



TOWNSHIP OF ABINGTON

LAND USE COMMITTEE

*Mike Thompson, Chair
Wayne C. Luker, Vice-Chair
Tom Bowman
Stuart Winegrad
Matt Vahey*

A G E N D A **March 4, 2020** **7:00 P.M.**

1. CALL TO ORDER
2. ROLL CALL
3. CONSIDER APPROVAL OF MINUTES
 - a. Motion to approve Committee Meeting minutes of February 5, 2020
4. PRESENTATION
5. UNFINISHED BUSINESS
6. NEW BUSINESS

LAND USE COMMITTEE *COMMISSIONER MIKE THOMPSON, CHAIR*

- a. **LU-01-031220** Consider 1. Planning Commission conditional approval for the Baederwood Residential Partners, L.P. and 2. Approval of the Emergency Access Easement Agreement.
7. PUBLIC COMMENT
8. ADJOURNMENT



LAND USE COMMITTEE

AGENDA ITEM

February 24, 2020

DATE

Engineering

DEPARTMENT

LU-01-031220

AGENDA ITEM NUMBER

FISCAL IMPACT

Cost > \$10,000.

Yes

No

PUBLIC BID REQUIRED

Cost > \$20,100

Yes

No

AGENDA ITEM:

Baederwood Residential Partners, LP - Baederwood Shopping Center - 1657 The Fairway

EXECUTIVE SUMMARY:

Land Development application for an 18.869 acre total project area located on the north side of The Fairway approximately 1,500 feet east of its intersection with Old York Road, Abington, PA. 8.42 acres is the project development acreage along with 10.45 acres of Baederwood Shopping Center. The property takes access from The Fairway through the Baederwood Shopping Center. The applicant proposes construction of a 244-unit apartment building with an associated parking garage and an access driveway crossing through the adjacent shopping center. Stormwater management, lighting, and landscaping are proposed for the site itself. In addition, the shopping center parking lot will be reconfigured and landscaped and improvements are proposed to The Fairway to improve pedestrian and vehicular movements. The application received dimensional variances from the Zoning Hearing Board in 2018 from the ordinance in effect at the time of application. Additionally, the application received Conditional Use approval from the Board of Commissioners on March 18, 2019. The property is located within the FTD Fairway Transit District of Ward 7.

PREVIOUS BOARD ACTIONS:

Planning Commission recommended approval of the land development application for Baederwood Residential Partners, L.P., Baederwood Shopping Center, 1657 The Fairway at the regularly scheduled meeting on January 28, 2020.

RECOMMENDED BOARD ACTION:

Consider 1. Planning Commission conditional approval for the Baederwood Residential Partners, L.P. and 2. Approval of the Emergency Access Easement Agreement.



TOWNSHIP OF ABINGTON
MONTGOMERY COUNTY, PENNSYLVANIA

PLANNING COMMISSION RECOMMENDATION FORM

APPLICANT INFORMATION:

LD-19-09
Application Number

January 28, 2020
Date

Baederwood Residential Partners, LP
Name

Baederwood Residential Partners, L.P. – Baederwood Shopping Center – 1657 The Fairway
Full Address:

Overview: The applicant proposes construction of a 244-unit apartment building with an associated parking garage and an access driveway crossing through the shopping center. stormwater management, lighting, and landscaping are proposed for the site itself. In addition, the shopping center parking lot will be reconfigured and landscaped and improvements are proposed to The Fairway to improve pedestrian and vehicular movements.

Requested Waivers:

See Attached Bohler Letter dated December 17, 2019.

PLANNING COMMISSION COMMENTS AND RECOMMENDATIONS:

The Planning Commission recommends approval of the waivers that were submitted.

Conditions:

Planning Commission recommended approval of Baederwood Residential Partners, LP land development application subject to:

1. Compliance with Fire Marshal's review letter dated August 1, 2019;
2. Compliance with stormwater management requirements;
3. Provide updated plan showing existing features on the adjacent Rydal Waters property; specifically, the roadway as well as existing features of the Noble Center on the western side and a path connection from Rydal Waters to this development;
4. Plan should provide a pedestrian access pathway to the dog park.

APPROVED

DENIED

VOTE: 9 OF 0

Signature: _____

Maria Nijesta

Date: _____

01-29-2020



1515 Market Street, Suite 920
Philadelphia, PA 19102
267.402.3400

February 3, 2020
Via: FedEx

Abington Township
1176 Old York Road
Abington, PA 19001

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

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.

Should you have any questions or require any additional information, please do not hesitate to contact our office.

Sincerely,

BOHLER ENGINEERING, PA, LLC

A handwritten signature in black ink, appearing to read 'C. Dinoulis', enclosed within a hand-drawn, irregular loop.

Christos N. Dinoulis
Associate

APPLICATION FOR SUBDIVISION/LAND DEVELOPMENT

TO BE COMPLETED BY THE TOWNSHIP	
Submission Information:	
Application Number: <u>LD-19-09</u>	File Date: <u>7/25/19</u>
Project Title: <u>Baldenwood Shipping Center</u>	Date Complete: <u>7/25/19</u>
Received By: <u>MAX</u>	90 Day Date: <u>11/18/19 / 1/17/20</u>
	Ward No. <u>7</u>

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

I. CONTACT INFORMATION

**Applicant
Information**

Baederwood Residential Partners, LP
Name
1301 Lancaster Avenue, Berwyn, PA 19312
Address
610-727-6023 610-640-9058
Phone Fax
jbladel@brandolinicompanies.com
Email Address

**Property
Owners
Information
(if different
than applicant)**

Name
Address
Phone Fax
Email Address

**Architect/
Planner**

Minno & Wasko
Name
80 Lambert Lane Lambertville, NJ 08530
Address
609-397-9009 609-397-9399
Phone Fax
dminno@minnowasko.com
Email Address

**Engineer/
Surveyor**

Cornelius Brown, P.E.
Name
1515 Market Street, Suite 920, Philadelphia, PA 19102
Address

**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

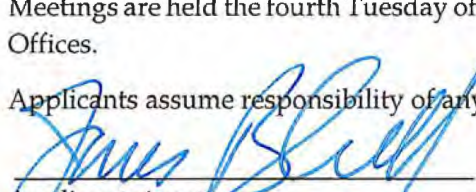
*Please be advised that if any variances are found to be necessary during the course of the review of this plan, you will be required to go to the Zoning Hearing Board prior to proceeding to the Planning Commission. In addition, you will be requested to grant the Township a waiver to the 90-day action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

6/24/19
Date

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

IV. WAIVERS

List of Requested Waivers: Attach separate sheet if required.

Section/Requirement:

Relief Requested:

_____	_____
_____	_____
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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
- 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

6/24/19

Date

Signature of Property Owner (if different than applicant)

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




Boucher & James, Inc.
CONSULTING ENGINEERS

AN EMPLOYEE OWNED COMPANY
INNOVATIVE ENGINEERING

Fountainville Professional Building
1456 Ferry Road, Building 500
Daylesstown, 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
Barlonsville, PA 18321

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

www.bjengineers.com

February 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. 4
ABINGTON TOWNSHIP, MONTGOMERY COUNTY, PENNSYLVANIA
PROJECT NO. 1926013R**

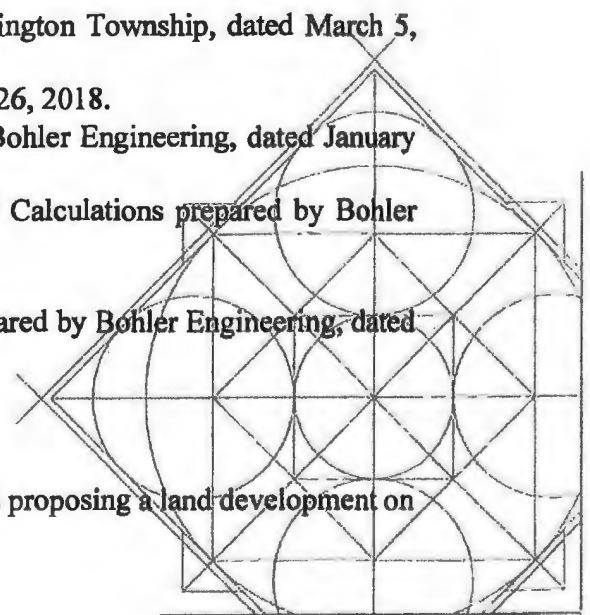
Dear Mr. Manfredi:

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

- Transmittal letter prepared by Bohler Engineering, dated February 3, 2020.
- Response letter prepared by Bohler Engineering, dated February 3, 2020.
- Waiver Request letter prepared by Bohler Engineering, dated February 3, 2020.
- 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.
- Erosion & Sediment Control Plan Narrative prepared by Bohler Engineering, dated January 14, 2020.
- General Project Description and Stormwater Management Calculations prepared by Bohler Engineering, dated January 14, 2020.
- Building Plans dated November 19, 2018.
- Preliminary/Final Land Development Plan (68 sheets) prepared by Bohler Engineering, dated July 1, 2019, revised January 14, 2020.

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 January 6, 2020, 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) were requested and recommended for approval by the Township Planning Commission at its meeting held on January 28, 2020.***
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) was requested and recommended for approval by the Township Planning Commission at its meeting held on January 28, 2020.***
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 3) 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.J, a narrative describing recreation facilities in the proposed open space areas shall be submitted. ***(Previous Comment 7) 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.***
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 8) This comment has been acknowledged. The response indicates a construction cost estimate will be provided.*

6. 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 10) No approval from the Fire Marshal has been received by this office to date.*
7. 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 11) Section 146-35.C.(2) requires ductile iron pipe and PVC pipe is proposed. A waiver from Section 146-35.C.(2) was requested for the pipe material and was recommended for approval by the Township Planning Commission at its meeting held on January 28, 2020.*

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.

8. 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. *(Previous Comment 12) All correspondence with and approvals from the County Conservation District and PADEP must be provided to the Township.*
9. 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 16) This comment has been acknowledged. The response indicates a cost estimate will be submitted.*
10. In accordance with Sections 702.A and 704, an operation and maintenance plan and agreement must be provided. *(Previous Comment 17) This comment has been acknowledged.*

MISCELLANEOUS COMMENTS

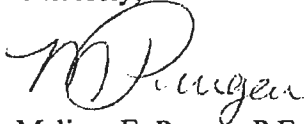
11. All comments received from the traffic engineer, shade tree commission, and fire marshal must be addressed to their satisfaction. *(Previous Comment 20)*

We have no further engineering related comments. We recommend the above remaining comments be addressed to the satisfaction of Abington Township prior to approval of the proposed Land Development Plan.

Mr. Richard Manfredi, Manager – Abington Township
Redstone at Baederwood Residential Dev. Prelim/Final Land Development Plan Review No. 4
February 6, 2020
Page 4 of 4

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
Baederwood Residential Partners, L.P. – Applicant/Property Owner
Cornelius Brown, P.E., Bohler Engineering – Applicant's Engineer
Michael Narcowich, Montgomery County Planning Commission

S:\2019\1926013R\Documents\Correspondence\Review Letters\Baederwood_LD.Plan_Review.No.4.docx

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**

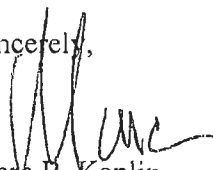
Mark Penecale
Planning and Zoning Official
Abington Township
1176 Old York Road
Abington, PA 19001

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



Boucher & James, Inc.
CONSULTING ENGINEERS

AN EMPLOYEE OWNED COMPANY

INNOVATIVE ENGINEERING

Fountainville Professional Building
1456 Ferry Road, Building 500
Daylestown, 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

February 6, 2020

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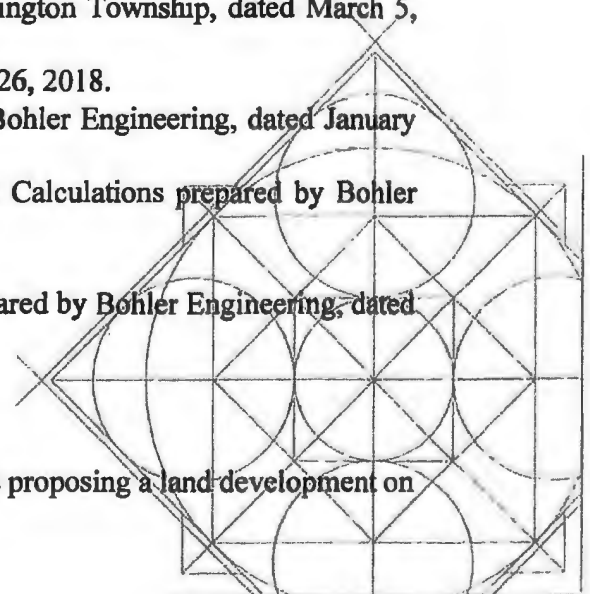
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Based on our review of the above information and our previous letter dated January 6, 2020, we offer the following comments and/or recommendations for your consideration.

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) were requested and recommended for approval by the Township Planning Commission at its meeting held on January 28, 2020.*
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) was requested and recommended for approval by the Township Planning Commission at its meeting held on January 28, 2020.*
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 3) 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.J, a narrative describing recreation facilities in the proposed open space areas shall be submitted. *(Previous Comment 7) 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.*
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 8) This comment has been acknowledged. The response indicates a construction cost estimate will be provided.*

6. 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 10) No approval from the Fire Marshal has been received by this office to date.*
7. 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 11) Section 146-35.C.(2) requires ductile iron pipe and PVC pipe is proposed. A waiver from Section 146-35.C.(2) was requested for the pipe material and was recommended for approval by the Township Planning Commission at its meeting held on January 28, 2020.*

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.

8. 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. *(Previous Comment 12) All correspondence with and approvals from the County Conservation District and PADEP must be provided to the Township.*
9. 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 16) This comment has been acknowledged. The response indicates a cost estimate will be submitted.*
10. In accordance with Sections 702.A and 704, an operation and maintenance plan and agreement must be provided. *(Previous Comment 17) This comment has been acknowledged.*

MISCELLANEOUS COMMENTS


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

We have no further engineering related comments. We recommend the above remaining comments be addressed to the satisfaction of Abington Township prior to approval of the proposed Land Development Plan.

Mr. Richard Manfredi, Manager – Abington Township
Redstone at Baederwood Residential Dev. Prelim/Final Land Development Plan Review No. 4
February 6, 2020
Page 4 of 4

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
Baederwood Residential Partners, L.P. – Applicant/Property Owner
Cornelius Brown, P.E., Bohler Engineering – Applicant's Engineer
Michael Narcowich, Montgomery County Planning Commission

S:\2019\1926013R\Documents\Correspondence\Review Letters\Baederwood_LD.Plan_Review.No.4.docx



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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:

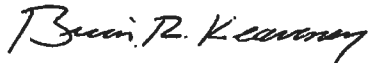
1. We concur with the recommendations within the traffic study regarding modifications to the existing intersections in the study area, which include:
 - a. Old York Road (SR 0611) & The Fairway/Harte Road – Provide optimized traffic signal timing during the weekday PM and weekend peak hours. We recommend 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

February 26, 2020

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 #4**

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. Preliminary/Final Land Development Plans for Baederwood Shopping Center as prepared by Bohler Engineering, dated July 1, 2019, last revised December 16, 2019 consisting of sixty-five (65) sheets.
2. Traffic Permit/System Plans prepared by Traffic Planning and Design Inc, dated December 19, 2019 consisting of three (3) sheets out of the Roadway Plan set.
3. Traffic Signal Design Study, prepared by Traffic Planning and Design Inc, dated December 18, 2019.

Background:

Based upon previous reviews, the applicant has agreed to provide the following traffic related improvements along the Fairway.

1. 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.
2. 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.
3. 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;
4. The Fairway & Eastern/Central Shopping Center Driveway – Install a new traffic signal with ADA compliant pedestrian crossing facilities.

5. The Fairway & Eastern Shopping Center Driveway – Revise the existing full-movement driveway to a right-in/right-out driveway.
6. 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.

In addition, as the study indicates that the development will impact the intersection of The Fairway and Rydal Road during the weekday afternoon peak hour, we had previously requested that the applicant identify if any mitigation measures are feasible at this location. Table 9 from the applicant's Traffic Impact Study, which was discussed at the January 28th planning commission meeting is attached. The applicant's engineer offered the following additional information regarding this intersection:

While TPD agrees the proposed development will add additional traffic to the intersection of The Fairway and Rydal Road, the amount of traffic proposed to travel through this intersection, per the analysis completed, is less than 30 vehicles in any of the peak hours analyzed, or 1 new trip every 2 minutes. As part of a larger redevelopment plan proposed for the existing Baederwood Shopping Center in 2006/2007, the Township had requested the Applicant to review the subject intersection and offer potential improvements which would address some of the then current operational issues, as well as those created by the overall redevelopment plan, which proposed 3-4 times the amount of traffic being proposed as part of current residential proposal. At that time, it was determined that based on the configuration/operation of the subject intersection (which has not changed to date), the only potential improvement that could provide a benefit was the re-alignment of Rydal Road/Valley Road into The Fairway/Rydal Road (opposite of what exists today) and signalization. However, while there were improvements to the operation of The Fairway approach to Rydal Road, there were degradations to the Rydal Road/Valley Road approach to The Fairway. Furthermore, these improvements would require a complete reconstruction of the intersection and the installation of a traffic signal, both involving significant costs. Based on the results of this TIS, the Proposed Site meets the PennDOT ILOS Standards when including the projected volumes associated with the residential component of the property. It should be noted that the Applicant is providing significant access and pedestrian improvements along the Fairway which will improve traffic flow, and more importantly, safety. It is TPD's opinion the proposed improvements along The Fairway outweigh the impact of the Proposed Development at the intersection of The Fairway and Rydal Road and any additional improvements at the intersection, including the improvements discussed in 2006/2007 as part of a much larger development project, fall outside of the scope of the currently proposed project.

Land Development Comments:

1. The fire truck maneuverability diagram appears to show encroachment into the opposing lane when entering the site driveway. The maneuverability entering the site and within the site should be reviewed and approved by the Township Fire Marshal.

Traffic Signal Permit/System Plan Comments:

2. The Fairway at Western Shopping Center Driveway – The MST Diagram should include an operation note for Pedestrian Heads 11 & 12 when Phase 2+5 is followed by 2+6.
3. The Fairway at Eastern/Central Shopping Center Driveway – The Pre-emption notes for the yellow trap condition should indicate (2 and 4) in place of (2+5).
4. Both signal plans should include 11" Hand/Man/Countdown symbols for the pedestrian heads.

5. The specifications for the new signal equipment should be coordinated with and reviewed by the Public Works Department.

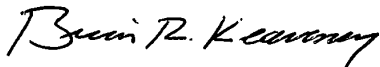
Traffic Signal Design Study Comments:

6. Based on the Left Turn Signalization Documentation provided for the intersection of The Fairway and the Eastern/Central Shopping Center Driveway, the eastbound PM Peak and Saturday Peak appear to meet the required conflict factor for Protected/Permitted phasing. This analysis should be clarified in the report. Additionally, the eastbound left-turn lane at this intersection should be lengthened in accordance with PennDOT guidelines.
7. Provide electronic SYNCHRO files for review.

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

Sincerely,

PENNONI ASSOCIATES INC.



Brian R. Keaveney, PE, PTOE
Transportation Division

cc: Amy Montgomery, PE, Director of Engineering & Code Services
John J. Rohrer, Township Fire Marshal
Matthew Hammond, PE, Traffic Planning and Design, Inc
Angela Garland, PE, PTOE, Pennoni

**TABLE 9
LEVEL OF SERVICE DELAY (SECONDS) SUMMARY**

Intersection	Movement	Weekday AM					Weekday PM					SAT Midday				
		2018 Exist.	2022				2018 Exist.	2022				2018 Exist.	2022			
			Base	Proj.	Proj. ¹	Proj. ²		Base	Proj.	Proj. ¹	Proj. ²		Base	Proj.	Proj. ¹	Proj. ²
Route 611 (S.R. 0611) & The Fairway/Harte Road	EBL															
	EBT	E	E	E	--	--	E	E	E	E	--	E	E	E	E	--
	EBR															
	WBL	D	D	D	--	--	D	D	D	D	--	D	D	D	D	--
	WBT															
	WBR	D	D	D	--	--	E	E	E	E	--	E	E	E	E	--
	NBL	E	E	E	--	--	E	E	E	E	--	E	E	E	E	--
	NBT	C	C	C	--	--	C	D	D	D	--	D	D	D	D	--
	NBR	A	A	A	--	--	A	A	A	A	--	A	A	A	A	--
	SBL	E	E	E	--	--	F (230.6)	F (109.2)	F (178.2)	E	--	F (295.2)	F (192.1)	F (213.1)	F (185.0)	--
	SBT															
	SBR	B	B	B	--	--	C	C	C	C	--	C	C	C	C	--
ILOS	C (26.1)	C (26.8)	C (27.9)	--	--	D (42.5)	D (42.3)	D (46.7)	D (45.9)	--	D (49.5)	D (50.5)	D (54.4)	D (53.7)	--	
Susquehanna Road (S.R. 2017) & Rydal Road/Valley Road	EBL	D	D	D	--	--	D	D	D	--	--	C	C	C	C	--
	EBT	C	C	C	--	--	C	C	C	--	--	B	B	B	B	--
	EBR	B	B	B	--	--	B	B	B	--	--	B	B	B	B	--
	WBL	C	C	C	--	--	C	C	C	--	--	C	C	C	C	--
	WBT	C	C	C	--	--	C	C	C	--	--	B	B	B	C	--
	WBR	C	C	C	--	--	B	B	B	--	--	B	B	B	B	--
	NBL	B	B	B	--	--	B	C	C	--	--	B	C	C	C	--
	NBT	C	D	D	--	--	C	D	D	--	--	C	C	C	C	--
	NBR	A	A	A	--	--	A	A	A	--	--	A	A	A	A	--
	SBL	B	C	C	--	--	C	C	C	--	--	B	B	B	B	--
	SBT															
	SBR	C	C	C	--	--	C	C	C	--	--	C	C	C	C	--
ILOS	C (26.7)	C (28.2)	C (28.3)	--	--	C (25.9)	C (28.0)	C (28.4)	--	--	C (21.0)	C (21.9)	C (22.1)	C (24.8)	--	
The Fairway & Rydal Road	EBL	A	A	A	--	--	A	A	A	--	--	A	A	A	--	--
	WBL	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
	NBL	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
	NBT	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
	SBL	C	C	D	--	--	F (59.1)	F (72.2)	F (86.8)	--	--	C	C	C	--	--
	SBR	A	A	A	--	--	B	B	B	--	--	A	A	A	--	--
ILOS	A (9.8)	B (10.5)	B (12.1)	--	--	C (26.8)	D (32.8)	E (39.5)	--	--	B (10.6)	B (11.2)	B (12.0)	--	--	
The Fairway & Left-Turns From Rydal Road	NBL	B	B	B	--	--	B	B	B	--	--	B	B	B	--	--
	ILOS	A (1.3)	A (1.3)	A (1.3)	--	--	A (1.3)	A (1.3)	A (1.3)	--	--	A (1.2)	A (1.2)	A (1.2)	--	--
The Fairway & Noble Center Driveway	EBL	A	B	B	B	B	B	B	B	B	B	B	B	B	B	B
	SBL															
	SBR	B	B	B	B	B	C	C	C	C	C	C	C	C	C	C
ILOS	A (0.6)	A (0.6)	A (0.7)	A (0.7)	A (0.7)	A (1.6)	A (1.6)	A (1.8)	A (1.8)	A (1.8)	A (2.8)	A (2.9)	A (3.1)	A (3.1)	A (3.0)	

Base = No-Build scenario Projected = Build scenario

ILOS = Overall Intersection Level of Service; Unsignalized ILOS calculated in accordance with Figure 5 of Policies and Procedures for Transportation Impact Studies.

¹= Projected conditions with implementation of recommended improvements, Traffic Signal at Western Baederwood Driveway

²= Projected conditions with implementation of recommended improvements, Traffic Signal at Western Baederwood Driveway and Eastern Central Baederwood Driveway

TABLE 9 (CONTINUED)
LEVEL OF SERVICE DELAY (SECONDS) SUMMARY

Intersection	Movement	Weekday AM					Weekday PM					SAT Midday				
		2018 Exist.	2022				2018 Exist.	2022				2018 Exist.	2022			
			Base	Proj.	Proj. ¹	Proj. ²		Base	Proj.	Proj. ¹	Proj. ²		Base	Proj.	Proj. ¹	Proj. ²
The Fairway & Western Driveway	EBL	--	--	B	A	A	--	--	B	B	A	--	--	B	B	A
	WBR	--	--	--	A	A	--	--	--	A	A	--	--	--	A	A
	SB	B	B	C	C	C	B	B	F (110.1)	C	C	B	B	F (159.9)	C	C
	ILOS	A (0.2)	A (0.2)	A (2.7)	A (6.1)	A (4.5)	A (0.5)	A (0.5)	B (11.4)	B (10.4)	A (7.1)	A (0.7)	A (0.7)	C (26.5)	B (11.8)	A (8.4)
The Fairway & Western Central Driveway	EBL	B	B	A	A	A	B	B	A	A	A	B	B	A	A	A
	WBL	A	A	A	A	A	A	A	A	A	B	A	A	A	A	A
	NB	B	B	B	A	A	B	B	B	B	B	B	B	B	B	B
	SB	B	B	B	B	B	C	C	B	B	B	C	D	B	B	B
	ILOS	A (1.7)	A (1.6)	A (0.6)	A (0.6)	A (0.5)	A (2.8)	A (2.9)	A (1.2)	A (1.2)	A (1.0)	A (4.1)	A (4.3)	A (0.7)	A (0.7)	A (0.6)
The Fairway & Eastern Central Driveway	EBL	B	B	B	B	A	B	B	B	B	A	B	B	B	B	A
	EBT	--	--	--	--	A	--	--	--	--	A	--	--	--	--	A
	WBTR	--	--	--	--	A	--	--	--	--	A	--	--	--	--	A
	SB	B	B	C	C	C	C	C	F (57.5)	F (57.5)	C	C	C	E	E	C
	ILOS	A (1.3)	A (1.3)	A (1.8)	A (1.8)	A (5.2)	A (3.4)	A (3.5)	B (12.1)	B (12.1)	A (8.8)	A (3.2)	A (3.3)	A (8.4)	A (8.4)	A (9.0)
The Fairway & Eastern Driveway	EBL	A	A	A	--	--	B	B	A	--	--	A	B	A	--	--
	SB	B	B	B	--	--	C	C	B	--	--	C	C	B	--	--
	ILOS	A (0.5)	A (0.5)	A (0.0)	--	--	A (2.1)	A (2.1)	A (0.1)	--	--	A (2.6)	A (2.7)	A (0.3)	--	--

Base = No-Build scenario Projected = Build scenario

ILOS = Overall Intersection Level of Service; Unsignalized ILOS calculated in accordance with Figure 5 of Policies and Procedures for Transportation Impact Studies.

¹= Projected conditions with implementation of recommended improvements, Traffic Signal at Western Baederwood Driveway

²= Projected conditions with implementation of recommended improvements, Traffic Signal at Western Baederwood Driveway and Eastern Central Baederwood Driveway

95TH PERCENTILE QUEUE ANALYSIS

Queue analyses were conducted at the study area intersections using *Synchro 10* software. For this analysis, the 95th percentile queue is defined as the queue length that is exceeded in 5% of the signal cycles. As an example, for a signal with a 90-second cycle, this means that the 95th percentile queue length will be exceeded during 2 of the 40 signal cycles that occur during the peak hour. The queue analysis results are summarized in **Table 10** for the analyzed peak hours.

**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
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FAX: 610-278-3941 • TDD: 610-631-1211
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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)
Situate: 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 final letter.

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

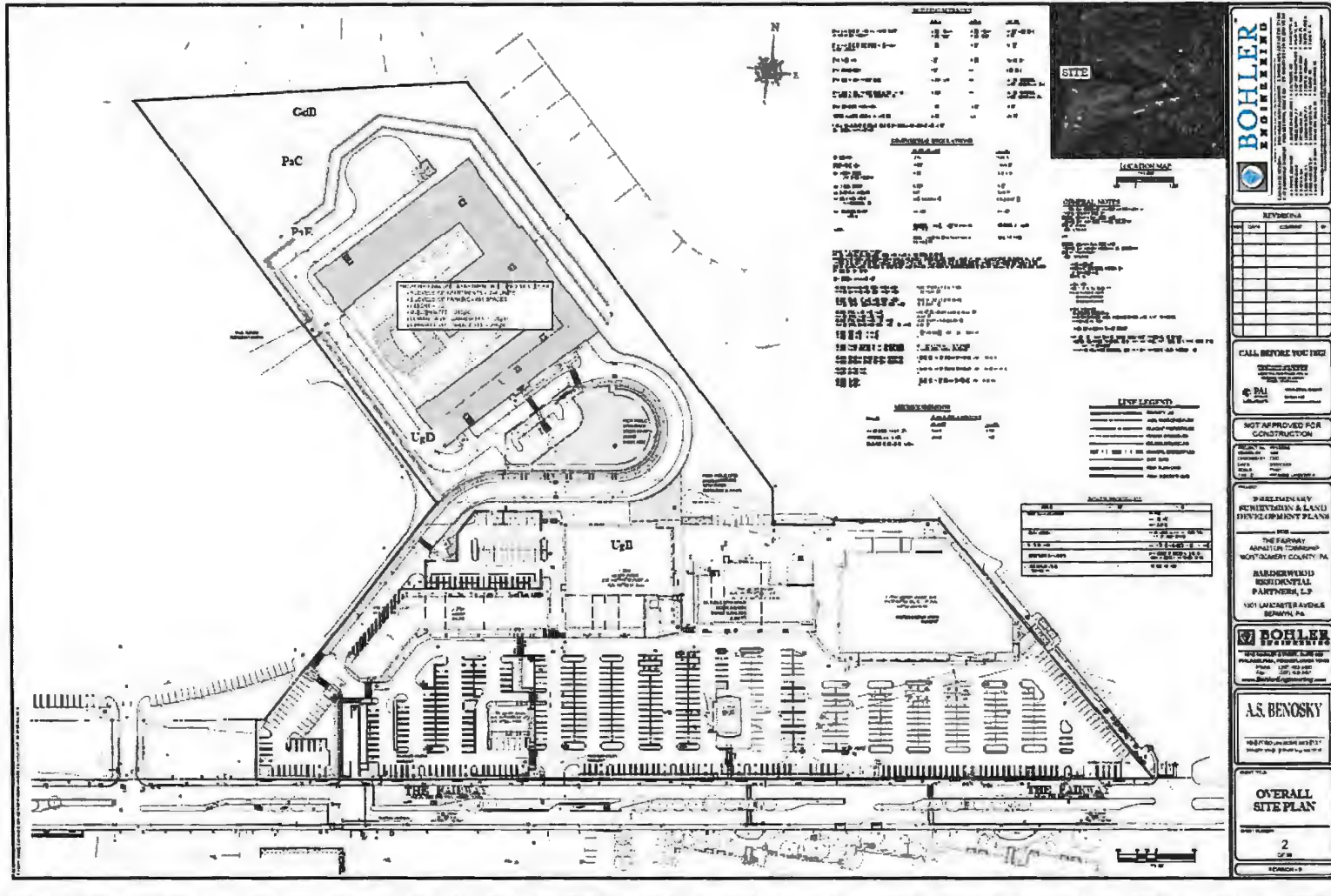
c: Baederwood Residential Partners, LP, Applicant
Bohler Engineering PA, LLC, Applicant's Representative
Amy Montgomery, P.E., Township Engineer
Michael P. Clarke, Esq., Rudolph Clarke, LLC, Township Solicitor

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

Aerial Image, Project Site



Site Plan



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



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

November 19, 2019

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.

RECEIVED
DEC 24 2019

BY:

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.

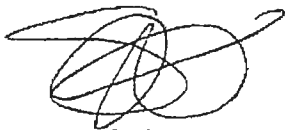
A Notice of Appeal form and the Board's rules of practice and procedure may be obtained online at <http://ehb.courtapps.com> or by contacting the Secretary to the Board at 717-787-3483. The Notice of Appeal form and the Board's rules are also available in braille and on audiotape from the Secretary to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

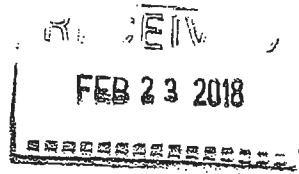
Domestic water and fire service is available to this property, and will be provided in accordance with Aqua Pennsylvania, Inc. Rules and Regulations. For further details, visit www.aquaamerica.com.

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



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,

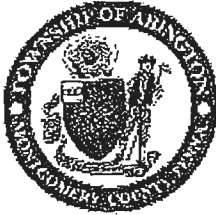
I am pleased to inform you that at the stated meeting of the Zoning Hearing Board of the Township of Abington the application you presented for Baederwood Residential Partners, L.P. for the property known as Baederwood Shopping Center and the vacant 8 acre parcel was approved without condition.

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

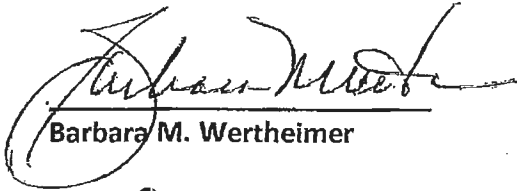
CONDITION(S)

Gertrude H. Hackney, Esq. Chairperson

Aye:
 Nay:

John DiPrimio, Vice Chairperson

Aye:
 Nay:


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.



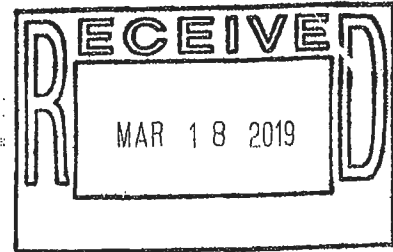
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DEC 24 2019

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.

1. 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 McMahon, of 1046 Huntingdon Road, spoke neither in favor of nor in opposition to the Application. Mr. McMahon 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

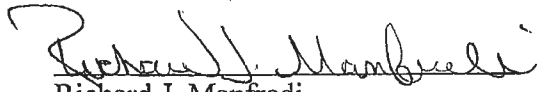
1. The Applicant agreed to the imposition of the following conditions of approval:
 - a. The Applicant shall reimburse the Township for any and all expenses, without exception, incurred by the Township relating to an emergency access to and from the Rear Parcel, including, without limitation, expenses 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.

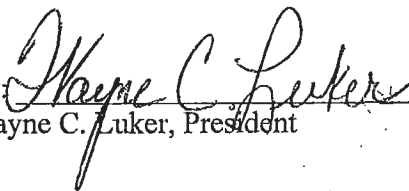
CONCLUSION

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:

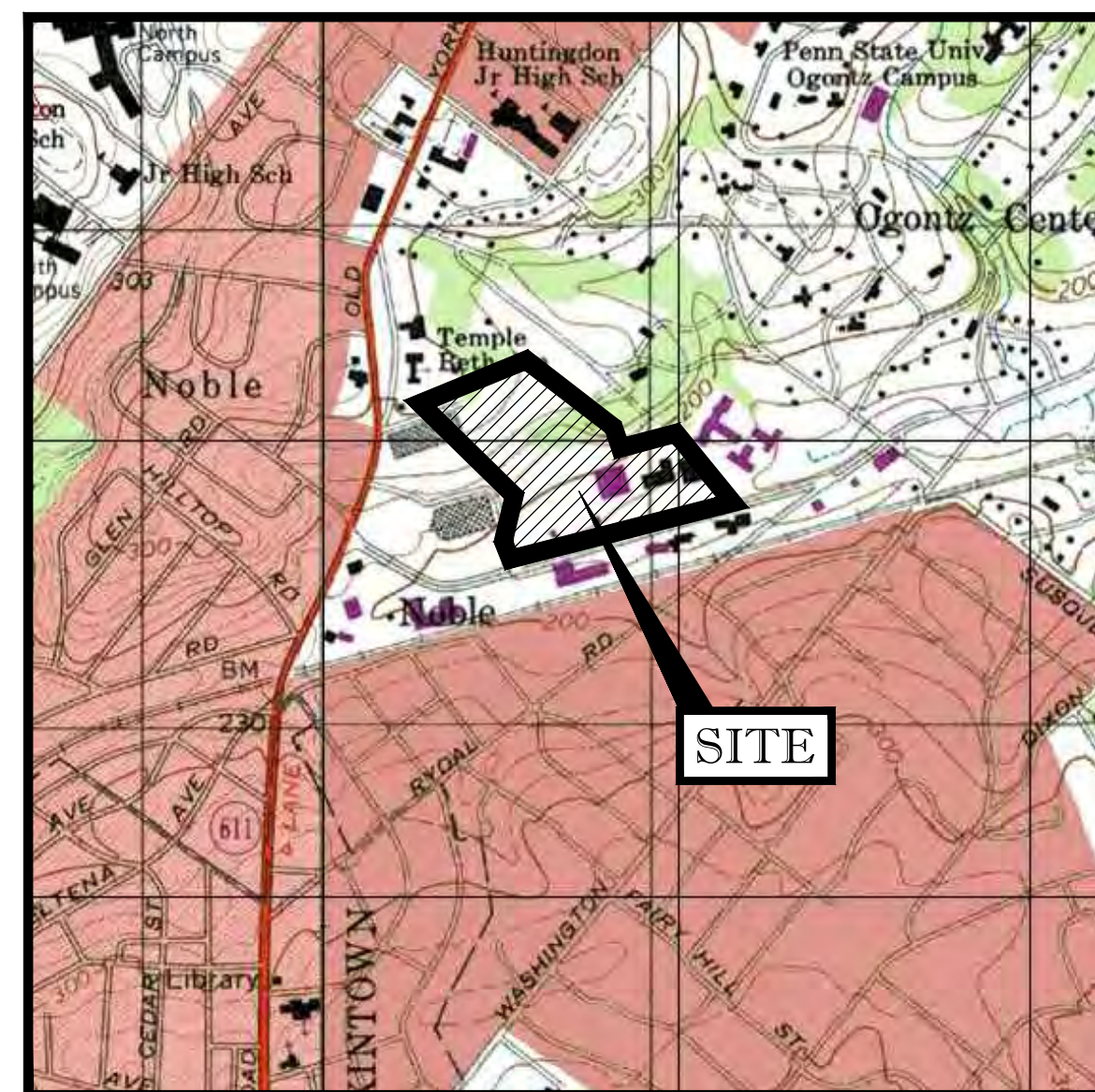

Richard J. Manfredi,
Township Manager & Secretary

By: 
Wayne C. Luker, President

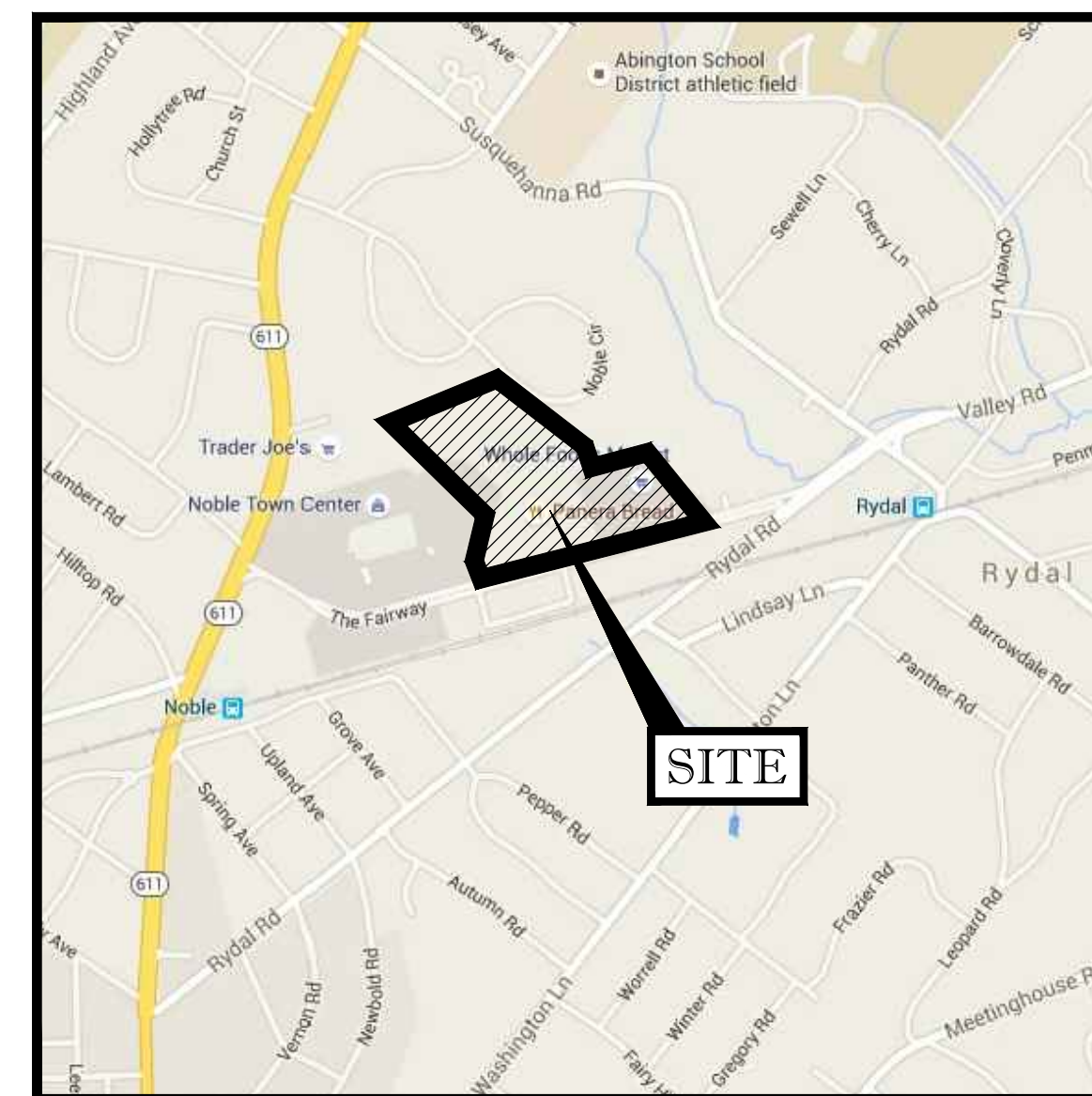
PROPOSED REDSTONE AT BAEDERWOOD PRELIMINARY/FINAL LAND DEVELOPMENT PLANS

SITUATED IN:
**BAEDERWOOD SHOPPING CENTER
ABINGTON TOWNSHIP
MONTGOMERY COUNTY, PA 19046**

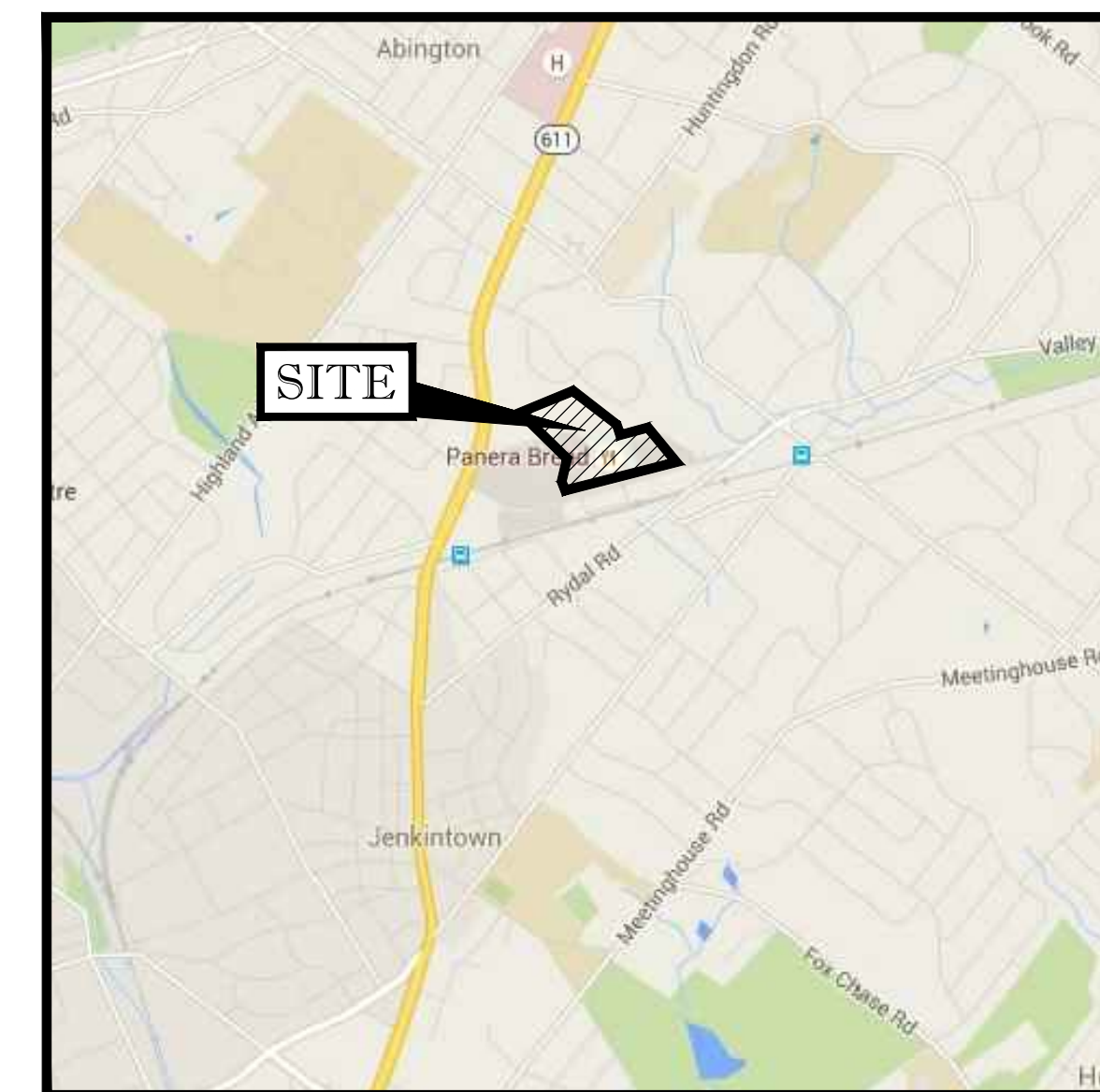
DEVELOPED BY:
**BAEDERWOOD RESIDENTIAL PARTNERS, L.P.
1301 LANCASTER AVENUE, BERWYN, PA**



USGS MAP
(FRANKFORD QUAD)
1"=1,000'
500' 0 1,000'



LOCATION MAP
1"=1,000'
500' 0 1,000'



VICINITY MAP
1"=2,000'
1,000' 0 2,000'

LIST OF DRAWINGS

1	COVER SHEET*
2	OVERALL SITE PLAN*
3-5	SITE PLAN (A-C)*
6	OVERALL EXISTING CONDITIONS PLAN
7-9	EXISTING CONDITION PLAN (A-C)
10	OVERALL GRADING PLAN
11-13	GRADING PLAN (A-C)
14	OVERALL UTILITY PLAN
15-17	UTILITY PLAN (A-C)
18	OVERALL EROSION & SEDIMENT CONTROL PLAN PHASE 1
19-21	EROSION & SEDIMENT CONTROL PLAN (A-C) PHASE 1
22	OVERALL EROSION & SEDIMENT CONTROL PLAN PHASE 2
23-25	EROSION & SEDIMENT CONTROL PLAN (A-C) PHASE 2
26	OVERALL EROSION & SEDIMENT CONTROL PLAN PHASE 3
27-29	EROSION & SEDIMENT CONTROL PLAN (A-C) PHASE 3
30-30a	EROSION & SEDIMENT CONTROL NOTES
31-31a	EROSION & SEDIMENT CONTROL DETAILS
32	OVERALL LIGHTING PLAN*
33-35a	LIGHTING PLAN (A-C)*
36	OVERALL LANDSCAPE PLAN*
37-39	LANDSCAPE PLAN (A-C)*
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41-43	DETAILS
44	NOTES
45	VEHICLE CIRCULATION PLAN
46	OVERALL PRE-DEVELOPMENT DRAINAGE AREA PLAN
47	OVERALL POST-DEVELOPMENT DRAINAGE AREA PLAN
48	OVERALL INLET DRAINAGE AREA PLAN
49-52	INLET DRAINAGE AREA PLAN (A-C)
53	OVERALL POST CONSTRUCTION STORMWATER MANAGEMENT PLAN*
54-56	POST CONSTRUCTION STORMWATER MANAGEMENT PLAN (A-C)*
57	POST CONSTRUCTION STORMWATER MANAGEMENT NOTES*
58-58a	POST CONSTRUCTION STORMWATER MANAGEMENT DETAILS*
59	PAVING PLAN
60	EASEMENT PLAN
61-63	PROFILES
64-65	ADA GRADING DETAILS
	* TO BE RECORDED

**LIST OF VARIANCES GRANTED AND CONDITIONS OF APPROVAL
BY THE ABINGTON TOWNSHIP ZONING HEARING BOARD
(APPLICATION 17-07)**

*SECTION 504.6.H
*SECTION 504.8.B.2.B
*SECTION 504.8.C.2.D
*SECTION 504.8.C.2.F
*SECTION 504.8.E.2
*SECTION 504.8.G.3.C
SECTION 902.1.A:
1. CONSTRUCT REQUIRED CROSSWALKS FROM BUILDING TO BUILDING AND SIDEWALK TO THE STREET AND TO ADJOINING PROPERTIES; PROVIDE THE REQUIRED BICYCLE RACKS; PROVIDE THE REQUIRED SCREENING OF ALL LOADING AND SERVICE AREAS; PROVIDE THE REQUIRED PARKING LOT LANDSCAPING; PROVIDE THE REQUIRED LANDSCAPING BENCHES, TRASH CANS, PLANTERS AND BIKE RACKS COMPLY WITH THE DESIGN STANDARDS SET FORTH IN SECTION 504.8.C.2.G,H,I,J,K,L.
*EVIDENCE DEMONSTRATES THAT THE REQUESTED VARIANCES ARE DE MINIMIS IN NATURE AND WOULD NOT ALTER THE ESSENTIAL CHARACTER OF THE NEIGHBORHOOD.

**CONDITIONAL USE CONDITIONS OF APPROVAL BY THE ABINGTON
TOWNSHIP BOARD OF COMMISSIONERS**

1. A WAIVER FROM SECTION 504.3.D - TO PERMIT A TRANSIT ORIENTED DEVELOPMENT.

**LIST OF WAIVERS REQUESTED FROM SUBDIVISION AND LAND
DEVELOPMENT ORDINANCE**

1. A WAIVER FROM §146-11.4.4 - TO NOT PROVIDE TRACT BOUNDARY, LOT SIZE, TAX PARCEL NUMBER, NAME AND ADDRESS OF ALL PROPERTIES WITHIN 400 FEET OF THE SITE.
2. A WAIVER FROM §146-11.8.3 - TO NOT PROVIDE THE LOCATION OF PROPERTY LINES AND NAMES OF LANDOWNERS WITHIN 400 FEET OF ANY PART OF THE SITE.
3. A WAIVER FROM §146-11.8.7 - TO NOT PROVIDE THE LOCATION, SIZE, TYPE & OWNERSHIP OF UTILITIES WITHIN 400 FEET OF THE SITE.
4. A WAIVER FROM §146-35.C.2 - TO NOT PROVIDE 8" DUCTILE IRON PIPE FOR USE IN SANITARY LATERALS.

(), ON THIS DATE (), HAS REVIEWED AND HEREBY CERTIFIES THAT THE SWM SITE PLAN MEETS ALL DESIGN STANDARDS AND CRITERIA OF THE MUNICIPAL ORDINANCE NO. ().
MUNICIPAL OFFICIAL SIGNATURE _____

I, (), ON THIS DATE (), HEREBY CERTIFY THAT THE DRAINAGE PLAN MEETS ALL REQUIREMENTS OF THE DEPARTMENT OF ENVIRONMENTAL PROTECTION'S (DEP'S) REGULATIONS AND THIS CHAPTER.
DESIGN ENGINEER SIGNATURE _____

ANY REVISION TO THE APPROVED DRAINAGE PLAN MUST BE APPROVED BY THE MUNICIPALITY, AND THAT A REVISED EROSION AND SEDIMENT CONTROL PLAN MUST BE SUBMITTED TO THE MUNICIPALITY OR CONSERVATION DISTRICT FOR APPROVAL.
APPLICANT SIGNATURE _____

OWNER'S CERTIFICATION

I HEREBY CERTIFY THAT BAEDERWOOD RESIDENTIAL PARTNERS, L.P. IS THE REGISTERED OWNER OF THE LAND HEREIN SUBDIVIDED OR DEVELOPED AND THAT THIS PLAN IS HEREBY ADOPTED.
BY: BAEDERWOOD RESIDENTIAL PARTNERS, L.P.
COMMONWEALTH OF PENNSYLVANIA
COUNTY OF MONTGOMERY
ON THE _____ DAY OF _____, A.D. 2019.
BEFORE ME, THE SUBSCRIBER, A NOTARY PUBLIC OF THE COMMONWEALTH OF PENNSYLVANIA, RESIDING IN _____, PERSONALLY APPEARED _____, WHO ACKNOWLEDGED HIMSELF TO BE THE _____ OF BAEDERWOOD RESIDENTIAL PARTNERS, L.P., BEING AUTHORIZED TO DO SO, HE EXECUTED THE FOREGOING PLAN AND BY SIGNING HE CONFIRMED THAT THE SAID LIMITED LIABILITY COMPANY IS THE OWNER OF _____, THAT ALL NECESSARY APPROVAL OF THE PLAN HAS BEEN OBTAINED AND IS ENDORSED THEREON, AND THAT SAID LIMITED LIABILITY COMPANY DESIRES THAT THE FOREGOING PLAN MAY BE DULY RECORDED.

NOTARY PUBLIC
MY COMMISSION EXPIRES _____

PLAN PREPARER'S STATEMENT

I HEREBY CERTIFY THAT THIS PLAN REPRESENTS A FIELD SURVEY MADE BY ME OR UNDER MY SUPERVISION, THAT ALL PROPERTY CORNERS ARE SET AS SHOWN HEREON, THAT ALL GEOMETRIC DETAILS AS SHOWN ARE CORRECT, AND THAT ALL LOTS OR TRACTS HAVE A BOUNDARY CLOSURE ERROR OF 1:10,000 OR BETTER.

JAMES C. WEED
PENNSYLVANIA PROFESSIONAL LAND SURVEYOR
PENNSYLVANIA LICENSE No.: SU075250
DATE _____

MCPC No.: 12-0194-001
PROCESSED and REVIEWED. Report prepared by Montgomery County Planning Commission in accordance with the Municipalities Planning Code.
Certified this date _____

Montgomery County Planning Commission

SHEETS 1-5, 32-40, 53-58a OF 65 OF THIS PLAN SET WILL BE CONSIDERED A COMPLETE RECORD PLAN SET FOR FILING PURPOSES IN THE MONTGOMERY COUNTY RECORDER OF DEEDS OFFICE.
NOTE:
SHEETS 6-31, 41-52, AND 59-65 INCLUSIVE, ON RECORD AT ABINGTON TOWNSHIP, SHALL BE CONSIDERED A PART OF THE APPROVED FINAL PLAN AS IF RECORDED WITH SAME.

APPROVALS

APPROVED BY THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF ABINGTON
THIS _____ DAY OF _____, 2019.

PRESIDENT
ATTEST _____ SECRETARY

ENGINEER
RECORDED IN THE OFFICE FOR THE RECORDING OF DEEDS, ETC., NORRISTOWN, PA. IN PLAN BOOK _____, PAGE NO. _____, ON _____, BY _____

BOHLER ENGINEERING
SITE CIVIL AND CONSULTING ENGINEERING ARCHITECTURE
SUSTAINABLE DESIGN PERMITTING SERVICES TRANSPORTATION SERVICES
LAND SURVEYING
• BALTIMORE, MD
• CHARLOTTE, NC
• CHICAGO, IL
• COLUMBIA, SC
• DALLAS, TX
• DENVER, CO
• HOUSTON, TX
• INDIANAPOLIS, IN
• JACKSONVILLE, FL
• KANSAS CITY, MO
• LOS ANGELES, CA
• MEMPHIS, TN
• MIAMI, FL
• MILWAUKEE, WI
• MINNEAPOLIS, MN
• NEW YORK, NY
• PHILADELPHIA, PA
• RICHMOND, VA
• SAN ANTONIO, TX
• TAMPA, FL
• WASHINGTON, DC
• WASHINGTON STATE
• WICHITA, KS
• WISCONSIN
• WYOMING

REVISIONS

REV	DATE	COMMENT	BY
1	10/09/2019	PER TOWNSHIP COMMENTS	AG
2	10/30/2019	PER NPDES SUBMISSION	AG
3	12/16/2019	PER TOWNSHIP COMMENTS	AG
4	1/14/2020	PER MCCD & TOWNSHIP COMMENTS	AG

CALL BEFORE YOU DIG!
PENNSYLVANIA LAW REQUIRES 3 WORKING DAYS NOTICE FOR CONSTRUCTION PHASE AND 10 WORKING DAYS IN DESIGN STAGE - STOP-CALL
PAI
1-800-242-1776
POCS SERIAL NUMBER
20163M1143

PROJECT No.: PP150555
DRAWN BY: AAG
CHECKED BY: CHD
DATE: 07/01/2019
SCALE: AS NOTED
CAD I.D.: PP150555 DETAILS-4

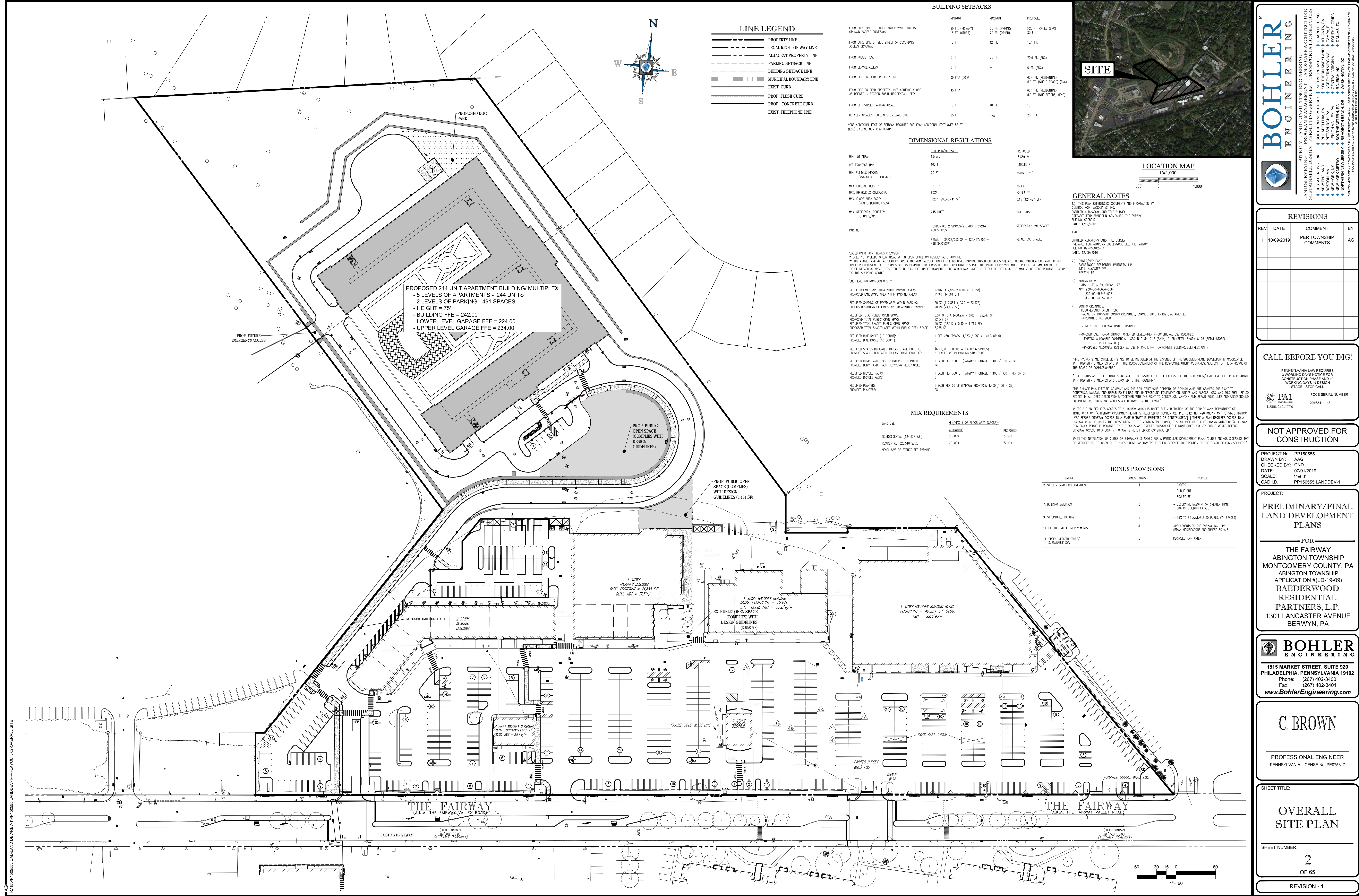
FINAL LAND DEVELOPMENT PLANS
FOR
**THE FAIRWAY
ABINGTON TOWNSHIP
MONTGOMERY COUNTY, PA
ABINGTON TOWNSHIP
APPLICATION #LD-19-09)
BAEDERWOOD
RESIDENTIAL
PARTNERS, L.P.
1301 LANCASTER AVENUE
BERWYN, PA**

BOHLER ENGINEERING
1515 MARKET STREET, SUITE 920
PHILADELPHIA, PENNSYLVANIA 19102
Phone: (267) 402-3400
Fax: (267) 402-3401
www.BohlerEngineering.com

C. BROWN
PROFESSIONAL ENGINEER
PENNSYLVANIA LICENSE No. PE075317

SHEET TITLE:
COVER SHEET
SHEET NUMBER:
1
OF 65
REVISION - 4

1515PP150555_CADLAND REVIEW-4 (NPDES REV.1, TWP REV.3)/PP150555 DETAILS-4 - LAYOUT-01-COVER



PROPOSED 244 UNIT APARTMENT BUILDING/ MULTIPLEX
 - 5 LEVELS OF APARTMENTS - 244 UNITS
 - 2 LEVELS OF PARKING - 491 SPACES
 - HEIGHT = 75'
 - BUILDING FFE = 242.00
 - LOWER LEVEL GARAGE FFE = 224.00
 - UPPER LEVEL GARAGE FFE = 234.00



LINE LEGEND

- PROPERTY LINE
- LEGAL RIGHT-OF-WAY LINE
- ADJACENT PROPERTY LINE
- - - - - PARKING SETBACK LINE
- - - - - BUILDING SETBACK LINE
- ▬ MUNICIPAL BOUNDARY LINE
- EXIST. CURB
- PROP. FLUSH CURB
- PROP. CONCRETE CURB
- EXIST. TELEPHONE LINE

BUILDING SETBACKS

	MINIMUM	MAXIMUM	PROPOSED
FROM CURB LINE OF PUBLIC AND PRIVATE STREETS OR MAIN ACCESS DRIVEWAYS:	20 FT. (PRIMARY) 16 FT. (OTHER)	25 FT. (PRIMARY) 20 FT. (OTHER)	25 FT. (W/RES) (ENC) 20 FT. (OTHER)
FROM CURB LINE OF SIDE STREET OR SECONDARY ACCESS DRIVEWAY:	10 FT.	12 FT.	10.1 FT.
FROM PUBLIC ROW:	0 FT.	25 FT.	70.6 FT. (ENC)
FROM SERVICE ALLEYS:	8 FT.	-	0 FT. (ENC)
FROM SIDE OR REAR PROPERTY LINES:	30 FT. (50%)	-	65.4 FT. (RESIDENTIAL) 5.9 FT. (W/RES) (ENC)
FROM SIDE OR REAR PROPERTY LINES ADJUTING A USE AS SHOWN IN SECTION OTHER RESIDENTIAL USES:	45 FT. *	-	66.1 FT. (RESIDENTIAL) 5.9 FT. (W/RES) (ENC)
FROM OFF-STREET PARKING AREAS:	10 FT.	10 FT.	10 FT.
BETWEEN ADJACENT BUILDINGS ON SAME SITE:	25 FT.	N/A	24.1 FT.

*SEE ADDITIONAL FOOT OF SETBACK REQUIRED FOR EACH ADDITIONAL FOOT OVER 45 FT. (ENC) EXISTING NON-COMFORMITY

DIMENSIONAL REGULATIONS

	REQUIRED/ALLOWABLE	PROPOSED
MIN. LOT AREA:	1.0 AC.	18,869 AC.
LOT FRONTAGE (MIN):	100 FT.	1,400.88 FT.
MIN. BUILDING HEIGHT (75% OF ALL BUILDINGS):	20 FT.	75.00 > 20'
MAX. BUILDING HEIGHT:	75 FT. *	75 FT.
MAX. IMPERVIOUS COVERAGE:	80%*	75.18% **
MAX. FLOOR AREA WITHIN NONRESIDENTIAL USES:	0.25* (205,483.41 SF)	0.15 (124,427 SF)
MAX. RESIDENTIAL DENSITY:	245 UNITS	244 UNITS
PARKING:	RESIDENTIAL: 2 SPACES/2 UNITS = 242/4 = 488 SPACES RETAIL: 1 SPACE/200 SF = 124,427/200 = 488 SPACES***	RESIDENTIAL: 491 SPACES RETAIL: 598 SPACES

MIX REQUIREMENTS

LAND USE	MINIMUM % OF FLOOR AREA (GROSS)	ALLOWABLE	PROPOSED
NONRESIDENTIAL (124,427 SF):	20-80%	20-80%	27.50%
RESIDENTIAL (326,510 SF):	20-80%	20-80%	72.50%

*BASED ON 8 POINT BONUS PROVISION
 ** DOES NOT INCLUDE GREEN ROOF WITHIN OPEN SPACE ON RESIDENTIAL STRUCTURE
 *** THE ABOVE PARKING CALCULATIONS ARE A MAXIMUM CALCULATION OF THE REQUIRED PARKING BASED ON GROSS SQUARE FOOTAGE CALCULATIONS AND DO NOT CONSIDER EXCLUSIONS OF CERTAIN SPACE AS PERMITTED BY TOWNSHIP CODE. APPLICANT RESERVES THE RIGHT TO PROVIDE MORE SPECIFIC INFORMATION IN THE FUTURE REGARDING AREAS PERMITTED TO BE EXCLUDED UNDER TOWNSHIP CODE WHICH MAY HAVE THE EFFECT OF REDUCING THE AMOUNT OF CODE REQUIRED PARKING FOR THE SHOPPING CENTER.
 (ENC) EXISTING NON-COMFORMITY
 REQUIRED LANDSCAPE AREA WITHIN PARKING AREAS: 10.00 (117,884 x 0.10 = 11,788)
 PROPOSED LANDSCAPE AREA WITHIN PARKING AREAS: 11.95 (14,081 x 0.10 = 1,408)
 REQUIRED SHADING OF PAVED AREA WITHIN PARKING: 20.75 (24,417 SF)
 PROPOSED SHADING OF LANDSCAPE AREA WITHIN PARKING: 20.75 (24,417 SF)
 REQUIRED TOTAL PUBLIC OPEN SPACE: 5.0% OF GFA (450,837 x 0.05 = 22,541 SF)
 PROPOSED TOTAL PUBLIC OPEN SPACE: 22,541 SF
 REQUIRED TOTAL SHADED PUBLIC OPEN SPACE: 30.0% (22,541 x 0.30 = 6,762 SF)
 PROPOSED TOTAL SHADED AREA WITHIN PUBLIC OPEN SPACE: 6,762 SF
 REQUIRED BIKE RACKS (10 COUNT): 1 PER 250 SPACES (1,083 / 250 = 4.3 OR 5)
 PROVIDED BIKE RACKS (10 COUNT): 5
 REQUIRED SPACES DEDICATED TO CAR SHARE FACILITIES: 2% (1,083 x 0.020 = 5.4 OR 6 SPACES)
 PROVIDED SPACES DEDICATED TO CAR SHARE FACILITIES: 6 SPACES WITHIN PARKING STRUCTURE
 REQUIRED BENCH AND TRASH RECYCLING RECEPTACLES: 1 EACH PER 100 SF (FARWAY FRONTAGE: 1,400 / 100 = 14)
 PROVIDED BENCH AND TRASH RECYCLING RECEPTACLES: 14
 REQUIRED BICYCLE RACKS: 1 EACH PER 300 SF (FARWAY FRONTAGE: 1,400 / 300 = 4.7 OR 5)
 PROVIDED BICYCLE RACKS: 5
 REQUIRED PLANTERS: 1 EACH PER 50 SF (FARWAY FRONTAGE: 1,400 / 50 = 28)
 PROVIDED PLANTERS: 28



GENERAL NOTES

- THIS PLAN REFERENCE DOCUMENTS AND INFORMATION BY: CONTROL POINT ASSOCIATES, INC. ENTITLED: ALABAMA LAND TITLE SURVEY PREPARED FOR: BRANDOLINI COMPANIES, THE FARWAY FILE NO. 02-000447-03 DATED: 4/29/2005 AND ENTITLED: ALA/NPS LAND TITLE SURVEY PREPARED FOR: GUARDIAN BAEDERWOOD LLC, THE FARWAY FILE NO. 02-000447-03 DATED: 12/09/2016
- OWNER/APPLICANT: BRANDOLINI RESIDENTIAL PARTNERS, L.P. 1301 LANCASTER AVE. BERWYN, PA
- ZONING DATA: UNITS 1, 3 & 3B, BLOCK 177 APR. #30-00-46638-006 #30-00-46646-007 #30-00-46652-008
- ZONING ORDINANCE: REQUIREMENTS EMEN FROM - HANCOCK TOWNSHIP ZONING ORDINANCE, ENACTED JUNE 13, 2011, AS AMENDED - ORDINANCE NO. 2000 REQUIREMENTS: TRAFFIC FROM - HANCOCK TOWNSHIP ZONING ORDINANCE, ENACTED JUNE 13, 2011, AS AMENDED - ORDINANCE NO. 2000 ZONED: FTB - FARWAY TRAFFIC DISTRICT PROPOSED USE: C-34 (TRAVEL ORIENTED DEVELOPMENT) (CONDITIONAL USE REQUIRED) - EXISTING ALLOWABLE COMMERCIAL USES IN C-34-C-3 (BANK), C-25 (RETAIL SHOP), C-26 (RETAIL STORE), C-27 (RESTAURANT) - PROPOSED ALLOWABLE RESIDENTIAL USE IN C-34-C-1 (APARTMENT BUILDING/MULTIPLEX UNIT)

THE HIGHWAYS AND STREETLIGHTS ARE TO BE INSTALLED AT THE EXPENSE OF THE SUBDIVIDER/AND DEVELOPER IN ACCORDANCE WITH TOWNSHIP STANDARDS AND WITH THE RECOMMENDATIONS OF THE RESPECTIVE UTILITY COMPANIES, SUBJECT TO THE APPROVAL OF THE BOARD OF COMMISSIONERS.
 "STREETLIGHTS AND STREET NAME SIGNS ARE TO BE INSTALLED AT THE EXPENSE OF THE SUBDIVIDER/AND DEVELOPER IN ACCORDANCE WITH TOWNSHIP STANDARDS AND WITH THE RECOMMENDATIONS OF THE RESPECTIVE UTILITY COMPANIES, SUBJECT TO THE APPROVAL OF THE BOARD OF COMMISSIONERS."
 "THE PHILADELPHIA ELECTRIC COMPANY AND THE BELL TELEPHONE COMPANY OF PENNSYLVANIA ARE GRANTED THE RIGHT TO CONSTRUCT, MAINTAIN AND REPAIR POLE LINES AND UNDERGROUND EQUIPMENT ON UNDER AND ACROSS LOTS, AND THIS SHALL BE SO INSTALLED IN ALL ZONED DESCRIPTIONS TOGETHER WITH THE RIGHT TO CONSTRUCT, MAINTAIN AND REPAIR POLE LINES AND UNDERGROUND EQUIPMENT ON UNDER AND ACROSS ALL HIGHWAYS IN THIS TRACT."
 WHERE A PLAN REQUIRES ACCESS TO A HIGHWAY WHICH IS UNDER THE JURISDICTION OF THE PENNSYLVANIA DEPARTMENT OF TRANSPORTATION, "A HIGHWAY OCCUPANCY PERMIT IS REQUIRED BY SECTION 430 P.L. 1742, NO. 430 KNOWN AS THE "STATE HIGHWAY LAW. BEFORE HIGHWAY ACCESS TO A STATE HIGHWAY IS PERMITTED, OR CONSTRUCTED," WHERE A PLAN REQUIRES ACCESS TO A HIGHWAY WHICH IS UNDER THE JURISDICTION OF THE MONTGOMERY COUNTY, IT SHALL INCLUDE THE FOLLOWING NOTATION: "A HIGHWAY OCCUPANCY PERMIT IS REQUIRED BY THE ROAD AND BRIDGE DIVISION OF THE MONTGOMERY COUNTY PUBLIC WORKS DEPARTMENT. DRAINAGE ACCESS TO A COUNTY HIGHWAY IS PERMITTED OR CONSTRUCTED."
 WHEN THE INSTALLATION OF CURBS OR SIDEWALKS IS NEEDED FOR A PARTICULAR DEVELOPMENT PLAN, CURBS AND/OR SIDEWALKS MAY BE REQUIRED TO BE INSTALLED BY SUBSEQUENT LANDOWNERS AT THEIR EXPENSE, BY DIRECTION OF THE BOARD OF COMMISSIONERS."

BONUS PROVISIONS

FEATURE	BONUS POINTS	PROPOSED
2. STREET/ LANDSCAPE AMENITIES	1	- GRASS - PUBLIC ART - SCULPTURE
7. BUILDING MATERIALS	2	- DECORATIVE MASONRY ON GREATER THAN 50% OF BUILDING FACADE
9. STRUCTURED PARKING	2	- USE TO BE AVAILABLE TO PUBLIC (74 SPACES)
11. OFFSITE TRAFFIC IMPROVEMENTS	3	IMPROVEMENTS TO THE FARWAY INCLUDING: MEDIAN MODIFICATIONS AND TRAFFIC SIGNALS
14. GREEN INFRASTRUCTURE/ SUSTAINABLE SW	3	RECYCLED RAIN WATER

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 CIVIL AND CONSULTING ENGINEERING ARCHITECTURE
 LAND SURVEYING DESIGN PERMITTING SERVICES TRANSPORTATION SERVICES
 SUSTAINABLE DESIGN
 CHARLOTTE, NC
 CHICAGO, IL
 ATLANTA, GA
 BALTIMORE, MD
 BOSTON, MA
 DENVER, CO
 HOUSTON, TX
 LOS ANGELES, CA
 MIAMI, FL
 MEMPHIS, TN
 NEW YORK, NY
 PHILADELPHIA, PA
 RICHMOND, VA
 SOUTH BEND, IN
 TAMPA, FL
 WASHINGTON, DC
 WASHINGTON STATE
 WISCONSIN
 WYOMING

REVISIONS

REV	DATE	COMMENT	BY
1	10/09/2019	PER TOWNSHIP COMMENTS	AG

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 PA1
 1-800-242-1776
 POCS SERIAL NUMBER: 2016341143

NOT APPROVED FOR CONSTRUCTION

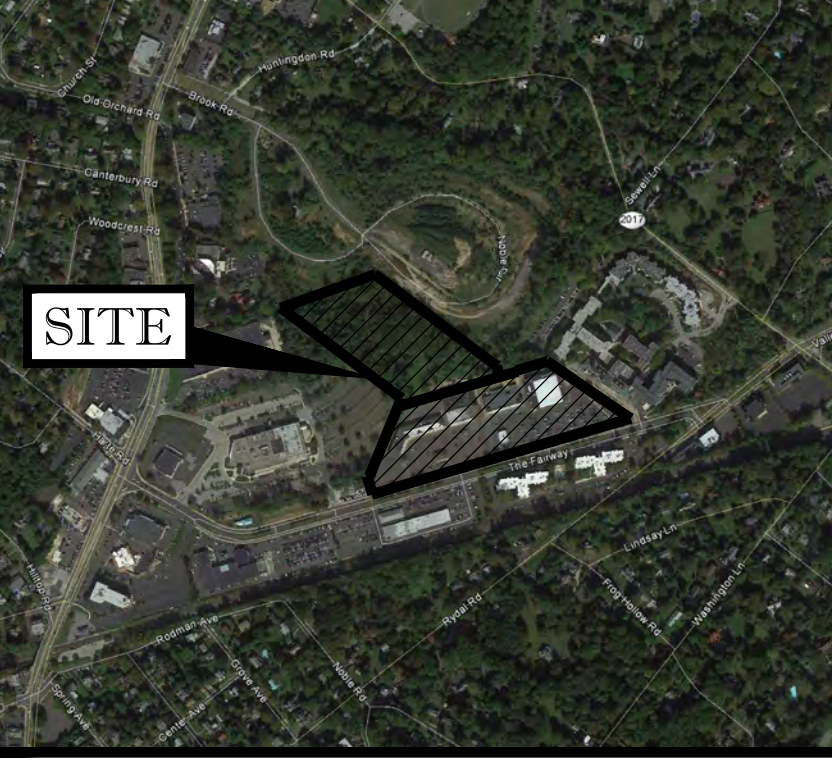
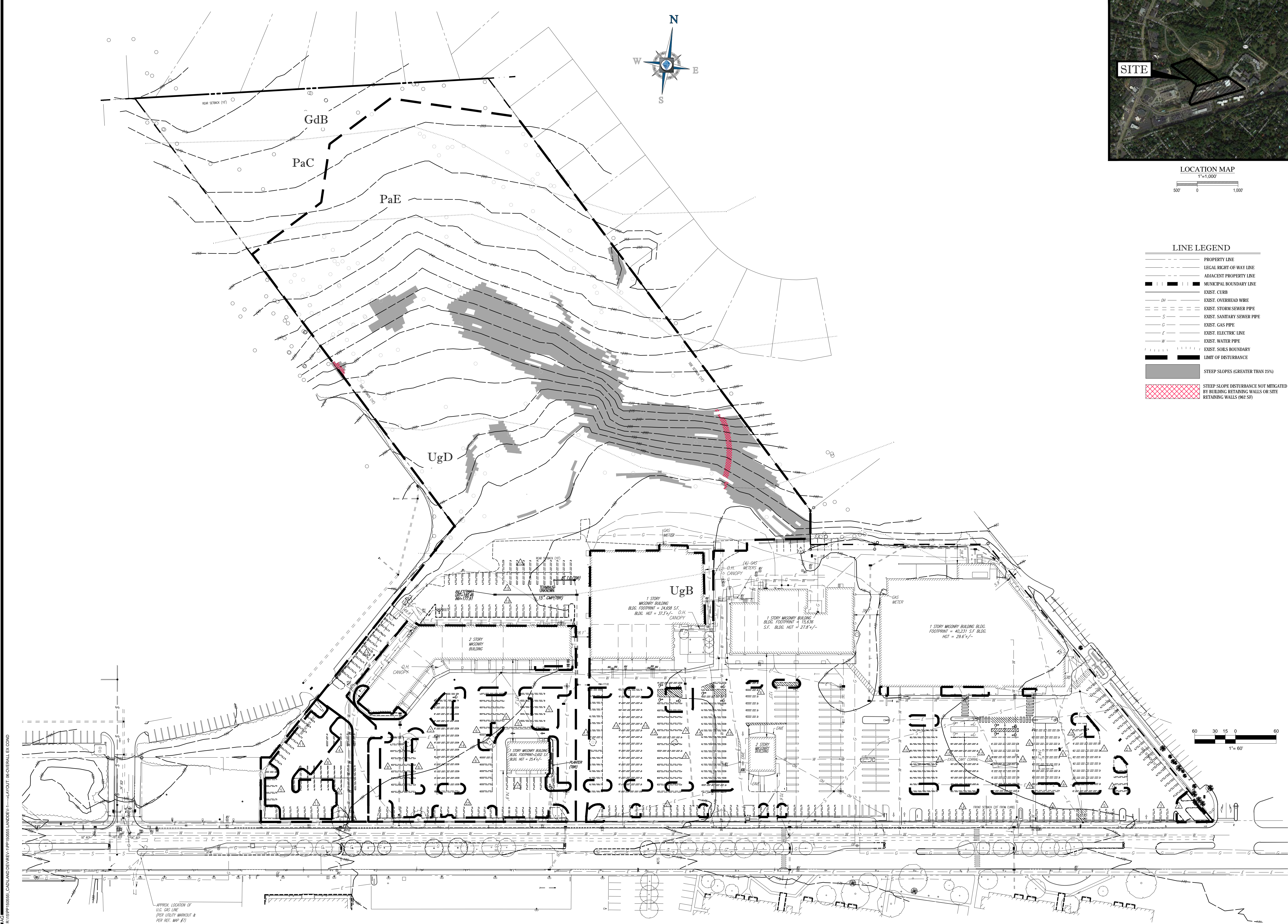
PROJECT No.: PP150555
 DRAWN BY: AAG
 CHECKED BY: CND
 DATE: 07/01/2019
 SCALE: 1"=60'
 CAD I.D.: PP150555.LANDEV-1

PRELIMINARY/FINAL LAND DEVELOPMENT PLANS
 FOR THE FARWAY ABINGTON TOWNSHIP MONTGOMERY COUNTY, PA ABINGTON TOWNSHIP APPLICATION #LD-19-09) BAEDERWOOD RESIDENTIAL PARTNERS, L.P. 1301 LANCASTER AVENUE BERWYN, PA

BOHLER ENGINEERING
 1515 MARKET STREET, SUITE 920 PHILADELPHIA, PENNSYLVANIA 19102
 Phone: (267) 402-3400
 Fax: (267) 402-3401
 www.BohlerEngineering.com

C. BROWN
 PROFESSIONAL ENGINEER
 PENNSYLVANIA LICENSE NO. PE075317

SHEET TITLE:
OVERALL SITE PLAN
 SHEET NUMBER:
2
 OF 65
 REVISION - 1



LOCATION MAP
1"=1,000'

LINE LEGEND

- PROPERTY LINE
- LEGAL RIGHT-OF-WAY LINE
- ADJACENT PROPERTY LINE
- MUNICIPAL BOUNDARY LINE
- EXIST. CURB
- EXIST. OVERHEAD WIRE
- EXIST. STORM SEWER PIPE
- EXIST. SANITARY SEWER PIPE
- EXIST. GAS PIPE
- EXIST. ELECTRIC LINE
- EXIST. WATER PIPE
- EXIST. SOILS BOUNDARY
- LIMIT OF DISTURBANCE
- STEEP SLOPES (GREATER THAN 25%)
- STEEP SLOPE DISTURBANCE NOT MITIGATED BY BUILDING RETAINING WALLS OR SITE RETAINING WALLS (982 SF)

BOHLER ENGINEERING

SITE CIVIL AND CONSULTING ENGINEERING ARCHITECTURE
LAND SURVEYING DESIGN SUSTAINABLE DESIGN PERMITTING SERVICES TRANSPORTATION SERVICES

UPSTATE NEW YORK: ALBANY, NY; BINGHAMTON, NY; CHESEBROUGH, NY; CANTON, NY; DELAWARE, NY; ELIZABETH, NY; NEW YORK, NY; WESTCHESTER, NY

MIDDLE ATLANTIC: BALTIMORE, MD; CHARLOTTE, NC; FREDERICK, MD; GREENSBORO, NC; RICHMOND, VA; WASHINGTON, DC

SOUTHEASTERN: ATLANTA, GA; COLUMBIANA, AL; FORT WORTH, TX; HOUSTON, TX; MEMPHIS, TN; NASHVILLE, TN; SAVANNAH, GA

SOUTHWESTERN: DENVER, CO; KANSAS CITY, MO; MINNEAPOLIS, MN; OMAHA, NE; ST. LOUIS, MO; WICHITA, KS

CENTRAL: CHICAGO, IL; INDIANAPOLIS, IN; MILWAUKEE, WI

NORTHWESTERN: SEATTLE, WA; PORTLAND, OR

REVISIONS

REV	DATE	COMMENT	BY
1	10/09/2019	PER TOWNSHIP COMMENTS	AG

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PENNSYLVANIA LAW REQUIRES 3 WORKING DAYS NOTICE FOR CONSTRUCTION PHASE AND 10 WORKING DAYS IN DESIGN STAGE - STOP CALL

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PROJECT No.: PP150555
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CAD I.D.: PP150555 LANDEV-1

PRELIMINARY/FINAL LAND DEVELOPMENT PLANS

FOR
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ABINGTON TOWNSHIP
MONTGOMERY COUNTY, PA
ABINGTON TOWNSHIP
APPLICATION # (LD-19-09)
BAEDERWOOD RESIDENTIAL PARTNERS, L.P.
1301 LANCASTER AVENUE
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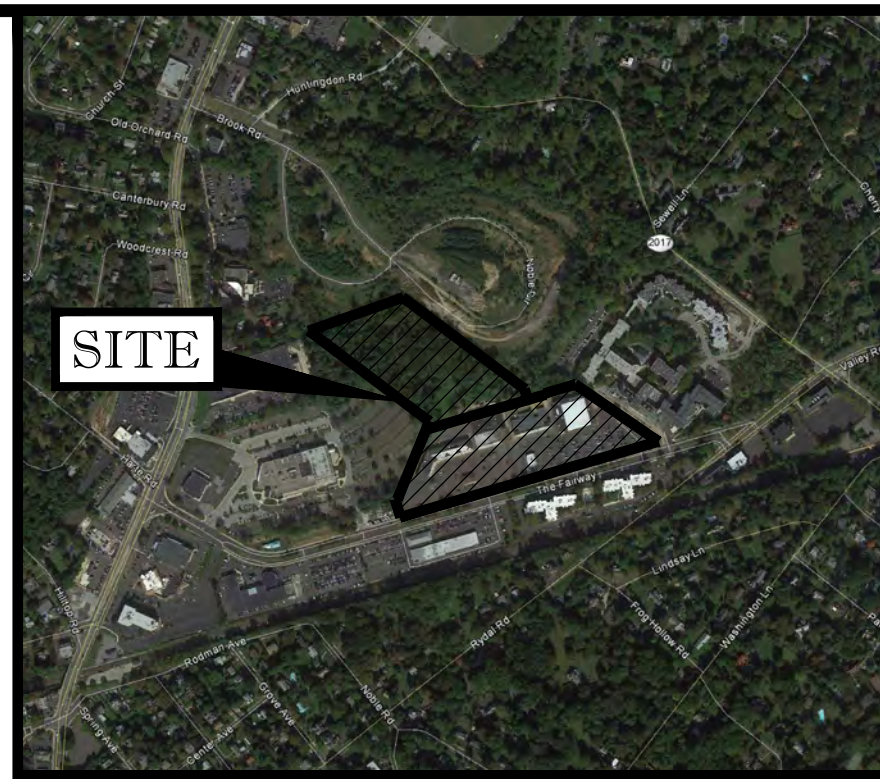
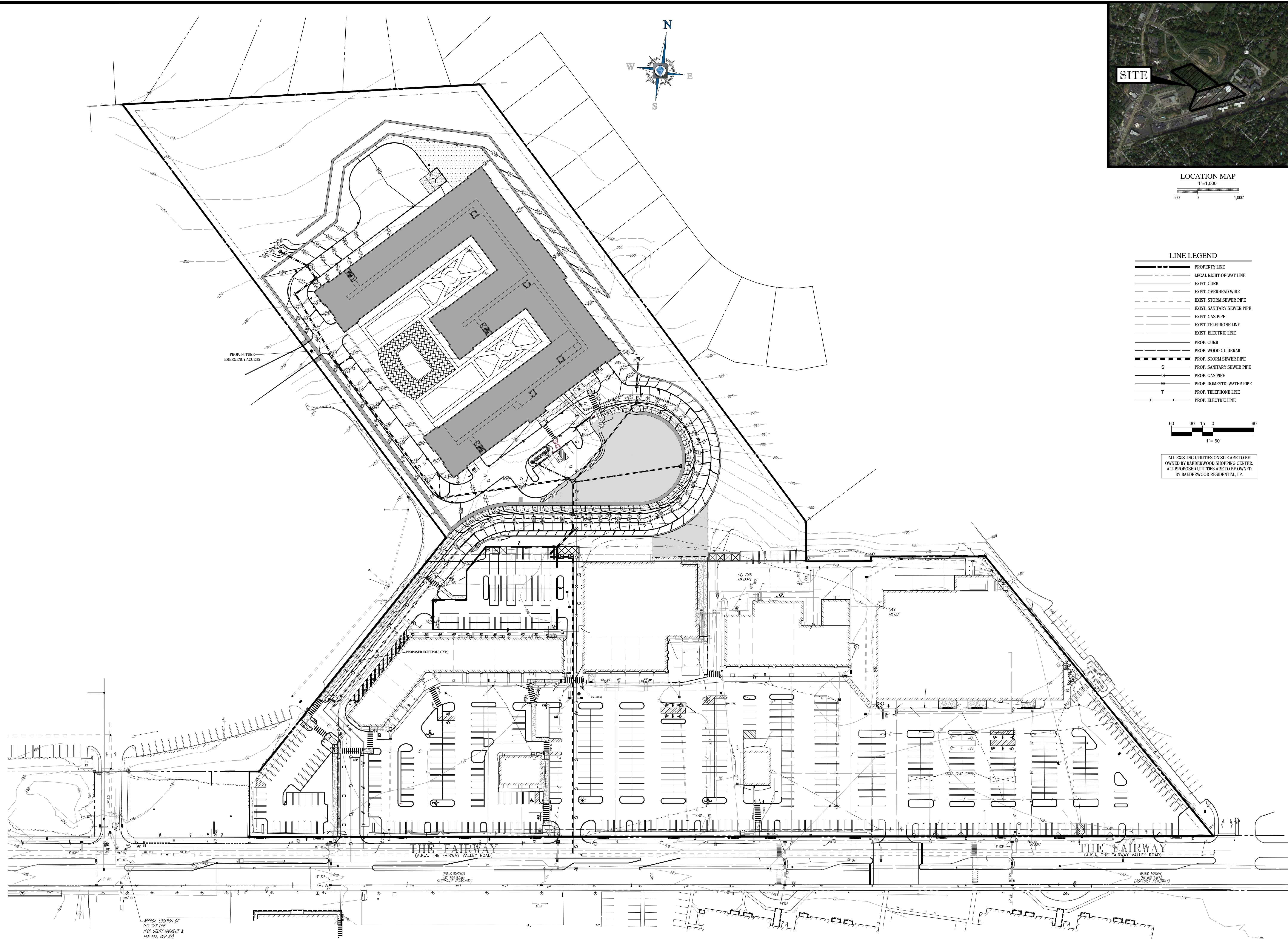
C. BROWN

PROFESSIONAL ENGINEER
PENNSYLVANIA LICENSE No. PE075317

SHEET TITLE:
OVERALL EXISTING CONDITIONS & DEMOLITION PLAN

SHEET NUMBER:
6
OF 65

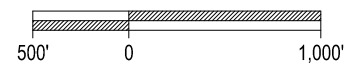
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SITE

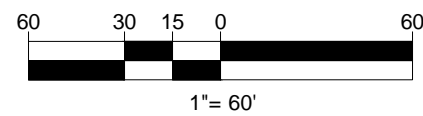
LOCATION MAP

1"=1,000'



LINE LEGEND

- PROPERTY LINE
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- - - - EXIST. CURB
- - - - EXIST. OVERHEAD WIRE
- - - - EXIST. STORM SEWER PIPE
- - - - EXIST. SANITARY SEWER PIPE
- - - - EXIST. GAS PIPE
- - - - EXIST. TELEPHONE LINE
- - - - EXIST. ELECTRIC LINE
- - - - PROP. CURB
- - - - PROP. WOOD GUDDERAIL
- - - - PROP. STORM SEWER PIPE
- S - - - PROP. SANITARY SEWER PIPE
- G - - - PROP. GAS PIPE
- W - - - PROP. DOMESTIC WATER PIPE
- T - - - PROP. TELEPHONE LINE
- E - - - PROP. ELECTRIC LINE



ALL EXISTING UTILITIES ON SITE ARE TO BE OWNED BY BAEDERWOOD SHOPPING CENTER. ALL PROPOSED UTILITIES ARE TO BE OWNED BY BAEDERWOOD RESIDENTIAL, L.P.

BOHLER ENGINEERING

CIVIL AND CONSULTING ENGINEERING ARCHITECTURE
 LAND SURVEYING DESIGN PERMITTING SERVICES TRANSPORTATION SERVICES
 SUSTAINABLE DESIGN

NEW ENGLAND
 BOSTON, MA
 NEW YORK, NY
 PHILADELPHIA, PA
 RICHMOND, VA

SOUTHEASTERN
 CHARLOTTE, NC
 FAYETTEVILLE, NC
 GREENSBORO, NC
 RALEIGH, NC

SOUTHWESTERN
 DENVER, CO
 HOUSTON, TX
 LOS ANGELES, CA
 PHOENIX, AZ

MIDWESTERN
 CHICAGO, IL
 INDIANAPOLIS, IN
 KANSAS CITY, MO
 MINNEAPOLIS, MN
 ST. LOUIS, MO

WESTERN
 BOULDER, CO
 DENVER, CO
 DALLAS, TX
 HOUSTON, TX
 LOS ANGELES, CA
 PHOENIX, AZ
 SAN ANTONIO, TX
 SAN DIEGO, CA
 TAMPA, FL
 WASHINGTON, DC

THE INFORMATION CONTAINED ON THIS PLAN WAS OBTAINED FROM FIELD SURVEY AND PUBLIC RECORDS. IT IS THE RESPONSIBILITY OF THE CLIENT TO VERIFY THE ACCURACY OF THE INFORMATION PROVIDED.

REVISIONS

REV	DATE	COMMENT	BY
1	10/09/2019	PER TOWNSHIP COMMENTS	AG

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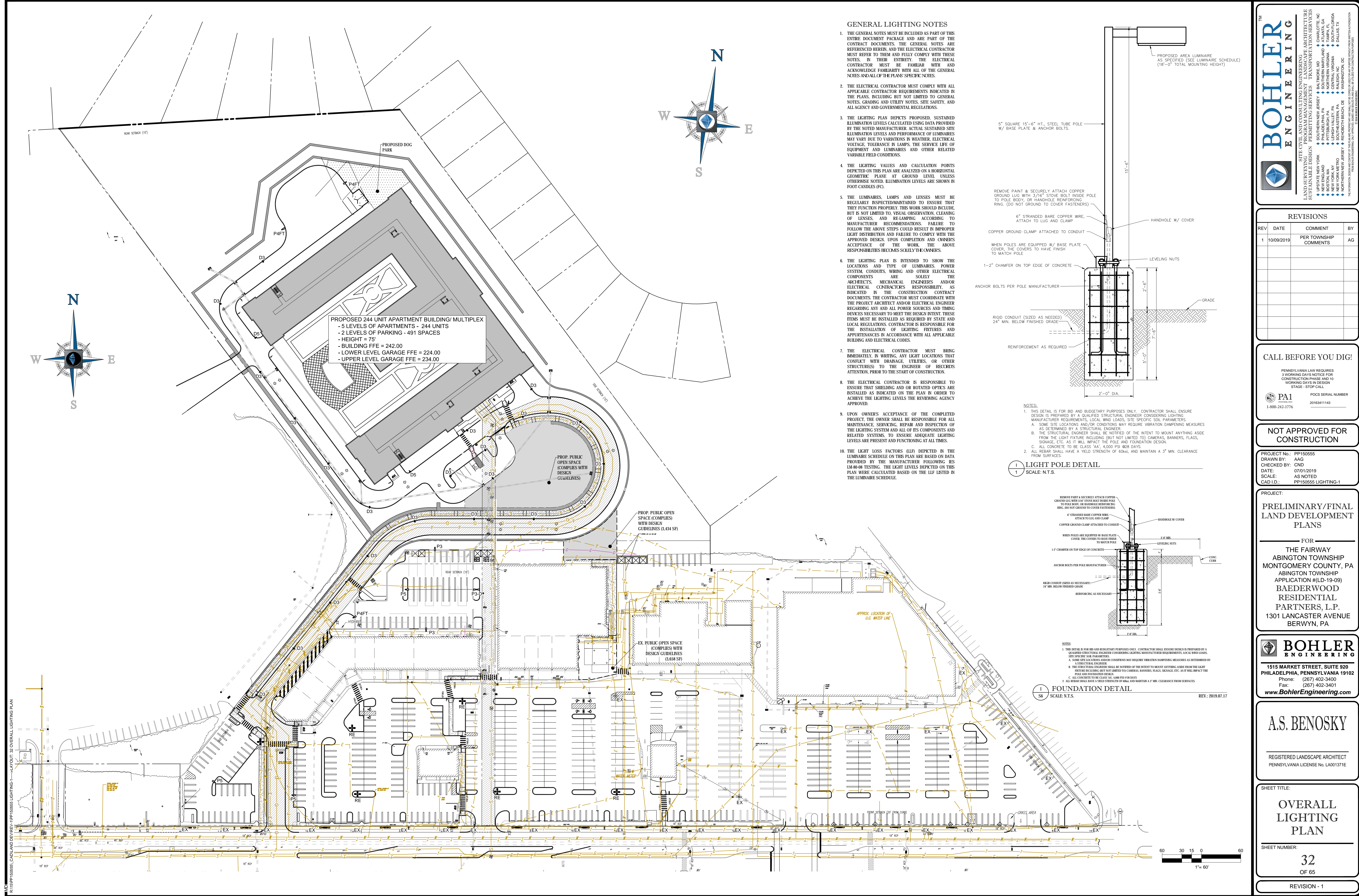
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 PENNSYLVANIA LICENSE No. PE075317

SHEET TITLE:
OVERALL UTILITY PLAN

SHEET NUMBER:
14
 OF 65

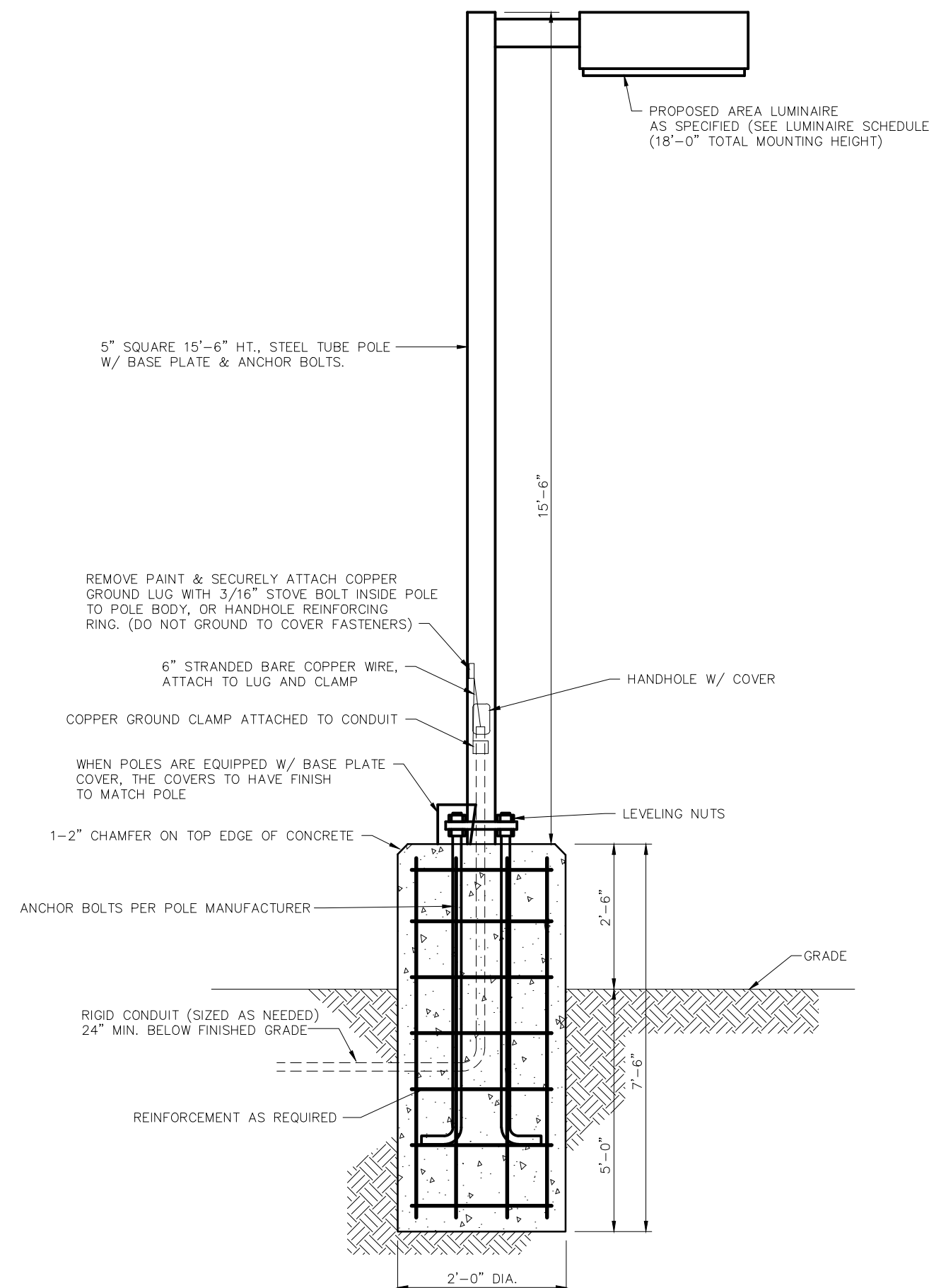
REVISION - 1

AG 151159150555, CADLAND DEVREV1, PP150555 LANDEV1, LAYOUT: 14-OVERALL UTILITY



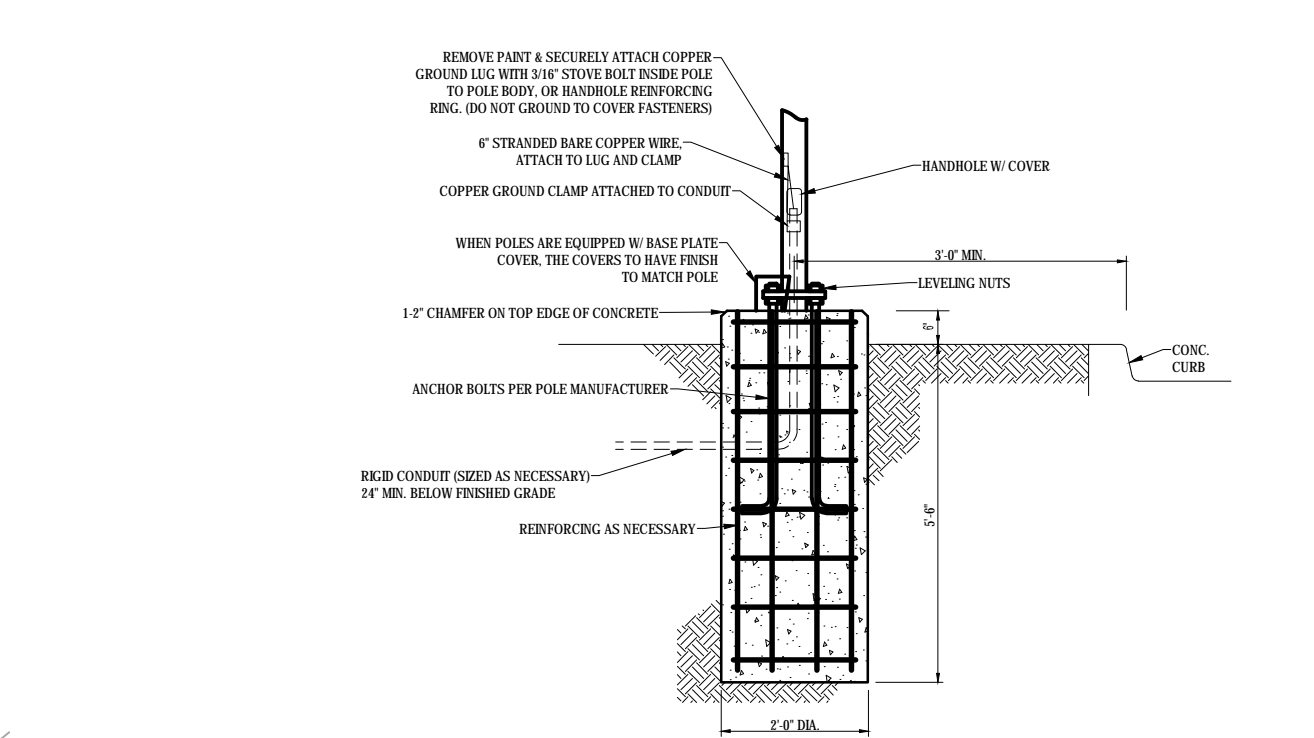
GENERAL LIGHTING NOTES

- THE GENERAL NOTES MUST BE INCLUDED AS PART OF THIS ENTIRE DOCUMENT PACKAGE AND ARE PART OF THE CONTRACT DOCUMENTS. THE GENERAL NOTES ARE REFERENCED HEREIN, AND THE ELECTRICAL CONTRACTOR MUST REFER TO THEM AND FULLY COMPLY WITH THESE NOTES. IN THEIR ENTIRETY, THE ELECTRICAL CONTRACTOR MUST BE FAMILIAR WITH AND ACKNOWLEDGE FAMILIARITY WITH ALL OF THE GENERAL NOTES AND ALL OF THE PLANS' SPECIFICATIONS.
- THE ELECTRICAL CONTRACTOR MUST COMPLY WITH ALL APPLICABLE CONTRACT REQUIREMENTS INDICATED IN THE PLANS, INCLUDING BUT NOT LIMITED TO GENERAL NOTES, GRADING AND UTILITY NOTES, SITE SAFETY, AND ALL AGENCY AND GOVERNMENTAL REGULATIONS.
- THE LIGHTING PLAN DEPICTS PROPOSED SUSTAINED ILLUMINATION LEVELS CALCULATED USING DATA PROVIDED BY THE NOTED MANUFACTURER. ACTUAL SUSTAINED SITE ILLUMINATION LEVELS AND PERFORMANCE OF LUMINAIRES MAY VARY DUE TO VARIATIONS IN WEATHER, ELECTRICAL VOLTAGE, TOLERANCE IN LAMPS, THE SERVICE LIFE OF EQUIPMENT AND LUMINAIRES AND OTHER RELATED VARIABLE FIELD CONDITIONS.
- THE LIGHTING VALUES AND CALCULATION POINTS DEPICTED ON THIS PLAN ARE ANALYZED ON A HORIZONTAL GEOMETRIC PLANE AT GROUND LEVEL UNLESS OTHERWISE NOTED. ILLUMINATION LEVELS ARE SHOWN IN FOOT-CANDELS (FC).
- THE LUMINAIRE, LAMPS AND LENSES MUST BE REGULARLY INSPECTED/MAINTAINED TO ENSURE THAT THEY FUNCTION PROPERLY. THIS WORK SHOULD INCLUDE, BUT IS NOT LIMITED TO, VISUAL OBSERVATION, CLEANING OF LENSES, AND REPLACING ACCORDING TO MANUFACTURER RECOMMENDATIONS. FAILURE TO FOLLOW THE ABOVE STEPS COULD RESULT IN IMPROPER LIGHT DISTRIBUTION AND FAILURE TO COMPLY WITH THE APPROVED DESIGN. UPON COMPLETION AND OWNER'S ACCEPTANCE OF THE WORK, THE ABOVE RESPONSIBILITIES BECOMES SOLELY THE OWNER'S.
- THE LIGHTING PLAN IS INTENDED TO SHOW THE LOCATIONS AND TYPE OF LUMINAIRE, POWER SYSTEM, CONDUITS, WIRING AND OTHER ELECTRICAL COMPONENTS ARE SOLELY THE ARCHITECTS, MECHANICAL ENGINEERS AND/OR ELECTRICAL CONTRACTORS RESPONSIBILITY, AS INDICATED IN THE CONSTRUCTION CONTRACT DOCUMENTS. THE CONTRACTOR MUST COORDINATE WITH THE PROJECT ARCHITECT AND/OR ELECTRICAL ENGINEER REGARDING ANY AND ALL POWER SOURCES AND TRING DEVICES NECESSARY TO MEET THE DESIGN INTENT. THESE ITEMS MUST BE INSTALLED AS REQUIRED BY STATE AND LOCAL REGULATIONS. CONTRACTOR IS RESPONSIBLE FOR THE INSTALLATION OF LIGHTING FIXTURES AND APPURTENANCES IN ACCORDANCE WITH ALL APPLICABLE BUILDING AND ELECTRICAL CODES.
- THE ELECTRICAL CONTRACTOR MUST BRING IMMEDIATELY IN WRITING, ANY LIGHT LOCATIONS THAT CONFLICT WITH DRAINAGE, UTILITIES, OR OTHER STRUCTURES TO THE ENGINEER OF RECORD'S ATTENTION, PRIOR TO THE START OF CONSTRUCTION.
- THE ELECTRICAL CONTRACTOR IS RESPONSIBLE TO ENSURE THAT SHIELDING AND OR ROTATED OPTICS ARE INSTALLED AS INDICATED ON THE PLAN IN ORDER TO ACHIEVE THE LIGHTING LEVELS THE REVIEWING AGENCY APPROVED.
- UPON OWNER'S ACCEPTANCE OF THE COMPLETED PROJECT, THE OWNER SHALL BE RESPONSIBLE FOR ALL MAINTENANCE, SERVICING, REPAIR AND INSPECTION OF THE LIGHTING SYSTEM AND ALL OF ITS COMPONENTS AND RELATED SYSTEMS, TO ENSURE ADEQUATE LIGHTING LEVELS ARE PRESENT AND FUNCTIONING AT ALL TIMES.
- THE LIGHT LOSS FACTORS (LLF) DEPICTED IN THE LUMINAIRE SCHEDULE ON THIS PLAN ARE BASED ON DATA PROVIDED BY THE MANUFACTURER FOLLOWING IES LM-80-08 TESTING. THE LIGHT LEVELS DEPICTED ON THIS PLAN WERE CALCULATED BASED ON THE LLF LISTED IN THE LUMINAIRE SCHEDULE.



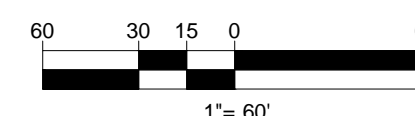
1 LIGHT POLE DETAIL
SCALE: N.T.S.

- NOTES:
- THIS DETAIL IS FOR BID AND BUDGETARY PURPOSES ONLY. CONTRACTOR SHALL ENSURE DESIGN IS PREPARED BY A QUALIFIED STRUCTURAL ENGINEER CONSIDERING LIGHTING MANUFACTURER REQUIREMENTS, LOCAL WIND LOADS, SITE SPECIFIC SOIL PARAMETERS.
 - SOME SITE LOCATIONS AND/OR CONDITIONS MAY REQUIRE VIBRATION DAMPENING MEASURES AS DETERMINED BY A STRUCTURAL ENGINEER.
 - THE STRUCTURAL ENGINEER SHALL BE NOTIFIED OF THE INTENT TO MOUNT ANYTHING ASIDE FROM THE LIGHT FIXTURE INCLUDING (BUT NOT LIMITED TO) CAMERAS, BANNERS, FLAGS, SIGNAGE, ETC. AS IT WILL IMPACT THE POLE AND FOUNDATION DESIGN.
 - ALL CONCRETE TO BE CLASS 44, 4,000 PSI 90% DAYS.
 - ALL REBAR SHALL HAVE A YIELD STRENGTH OF 60ksi AND MAINTAIN A 3" MIN. CLEARANCE FROM SURFACES.



1 FOUNDATION DETAIL
SCALE: N.T.S.

- NOTES:
- THIS DETAIL IS FOR BID AND BUDGETARY PURPOSES ONLY. CONTRACTOR SHALL ENSURE DESIGN IS PREPARED BY A QUALIFIED STRUCTURAL ENGINEER CONSIDERING LIGHTING MANUFACTURER REQUIREMENTS, LOCAL WIND LOADS, SITE SPECIFIC SOIL PARAMETERS.
 - SOME SITE LOCATIONS AND/OR CONDITIONS MAY REQUIRE VIBRATION DAMPENING MEASURES AS DETERMINED BY A STRUCTURAL ENGINEER.
 - THE STRUCTURAL ENGINEER SHALL BE NOTIFIED OF THE INTENT TO MOUNT ANYTHING ASIDE FROM THE LIGHT FIXTURE INCLUDING (BUT NOT LIMITED TO) CAMERAS, BANNERS, FLAGS, SIGNAGE, ETC. AS IT WILL IMPACT THE POLE AND FOUNDATION DESIGN.
 - ALL CONCRETE TO BE CLASS 44, 4,000 PSI 90% DAYS.
 - ALL REBAR SHALL HAVE A YIELD STRENGTH OF 60ksi AND MAINTAIN A 3" MIN. CLEARANCE FROM SURFACES.



BOHLER ENGINEERING

SITE CIVIL AND CONSULTING ENGINEERING ARCHITECTURE
LAND SURVEYING DESIGN PERMITTING SERVICES TRANSPORTATION SERVICES
SUSTAINABLE DESIGN

CHARLOTTE, NC
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CHICAGO, IL
DENVER, CO
HOUSTON, TX
LOS ANGELES, CA
MIAMI, FL
MINNEAPOLIS, MN
NEW YORK, NY
PHILADELPHIA, PA
RICHMOND, VA
SAN FRANCISCO, CA
WASHINGTON, DC

REVISIONS

REV	DATE	COMMENT	BY
1	10/09/2019	PER TOWNSHIP COMMENTS	AG

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PENNSYLVANIA LAW REQUIRES 3 WORKING DAYS NOTICE FOR CONSTRUCTION PHASE AND 10 WORKING DAYS IN DESIGN STAGE - STOP-CALL

PA1
1-800-242-1776

POCS SERIAL NUMBER
20163411143

NOT APPROVED FOR CONSTRUCTION

PROJECT No.: PP150555
DRAWN BY: AAG
CHECKED BY: CND
DATE: 07/01/2019
SCALE: AS NOTED
CAD I.D.: PP150555 LIGHTING-1

PRELIMINARY/FINAL LAND DEVELOPMENT PLANS

FOR
THE FAIRWAY
ABINGTON TOWNSHIP
MONTGOMERY COUNTY, PA
ABINGTON TOWNSHIP
APPLICATION # (LD-19-09)
BAEDERWOOD
RESIDENTIAL
PARTNERS, L.P.
1301 LANCASTER AVENUE
BERWYN, PA

BOHLER ENGINEERING

1515 MARKET STREET, SUITE 920
PHILADELPHIA, PENNSYLVANIA 19102
Phone: (267) 402-3400
Fax: (267) 402-3401
www.BohlerEngineering.com

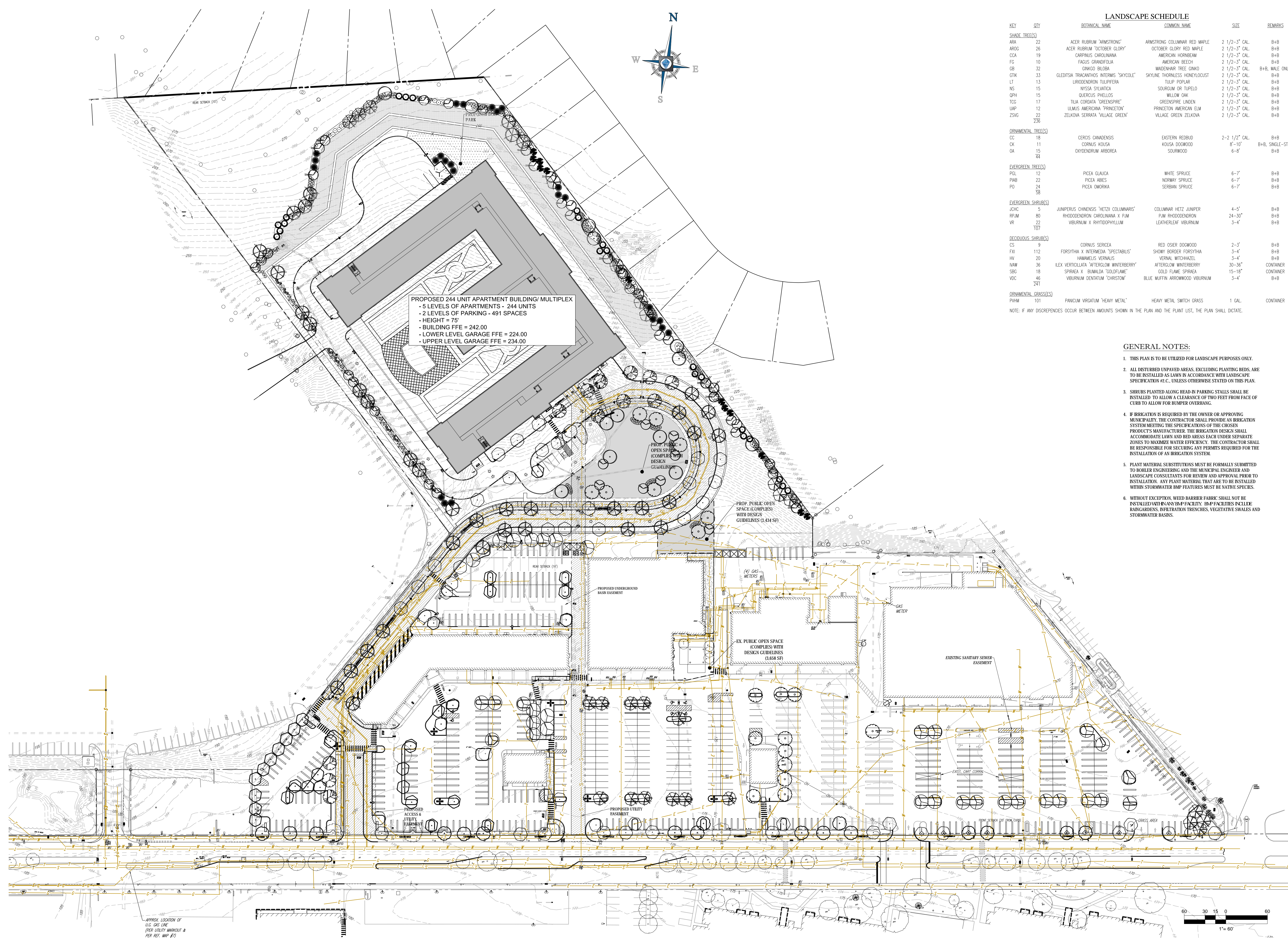
A.S. BENOSKY

REGISTERED LANDSCAPE ARCHITECT
PENNSYLVANIA LICENSE NO. LA0011371E

SHEET TITLE:
OVERALL LIGHTING PLAN

SHEET NUMBER:
32
OF 65

REVISION - 1



LANDSCAPE SCHEDULE

KEY	QTY	BOTANICAL NAME	COMMON NAME	SIZE	REMARKS
SHADE TREE(S)					
ARA	22	ACER RUBRUM 'ARMSTRONG'	ARMSTRONG COLUMNAR RED MAPLE	2 1/2-3" CAL	B+8
AROC	26	ACER RUBRUM 'OCTOBER GLORY'	OCTOBER GLORY RED MAPLE	2 1/2-3" CAL	B+8
CCA	19	CARPINUS CAROLINIANA	AMERICAN HORNBEAM	2 1/2-3" CAL	B+8
FG	10	FAGUS GRANDIFOLIA	AMERICAN BEECH	2 1/2-3" CAL	B+8
GB	32	GINKGO BILOBA	MADENHAR TREE GINKO	2 1/2-3" CAL	B+8, MALE ONLY
GTIK	33	GLEDITSIA TRACANTHOS INTERMIS 'SKYCOLE'	SKYLINE THORNLESS HONEYLOCUST	2 1/2-3" CAL	B+8
LT	13	LIRIODENDRON TULIPIFERA	TULIP POPLAR	2 1/2-3" CAL	B+8
NS	15	NYSSA SYLVAICA	SOURWOOD OR TUPELD	2 1/2-3" CAL	B+8
OPH	15	QUERCUS PHellos	WHITE OAK	2 1/2-3" CAL	B+8
TCC	17	TILIA CORDATA 'GREENSPIRE'	GREENSPIRE LINDEN	2 1/2-3" CAL	B+8
UAP	12	ULMUS AMERICANA 'PRINCETON'	PRINCETON AMERICAN ELM	2 1/2-3" CAL	B+8
ZSVG	22	ZELKOVA SERRATA 'VILLAGE GREEN'	VILLAGE GREEN ZELKOVA	2 1/2-3" CAL	B+8
ORNAMENTAL TREE(S)					
CC	18	CERCIS CANADENSIS	EASTERN REDBUD	2-2 1/2" CAL	B+8
CK	11	CORNUS KOUSA	KOUSA DOGWOOD	8-10"	B+8, SINGLE-STEM
GA	15	OXYTENDRUM ARBOREA	SOURWOOD	6-8"	B+8
EVERGREEN TREE(S)					
PSL	12	PICEA GLAUCIA	WHITE SPRUCE	6-7'	B+8
PAB	22	PICEA ABIES	NORWAY SPRUCE	6-7'	B+8
PO	24	PICEA OMORICA	SERBIAN SPRUCE	6-7'	B+8
EVERGREEN SHRUB(S)					
JCHC	5	JUNIPERUS CHINENSIS 'HETZLI COLUMNARIS'	COLUMNAR HETZ JUNPER	4-5'	B+8
RPJM	80	RHOODOENDRON CAROLINANA X PJM	PJM RHOODOENDRON	24-30"	B+8
VR	22	VBURNUM X RHYTIDOPHYLLUM	LEATHERLEAF VBURNUM	3-4"	B+8
DECIDUOUS SHRUB(S)					
CS	9	CORNUS SERICEA	RED OSER DOGWOOD	2-3'	B+8
FJI	112	FORSYTHIA X INTERMEDIA 'SPECTABILIS'	SHOWY BORDER FORSYTHIA	3-4'	B+8
HW	20	HAMAMELIS VERNALIS	VERNAL WITCHHAZEL	3-4'	B+8
INAW	36	ILEX VERTICILLATA 'AFTERGLOW WINTERBERRY'	AFTERGLOW WINTERBERRY	30-36"	CONTAINER
SBG	18	SPIREA X BIMALDA 'GOLDFLAME'	GOLD FLAME SPIREA	15-18"	CONTAINER
VOC	46	VBURNUM DENTALUM 'CHRISTOM'	BLUE MUFFIN ARROWWOOD VBURNUM	3-4"	B+8
ORNAMENTAL GRASSES(S)					
PVM	101	PANICUM VIRGATUM 'HEAVY METAL'	HEAVY METAL SWITCH GRASS	1 GAL.	CONTAINER

NOTE: IF ANY DISCREPANCIES OCCUR BETWEEN AMOUNTS SHOWN IN THE PLAN AND THE PLANT LIST, THE PLAN SHALL DICATE.

GENERAL NOTES:

- THIS PLAN IS TO BE UTILIZED FOR LANDSCAPE PURPOSES ONLY.
- ALL DISTURBED UNPAVED AREAS, EXCLUDING PLANTING BEDS, ARE TO BE INSTALLED AS LAWN IN ACCORDANCE WITH LANDSCAPE SPECIFICATION #2.C, UNLESS OTHERWISE STATED ON THIS PLAN.
- SHRUBS PLANTED ALONG HEAD IN PARKING STALLS SHALL BE INSTALLED TO ALLOW A CLEARANCE OF TWO FEET FROM FACE OF CURB TO ALLOW FOR BUMPER OVERHANG.
- IF IRRIGATION IS REQUIRED BY THE OWNER OR APPROVING MUNICIPALITY, THE CONTRACTOR SHALL PROVIDE AN IRRIGATION SYSTEM MEETING THE SPECIFICATIONS OF THE CHOSEN PRODUCTS MANUFACTURER. THE IRRIGATION DESIGNER SHALL ACCOMMODATE LAWN AND BED AREAS EACH UNDER SEPARATE ZONES TO MAXIMIZE WATER EFFICIENCY. THE CONTRACTOR SHALL BE RESPONSIBLE FOR SECURING ANY PERMITS REQUIRED FOR THE INSTALLATION OF AN IRRIGATION SYSTEM.
- PLANT MATERIAL SUBSTITUTIONS MUST BE FORMALLY SUBMITTED TO BOHLER ENGINEERING AND THE MUNICIPAL ENGINEER AND LANDSCAPE CONSULTANTS FOR REVIEW AND APPROVAL PRIOR TO INSTALLATION. ANY PLANT MATERIAL THAT ARE TO BE INSTALLED WITHIN STORMWATER BMP FEATURES MUST BE NATIVE SPECIES.
- WITHOUT EXCEPTION, WEED BARRIER FABRIC SHALL NOT BE INSTALLED WITHIN ANY BMP FACILITY. BMP FACILITIES INCLUDE: RANGARDENS, INFILTRATION TRENCHES, VEGETATIVE SWALES AND STORMWATER BASINS.

BOHLER ENGINEERING

SITE CIVIL AND CONSULTING ENGINEERING
 LAND SURVEYING
 SUSTAINABLE DESIGN
 PROGRAM MANAGEMENT
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 LANDSCAPE ARCHITECTURE
 LANDSCAPE ARCHITECTURE

PHILADELPHIA, PA
 PITTSBURGH, PA
 BOSTON, MA
 NEW ENGLAND
 NEW YORK, NY
 NEW YORK METRO
 NORTH HAVEN, CT
 NORTH NEW JERSEY
 BEHNSHOP/HEAD, DE
 WASHINGTON, DC
 DALLAS, TX

REVISIONS

REV	DATE	COMMENT	BY
1	10/09/2019	PER TOWNSHIP COMMENTS	AG

CALL BEFORE YOU DIG!

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PAI POCS SERIAL NUMBER
 1-800-242-1776 2016311143

NOT APPROVED FOR CONSTRUCTION

PROJECT No.: PP150555
 DRAWN BY: AAG
 CHECKED BY: GND
 DATE: 07/01/2019
 SCALE: 1" = 60'
 CAD ID: PP150555 LANDSCAPE-1

PROJECT:
PRELIMINARY/FINAL LAND DEVELOPMENT PLANS

FOR
THE FAIRWAY
 ABINGTON TOWNSHIP
 MONTGOMERY COUNTY, PA
 ABINGTON TOWNSHIP
 APPLICATION # (LD-19-09)
BAEDERWOOD RESIDENTIAL PARTNERS, L.P.
 1301 LANCASTER AVENUE
 BERWYN, PA

BOHLER ENGINEERING

1515 MARKET STREET, SUITE 920
 PHILADELPHIA, PENNSYLVANIA 19102
 Phone: (267) 402-3400
 Fax: (267) 402-3401
www.BohlerEngineering.com

A.S. BENOSKY

REGISTERED LANDSCAPE ARCHITECT
 PENNSYLVANIA LICENSE NO. LA001371E

SHEET TITLE:
OVERALL LANDSCAPE PLAN

SHEET NUMBER:
36
 OF 65

REVISION - 1

PLAN PREPARATION
DESIGNER MR, RW



DISTRICT	COUNTY	TOWNSHIP	BOROUGH	ROUTE	SECTION	TOTAL SHEETS
6-0	MONTGOMERY	ABINGTON				16

TRAFFIC PLANNING AND DESIGN, INC.
DRAWINGS
FOR
CONSTRUCTION
OF

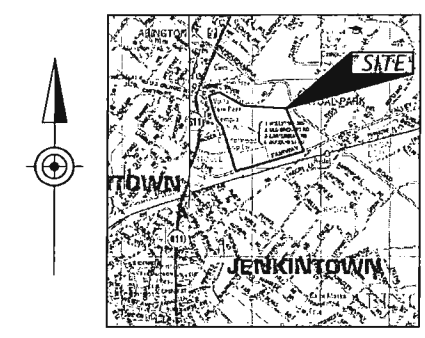
REDSTONE AT BAEDERWOOD

TPD JOB # LJBR.00020

IN MONTGOMERY COUNTY

FROM STA 104+50.00 TO STA 120+00.00 LENGTH 1550 FT 0.2936 MI

TITLE SHEET	SHEET 1
EXISTING CONDITIONS PLAN	SHEET 2
GENERAL NOTES	SHEET 3
PROPOSED CONDITIONS PLAN	SHEET 4
CONSTRUCTION PLAN	SHEETS 5-6
GEOMETRY PLAN	SHEETS 7-8
ELEVATION AND DRAINAGE PLAN	SHEETS 9-10
PAVEMENT MARKING AND SIGNING PLAN	SHEETS 11-12
PAVEMENT MARKING STANDARDS	SHEETS 13-14
TRAFFIC CONTROL STANDARDS	SHEETS 15-16
ALSO INCLUDED:	
ADA RAMP PLANS	12 SHEETS
TRAFFIC SIGNAL PLANS	3 SHEETS



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Permitted Use No 21009261

LOCATION MAP

0 2000 4000 FEET



PENNSYLVANIA ACT 287 (1974) AS AMENDED BY ACT 121 (2008) REQUIRES NOTIFICATION BY EXCAVATORS, DESIGNERS, OR ANY PERSON PREPARING TO DISTURB THE EARTH'S SURFACE ANYWHERE IN THE COMMONWEALTH.
PA ONE-CALL SERIAL #20193222869 & #20193222906 HAVE BEEN ASSIGNED TO THIS PROJECT ON 11/18/19.
ENTRIES FROM ACT 121 LIST UPDATED BY ENGINEER.

PREPARED BY:
TRAFFIC PLANNING &
DESIGN, INC.
2500 E. HIGH STREET
SUITE 650
POTTSTOWN, PA 19464



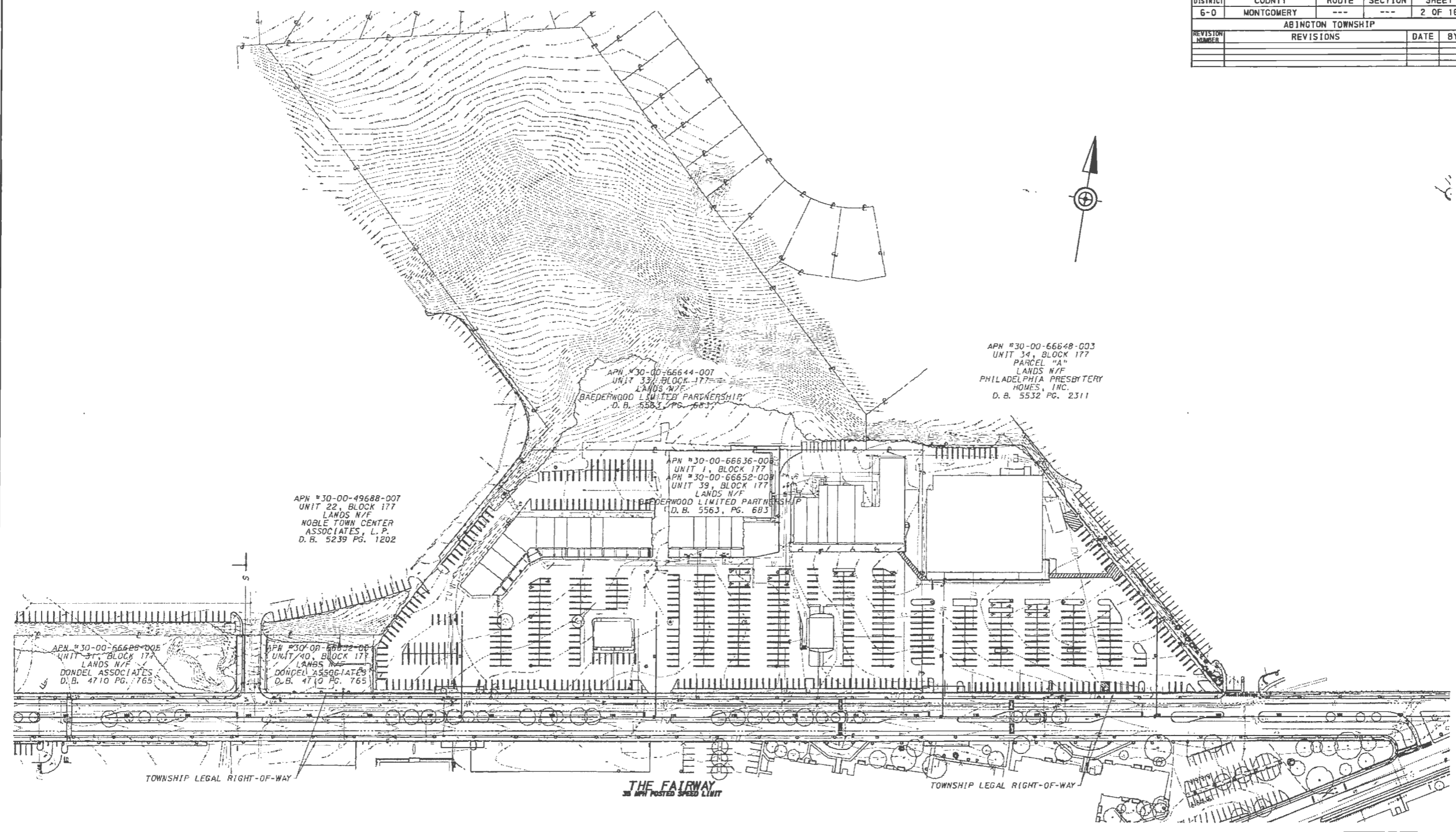
Sean Stanton

REVISION NUMBER	REVISIONS	DATE	BY

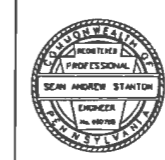
12/19/19
DATE

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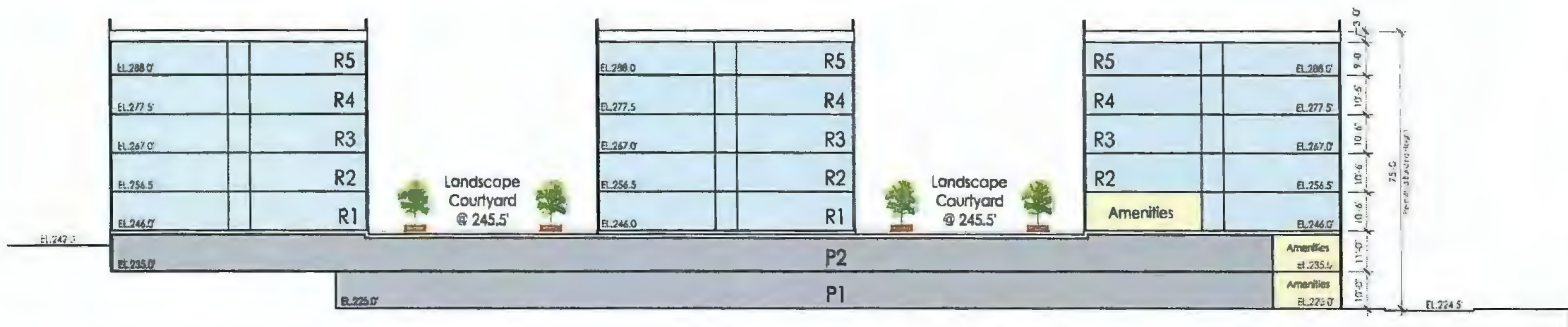
DISTRICT	COUNTY	ROUTE	SECTION	SHEET
6-0	MONTGOMERY	---	---	2 OF 16
ABINGTON TOWNSHIP				
REVISION NUMBER	REVISIONS	DATE	BY	



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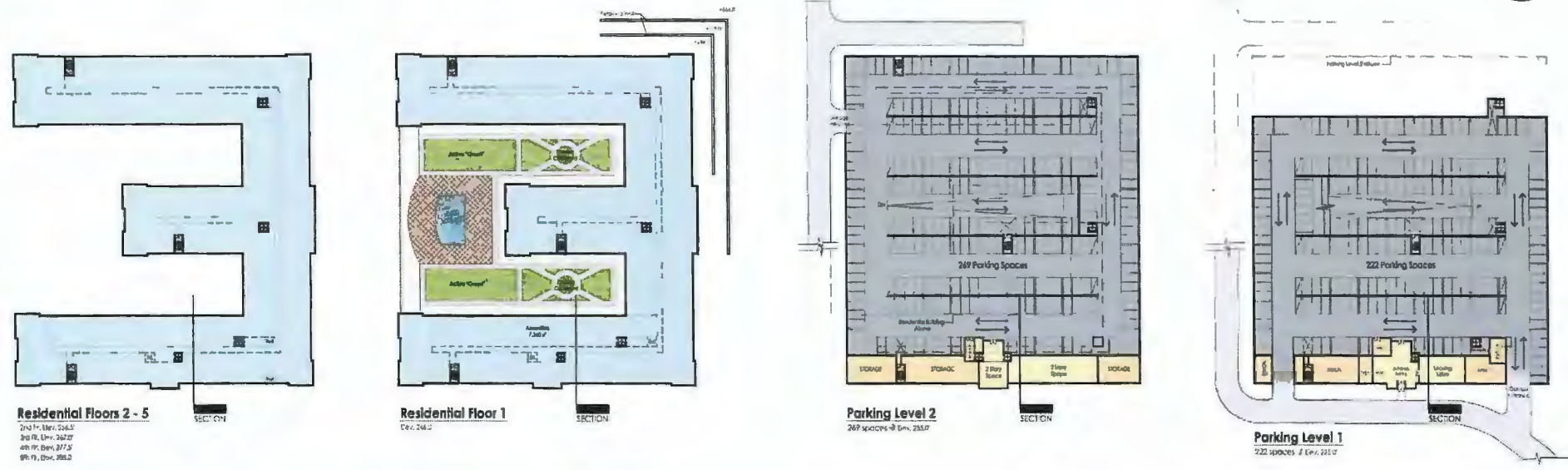
TPD
 TRAFFIC PLANNING AND DESIGN, INC.
 www.TrafficPD.com | 610.326.3100 | TPD@TrafficPD.com
 DATE: 12/18/19 | PROJECT DESIGNER: SAS | JOB NO: LJB.00020
 EXISTING PLAN
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Unit type	UNIT MIX					Total
	R1	R2	R3	R4	R5	
Studio (323 Average sq ft)	2	4	4	4	4	18
1 Bedroom (323 Average sq ft)	12	13	13	13	13	64
1 Bedroom / Den (323 Average sq ft)	3	3	3	3	3	15
2 Bedroom (323 Average sq ft)	16	22	22	22	22	104
2 Bedroom / Den (323 Average sq ft)	3	4	4	4	4	19
3 Bedroom / Den (323 Average sq ft)	4	5	5	5	5	24
Total	60	61	61	61	61	244

PARKING
 P1 (Parking Level 1) 222 spaces
 P2 (Parking Level 2) 269 spaces
 Total Parking 491 spaces

SECTION
 SCALE: 1/16" = 1'-0"



PODIUM PARKING SITE PLAN CONCEPT - BUILDING PLANS
 SCALE: 1" = 50'

DATE: 11-19-2018



PERSPECTIVE VIEW 01 - SOUTHEAST & NORTHEAST ELEVATIONS

DATE: 11-19-2018

MINNO WASKO
ARCHITECTS AND PLANNERS



BAEDERWOOD
ABINGTON TOWNSHIP, MONTGOMERY COUNTY, PA

07-0455-06
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PERSPECTIVE VIEW 02 - SOUTHWEST & NORTHWEST ELEVATIONS

DATE: 11-19-2018

MINNO WASKO
ARCHITECTS AND PLANNERS
3142 A. STREET • LANCASTER, PA 17601



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PERSPECTIVE VIEW 03 - NORTHWEST & NORTHEAST ELEVATIONS

DATE: 11-19-2018

MINNO WASKO
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L A M B E R T P A S S E L L I F O R K



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07-0455-04
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MASONRY: 55%



FRONT ELEVATION

MASONRY: 48%



SOUTHWEST ELEVATION

CONCEPT ELEVATIONS

DATE: 11/19/2018

MINNO ■ WASKO
ARCHITECTS AND PLANNERS

LAMBERT LANE | 10015 LAMBERTVILLE PIKE | NEW BRISTOL, OHIO 43067 | 614.885.1100 | WWW.MINNO-WASKO.COM



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MASONRY: 51%



REAR ELEVATION

MASONRY: 48%



NORTHEAST ELEVATION

MASONRY TOTAL AREA:

Front:	55%
Southwest:	48%
Rear:	51%
Northeast:	48%
Average:	50.5%

CONCEPT ELEVATIONS

DATE: 11/19/2018

MINNO WASKO ARCHITECTS AND PLANNERS

1400 MARKET STREET, SUITE 100, PHILADELPHIA, PENNSYLVANIA 19102



BAEDERWOOD

ABINGTON TOWNSHIP, MONTGOMERY COUNTY, PA

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AGREEMENT

THIS AGREEMENT is made effective as of this ___ day of _____, 2020 (the “Effective Date”), by BAEDERWOOD RESIDENTIAL PARTNERS, L.P., a Pennsylvania limited partnership with a principal address of 1301 Lancaster Avenue, Berwyn, Pennsylvania 19312 (“Developer”) and ABINGTON TOWNSHIP, a First Class Township organized and existing pursuant to the laws of the Commonwealth of Pennsylvania, with principal offices at 1176 Old York Road, Abington, Pennsylvania 19001 (“Township”).

BACKGROUND

WHEREAS, Township granted Developer’s application for conditional use approval for development of a multi-story, 244-unit apartment building with structured parking (the “Project”) on the rear parcel of property located in Abington Township, identified as Montgomery County Tax Map Parcel Nos. 30-00-66644-00-7, 30-00-66636-00-6 and 30-00-66652-00-8 (the “Rear Parcel”), which approval was memorialized in a letter to Marc B. Kaplin, Esquire, dated March 18, 2019, from Richard J. Manfredi, Township Manager, and the Findings of Fact and Conclusions of Law adopted by the Board of Commissioners of the Township. True and correct copies of the aforesaid letter and Findings of Fact and Conclusions of Law (together, the “Conditional Use Approval”) are attached hereto as Exhibit “A” and incorporated herein by reference; and

WHEREAS, the Township Fire Marshal has recommended that in order to protect the safety of citizens of the Township a secondary, emergency access to the rear of the Project should be incorporated into the design of the Project to accommodate access by emergency vehicles and the Developer has agreed to establish a secondary, emergency access to the Rear Parcel to accommodate access by emergency vehicles to the Project (the “Emergency Access”); and

WHEREAS, the Conditional Use Approval was specifically conditioned upon, *inter alia*, the Developer's reimbursement of any and all expenses incurred by the Township relating to acquisition of the Emergency Access to and from the Real 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 associated with the said acquisition of the Emergency Access; and

WHEREAS, the Developer's proposed development is contingent upon the submission of a land development application to the Township pursuant to the requirements of the Abington Township Subdivision and Land Development Ordinance, and Township approval of said application ("Land Development Approval"); and

WHEREAS, Developer's proposed development incorporates an Emergency Access; and

WHEREAS, pursuant to 53 P.S. § 56901, Township is empowered to acquire real property for purposes authorized by the First Class Township Code; and

WHEREAS, Developer and Township recognize that if Developer is unable to obtain an easement from the owner or owners of the property to the west of the Property for the purpose of providing the said Emergency Access to the Real Parcel, it will be necessary for the Township to acquire such an easement through the process of condemnation, in accordance with the Pennsylvania Eminent Domain Code, 26 Pa.C.S. §§ 101-1106; and

WHEREAS, Developer and Township desire to enter into this Agreement in order to establish the procedures and respective rights and obligations of the parties with regard to condemnation of the above-referenced access easement.

NOW, THEREFORE, for good and valuable consideration, the form and sufficiency of which is acknowledged, and intending to be legally bound, Developer and Township agree as follows:

1. The Background set forth above is incorporated in its entirety herein as though set forth at length.
2. Developer agrees to make reasonable efforts, to the reasonable satisfaction of the Township, to acquire an easement for the Emergency Access through private negotiations with adjacent property owner(s).
3. Township agrees that in the event Developer is unable to obtain an easement for the Emergency Access after undertaking reasonable efforts to do so, Township will initiate and process eminent domain proceedings to condemn the necessary easement, and Developer will reimburse all related expenses incurred by Township, upon delivery of documentation to Developer in support of said expenses, including but not limited to, appraisal fees, legal and engineering fees, surveys, filing fees, and all other costs incurred by the Township in connection with the terms and conditions set forth in this Agreement.
4. In the event the Township grants Land Development Approval for the Project, and subject to the issuance of all necessary permits, Developer shall, at its sole expense, design, permit and construct the Emergency Access, in accordance with all applicable Township requirements and any and all applicable requirements of any other entity having jurisdiction with regard to the Project. Upon completion of the Emergency Access, Developer shall dedicate the Emergency Access, together with the associated right-of-way and all related facilities and improvements, to the Township, at no cost

to the Township. Said dedication shall be completed and accepted by the Township prior to issuance of the first certificate of occupancy for the Project.

5. Within ten (10) days of the effective date of this Agreement by both parties, Developer shall deposit the sum of _____ Dollars (\$_____) (the "Cost Deposit") with the Township to cover the estimated out-of-pocket legal fees and other direct costs ("Costs") that the Township will incur in connection with the condemnation of the Access Easement. The Cost Deposit shall be held by the Township in a separate account (the "Cost Deposit Account") and shall be used by the Township solely for the payment of Costs incurred by the Township in connection with the condemnation of the Access Easement. As the Township incurs Costs, the Township may withdraw from the Cost Deposit Account the sums required to pay such Costs, and shall provide to the Developer copies of invoices for such Costs. If the balance in the Cost Deposit Account drops below _____ Dollars (\$_____), then upon ten (10) days' prior written notice from the Township to Developer, Developer shall replenish the Cost Deposit Account with the estimated amount of the remaining Costs that will be incurred by the Township in connection with the condemnation of the Access Easement. Upon completion of the condemnation proceedings, pursuant to the Eminent Domain Code, the remaining balance in the Cost Deposit Account shall be returned to the Developer.
6. The Township has obtained an Appraisal prepared by _____, dated _____ ("Township Appraisal"), which estimates the fair market value of the Access Easement to be _____ Dollars (\$_____). Developer has obtained an Appraisal prepared by _____, dated _____

("Developer Appraisal"), which estimates the fair market value of the Access Easement to be _____ Dollars (\$_____).

a. Within ten (10) days after the effective date of this Agreement, Developer shall deliver to Township an irrevocable Standby Letter of Credit ("Letter of Credit") in the amount of _____ Dollars (\$_____), representing 140% of the estimated just compensation required to be paid to the owner(s) of the property subject to the Township's condemnation. The lending institution issuing the said Letter of Credit shall be a Federal or Commonwealth chartered lending institution authorized to conduct business in the Commonwealth of Pennsylvania. The Letter of Credit shall be effective for a minimum of two (2) years and shall include a provision that it shall automatically renew for additional two (2) year terms absent notice of termination from the lending institution to the Township no less than ninety (90) days in advance of the then expiration date.

b. Upon a final determination of the amount of just compensation due to the owner(s) of the property subject to condemnation, in accordance with the Eminent Domain Code, the Township shall provide written notice to Developer of the amount of just compensation due. Upon receipt of such written notice from the Township, Developer shall pay to the Township the said sum no later than thirty (30) days from the date of such notice. Upon receipt of said payment, Township shall release the Letter of Credit for cancellation. In the event Developer fails to pay the said sum to the Township within the required thirty (30) days, Township shall be permitted to draw upon the Letter of Credit the amount determined to be just compensation for

condemnation of the Access Easement. If the amount of just compensation as determined in accordance with the Eminent Domain Code is less than the face amount of the Letter of Credit, the remainder of the Letter of Credit shall be released to the Developer. If the amount of just compensation exceeds the face amount of the Letter of Credit, Developer shall reimburse the Township for any additional sums due, no later than thirty (30) days of written notice from the Township demanding such payment.

7. No later than ten (10) days after Developer posts the Cost Deposit and the Letter of Credit, or as soon as possible in accordance with the Township's meeting schedule, the Township shall commence the action necessary to condemn the Access Easement, taking all necessary actions to authorize the condemnation, to institute condemnation proceedings, and to take all further legal steps to effectuate the condemnation. Developer shall prepare, at its sole cost and expense, all plans and other supporting documentation to facilitate the Township's condemnation of the Access Easement, as necessary and upon request by the Township and shall cooperate with the Township in order to effectuate the intent of the parties as set forth in this Agreement.
8. All terms and conditions set forth in the Conditional Use Approval, and any and all terms associated with the Land Development Approval shall remain in full force and effect.
9. There are no third party beneficiaries to this Agreement.
10. This Agreement shall be binding on the successors in interest of the parties hereto.
11. This Agreement shall be governed by the laws of the Commonwealth of Pennsylvania and venue for any dispute arising hereunder shall be in the Court of Common Pleas of Montgomery County, Pennsylvania.

12. This Agreement represents the entire understanding of the parties hereto and supersedes all prior negotiations.

ATTEST:

**BAEDERWOOD RESIDENTIAL
PARTNERS, L.P.**

By: _____

By: _____

Name: _____

Title: _____

ATTEST:

TOWNSHIP OF ABINGTON

By: _____

By: _____

Richard J. Manfredi, Secretary

John L. Spiegelman, President
Board of Commissioners

PREPARED BY:

Kaplin Stewart Meloff Reiter & Stein, P.C.
Union Meeting Corporate Center
910 Harvest Drive
P.O. Box 3037
Blue Bell, PA 19422
Attn: Simi Kaplin Baer, Esquire
Tel.: (610) 941-2657

RETURN TO:

Kaplin Stewart Meloff Reiter & Stein, P.C.
Union Meeting Corporate Center
910 Harvest Drive
P.O. Box 3037
Blue Bell, PA 19422
Attn: Simi Kaplin Baer, Esquire
Tel.: (610) 941-2657

Tax Parcel Nos.: 30-00-49688-00-7 and 30-00-66644-00-7

EMERGENCY ACCESS EASEMENT

This **EMERGENCY ACCESS EASEMENT AGREEMENT** (this “**Agreement**”) is made this ____ day of _____, 2019 by **RVT NOBLE TOWN CENTER LLC (“RVT”)**, a Pennsylvania limited liability company, with an address of _____ and **BAEDERWOOD RESIDENTIAL PARTNERS, LP (“BRP”)**, a Pennsylvania limited partnership, with an address of c/o Brandolini Companies, 1301 Lancaster Avenue, Berwyn, PA 19312.

Background

A. RVT is the owner of a certain parcel of land consisting of approximately 17.927 acres (+/-) located adjacent to Old York Road and The Fairway, Jenkintown, Abington Township, Montgomery County, Pennsylvania, identified as tax parcel number 30-00-49688-00-7, more fully described on **Exhibit “A”** attached hereto and made a part hereof (“**RVT Property**”).

B. The RVT Property is improved with a retail shopping center known as the Noble Town Center, together with, *inter alia*, parking areas and paved driveways providing access to the RVT Property from Old York Road and from The Fairway.

C. BRP is the owner of a certain parcel of land consisting of approximately 8.32 acres (+/-) located adjacent to the eastern side of the RVT Property, Jenkintown, Abington Township, Montgomery County, Pennsylvania, identified as tax parcel number 30-00-66644-00-7 more fully described on **Exhibit “B”** attached hereto and made a part hereof (“**BRP Property**”).

D. The BRP Property is presently undeveloped and is located in Abington Township's Fairway Transit Zoning District ("**FTD District**").

E. BRP proposes to develop the BRP Property with apartments ("**BRP Development**") as depicted on the Overall Exhibit Plan prepared by Bohler Engineering, dated June 6, 2016 ("**Overall Exhibit Plan**"), which is attached hereto and made a part hereof as **Exhibit "C"**.

I. In connection with the development of the BRP Property, Abington Township has requested that BRP work with RVT to obtain an emergency access interconnection between the BRP Property and the RVT Property for the purpose of providing access to emergency vehicles ("**Emergency Access Interconnection**").

J. BRP desires to obtain a permanent access easement from RVT to allow for the Emergency Access Interconnection desired by Abington Township ("**Emergency Access Interconnection Easement**") and a temporary construction easement to allow BRP to construct the Emergency Access Interconnection ("**Temporary Construction Easement**"). The Emergency Access Interconnection is depicted on the Overall Exhibit Plan and the Temporary Construction Easement is depicted on the Construction Easement Exhibit Plan, attached hereto and made a part hereof as **Exhibit "D"**.

H. RVT is willing to grant the Emergency Access Interconnection Easement and Temporary Construction Easement upon the terms and conditions set forth herein.

NOW, THEREFORE, in consideration of the mutual covenants and promises contained herein, the parties hereto, intending to be legally bound, hereby agree as follows:

1. **Grant of Easements.**

a. **Temporary Construction Easement.** RVT hereby grants and conveys to BRP for the benefit of the BRP Property, the right, at such time is required or convenient for the construction of the BRP Development, a temporary construction easement to construct the Emergency Access Interconnection over the portion of the RVT Property as approximately depicted on the Construction Easement Exhibit Plan ("**Temporary Construction Easement Area**"). BRP, at its sole cost and expense, shall be permitted to construct the Emergency Access Interconnection and all appurtenances and improvements associated therewith in the general location set forth on the Overall Exhibit Plan and in all cases within the Temporary Construction Easement Area, provided that: (i) such use is kept within the reasonable requirements of construction work expeditiously pursued, (ii) such construction activity shall not unreasonably interfere with construction or the conduct or operation of any business on the RVT Property, (iii) customary liability and property damage insurance is maintained protecting RVT from the risk involved in connection therewith, (iv) upon the completion of any work on the RVT Property, BRP shall promptly, at its own cost and expense, repair and/or restore any damage done and all areas disturbed and leave such areas free and clear of trash, rubbish, loose dirt and construction materials and restore all such areas to their original grade and substantially to the condition as existed prior to such work being done (except as shown on the Overall Exhibit Plan or as necessary to construct the Emergency Access Interconnection), (v) the

construction performed is authorized by the applicable governing agency and is performed in a good and workmanlike manner, lien free and in compliance with all governmental requirements, (vi) the work does not unreasonably and materially interfere with the use, occupancy or enjoyment of any part of the RVT Property, (vii) the construction and other activity conducted by BRP does not violate the terms of, or result in the landlord being in default under, any lease in effect at the RVT Property or entitle any tenant of the RVT Property to terminate its lease or abate or reduce the rent payable thereunder, (viii) the construction and other activity conducted by BRP does not violate the terms of any permit or approval issued with respect to the RVT Property, (ix) BRP shall have given RVT not less than forty eight (48) hours' notice of its intent to enter on the RVT Property for any purpose, and (x) BRP has obtained, at its sole cost and expense, all governmental approvals and permits required to construct the Emergency Access Interconnection (hereinafter defined) (the foregoing, collectively, the **“Entry and Activity Conditions”**).

b. **Emergency Access Easement.** RVT hereby grants and conveys to BRP, for the benefit and use of the BRP Property or any portion thereof, a perpetual non-exclusive right and easement over the Emergency Access Interconnection, as depicted on the Overall Exhibit Plan (**“Emergency Access Interconnection”**) and the RVT Property to provide emergency vehicular access, ingress and egress between the BRP Property and Old York Road. The Emergency Access Interconnection shall be used only in the case of a life safety event and the Emergency Access Interconnection shall be closed off by a chain link fence. RVT shall not place or construct any structure or object on the Emergency Access Interconnection which would materially impair the free flow of vehicular or pedestrian traffic over the Emergency Access Interconnection or inhibit access between the BRP Property and Old York Road.

2. **Indemnification by BRP.** BRP shall indemnify, defend and hold RVT harmless from any liability, cost or expense (including attorney's fees) incurred by RVT by reason of injury to persons or damage to property arising out of or in connection with the use of the Emergency Access Interconnection, except for such liability, cost or expense caused by the negligence of RVT, or its agents, employees or independent contractors.

3. **Mortgage Subordination.** Any mortgage or deed of trust affecting any portion of the RVT Property or the BRP Property shall at all times be subject and subordinate to the terms of this Agreement, and any party foreclosing any such mortgage or deed of trust, or acquiring title by deed in lieu of foreclosure or trustee's sale shall acquire title subject to all of the terms and provisions of this Agreement.

4. **General Provisions.**

a. **Binding Effect.** This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns.

b. **Recording the Agreement.** This Agreement shall be recorded in the Office of the Recorder of Deeds of Montgomery County, Pennsylvania.

c. **Obligations to Run with the Land.** The covenants and obligations of this Agreement shall be covenants running with the land.

d. **Governing Law.** This Agreement shall be interpreted and enforced in accordance with the laws of the Commonwealth of Pennsylvania.

e. **Counterparts.** This Agreement may be executed in counterparts, each of which shall be deemed to be an original, but which together shall constitute one original Agreement.

f. **Notices.** All notices required to be given hereunder shall be sent by registered or certified mail, return receipt requested, by Federal Express or other overnight express delivery service or by hand delivery against written receipt or signed proof of delivery, to the respective addresses set forth in the preamble, and to such other person and addresses as each party may from time to time designate in writing to the other. All notices to the BRP shall be copied to Simi Kaplin Baer, Esquire, Kaplin Stewart, 910 Harvest Drive, Blue Bell, PA 19422. Notices shall be deemed to have been received on the date delivered when sent by hand delivery, the next day when sent by Federal Express or other overnight express delivery service, and within two (2) business days when sent by registered or certified mail.

g. **Estoppel Certificates.** Upon request by a party to this Agreement for a reasonable purpose, the other party shall confirm in writing that the requesting party is not in violation of this Agreement, provided that the requesting party is not in violation of this Agreement.

-SIGNATURE PAGE FOLLOWS-

IN WITNESS WHEREOF, the parties hereto have executed this Agreement the day and year first above written.

RVT NOBLE TOWN CENTER LLC, a
Pennsylvania limited liability company

By: _____
Name:
Title:

**BAEDERWOOD RESIDENTIAL PARTNERS,
LP**, a Pennsylvania limited partnership

**By: BAEDERWOOD RESIDENTIAL
PARTNERS, GP, INC.**, a Pennsylvania
corporation, its general partner

By: _____
Name: Frederick Snow, President

COMMONWEALTH OF PENNSYLVANIA :
: **SS**
COUNTY OF :

On this ___ day of _____, 2019, before me, the undersigned officer, personally appeared _____, who acknowledged himself/herself to be the _____ of **RVT NOBLE TOWN CENTER LLC**, a Pennsylvania limited liability company, and as such officer executed the foregoing instrument for the purposes therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and notarial seal.

Notary Public

STATE OF PENNSYLVANIA :
: **SS**
COUNTY OF :

On this ___ day of _____, 2019, before me, the undersigned officer, personally appeared Frederick Snow, who acknowledged himself to be the President of **BAEDERWOOD RESIDENTIAL PARTNERS, GP, INC.**, a Pennsylvania corporation, general partner of **BAEDERWOOD RESIDENTIAL PARTNERS, LP**, a Pennsylvania limited partnership and as such officer executed the foregoing instrument for the purposes therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and notarial seal.

Notary Public

EXHIBIT "A"

RVT PROPERTY

ALL THAT CERTAIN tract of ground with the buildings and improvements thereon erected, Situate in the Township of Abington, County of Montgomery, and Commonwealth of Pennsylvania, bounded and described in accordance with a "Plan of Survey made for John Wanamaker, Philadelphia", by DiCroce and Leapson, Consulting Engineers, Philadelphia, Pennsylvania, on November 20, 1975 as follows to wit:

BEGINNING at a point on the Southeasterly side of Old York Road, a corner of land now or late of J.B. Van Sciver Company, said point being measured from the center line of Old York Road on the arc of a circle curving to the left in a Southeasterly direction with a radius of 340 feet the arc distance of 60 feet more or less, which latter point in Old York Road is measured at the distance of Nine hundred one and thirty-nine one hundredths feet in a Generally Southerly direction along the center line of the several courses thereof from a point at the intersection of said center line of Old York Road with the center line of Woodcrest Road; thence extending from said point of beginning in a Southeasterly direction on the arc of a circle curving to the left with a radius of 340 feet the arc distance of one hundred sixty-five and forty-eight one hundredths feet to a monument; and thence extending by lands of said J.B. Van Sciver Company, the 2 following courses and distances: (1) North 77 degrees 39 minutes East 558 feet to a monument; and (2) North 12 degrees 21 minutes West 340 feet to a monument in line of land now or late of L.C. Clafin; thence extending by the same and land now or late of R.J. Harbison, Jr., North 77 degrees 39 minutes East 47 feet to a monument in line of land now or late of York Road Business Center, Inc.; thence extending by same, the 2 following courses and distances: (1) South 45 degrees 50 minutes East seven hundred eighty-five and sixty-eight one hundredths feet to a monument; (2) South 29 degrees 31 minutes 5 seconds West four hundred thirty-five and thirty-seven one hundredths feet to a monument; thence extending along lands of the previously mentioned York Road Business Center, Inc., and lands now or late of Jenkintown Bank and Trust Company, South 80 degrees 53 minutes 5 seconds West eight hundred thirty-eight and one one hundredths feet to a point in the Northeasterly side of The Fairway, a Public Road 60 feet wide; thence extending along the Northeasterly side of the same, North 53 degrees 10 minutes 38 seconds West three hundred ninety-seven and thirty one hundredths feet to a monument, thence extending in a Northeasterly direction on the arc of a circle curving to the right with a radius of 90 feet, the arc distance of one hundred thirty and twenty-three one hundredths feet to a monument on the Southeasterly side of Old York Road, said monument being 60 feet from the center line of Old York Road; thence extending along the Southeasterly side of Old York Road, the two following courses and distances: (1) North 29 degrees 44 minutes 5 seconds East two hundred seven and eighty-two one hundredths feet to a monument and; (2) on the arc of a circle curving to the left in a Northeasterly direction with a radius of one thousand two hundred ninety-five and ninety-three one hundredths feet the arc distance of ~~seventy-five and seventy-two one hundredths feet to the first~~ mentioned point and place of beginning.

BEING Parcel Number 30-00-49688-00-7

BEING the same premises in which John Wanamaker, Philadelphia, a Pennsylvania Corporation by deed dated 8/23/95 and recorded at Norristown, Pennsylvania in Deed Book 5123 page 911, granted and conveyed unto the May Department Stores Company, a New York Corporation, in fee;

EXHIBIT "B"

BRP PROPERTY

BEGINNING AT A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF THE FAIRWAY (A.K.A. THE FAIRWAY VALLEY ROAD, 80 FOOT WIDE RIGHT-OF-WAY, LEGALLY OPEN), AT ITS INTERSECTION WITH THE DIVIDING LINE BETWEEN APN #30-00-66636-006, UNIT 1, BLOCK 177, LANDS NOW OR FORMERLY BAEDERWOOD LIMITED PARTNERSHIP AND UNIT 40, BLOCK 177, LANDS NOW OR FORMERLY DONDEL ASSOCIATES, SAID POINT BEING THE FOLLOWING FOUR (4) COURSES AND DISTANCES FROM A POINT OF CURVATURE ON THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF OLD YORK ROAD (A.K.A. ROUTE 611, 100 FOOT WIDE RIGHT-OF-WAY, LEGALLY OPEN):

- A. ALONG THE ARC OF A CIRCLE CURVING TO THE LEFT, CONNECTING THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF OLD YORK ROAD WITH THE NORTHWESTERLY RIGHT-OF-WAY LINE OF THE FAIRWAY, HAVING A RADIUS OF 90.00 FEET, A CENTRAL ANGLE OF 82 DEGREES 54 MINUTES 43 SECONDS, AN ARC LENGTH OF 130.23 FEET, A CHORD BEARING OF SOUTH 11 DEGREES 40 MINUTES 22 SECONDS EAST, AND A CHORD DISTANCE OF 119.16 FEET TO A POINT OF TANGENCY, THENCE;

THE FOLLOWING THREE (3) COURSES AND DISTANCES ALONG THE NORTHWESTERLY RIGHT-OF-WAY LINE OF THE FAIRWAYS:

- B. SOUTH 53 DEGREES 07 MINUTES 43 SECONDS EAST, A DISTANCE OF 397.32 FEET TO A POINT OF CURVATURE, THENCE;
- C. ALONG THE ARC OF A CIRCLE CURVING TO THE LEFT, HAVING A RADIUS OF 290.00 FEET, A CENTRAL ANGLE OF 45 DEGREES 56 MINUTES 17 SECONDS, AN ARC LENGTH OF 232.51 FEET, A CHORD BEARING SOUTH 76 DEGREES 05 MINUTES 52 SECONDS EAST, AND A CHORD DISTANCE OF 226.34 FEET TO A POINT OF TANGENCY, THENCE;
- D. NORTH 80 DEGREES 56 MINUTES 00 SECONDS EAST, A DISTANCE OF 608.82 FEET TO THE TRUE POINT AND PLACE OF BEGINNING AND FROM SAID POINT OF BEGINNING RUNNING, THENCE;
1. ALONG THE DIVIDING LINE BETWEEN APN #30-00-66636-006, UNIT 1, BLOCK 177 AND UNIT 40, BLOCK 177, NORTH 09 DEGREES 04 MINUTES 00 SECONDS WEST, A DISTANCE OF 95.00 FEET TO A CONCRETE MONUMENT, THENCE;

THE FOLLOWING TWO (2) COURSES AND DISTANCES ALONG THE DIVIDING LINE BETWEEN APN #30-00-66636-006, UNIT 1, BLOCK 177 AND UNIT 22, BLOCK 177, LANDS NOW OR FORMERLY NOBLE TOWN CENTER ASSOCIATES, INC.:

2. NORTH 80 DEGREES 56 MINUTES 00 SECONDS EAST, A DISTANCE OF 13.83 FEET TO A RAILROAD SPIKE, THENCE;
3. NORTH 29 DEGREES 34 MINUTES 00 SECONDS EAST, A DISTANCE OF 390.45 FEET TO A POINT, THENCE;
4. ALONG THE COMMON DIVIDING LINE BETWEEN APN #30-00-66636-006, UNIT 1, BLOCK 177 AND APN #30-00-66644-007, UNIT 33, BLOCK 177, LANDS NOW OR FORMERLY BAEDERWOOD LIMITED PARTNERSHIP AND UNIT 34, BLOCK 177, LANDS NOW OR FORMERLY PHILADELPHIA PRESBYTERY HOMES, INC., NORTH 80 DEGREES 56 MINUTES 00 SECONDS EAST, A DISTANCE OF 645.93 FEET TO A MAG NAIL WITH WASHER, THENCE;

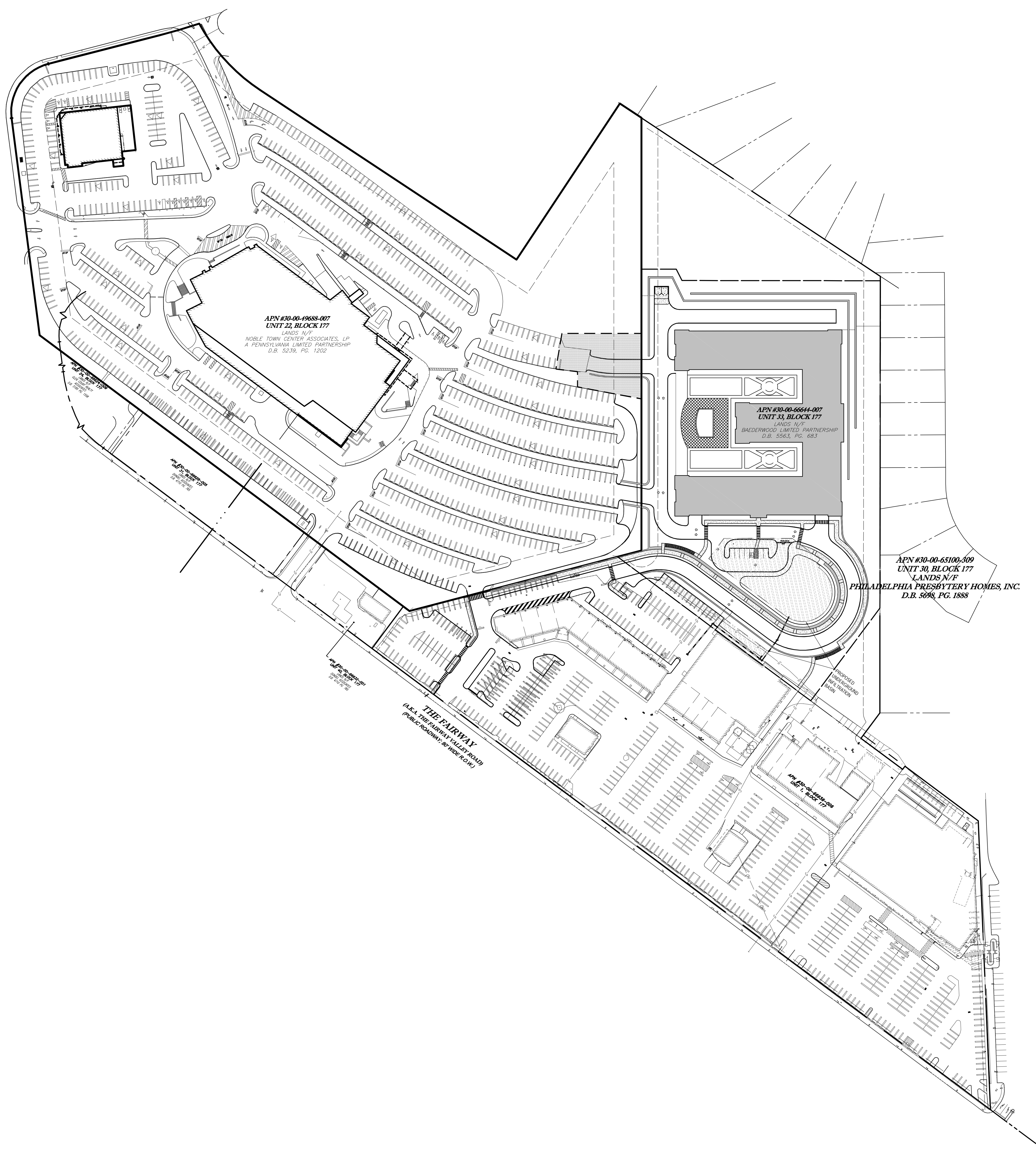
THE FOLLOWING THREE (3) COURSES AND DISTANCES ALONG THE DIVIDING LINE BETWEEN APN #30-00-66652-008, UNIT 39, BLOCK 177, LANDS NOW OR FORMERLY BAEDERWOOD LIMITED PARTNERSHIP AND UNIT 34, BLOCK 177:

5. NORTH 09 DEGREES 04 MINUTES 00 SECONDS WEST, A DISTANCE OF 7.04 FEET TO A RAILROAD SPIKE, THENCE;
6. NORTH 80 DEGREES 56 MINUTES 00 SECONDS EAST, A DISTANCE OF 166.00 FEET TO A CORNER, THENCE;
7. SOUTH 48 DEGREES 12 MINUTES 49 SECONDS EAST, A DISTANCE OF 524.85 FEET TO A POINT ON THE NORTHWESTERLY RIGHT-OF-WAY LINE OF THE FAIRWAY, THENCE;
8. ALONG THE NORTHWESTERLY RIGHT-OF-WAY LINE OF THE FAIRWAY, SOUTH 80 DEGREES 56 MINUTES 00 SECONDS WEST, A DISTANCE OF 1,400.88 FEET TO THE POINT AND PLACE OF BEGINNING.

CONTAINING 455,023 SQUARE FEET OR 10.446 ACRES

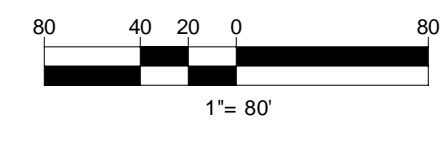
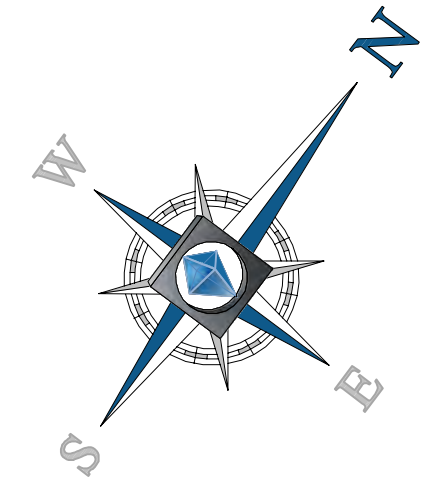
EXHIBIT “C”

OVERALL EXHIBIT PLAN



LEGEND

--- PROP. TEMPORARY
CONSTRUCTION EASEMENT



C:\Users\pms\Documents\Site Access Connection Exhibit\PP150555\SITE ACCESS CONNECTION EXHIBIT\PP150555-0101.DWG - 12/15/2016 10:51 AM

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REV	DATE	COMMENT	BY

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2 WORKING DAYS NOTICE
CONSTRUCTION PRICES AND
WORKING DAYS DESIGN
STAGE - 30% FEE

PAI
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NOT APPROVED FOR CONSTRUCTION

PROJECT No.: PP150555
DRAWN BY: PFB
CHECKED BY: CND
DATE: 06/06/2016
SCALE: AS NOTED
CAD I.D.: PP150555-SITE ACCESS CONN

EXHIBIT

THE FAIRWAY
ABINGTON TOWNSHIP
MONTGOMERY COUNTY, PA
FOR

BAEDERWOOD
RESIDENTIAL
PARTNERS, L.P.

1301 LANCASTER AVENUE
BERWYN, PA

BOHLER ENGINEERING

1515 MARKET STREET, SUITE 900
PHILADELPHIA, PENNSYLVANIA 19102
Phone: (267) 402-3400
Fax: (267) 402-3401
www.BohlerEngineering.com

A.S. BENOSKY

REGISTERED LANDSCAPE ARCHITECT
PENNSYLVANIA LICENSE NO. LA001371E

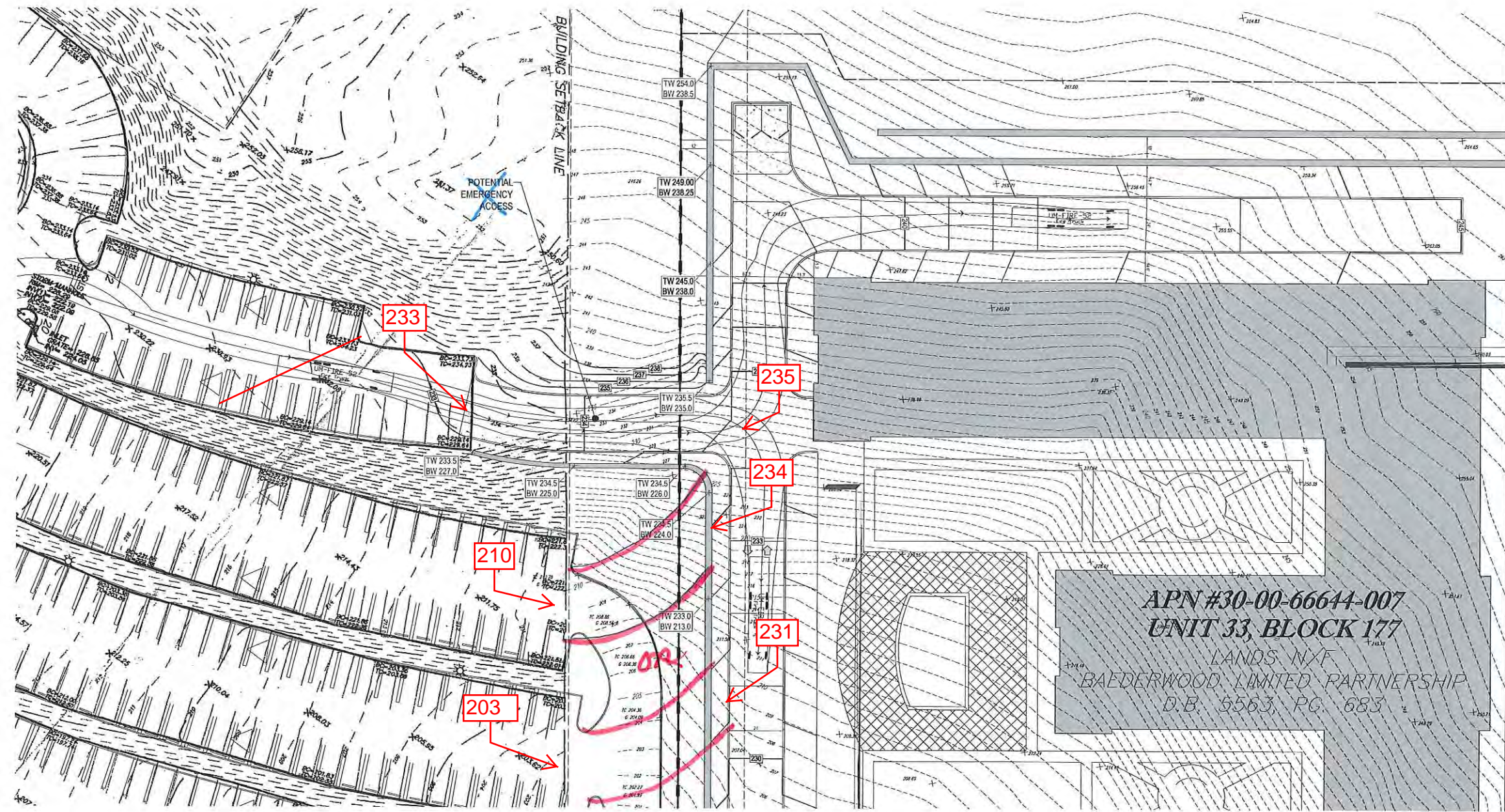
SHEET TITLE:
OVERALL EXHIBIT

SHEET NUMBER:
1 OF 2

REVISION 0

EXHIBIT "D"

CONSTRUCTION EASEMENT EXHIBIT PLAN



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 ARCHITECTURE
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 LAND SURVEYING
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 ENVIRONMENTAL ENGINEERING
 GEOTECHNICAL ENGINEERING
 PLANNING
 TRANSPORTATION SERVICES
 TRAFFIC ENGINEERING
 WATER RESOURCES
 WIND ENGINEERING

REVISIONS			
REV	DATE	COMMENT	BY

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 PUBLIC UTILITIES ARE LOCATED
 FROM RECORDS AND FIELD
 CONSTRUCTION PLANS AND IS
 YOUR RESPONSIBILITY TO
 CALL 800-487-4773
 PA1
 1-800-487-4773

NOT APPROVED FOR CONSTRUCTION
 PROJECT NO. P170208
 DRAWN BY: FFB
 CHECKED BY: CHD
 DATE: 03/12/2016
 SCALE: AS NOTED
 CAD/D: P170208 SITE ACCESS CON

EXHIBIT
 THE FAIRWAY
 ABBINGTON TOWNSHIP
 MONTGOMERY COUNTY, PA
 FOR
 BAEDERWOOD
 RESIDENTIAL
 PARTNERS, L.P.
 1301 LANCASTER AVENUE
 BERWYN, PA

BOHLER ENGINEERING
 1515 MARKET STREET, SUITE 920
 PHILADELPHIA, PENNSYLVANIA 19102
 Phone: (267) 482-3000
 Fax: (267) 482-3401
 www.BohlerEngineering.com

A.S. BENOSKY
 REGISTERED LANDSCAPE ARCHITECT
 PENNSYLVANIA LICENSE NO. LA015716

SHEET TITLE
SITE ACCESS CONNECTION EXHIBIT
 SHEET NUMBER
2
 OF 2
 REVISION 0



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