

**Zoning Hearing Board Application**

Abington Township, PA

1176 Old York Road, Abington PA 19001, Fax: 215-884-8271, Telephone: 267-536-1000 x4



This application must be accompanied by a minimum of ten (10) copies of the plot plan of the property, prepared and signed by a registered land surveyor or professional engineer. The plan must include lot area, lot dimensions, coverage percentages, existing structures, other improvements, proposed improvements, off-street parking, buffers and all characteristics on the site.

The Undersigned herein makes application for:

- Request for Variance from the Zoning Ordinance.
- Request for a Special Exception as provided by the Zoning Ordinance.
- Appeal from the actions of the Zoning Officer.

1. Name and address of the owner of the land: Phone number:  
 Bainbridge Roslyn, LLC and Peter Tiburizo  
 630 Knox Road 500 Frazier Avenue  
 Wayne, PA 19087 Willow Grove, PA 19090

2. Name and address of the applicant: Phone number:  
 Same as owner

3. Name and address of the attorney: Phone number:  
 Marc B. Kaplin and Craig R. Lewis 610-260-6000  
 Kaplin Stewart  
 910 Harvest Drive

4. If the applicant is not the owner of the property, list the applicant's interest in filing this application.  
 Example: equitable owner, agent, lessee, etc.  
 N/A

5. Description of the property:

Address/location 1331 Easton Road, Roslyn, PA

Present use In-line retail shopping center

Proposed improvement Renovation of existing shopping center

**Zoning Hearing Board Application**

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6. State briefly the reasons for which the proposed improvements or use does not meet the requirements of the Zoning Ordinance, and the nature of relief you are seeking:

See attached Addendum.

7. List the specific section of the Zoning Ordinance upon which the application for a variance or special exception is based:

Special Exception in accordance with Section 1005 and Use Matrix. Variance from Section 2103.C Use C-10 to permit convenience store in the MS-VC District in excess of 3,000 s.f.

8. Describe in detail the grounds for the appeal, or the reasons both in law and in fact for the granting of the variance or special exception, describing in detail the nature of the unique circumstances, and the specific hardship justifying your request for approval of the application.

See attached Addendum.

9. List any and all prior Zoning Hearing Board action regarding the property. List the date, case number and the nature of the zoning relief granted.

N/A

10. List any and all additional information, records, transcripts which may be helpful to the Zoning Hearing Board in rendering a decision: A minimum of eight (8) copies are required to be submitted.

See attached Addendum

Signature of Applicant

Signature of Owner

Internal Validation:

Date Received:

Fee Paid:

Case:

Signature of the Zoning Officer

Marc B. Kaplin, Esquire  
Craig R. Lewis, Esquire  
Kaplin Stewart Meloff Reiter & Stein, PC  
Union Meeting Corporate Center  
910 Harvest Drive  
Post Office Box 3037  
Blue Bell, PA 19422  
(610) 941-2666  
[mkaplin@kaplaw.com](mailto:mkaplin@kaplaw.com)  
(610) 941-2584  
[rlewis@kaplaw.com](mailto:rlewis@kaplaw.com)

Attorneys for Applicants

**BEFORE THE ZONING HEARING BOARD  
OF ABINGTON TOWNSHIP  
MONTGOMERY COUNTY, PENNSYLVANIA**

*In the Matter of:*

**Bainbridge Roslyn, LLC and Peter Tiburzio  
1331 Easton Road, Roslyn Shopping Center  
Parcel ID No. 30-00-14616-00-6**

**ADDENDUM TO ZONING HEARING BOARD APPLICATION**

Bainbridge Roslyn, LLC and Peter Tiburzio, by and through their attorneys Marc B. Kaplin, Esquire and Craig R. Lewis, Esquire, hereby file this addendum to their Abington Township Zoning Hearing Board Application seeking a Special Exception in accordance with Section 1005 and the Use Matrix and a variance from Section 2103.C Use C-10 of the Abington Township Zoning Ordinance as further described herein, for the property identified above, and in support thereof states as follows:

1. **Name and Address of Applicant.** The Applicants are Bainbridge Roslyn, LLC and Peter Tiburzio (collectively herein "**Bainbridge**"), legal owner of the parcel identified as Montgomery County tax parcel number 30-00-14616-00-6, otherwise generally identified as 1331 Easton Road, Roslyn, PA and commonly known as the Roslyn Valley Shopping Center. ("**Property**"). A copy of the associated deed is attached hereto as Exhibit "A".

2. **Description of Property.** The Property is an approximately 2.65 acre (+/-) parcel located along Easton Road in Roslyn at the intersection of Easton Road and Woodland Road. In accordance with the Abington Township Zoning Ordinance (“**Zoning Ordinance**”) and Abington Township Zoning Map the Property is located in the MS-VC Main Street-Village Center Zoning District. The Property is improved with two buildings which comprise an in-line retail shopping center that was first developed in 1966. The southern building is a one-story masonry building that consists of approximately 17,962 s.f. and is anchored by an approximately 11,890 s.f. (+/-) Rite Aid Pharmacy. The northern building is a one-story masonry building consisting of 11,530 s.f. (+/-). Between the two buildings is a two-lane drive-aisle serving a currently unused drive-thru window previously associated with an adjacent bank. The Property has three access points to public streets; one full movement access to Easton Road at the southern end of the Property, one right-in, right-out only access to Easton Road approximately at the middle of the site and off-set from Brookdale Ave, and one full-movement access to Woodland Road. The Property is currently non-conforming with respect to many of the area and bulk requirements of the MS-VC District including, but not limited to, off-street parking, minimum green area, rear yard setback, and building coverage. The existing improvements of the Property are depicted on a site plan prepared by LandCore Engineering Consultants, P.C. entitled “Existing Conditions Plan” dated February 17, 2020 (“**Existing Conditions Plan**”). A copy of the Existing Conditions Plan is attached hereto as **Exhibit “B”**.

3. **Zoning.** Pursuant to the Abington Township Zoning Map, the Property is located in the MS-VC Main Street Village Center (“**MS-VC District**”).

4. **Proposed Improvements.** Applicant proposes to renovate a portion of the northern building within the shopping center. Specifically, the existing 11,530 s.f. (+/-) would

be reconfigured to provide space to accommodate an estimated 6,000 s.f. (+/-) in-line Wawa Convenience Store (“**Wawa Store**”). Additionally, the proposed renovation proposes (1) reconfiguring the vehicular access to Woodland Road to provide better definition, better lane control and safe movements, (2) reconfiguring existing parking along the northern portion of the Property to create better circulation patterns and to provide an additional fourteen (14) parking spaces, and (3) to provide additional green space including landscaping and buffering between the northern building and Woodland Road (hereinafter collectively the “**Proposed Improvements**”). The Wawa Store and Proposed Improvements are depicted on a plan prepared by LandCore Engineering Consultants, P.C., entitled “Zoning Plan” dated February 17, 2020 last revised May 13, 2020 (“**Zoning Plan**”). A copy of the Zoning Plan is attached hereto as **Exhibit “C”**.

5. **Relief Requested**. In accordance with the Zoning Ordinance, the uses permitted in the MS-VC District are controlled by §1005 which then refers to the Use Matrix appended to the Zoning Ordinance. The Use Matrix specifies that a Convenience Store (Use C-10) is a use permitted by special exception in the MS-VC District. Applicant requests a Special Exception in accordance with §1005 as specified by the Use Matrix.

Article XXI of the Zoning Ordinance provides specific definitions and descriptions of uses permitted in various zoning districts. Section 2103.C provides descriptions of various retail and service uses. A “Convenience Store” is defined and described as Use C-10 in §2103.C as follows:

A mini-food market, where retail trade intended for quick sale and carry-out is the principal use. Such use shall not specialize in a particular product, but offers an array of different items including but not limited to takeout coffee, dairy products, delicatessen, dry goods, foodstuffs, grocery items, newspapers, tobacco, and similar product lines.

The Definition of “Convenience Store” further provides that automated teller machines, legally lottery sales and the sale of alcoholic beverages are specifically permitted as accessory uses. However, Subsection (5) of Use C-10 provides that in the MS-VC District, the gross retail floor area of a Convenience Store may not exceed 3,000 square feet.

The Wawa Store will meet the Zoning Ordinance definition of Convenience Store as well as those criteria set forth in Use C-10 with the exception of the limitation of 3,000 s.f. of gross floor area. Accordingly, Applicants request a variance from Section 2103.C Use C-10, subsection (5) to permit a Convenience Store in the MS-VC district with a gross floor area in excess of 3,000 s.f.

6. **Standards and Criteria.**

**Special Exception**

A special exception is a use that is expressly permitted under the zoning ordinance absent showing of a detrimental effect on the community. *Manor Healthcare Corp. v. Lower Moreland Twp. Zoning Hearing Bd.*, 590 A.2d 65, (Pa.Cmwlt. 1991). As a matter of law an applicant has an absolute right to a special exception, unless it is injurious to the public health, safety and welfare. *Id.* An applicant for a special exception bears the initial burden of proving that the proposed use complies with the objective requirements of the Zoning Ordinance. *Mann v. Lower Makefield Twp.*, 634 A.2d 768 (Pa.Cmwlt. 1993). Once an applicant for a special exception proves that the proposed use complies with the specific objective standards in the ordinance, the special exception may not be denied unless objectors have carried their burden proving that the applicant’s proposed use would be more detrimental to the public health than would normally be expected from the same use. *In re Martin*, 529 A.2d 582 (Pa.Cmwlt. 1987).

The Zoning Ordinance provides the following specific objective standards for a Convenience Store use (1) Separate and distinct ingress and egress, and marked egress patterns must be provided on-lot (2) a minimum of two trash receptacles must be provided and maintained outdoors, (3) no outside vending machines, outside sales, ATM's, or phones are permitted, and (4) in the MS-VC District, the gross retail floor area may not exceed 3,000 s.f.

As depicted on the Zoning Plan, the Wawa store will have separate and distinct ingress and egress, *i.e.* it is not a portion or department of a larger retail operation. Further, as depicted on the Zoning Plan all vehicular egress patterns are denoted on-site. Indeed, the Proposed Improvements will dramatically improve vehicular circulation, ingress and egress. Additionally, as also shown on the Zoning Plan, the Wawa Store will provide at least two on-site trash receptacles. Lastly, the Wawa Store will not have any outside vending machines, outside sales, ATM's or phones. As set forth above and described below, Applicant requests a variance from the final criteria for a Convenience Store

In addition to any specific objective requirements, in considering every request for a Special Exception Use the Zoning Hearing Board is to evaluate the request in accordance with the general standards set forth in Section 2001.2.C of the Zoning Ordinance, *i.e.*:

- (1) Consider the suitability of the use in the proposed location in terms of a logical land use pattern and the orderly and harmonious development of the area.
- (2) Take into account the suitability of the proposed use with respect to its effect upon traffic and streets in the area, ensure that the proposed access and off-street parking arrangements are adequate and designed with a view toward protecting major streets from undue congestion and hazard, and, where feasible, encourage the provision of marginal roads with buildings fronting on minor roads or incorporating common access arrangements.
- (3) Suitability of the proposed use for the property in question. This criterion shall consider issues such as traffic, vehicular and pedestrian circulation, adjacent land uses(s), buffering, and other impacts on the surrounding area.

- (4) Consistency with the Township and County Comprehensive Plans; Old York Road Corridor Improvement Plan, Township Open Space, Recreation and Environmental Resource Protection Plan, Township Revitalization Plans, and other plans adopted by the Township.
- (5) Community Character. The impact of the proposed use on the surrounding community shall be considered. If the proposal is adjacent to a residential district, the scale of the use shall relate to and compliment the surrounding area. The location and design of parking areas shall be in harmony with preserving the general appearance and character of the area. All new buildings shall be architecturally compatible with existing buildings on the site.
- (6) Nuisance/Safety Analysis. Artificial lighting shall be located to avoid shining into habitable room windows offsite.
- (7) Traffic Impact. The existing road system must be able to accommodate the peak traffic generated by the proposed use in a safe and efficient manner. Existing residential areas shall not be impacted by significant volumes of traffic from the proposed facility. The Zoning Hearing Board may request a traffic impact study, as described in the Traffic Impact Study section of the SALDO.
- (8) Public Utilities. All uses shall be capable of being served by public sewer. A use may be permitted to be served by an onlot sanitary system, only if deemed consistent with the adopted 537 Plan of the Township.

As will be demonstrated by testimony and evidence at the hearing in this matter, the Wawa Store and Proposed Improvements satisfy all of the general standards for special exception uses and thus constitutes a legislatively permitted special exception use of the Property. Therefore, unless an objector to the proposed use demonstrates that the Wawa Store will cause greater injury to the public health safety and welfare than would a typical Convenience Store, the requested special exception must be granted.

#### Variance

The Property is the only multi-tenant, in-line retail center in the Roslyn neighborhood of Abington Township. The Property is forced to compete for tenants with much larger, more modern, anchored shopping centers in the Township located on Old York Road and in in the vicinity of the Willow Grove Park mall. As a result, the Property has experienced consistent and

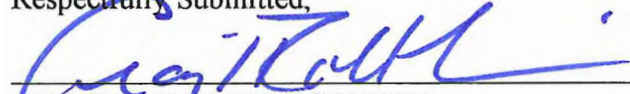


prolonged vacancies with a total of five (5) as of the date of the filing of this application with three more pending vacancies. Additionally, the Roslyn neighborhood is currently underserved in terms of convenience store retail. The existing Wawa convenience store at the corner of Susquehanna and Bradfield Roads is undersized, antiquated and incapable of serving the needs of the community. Because of its diminutive size, as well as physical constraints on parking and circulation, this existing Wawa convenience store contributes to significant traffic issues at the adjacent intersection. The proposed Wawa Store (without gas) would provide a much-needed infusion of an anchor to the shopping center which will be a stimulus for the further renovation and re-tenanting of the shopping center while providing a viable shopping option for the Roslyn neighborhood. However, doing so necessitates that the Wawa store be able to accommodate all of the products and services that customers have come to expect from a Convenience Store. To provide all of these products and services the Wawa Store must exceed the 3,000 square feet limitation prescribed by §2103.C Use C-10.

As will be demonstrated by testimony and exhibits at the hearing in this matter, Applicant's request for relief from §2103.C Use C-10 is in the public interest, it will not detract from the appropriate use and enjoyment of adjacent properties, nor cause injury to the public health, safety and/or welfare. Indeed, if the requested relief is not granted, the Property will suffer substantial hardship by exacerbating and prolonging vacancies within the shopping center.

**WHEREFORE**, Applicants request that the Zoning Hearing Board grant the requested Special Exception in accordance with §1005 and the Use Matrix as well as the requested variance from §2103.C Use C-10 to permit a Wawa Convenience Store in the MS-VC district in excess of 3,000 s.f.

Respectfully Submitted,



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**MARC B. KAPLIN, ESQUIRE**  
**CRAIG R. LEWIS, ESQUIRE**  
Attorneys for Applicants

Date: May 18, 2020

# EXHIBIT "A"

Deed



**DEED BK 6114 PG 02122 to 02128**  
 INSTRUMENT # : 2018078129  
 RECORDED DATE: 11/13/2018 08:56:17 AM



3976969-00201

RECORDER OF DEEDS  
 MONTGOMERY COUNTY  
*Jeanne Sorg*

One Montgomery Plaza  
 Swede and Airy Streets ~ Suite 303  
 P.O. Box 311 ~ Norristown, PA 19404  
 Office: (610) 278-3289 ~ Fax: (610) 278-3869

**MONTGOMERY COUNTY ROD**

**OFFICIAL RECORDING COVER PAGE**

Page 1 of 7

<b>Document Type:</b> Deed	<b>Transaction #:</b> 4158266 - 2 Doc(s)
<b>Document Date:</b> 11/01/2018	<b>Document Page Count:</b> 6
<b>Reference Info:</b>	<b>Operator Id:</b> sford

<b>RETURN TO: (Simplifile)</b> Land Services USA (West Chester 2) 1 S Church Street West Chester, PA 19382 (610) 429-3145	<b>PAID BY:</b> LAND SERVICES USA WEST CHESTER 2
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**\* PROPERTY DATA:**  
 Parcel ID #: 30-00-14616-00-6  
 Address: 1331 EASTON RD  
 PA  
 Municipality: Abington Township (100%)  
 School District: Abington

**\* ASSOCIATED DOCUMENT(S):**


**CONSIDERATION/SECURED AMT: \$1,650,000.00**

**FEES / TAXES:**

Recording Fee:Deed	\$86.75
Additional Pages Fee	\$4.00
Affordable Housing Pages	\$4.00
State RTT	\$16,500.00
Abington Township RTT	\$8,250.00
Abington School District RTT	\$8,250.00
<b>Total:</b>	<b>\$33,094.75</b>

DEED BK 6114 PG 02122 to 02128  
 Recorded Date: 11/13/2018 08:56:17 AM

I hereby CERTIFY that this document is recorded in the Recorder of Deeds Office in Montgomery County, Pennsylvania.



**Jeanne Sorg**  
Recorder of Deeds

Rev1 2016-01-29

**PLEASE DO NOT DETACH**

THIS PAGE IS NOW PART OF THIS LEGAL DOCUMENT

NOTE: If document data differs from cover sheet, document data always supersedes.

\*COVER PAGE DOES NOT INCLUDE ALL DATA, PLEASE SEE INDEX AND DOCUMENT FOR ANY ADDITIONAL INFORMATION

Digitally signed 02/12/2020 by montgomery.county.rod@kofile.us

**Certified and Digitally Signed**

eCertified copy of recorded # 2018078129 (page 1 of 7)  
 Montgomery County Recorder of Deeds



Validation may require Adobe 'Windows Integration'

Prepared by and Return to:

Land Services USA, Inc.  
1835 Market St, Suite 420  
Philadelphia, PA 19103  
215-563-5468

File No. PAFA18-3120MK  
UPI # 30-00-14616-00-6

MONTGOMERY COUNTY COMMISSIONERS REGISTRY  
30-00-14616-00-6 ABINGTON TOWNSHIP  
1331 EASTON RD  
TIBURZIO PETER & NANCY W  
B 394 L U 023 4546 11/13/2018 \$15.00  
JW

**This Indenture**, made the 1 day of NOVEMBER, 2018,

**Between**

**PETER TIBURZIO AND NANCY W. TIBURZIO**

(hereinafter called the Grantors), of the one part, and

**BAINBRIDGE ROSLYN, LLC, A PENNSYLVANIA LIMITED LIABILITY COMPANY AND PETER TIBURZIO, AS TO EACH A 50% UNDIVIDED INTEREST AS TENANTS IN COMMON**

(hereinafter called the Grantee), of the other part,

**Witnesseth**, that the said Grantors for and in consideration of the sum of **One Million Six Hundred Fifty Thousand And 00/100 Dollars (\$1,650,000.00)** lawful money of the United States of America, unto them well and truly paid by the said Grantee, at or before the sealing and delivery hereof, the receipt whereof is hereby acknowledged, have granted, bargained and sold, released and confirmed, and by these presents do grant, bargain and sell, release and confirm unto the said Grantee. Each Grantee shall hold an undivided fifty percent (50%) interest as tenants in common.

ALL THAT CERTAIN lot or piece of ground with the buildings and improvements thereon erected, Situate in Roslyn Gardens, Abington Township, Montgomery County, Pennsylvania, described according to a survey thereof made by George B. Mebus, Registered Professional Engineer, Glenside, PA; in the 7th day of December, 1948, and last revised on the 12, day of July, 1949, as follows, to wit:

BEGINNING at a point of tangent of a radius corner on the Southwest side of Woodland Road (40 feet wide) at said point of tangent being at the distance of 25 feet, South 46 degrees, 45 minutes East from the intersection which the said side of Woodland Road produced makes with the Southeast side of Easton Road (62 feet wide) (as widened 2 feet on the Northwesterly side thereof and 10 feet on the Southeasterly side from the former width of 50 feet) produced; thence along the said Southwesterly side of Woodland Road the 3 following courses and distances, South 46 degrees, 45 minutes East 0.64 feet to a point of curve; thence still extending Southeasterly by a line curving to the left, with a radius of 140 feet the arc distance of 113.24 feet to a point of tangent, thence North 86 degrees, 54 minutes, 21 seconds East 91.63 feet to a point; thence in the bed of a right of way for a driveway 20 feet wide and partly along the rear of Lot No. 66 on a plan known as Roslyn Gardens, South 44 degrees, 0 minutes West 13.80 feet to an angle point; thence still in the bed of the Right of Way for a driveway and along the rear line of Lots No. 66 to 56 inclusive, South 43 degrees, 15 minutes West 662.96 feet to a point; thence along the Northeasterly



line of the said Subdivision known as Roslyn Valley No. 1 North 46 degrees, 37 minutes 30 seconds West being also along the Southwesterly side of a Right of Way for a drive 15 feet wide 190 feet to a point in the aforementioned Southeasterly side of Easton Road (62 feet wide) (as widened by 2 feet on the Northwesterly side thereof and 10 feet on the Southeasterly side from the former width of 50 feet) produced; thence along the said Southeasterly side of Easton Road North 43 degrees, 15 minutes East 542.80 feet to a point of curve on the aforementioned radius corner; thence extending Eastwardly be a line curving to the right with a radius of 25 feet the arc distance of 39.27 feet to a point of tangent and place of beginning.

AS DESCRIBED AS ALL THAT CERTAIN lot or piece of ground with the buildings and improvements thereon erected, Situate in Abington Township, Montgomery County, Pennsylvania, described according to a survey thereof made by Blue Marsh Associates, Inc., dated September 4, 2018; as follows, to wit:

BEGINNING AT THE TERMINUS OF AN ARC CONNECTING THE WESTERLY RIGHT-OF-WAY LINE OF WOODLAND ROAD (40 FOOT WIDE RIGHT-OF-WAY), AT ITS INTERSECTION WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF EASTON ROAD (A.K.A. COUNTY ROAD, 62 FOOT WIDE RIGHT-OF-WAY), AND FROM SAID POINT OF BEGINNING RUNNING, THENCE;

THE FOLLOWING THREE COURSES AND DISTANCES ALONG THE WESTERLY RIGHT-OF-WAY LINE OF WOODLAND ROAD:

1. SOUTH 46 DEGREES 45 MINUTES 00 SECONDS EAST, A DISTANCE OF 0.64 FEET TO A POINT OF CURVATURE, THENCE;
2. ALONG THE ARC OF A CIRCLE CURVING TO THE LEFT, HAVING A RADIUS OF 140.53 FEET, AN ARC LENGTH OF 113.22 FEET, A CENTRAL ANGLE OF 46 DEGREES 09 MINUTES 36 SECONDS, A CHORD BEARING SOUTH 69 DEGREES 55 MINUTES 19 SECONDS EAST, AND A CHORD DISTANCE 110.18 FEET TO A POINT OF TANGENCY, THENCE;
3. NORTH 86 DEGREES 59 MINUTES 52 SECONDS EAST, A DISTANCE OF 91.63 FEET TO A POINT, THENCE;
4. ALONG THE DIVIDING LINE BETWEEN BLOCK 394, UNIT 23, LANDS NOW OR FORMERLY TIBURZIO AND BLOCK 394, UNIT 21, LANDS NOW OR FORMERLY DAVENPORT, ALSO CROSSING 5 FEET OF A 20 FOOT WIDE RIGHT-OF-WAY FOR DRIVEWAY, SOUTH 44 DEGREES 27 MINUTES 03 SECONDS WEST, A DISTANCE OF 13.70 FEET TO A POINT, THENCE;
5. ALONG THE COMMON DIVIDING LINE BETWEEN BLOCK 394, UNIT 23; BLOCK 394, UNIT 20, LANDS NOW OR FORMERLY RODRIGUEZ; BLOCK 394, UNIT 19, LANDS NOW OR FORMERLY POLANCO & JESUS-HERNANDEZ; BLOCK 394, UNIT 18, LANDS NOW OR FORMERLY MARINO; BLOCK 394, UNIT 17, LANDS NOW OR FORMERLY STEWART; BLOCK 394, UNIT 16, LANDS NOW OR FORMERLY BLYTHE; BLOCK 394, UNIT 15, LANDS NOW OR FORMERLY RAPHUN; BLOCK 394, UNIT 14, LANDS NOW OR FORMERLY NINEVE; BLOCK 394, UNIT 13, LANDS NOW OR FORMERLY RIEBOW & MORAN; BLOCK 394, UNIT 12, LANDS NOW OR FORMERLY CLIMALDI; BLOCK 394, UNIT 11, LANDS NOW OR FORMERLY B & A MANAGEMENT COMPANY; AND BLOCK 394, UNIT 123, LANDS NOW OR FORMERLY DELUCAS, ALSO CROSSING 5 FEET OF A 20 FOOT WIDE RIGHT-OF-WAY FOR DRIVEWAY, SOUTH 43 DEGREES 15 MINUTES 00 SECONDS WEST, A DISTANCE OF 662.96 FEET TO A POINT, THENCE;



6. ALONG THE COMMON DIVIDING LINE BETWEEN BLOCK 394, UNIT 23; BLOCK 394, UNIT 10, LANDS NOW OR FORMERLY STONE & NEWELL; BLOCK 394, UNIT 33, LANDS NOW OR FORMERLY PARKER; BLOCK 394, UNIT 8, LANDS NOW OR FORMERLY HARBISON; AND BLOCK 394, UNIT 43, LANDS NOW OR FORMERLY STONE & BRACCIA, ALSO ALONG THE WESTERLY SIDE OF A 15 FOOT WIDE RIGHT-OF-WAY FOR DRIVEWAY, NORTH 46 DEGREES 57 MINUTES 30 SECONDS WEST, A DISTANCE OF 190.00 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF EASTON ROAD, THENCE;
7. ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF EASTON ROAD, NORTH 43 DEGREES 15 MINUTES 00 SECONDS EAST, A DISTANCE OF 542.80 FEET TO A POINT OF CURVATURE, THENCE;
8. ALONG THE ARC OF A CIRCLE CURVING TO THE RIGHT, CONNECTING THE SOUTHERLY RIGHT-OF-WAY LINE OF EASTON ROAD WITH THE WESTERLY RIGHT-OF-WAY LINE OF WOODLAND ROAD, HAVING A RADIUS OF 25.00 FEET, AN ARC LENGTH OF 39.27 FEET, A CENTRAL ANGLE OF 90 DEGREES 00 MINUTES 00 SECONDS, A CHORD BEARING NORTH 88 DEGREES 14 MINUTES 56 SECONDS EAST, AND A CHORD DISTANCE 35.36 FEET TO THE POINT AND PLACE OF BEGINNING.

CONTAINING 113,865 SQUARE FEET OR 2.614 ACRES

TOGETHER WITH the free and common use, right, liberty and privilege of a certain 20 feet wide right-of-way from driveway as shown on the aforementioned plan, as and for a passageway, driveway, and watercourse at all times hereafter forever, in common with other owners, tenants and occupiers for the premises abounding and abutting thereon.

'BEING known as 1331 Easton Road.

BEING Tax Parcel No. 30-00-14616-00-6.

**Together with** all and singular the buildings and improvements, ways, streets, alleys, driveways, passages, waters, water-courses, rights, liberties, privileges, hereditaments and appurtenances, whatsoever unto the hereby granted premises belonging, or in anywise appertaining, and the reversions and remainders, rents, issues, and profits thereof; and all the estate, right, title, interest, property, claim and demand whatsoever of them, the said grantors, as well at law as in equity, of, in and to the same.

**To have and to hold** the said lot or piece of ground described above, with the buildings and improvements thereon erected, hereditaments and prenuises hereby granted, or mentioned and intended so to be, with the appurtenances, unto the said Grantee, its successors and assigns, to and for the only proper use and behoof of the said Grantee, its successors and assigns, forever.



And the said Grantors, for themselves and their heirs, executors and administrators, do, by these presents, covenant, grant and agree, to and with the said Grantee, its successors and assigns, that they, the said Grantors, and their heirs, all and singular the hereditaments and premises herein described and granted, or mentioned and intended so to be, with the appurtenances, unto the said Grantee, its successors and assigns, against them, the said Grantors, and their heirs, will **WARRANT SPECIALLY** and defend against the lawful claims of all persons claiming by, through or under the said Grantors but not otherwise.

In Witness Whereof, the parties of the first part have hereunto set their hands and seals. Dated the day and year first above written.

Sealed and Delibered  
IN THE PRESENCE OF US:

\_\_\_\_\_

*Peter Tiburzio* {SEAL}  
Peter Tiburzio

\_\_\_\_\_

\_\_\_\_\_ {SEAL}  
Nancy W. Tiburzio

State of \_\_\_\_\_ } ss  
City/County of \_\_\_\_\_

This record was acknowledged before me on \_\_\_\_\_ by Nancy W. Tiburzio.

\_\_\_\_\_  
Notary Public  
My commission expires \_\_\_\_\_

State of PA } ss  
City/County of Montgomery

This record was acknowledged before me on November 2, 2017 by Peter Tiburzio.

Commonwealth of Pennsylvania - Notary Seal  
DARRYL J SINGLETON - Notary Public  
Montgomery County  
My Commission Expires Oct 24, 2021  
Commission Number 1269656

*Darryl J Singleton*  
Notary Public  
My commission expires 10-24-21





And the said Grantors, for themselves and their heirs, executors and administrators, do, by these presents, covenant, grant and agree, to and with the said Grantee, its successors and assigns, that they, the said Grantors, and their heirs, all and singular the hereditaments and premises herein described and granted, or mentioned and intended so to be, with the appurtenances, unto the said Grantee, its successors and assigns, against them, the said Grantors, and their heirs, will **WARRANT SPECIALLY** and defend against the lawful claims of all persons claiming by, through or under the said Grantors but not otherwise.

In Witness Whereof, the parties of the first part have hereunto set their hands and seals. Dated the day and year first above written.

Sealed and Delivered  
IN THE PRESENCE OF US:

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Peter Tiburzio {SEAL}

*Nancy W. Tiburzio*  
\_\_\_\_\_  
Nancy W. Tiburzio {SEAL}

State of FLORIDA } ss  
City/County of PALM BEACH

This record was acknowledged before me on Nov. 1, 2018 by Nancy W. Tiburzio.



*Karen G Boyle*  
\_\_\_\_\_  
Notary Public  
My commission expires JULY 19, 2021

State of \_\_\_\_\_ } ss  
City/County of \_\_\_\_\_

This record was acknowledged before me on \_\_\_\_\_ by Peter Tiburzio.

\_\_\_\_\_  
Notary Public  
My commission expires \_\_\_\_\_



The precise residence and the complete post office  
address of the above-named Grantee is:

*BAINBRIDGE ROSYLEN LLC AND TIBURZIO  
P.O. BOX 225  
WILLOW GROVE, PA. 19090*

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On behalf of the Grantee

File No. PAFA18-3120MK

Record and return to:  
Land Services USA, Inc.  
1835 Market St, Suite 420  
Philadelphia, PA 19103



**EXHIBIT “B”**  
Existing Conditions Plan

**EXHIBIT “C”**  
Zoning Plan