. The site is located in the MS-H Main Street High Intensity-Density District and is served by public sewer and water. The applicant has submitted a preliminary and final plan, dated April 15, 2019.

CONSISTENCY WITH COMPREHENSIVE AND OTHER PLANS

The proposed improvements are generally consistent with *MONTCO2040: A Shared Vision, The Montgomery County Comprehensive Plan*. The plan shows the subject property as located in the



“Community Mixed Use and Services Area.” These areas are local community focal points that are typically located on major roads.

The proposed improvements are also generally consistent with the Abington Township Comprehensive Plan Update (2007).

The proposal does not seem consistent with the Old York Road Corridor Improvement Study (2010). That study says that parking should be located behind buildings, off the corridor frontage.

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

LAND USE

- A. Accessory Use Definition. This use appears to be a use that is accessory to a use on another property. However, the zoning ordinance defines accessory use as “A minor use of a building, structure, lot, or premises; located on the same lot or premises with an established principal use; and clearly incidental or subordinate to, and operated in conjunction with, the principal use [“Use, Accessory”, p.14].” The plan refers to the use as “C-2: Automotive Sales”, which is a principal use. However, this proposal does not appear to fit the use regulation of C-2: Automotive Sales.

LANDSCAPING

- A. Decorative Verge. What will the decorative verge consist of? At least 25% of the decorative verge area shall be landscaped with a mix of ground cover, shrubs, and trees [§2504.E].
- B. Hemlock Buffer. We recommend the applicant consider alternatives such as hollies for the proposed hemlock buffer, since hemlocks are affected by pests such as the woolley adelgid.
- C. Existing Trees. We suggest the applicant use care when planting the proposed buffer along the residential property lines in the interest of preserving existing trees.
- D. Rain Garden. The applicant proposes a rain garden on the south side of the Old York Road vehicular access point. We recommend also creating one on the north side of that vehicular access point.

PLAN INFORMATION

- A. Class 2 Use.
 - 1. The zoning requirements table and the dimensions drawn on the plan show the requirements for a Class 1 Use; however, the C-2 Automotive Sales use is a Class 2 use.

Please update the table and plan accordingly [Zoning: Comprehensive Use Matrix, p.347]. To cite a few examples,

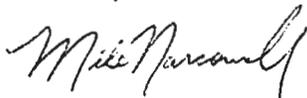
- a. Minimum side yard should be "30 feet", not "15 feet".
- b. Minimum rear yard should be "35 feet", not "20 feet".
- c. Minimum green area should be "35%", not "25%".

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 the Old York Road corridor.

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.

Sincerely,

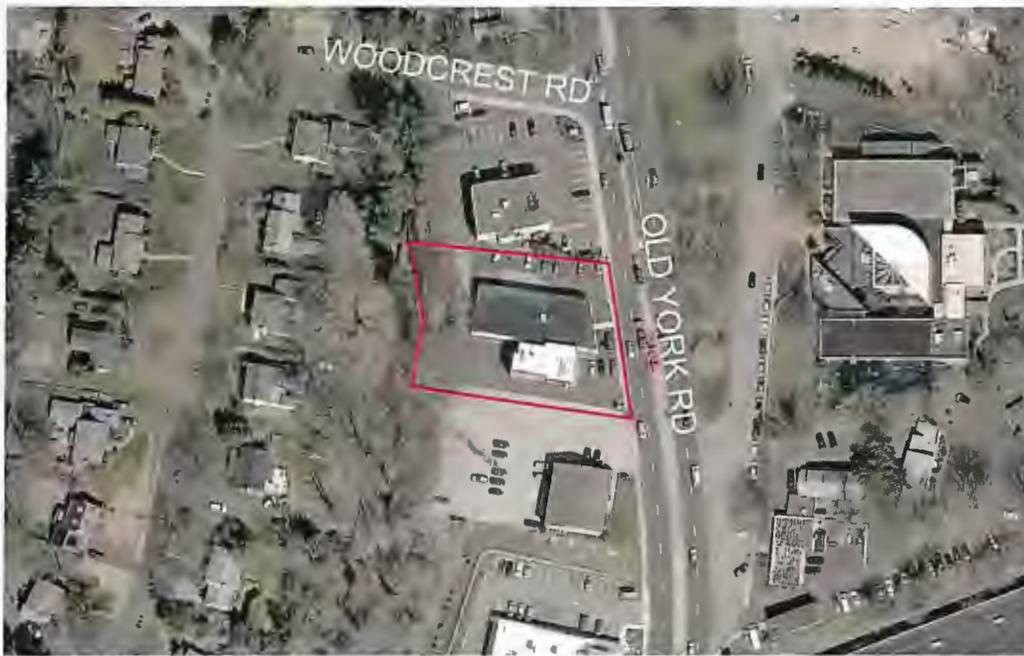


Mike Narcowich, AICP
Assistant Section Chief: Community Planning
610.278.5238 - mnarcowi@montcopa.org

- c: JLLH Associates, Limited, Applicant
Gary Tilford, Charles E. Shoemaker, Inc., Applicant's Representative
Amy Montgomery, P.E., Township Engineer
Michael P. Clarke, Esq., Rudolph Clarke, LLC, Township Solicitor

Attachments: Aerial Image, Project Site
Applicant's Plan

Aerial Image, Project Site



966 & 968 Old York Road
MCPC #190276001

Montgomery
County
Planning
Commission
Montgomery County Courthouse - Planning Commission
PO Box 311 • Norristown PA 19304-0311
(610) 278-3723 • (610) 278-3641
www.montco.org/planning
Year: 2017 aerial photography provided by Pictorway





Township of Abington

Engineering & Code Department

Wayne C. Luker, President
Steven N. Kline, Vice President

Richard J. Manfredi, *Manager*
Amy R. Montgomery, *P.E., Director*

May 23, 2019

Gavin Laboski, Esq.
245 W. Broad Street
Quakertown, Pa. 18951

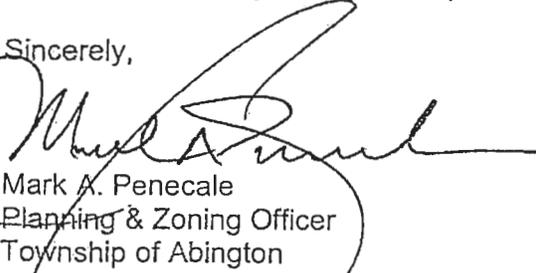
Re: Application #19-02: 966 & 968 Old York Road, Jenkintown, Pa. 19046.

Dear Mr. Laboski,

I am pleased to inform you that on Wednesday, May 22, 2019 the Zoning Hearing Board of the Township of Abington approved the application of JLLH Associates, Ltd, for the dimensional variances requested from Section 2504.B.1 {sidewalks}, Section 2402.A.2 {landscape islands}, Section 2402.A.5 {perimeter buffer width}, Section 2402.A.6 {green space location}, Section 2402.B {property line buffer} and Section 2103.A {fence height} of the Zoning Ordinance of the Township for the above listed properties. The properties are zoned within the Main Street High District of Ward #7 of the Township of Abington.

The land development application for this proposal must be submitted within 180 days of the date of this letter. In the event that the required construction permits are not submitted within 180 days of the date of this letter, the approval is voided. If there are any questions that you may have, please feel free to contact me at 267-536-1010.

Sincerely,



Mark A. Penecale
Planning & Zoning Officer
Township of Abington

Cc: Stuart Winegrad, Commissioner Ward #7
Thomas Joyce; 4437 E. Street Road, Trevoose, Pa. 19053
Zoning Hearing Board Members
Bruce E. Eckel, Esq.
Engineering & Code Department Staff



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

John DiPrimio, Zoning Hearing Board, Chairperson
Michael O'Connor, Zoning Hearing Board, Vice Chairperson
Jose Casalina, Zoning Hearing Board, Secretary
Gertrude M. Hackney, Esq. Zoning Hearing Board Member
Barbara M. Wertheimer, Zoning Hearing Board Member
Bruce J. Eckel, Zoning Hearing Board Solicitor

DECISION

19-02: This is the application of **JJLH Associates, Ltd.**, applicant for the properties located at 966 & 968 Old York Road, Abington, Pa. 19001. The applicant proposes to demolish the existing buildings on the sites and redevelop the properties as a parking lot for the storage of up to 94 vehicles. Variances have been requested from Section 2504.B.1, to allow the sidewalks within the public right-of-way to remain at their current width, Section 2402.A.2, to eliminate the required landscaped islands every 15 stalls and at the end of each row, Section 2402.A.5, to reduce the width of the required perimeter buffer, Section 2402.A.6, to waive the requirement for an additional 15,000 square feet of green space be required over the 37.6% already provided, Section 2402.B, property line buffers of at least 15 feet in width and Section 2103.A for the installation of an eight foot fence along the shared property line with the residential properties. The property is zoned within the Main Street High District of Ward #7 of the Township of Abington.

Hearing Dates: April 16, 2019
Decision Date: May 23, 2019
Copy Mailed: May 23, 2019

You are hereby notified that your application has been DENIED/APPROVED/APPROVED WITH THE FOLLOWING CONDITIONS, by decision rendered on May 23, 2019.

BOARD SIGNATURES

John DiPrimio
Chairperson, Zoning Hearing Board

Vote

Aye:
Nay:

CONDITION(S)

Parking space as outlined in RED on Exhibit A-3 will be removed & become part of the buffer area.

Michael O'Connor

Michael O'Connor
Vice Chair, Zoning Hearing Board

Aye: _____
Nay: _____

Jose Casalina

Jose Casalina
Secretary, Zoning Hearing Board

Aye: _____
Nay: _____

Gertrude H. Hackney, Esq.
Zoning Hearing Board

Aye: _____
Nay: _____

Barbara M. Wertheimer
Barbara M. Wertheimer, Esq.
Zoning Hearing Board Member

Aye: _____
Nay: _____

Dated: May 23, 2019

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.