TOLL/ST. BASIL'S ACADEMY

ABINGTON TOWNSHIP CONDITIONAL USE HEARING – JULY 13, 2023

APPLICANT EXHIBITS:

- A-1 Township of Abington Conditional Use Application, with narrative, under cover of letter from Alyson M. Zarro, Esquire dated March 27, 2023
- A-2 Abington Township Zoning Ordinance, as amended (incorporated by reference)
- A-3 Redacted Agreement of Sale between Toll Mid-Atlantic LP Company, Inc., as buyer, and the Sisters of St. Basil the Great, as seller, dated May 4, 2020
- A-4 Sisters of St. Basil Concept "L" 150 Active Adult Carriage Homes Site Plan prepared by ESE Planning dated January 19, 2022
- A-5 C.V. of John Baionno, P.E.
- A-6 Conditional Use Plan for Sisters of St. Basil prepared by ESE Consultants, Inc. dated March 2023
- A-7 Conditional Use Plan (Alt Sewer Layout) for Sisters of St. Basil prepared by ESE Consultants, Inc. dated March 2023

ALYSON M. ZARRO alyson@rrhc.com extension 202



March 27, 2023

Via Email and Hand Delivery

Richard Manfredi, Township Manager Abington Township 1176 Old York Road Abington, PA 19001 rmanfredi@abingtonpa.gov

> Re: **Toll Brothers – St. Basil's Conditional Use Application**

> > **Subdivision and Land Development Plan Application**

Dear Rich:

As you know, this firm represents Toll Mid-Atlantic LP Company, Inc. ("Toll") in connection with a property located at 711 Fox Chase Road, consisting of approximately 46.37 acres ("Property"). The Property was formerly used for St. Basil Academy and was zoned CS Community Service District. On November 10, 2022, the Board of Commissioners enacted Ordinance No. 2199 establishing an AR Age-Restricted Carriage Home Overlay District on the Property.

Toll is proposing to redevelop the Property pursuant to the AR Age-Restricted Carriage Home Overlay District with 150 Age-Restricted Single-Family Attached Carriage Home Dwelling Units and accessory uses, including a clubhouse and a pool. The proposed use is permitted by right in the AR Overlay District. In connection with the proposed use, Toll is also seeking conditional use approval for the placement of a sanitary sewer line within Zone Two of the Riparian Corridor Conservation District in order to connect the proposed development to an existing public sewer line and manhole on the Property. Toll is filing the Subdivision and Land Development Application and Conditional Use Application together but understands that it will need to proceed with the Conditional Use Application first. Accordingly, included with the Subdivision and Land Development Application is an extension to act on said Application.

Enclosed for filing in connection with the Subdivision and Land Development Application are the following materials:

1. One (1) copy of the Abington Township Application for Subdivision/Land Development;

- 2. Ten (10) copies of the Preliminary/Final Major Subdivision and Land Development Plan for Sisters of St. Basil prepared by ESE Consultants, Inc. dated March 24, 2023, consisting of sixty-four (64) sheets;
- 3. One (1) copy of the Major Subdivision and Land Development Plan reduced to 11 x 17;
- 4. Ten (10) copies of an Erosion Sedimentation Control Plan for Sisters of St. Basil prepared by ESE Consultants, Inc. dated March 24, 2023, consisting of fifteen (15) sheets;
- 5. One (1) copy of the Erosion and Sedimentation Control Plans reduced to 11 x 17;
- 6. Two (2) copies of Architectural Product Images for Rydal-St. Basil's, Building Elevations 1 and 2, dated March 24, 2023;
- 7. One (1) copy of an Aqua will serve letter dated January 29, 2021;
- 8. Three (3) copies of a Stormwater Infiltration Test Results Report prepared by ESE Consultants, Inc. dated March 15, 2023;
- 9. Three (3) copies of a Stormwater Management Narrative for Sisters of St. Basil prepared by ESE Consultants, Inc. dated March 2023;
- 10. Three (3) copies of an Erosion and Sedimentation Control Narrative for Sisters of St. Basil prepared by ESE Consultants, Inc. dated March 2023;
- 11. Three (3) copies of a Transportation Impact Assessment for the St. Basil Redevelopment prepared by McMahon dated February 10, 2023 and last revised March 13, 2023;
- 12. One (1) copy of the Montgomery County Planning Commission Act 247 Referral form;
- 13. One (1) copy of the Planning Process Extension Agreement;
- 14. A check in the amount of \$500.00 made payable to Abington Township, for the subdivision and land development application fee; and
- 15. A check in the amount of \$5,000.00 made payable to Abington Township to replenish the security deposit established under the Contract for Professional Services dated January 4, 2022.

The sanitary sewer will serve letter and Sewage Facilities Planning Module Application will be submitted under separate cover.

Enclosed in connection with the Conditional Use Application are the following materials:

1. One (1) copy of the Conditional Use Application form;

Richard Manfredi, Township Manager Abington Township March 27, 2023 Page 3

- 2. One (1) copy of a Conditional Use Application Narrative;
- 3. Ten (10) copies of a Conditional Use Plan for Sisters of St. Basil prepared by ESE Consultants, Inc. dated March 2023, consisting of one (1) sheet;
- 4. One (1) copy of the redacted Agreement of Sale between the Sisters of St. Basil the Great and Toll; and
- 5. A check in the amount of \$2,000.00 made payable to Abington Township, the Conditional Use Application fee.

Enclosed with the hard copies of both Applications is a USB drive containing all materials. The electronic transmittal of this letter includes an electronic link to download all materials.

Please feel free to contact us if you have questions or need additional information. Thank you for your attention to this matter.

Very truly yours,

1st Alyson M. Zarro

ALYSON M. ZARRO

AMZ/kdj Enclosures

cc: Ashley McIlvaine, Assistant Township Manager (via email w/enclosures)
Terry Castorina, Assistant to the Township Manager (via email w/enclosures)
Michael Clarke, Esquire, Township Solicitor (via email w/enclosures)
Brian Thierrin, Toll Brothers (via email w/enclosures)
Mike Downs, Toll Brothers (via email w/enclosures)
Jeff Madden, P.E., ESE (via email w/enclosures)
Luke Piotrowciz, ESE (via email w/enclosures)
Erin DeRocini, ESE (via email w/enclosures)

Sandy Koza, P.E., PTOE, McMahon (via email w/enclosures)

Louis J. Colagreco, Jr., Esquire (via email w/enclosures)

Ryan Furlong, Esquire (via email w/enclosures)



CONDITIONAL USE APPLICATION

Section 1806 of The Zoning Ordinance of the Township of Abington contains the requirements for the submission, review procedures and the criteria for approval of a Conditional Use application within the Township of Abington. This form has been provided for your use. Please complete the entire form and submit the completed application with the required plan(s), reports(s) and application fee.

Name of Applicant: I oll Mid-Atlantic LP Company, Inc.
Address of Applicant: 1140 Virginia Drive, Fort Washington, PA 19034
Attn.: Brian Thierrin
Telephone Number: <u>215-938-8000</u>
E-Mail Address: BThierrin@tollbrothers.com
Name of Land Owner: Sisters of St. Basil the Great
Address of Land Owner: 710 Fox Chase Road, Jenkintown, PA 19046
Telephone Number:
Submit proof of standing for the property involved in this application. A copy of the deed, agreement of sale or lease can be submitted. Please feel free to delete the financial terms of the sales agreement or lease.
Name of Attorney: Alyson M. Zarro, Esquire
Address of Attorney: Riley Riper Hollin & Colagreco, 717 Consitution Drive, Suite 201
Exton, PA 19341
Attorney's Phone Number: 610-458-4400
Attorney's E-Mail Address: Alyson@rrhc.com

A written narrative may be submitted with this application that addresses the need for this application, an assessment of the property involved, the community character, safety related issues, traffic impact, storm water management and the effect on public utilities.

The undersigned herewith declares this submission to be true and correct as to the facts known as of the date of this application.



Signature of Applicant:	
Signature of Land Owner: Sixtub	locathy Com Busons li
Section #3 of Ordinance #1951 of the Tow the Board of Commissioners and include application, petitions and curative amend	vnship of Abington contains the fee schedule for matters heard by e zoning change applications, map amendments, conditional use ments.
A fee of \$2,000.00 is required to be submit payable to the Township of Abington and	ted as the time the application is received. Checks are to be made submitted to the Zoning Officer.
Date Received:	Receipt Number:

If there are any questions that you may have, please feel free to contact Allison Lee @ 610-422-2360 or by e-mail at aalee@Pennoni.com.

Signature of Zoning Officer:

ABINGTON TOWNSHIP CONDITIONAL USE APPLICATION NARRATIVE

Toll Mid-Atlantic LP Company, Inc. 1140 Virginia Drive, Fort Washington, Pennsylvania 19034

Toll Mid-Atlantic LP Company, Inc. ("Applicant") is the equitable owner of a property located at 711 Fox Chase Road, Jenkintown, Pennsylvania 19046, consisting of approximately 46.37 acres, and more specifically identified as Tax Parcel Numbers 30-00-22424-001 and 30-00-22420-005 ("Property"). The Property was formerly used for Saint Basil Academy. Applicant proposes to redevelop the Property pursuant to the AR Age-Restricted Carriage Home Overlay District with 150 Age-Restricted Single-Family Attached Carriage Home Dwelling Units and accessory uses. In connection with the proposed redevelopment of the Property, Applicant requests conditional use approval, pursuant to Section 1503.B.2.b of the Abington Township Zoning Ordinance, to allow the installation of a central sewer line in Zone Two of the Riparian Corridor Conservation District.

The proposed development would be served by public sewer. Public sewer for the majority of the Property will be provided via connection to an existing sanitary sewer manhole located within a 20-foot wide sanitary sewer easement generally on the east side of the Property. The location of the existing sanitary sewer easement and manhole are shown on the enclosed Conditional Use Plan prepared by ESE Consultants, Inc. dated March 2023.

Portions of the eastern end of the Property are within the Riparian Corridor Conservation District. Zone One and Zone Two of the Riparian Corridor Conservation District are shown on the Subdivision and Land Development Plan being filed contemporaneously with this conditional use application. An enlarged area of the two Zones are shown on the Conditional Use Plan. The existing sanitary sewer improvements in Zone One are not specifically permitted uses in Zone One but are proposed to be continued as an existing nonconforming use pursuant to Section 1505 of the Zoning Ordinance.

Applicant is proposing to connect the new central sanitary sewer line at the existing manhole. In order to connect the portion of the Property being developed with homes and accessory facilities such as a clubhouse, the new central sewer line is required to cross Zone Two of the Riparian Corridor Conservation District. Accordingly, Applicant is seeking conditional use approval for the new central sanitary sewer line within Zone Two pursuant to Section 1503.B.2.b of the Abington Township Zoning Ordinance. The installation of the sanitary sewer line in this location will allow for the most efficient and direct connection to the existing public sewer system. Mitigation measures and riparian corridor planting will be in compliance with Section 1508 of the Zoning Ordinance and applicable regulations of the Subdivision and Land Development Ordinance. Landscaping throughout the proposed development will utilize native species. The proposed installation of the sanitary sewer line in Zone Two will have no adverse effect on the character of the community, safety, traffic, or public utilities.

AGREEMENT OF SALE

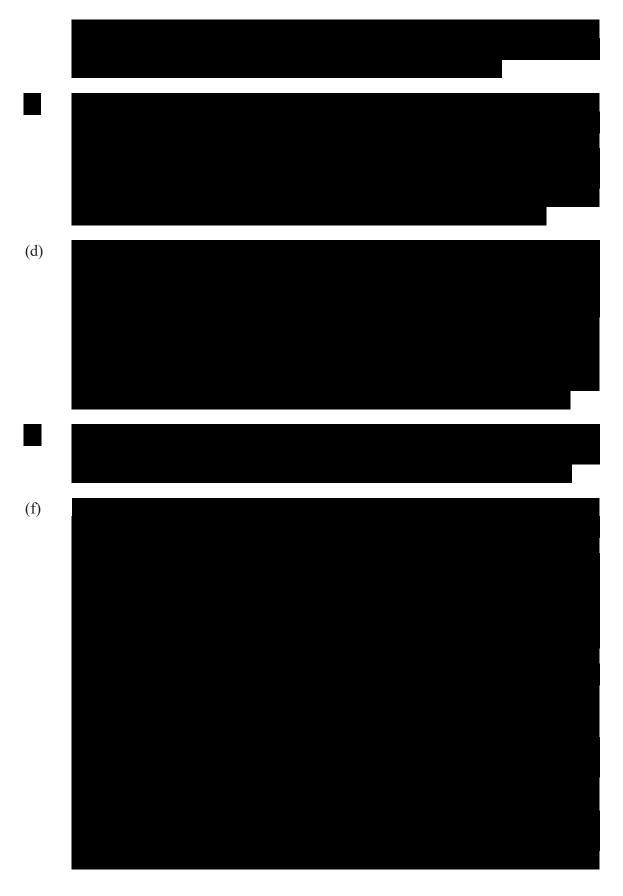
THIS AGREEMENT OF SALE (the "Agreement") is made as of this <u>4th</u> day of <u>May</u>, 2020, between **SISTERS OF ST. BASIL THE GREAT**, a Pennsylvania non-profit corporation, having an address at 711 Fox Chase Road, Abington, PA 19046-4198 (collectively, "<u>Seller</u>") and **TOLL MID-ATLANTIC LP COMPANY, INC.**, a Delaware corporation, 250 Gibraltar Road, Horsham, PA 19044 ("Buyer").

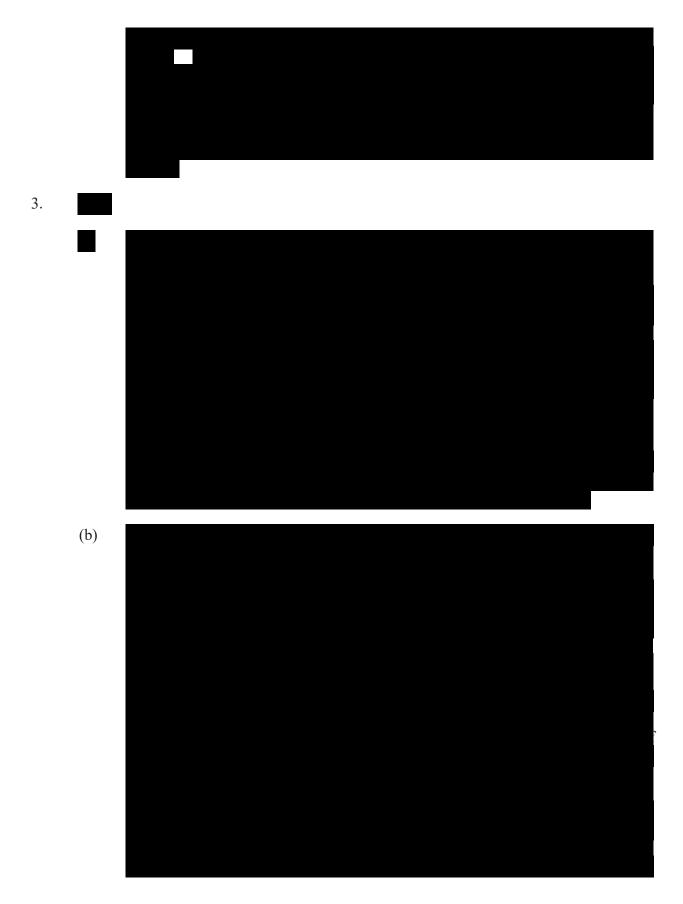
WITNESSETH:

In consideration of the covenants and provisions contained herein, and subject to the terms and conditions hereinafter set forth, the parties hereto, intending to be legally bound, agree as follows:

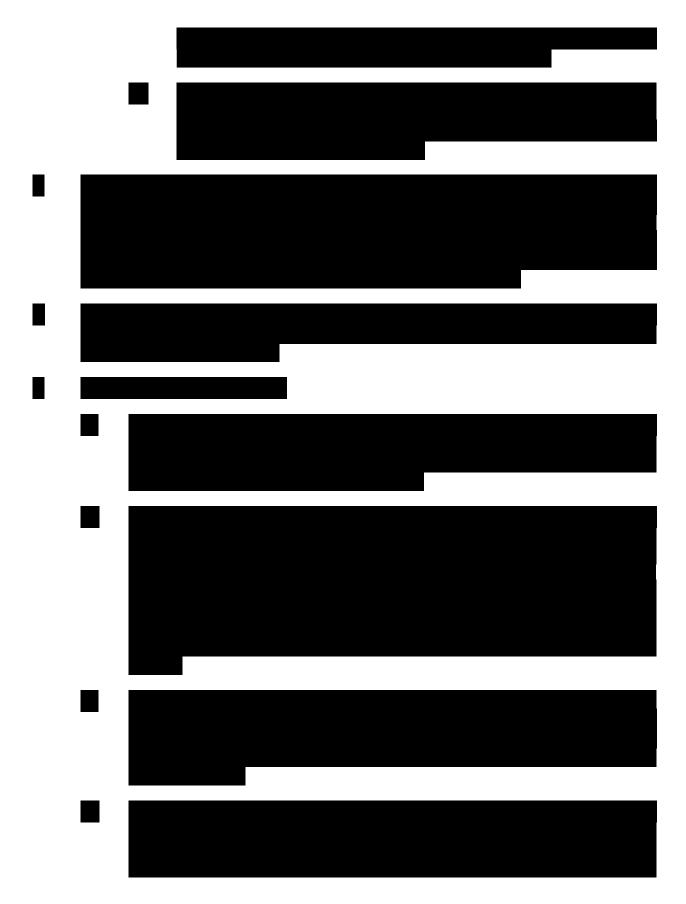
1. Sale. Seller hereby agrees to sell and convey to Buyer, who hereby agrees to purchase from Seller, that certain tract of land, located in Abington Township, Montgomery County, State of Pennsylvania, designated on the Tax Map of Abington Township as Tax Parcel Numbers 30-00-22424-001 and 30-00-22420-005 with approximately 46.5 total acres as more particularly described on Exhibit "A" attached hereto and incorporated herein (the "Property"). The Property includes (i) all tenements, hereditaments, appurtenances, easements, covenants, permits, approvals, escrows and other rights arising from or appertaining to the land; (ii) all structures (including the existing school), fixtures, systems, improvements, topsoil, trees, shrubbery and landscaping situated on, in or under or used in connection with the land; (iii) all agreements that are in force and effect and benefit the Property; (iv) all intangible property now or hereafter owned by Seller and used by Seller in the ownership or operation of the Property, excluding all trademarks, logos, tradenames and other intellectual property; (v) all existing sewer and/or water capacity reserved for the benefit of the Property; and (vi) all surveys, plans, specifications, reports, engineering work-product and other information that Seller has in its possession or control relating to the Property (all items set forth in this subparagraph (vi) collectively, the "Seller's Plans"). Seller agrees to provide to Buyer copies of Seller's Plans on or before the date of this Agreement.

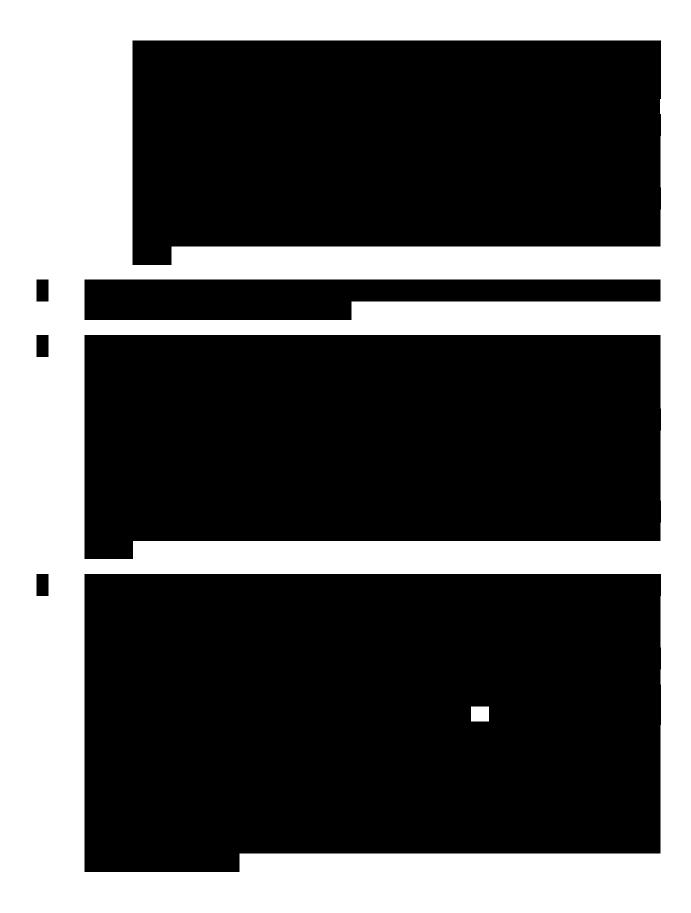


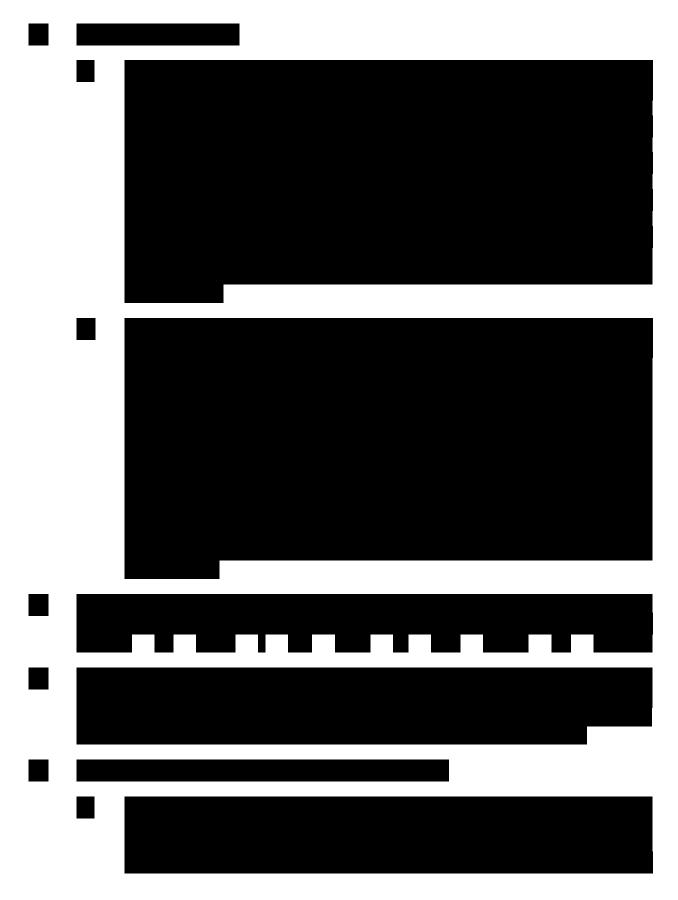


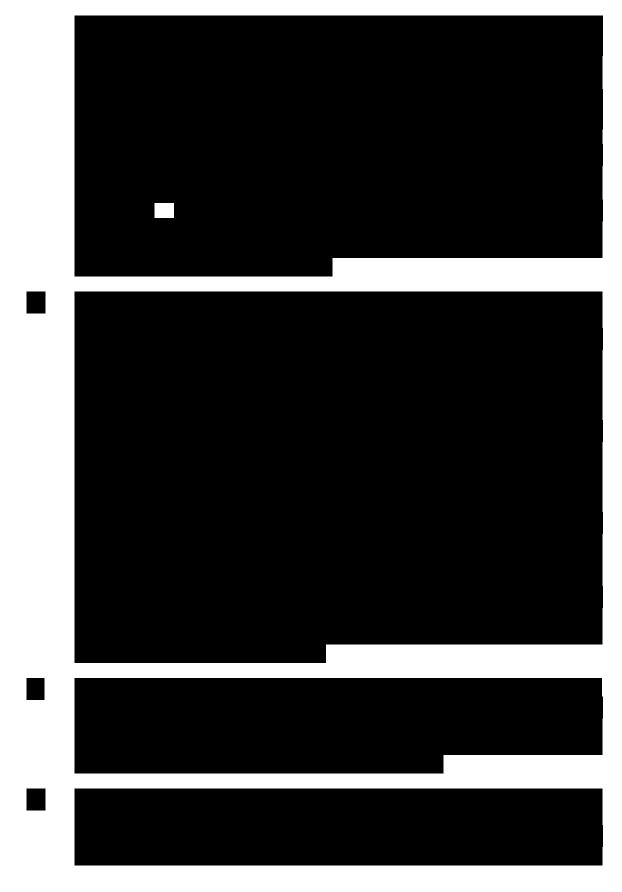


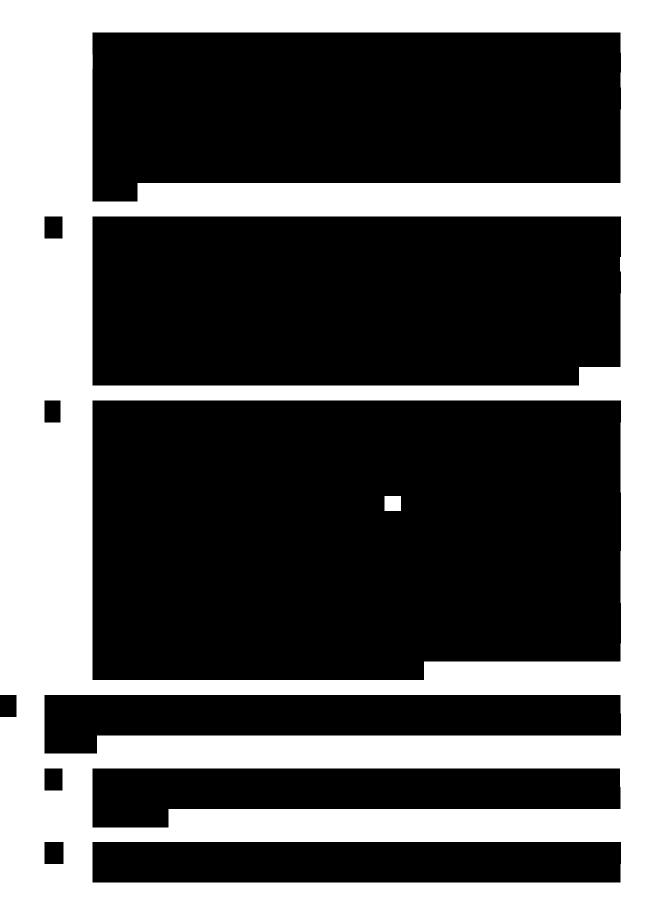




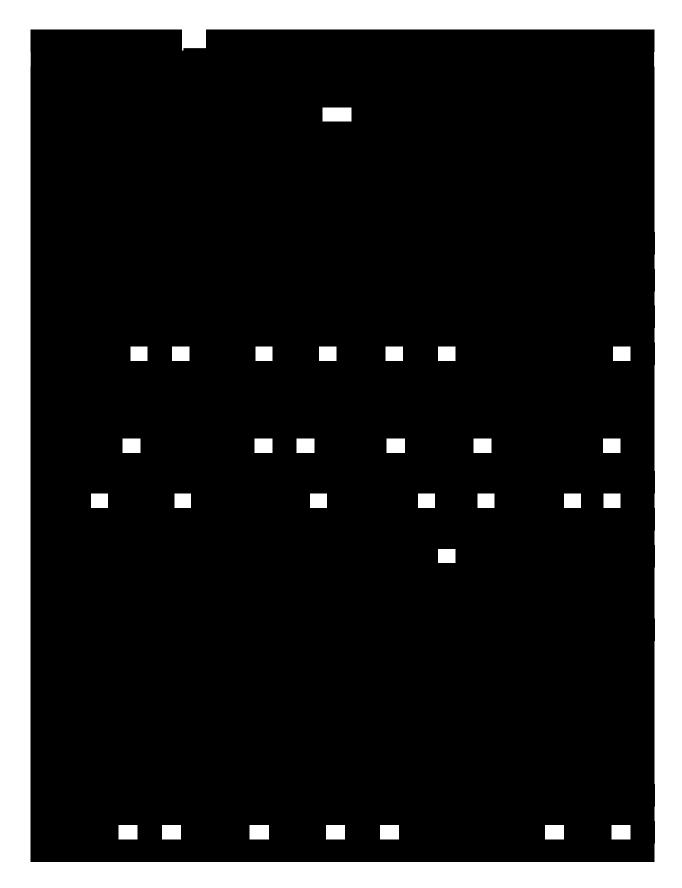




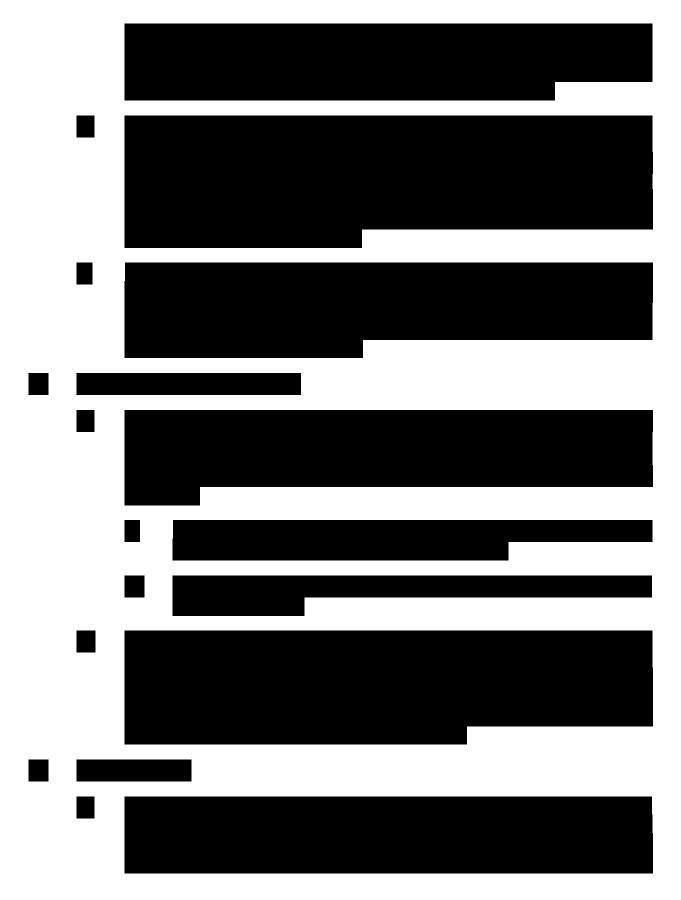


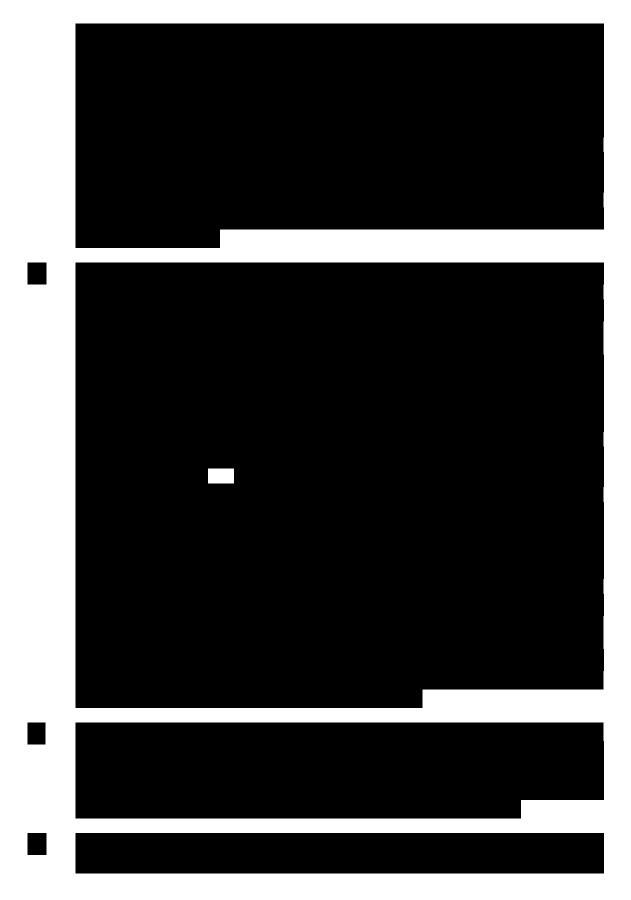


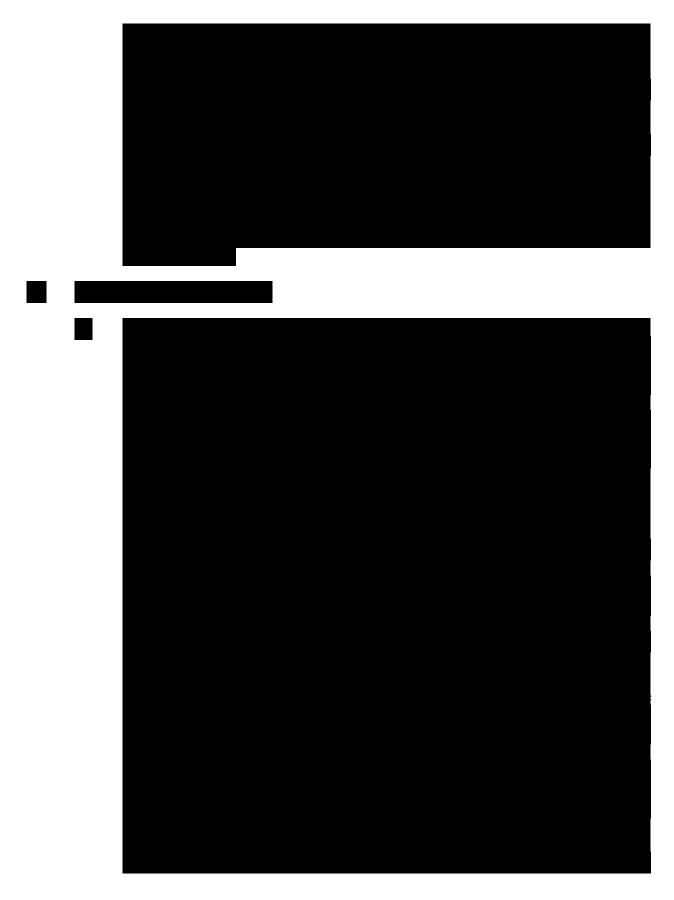


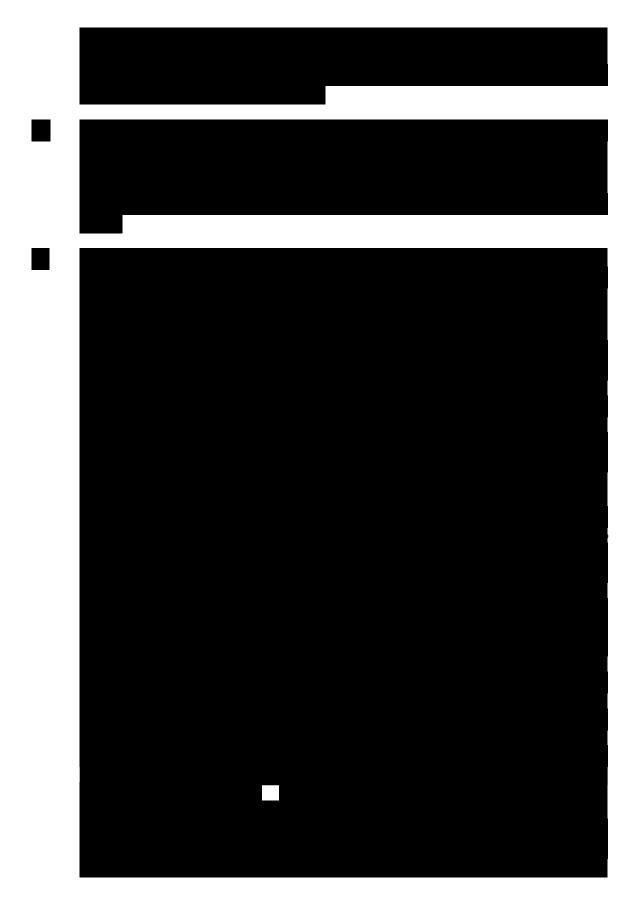


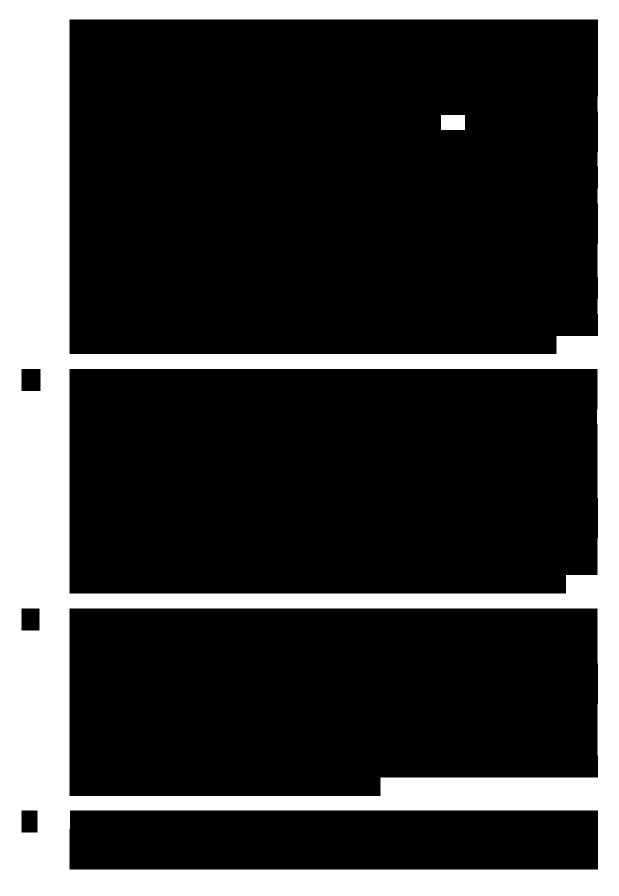


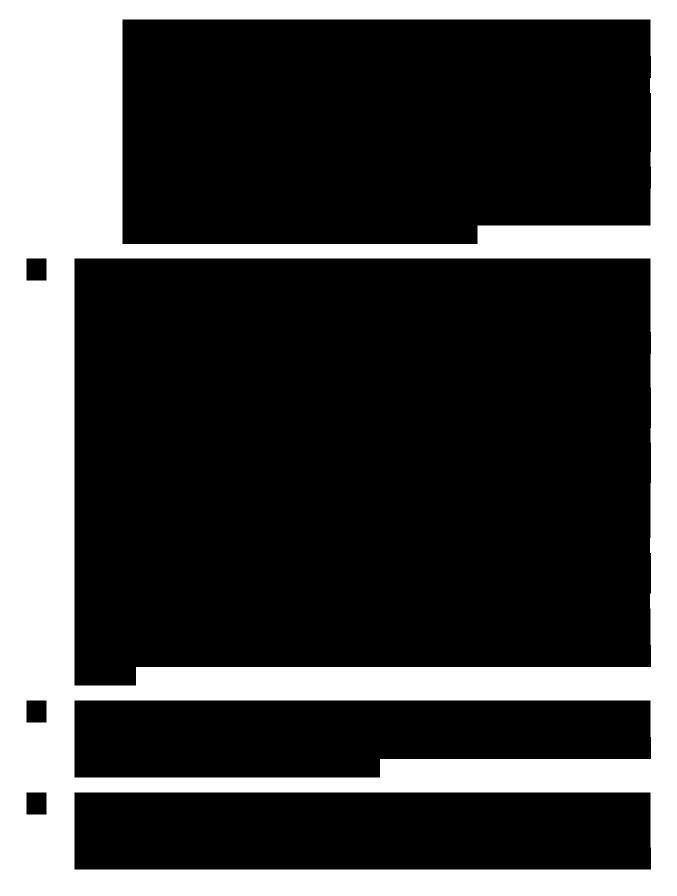












To Seller: Sister Dorothy Ann Busowski, OSBM

Provincial Superior

Sisters of St. Basil the Great

710 Fox Chase Road Jenkintown PA 19046

Email: dabusowski@stbasils.com

With a copy to: John Morozin, Jr.

116 Thomas Gates

Williamsburg, VA 23185 Email: jjmyellow@cox.net

and a copy to: Stradley Ronon Stevens & Young, LLP

30 Valley Stream Parkway

Malvern PA 19355

Attn: Christopher E, Cummings, Esq. Email: ccummings@stradley.com

To Buyer: Toll Mid-Atlantic LP Company, Inc.

c/o Toll Bros., Inc. 250 Gibraltar Road Horsham, PA 19044

Attn: Kevin Golden, Esquire,

Assistant Vice President and Counsel

Fax: (215) 938-8255

Email: kgolden@tollbrothers.com

With a copy to: Toll Mid-Atlantic LP Company, Inc.

c/o Toll Bros., Inc. 250 Gibraltar Road Horsham, PA 19044

Attn: Christopher Gaffney, Regional President

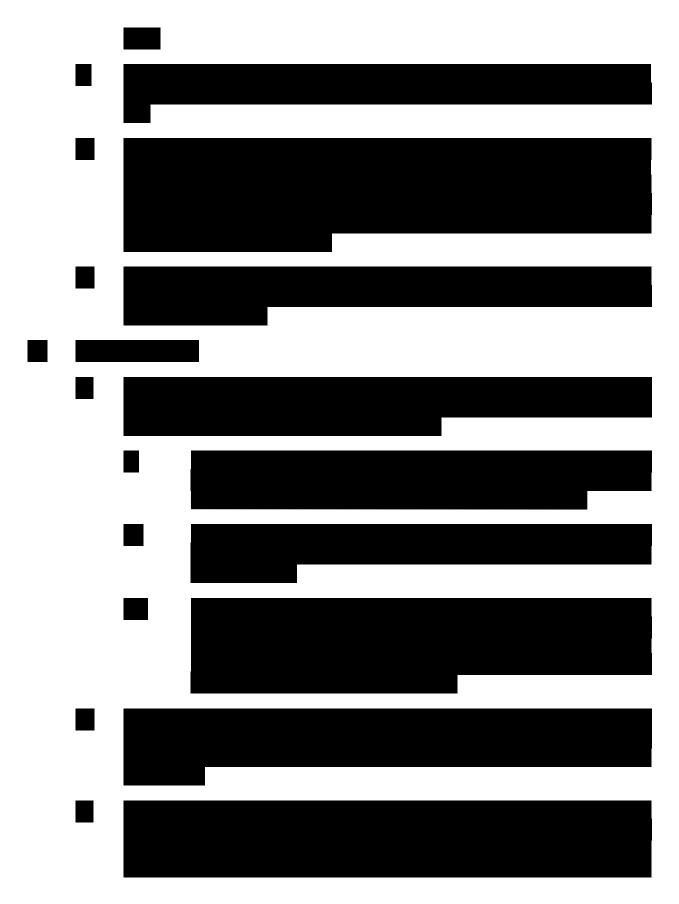
Email: CGAFFNEY@tollbrothers.com

And a copy to: Toll Mid-Atlantic LP Company, Inc.

c/o Toll Bros., Inc. 250 Gibraltar Road Horsham, PA 19044

Attn: John Dean, Division President Email: jdean@tollbrothers.com







IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals the day and year first above written.

BUYER:

TOLL MID-ATLANTIC LP COMPANY, INC.,

a Delaware corporation

DocuSigned by: John Dean

Name: Title:

Division President

Date of Execution: 05-04-2020

SELLER:

SISTERS OF ST. BASIL THE GREAT,

a Pennsylvania non-profit corporation

By: Serter Darothylen Susmili OSPN Name: SISTER DOROTHY AND BUSOWSKI, OSBM

Title: PROVINCIAL

Date of Execution: 5/4/2020

TITLE COMPANY:

Westminster Abstract Company

Date of Execution:_

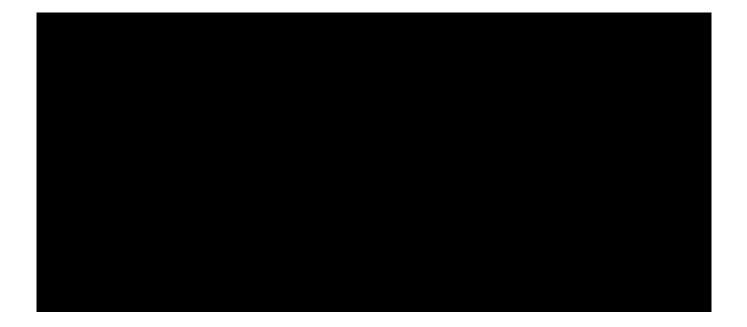


EXHIBIT "A"

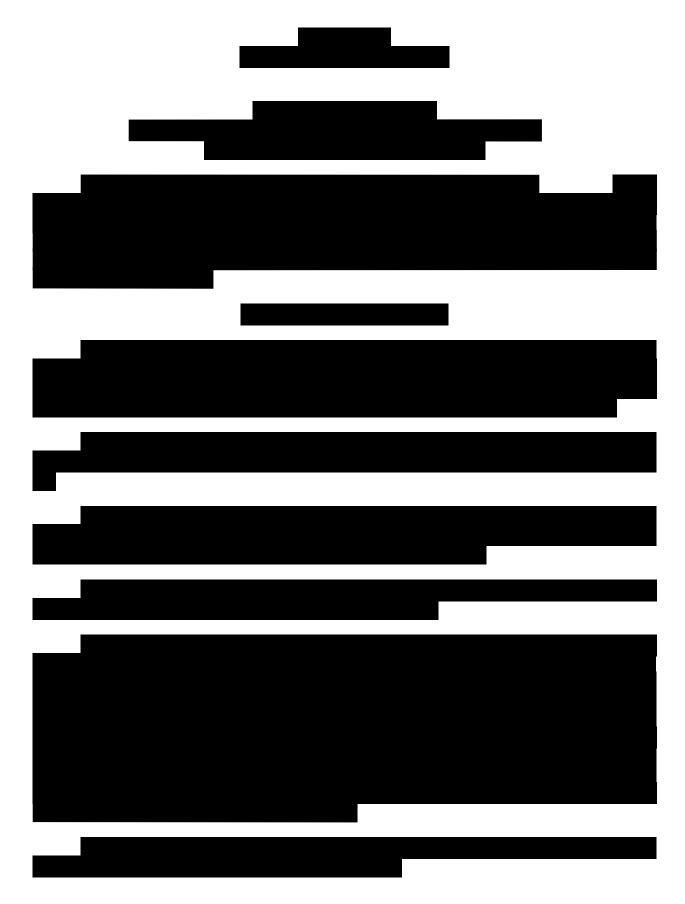
DESCRIPTION OF PROPERTY

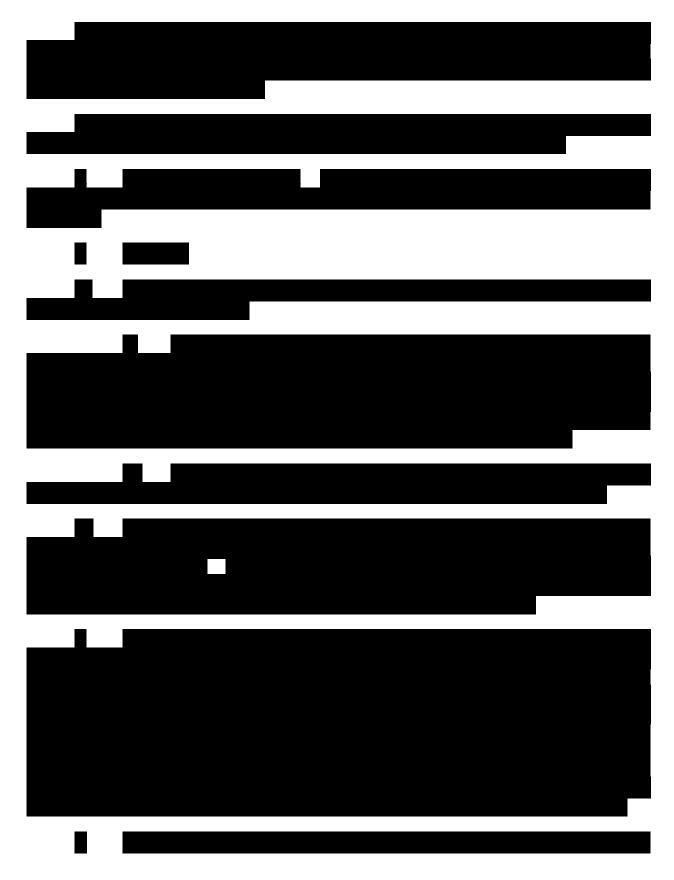
ALL THAT CERTAIN tract or piece of land SITUATH in the Township of abington, County of Montgomery, Commonwealth of Pennsylvania, described according to a survey and plan thereof made by Barton and Martin Civil Engineers, of Philadelphia, Pennsylvania, on October 20, 1943, as

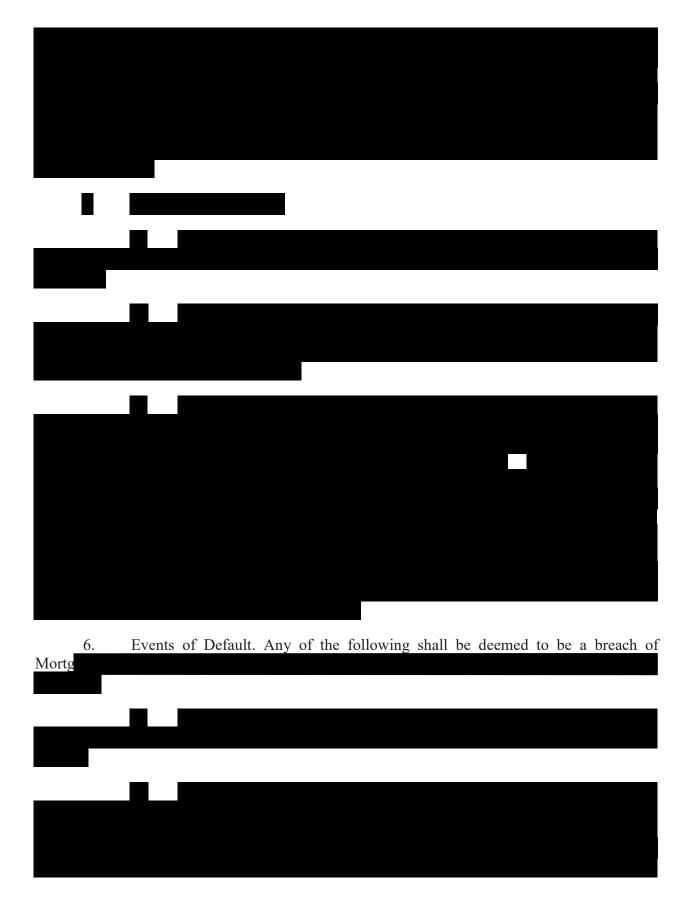
Distincting at a half set in the middle line of Fox Chase Road (60 feet wide), which nail is situate at the distance of three hunc twenty-three and seventy-seven one-hundredths feet measured in a Southeasterly direction along the middle line of Fox Chase Road from its poi: of intersection with the middle line of Forest Avenue, and extending thence from the above mentioned mail and place of beginning, through land of the Sellers, of which this is a part, and passing over a concret monument set in the Northeasterly side of Fox Chase Road, North fortyfour degrees fifty-seven minutes ten seconds Lust the distance of twenty one hundred eighty-one and thirteen one-hundredths feet to a concrete monument, and extending thence still through land of the Sellers, South forty-five degrees two minutes fifty seconds hast the distance of five hundred seventy-five and twenty-two one-hundredths feet to a concrete . monument marking a corner of other land of the Buyer, and extending the by the said Buyer's land South Forty-four degrees fifty-seven minutes to seconds West the distance of twenty-three hundred fifty-nine and two on hundredths feet, passing over a marble stone set in the Northeasterly 5: of Fox Chase road to a nail in the middle line of Fox Chase Road, and extending thence by the same the three following courses and distances: (1) On a line curving to the right in a Northwesterly direction with a radius of fourteen hundred thirty-two and sixty-nine one-hundredths feethe arc distance of one hundred sixty-two and forty-six one-hundred has: to a point of tangency, (2) North twenty-six degrees thirty-four minute. fifty seconds West three hundred twelve and fifteen one-hundredths feet a point of curve, (3) On a line curving to the left in a Northwesterly direction with a radius of mineteen hundred ten and eight one-hundredth feet the arc distance of one hundred twenty-mine and twelve one-hundred feet to the first above mentioned hall and place of Deginning. CONTAIN thirty acres of land.

ALL THAT CERTAIN lot or piece of ground SITUATE in Abington-Township, Montgomery County, Pennsylvania

centerline of Fox Chase Road (33 feet wide) makes with the southwesterly side of the new location of Fox Chase Road (60 feet wide) at the arc distart of 267.56 feet, measured along the said southwesterly side of Fox Chase Road by a line curving to the right in a northweiterly direction with a radius of 1462.69 feet from a point of tangent; said point of tangent being at the distance of 13.5 feet measured South 22 deg. 19 min. West from a point in the said southwesterly side of Fox Chase Road (35 feet wide, but since widened 8.5 feet on the northeasterly side the present width of 41.5 feet); said last mentioned point being at the distance of 810.80 feet measured North 67 deg. 41 min. West from the point of intersection which the said southwesterly side of Fox Chase Road extended, makes with the original centerline of Cedar Road (35 feet wide, but since widened 10 feet on the northwesterly side to the present width of 43 feet); thence from the first mentioned point and along the original centerline of Fox Chase Road, being line of land of Sisters of St. Basil the Great, North 67 deg. 58 min. 30 sec. West 193.73 feet to an angle point, the intersection which the said original centerline of Fox Chase Road makes with the centerline of Shelmire Street(recently vacated); thence from said angle point along the said original centerline of Fox Chase Road, being line of land of St. Basil, the Great, North 28 deg. 59 min. West 154.75 feet to the point of intersection which the said original centerline of Fox Chase Road makes with the centerline of Fox Chase Road makes with the centerline of Fox Chase Road makes with the said southwesterly side of the new location of Fox Chase Road makes with the said southwesterly side of the new location of Fox Chase Road makes with the said southwesterly side of the new location of Fox Chase Road makes with the said southwesterly side of the new location of Fox Chase Road; thence along the same concentric with the centerline of concrete paving and 30.00 feet southwest therefrom, by a lin

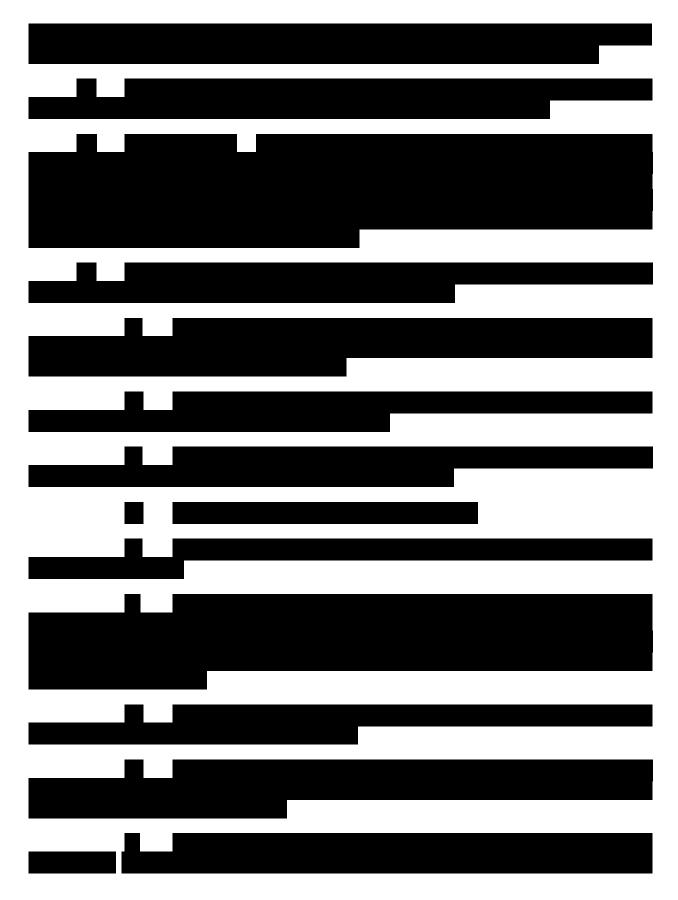


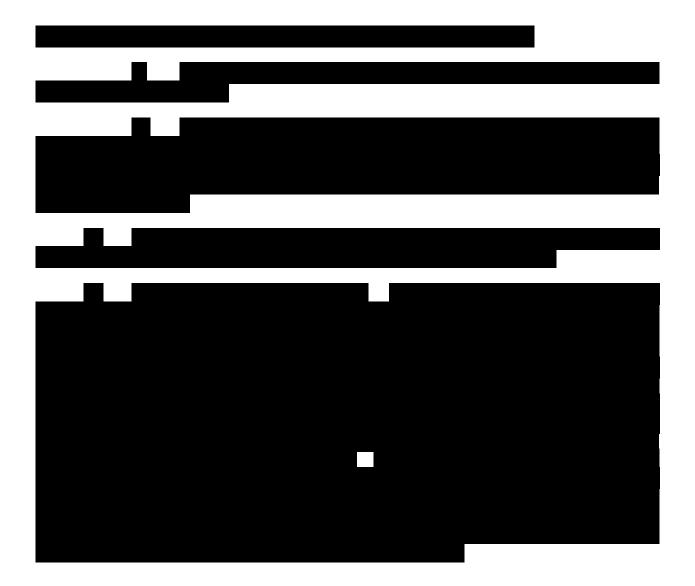


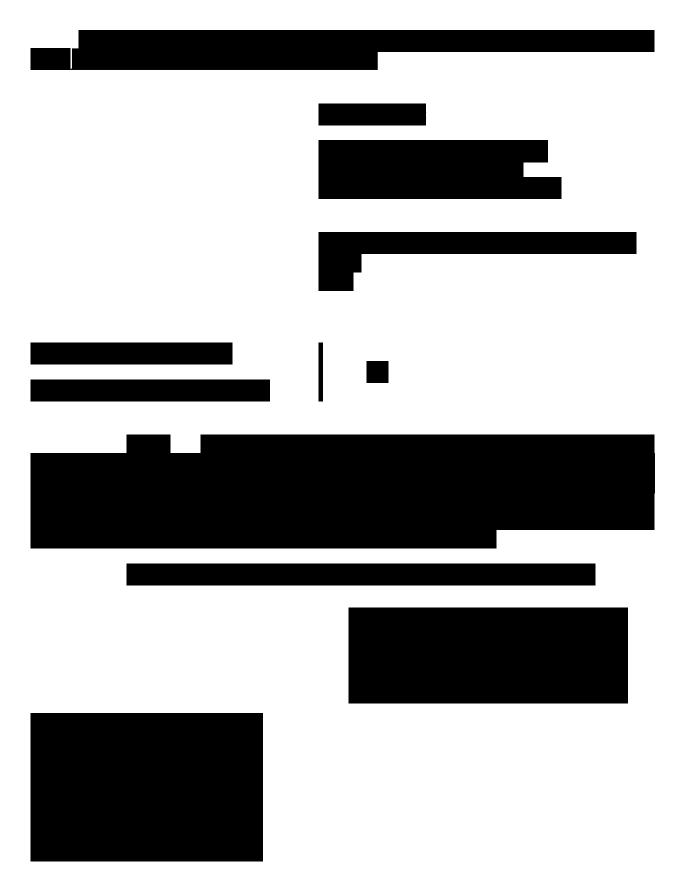


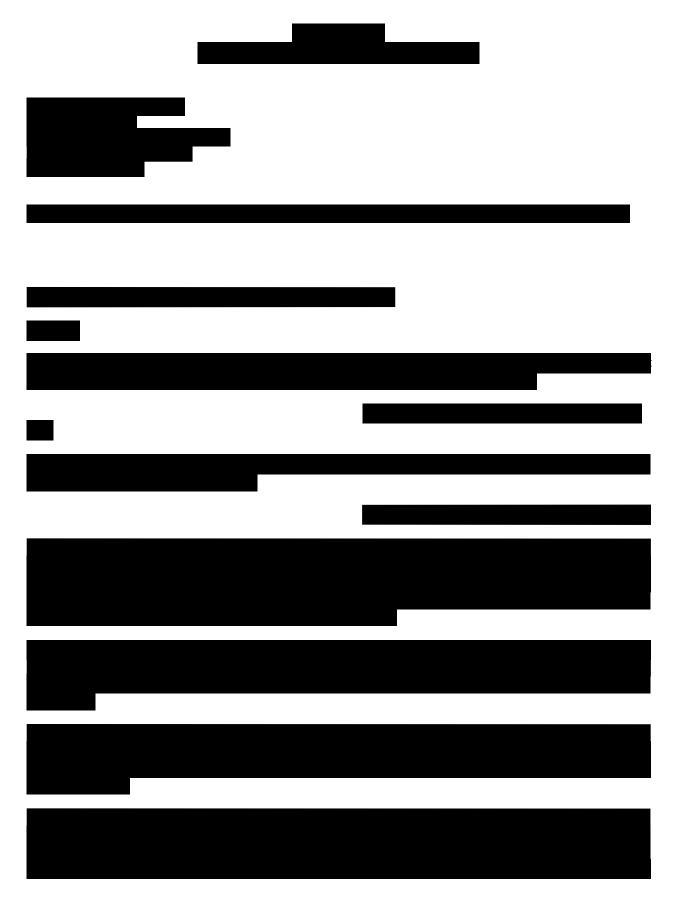




















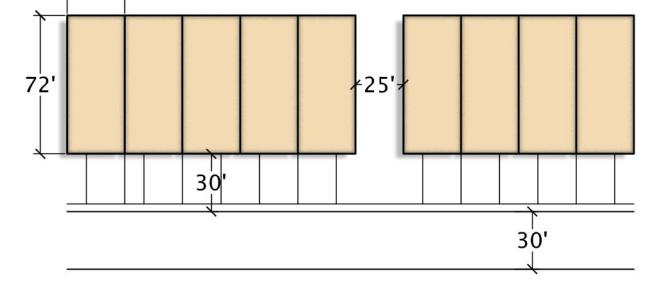
SOURCES: 1. THIS PLAN IS THE EXCLUSIVE PROPERTY OF ESE CONSULTANTS INC., AND TOLL BROTHERS INC. ALL RIGHTS AND REMEDIES ARE HEREBY RESERVED. THIS PLAN MAY NOT BE REPRODUCED OR DISTRIBUTED IN ANY WAY WITHOUT THE WRITTEN CONSENT OF ESE CONSULTANTS INC., AND TOLL BROTHERS INC. AERIAL PHOTOGRAPH PROVIDED BY: MONTGOMERY COUNTY AERIAL IMAGES DATED: 2010.

3. TOPOGRAPHIC INFORMATION PROVIDED BY: PAMAP PROGRAM -3.2' DIGITAL ELEVATION MODEL 2006-2008 DCNR - PASDA DATE . FLOODPLAIN LOCATION TAKEN FROM FEMA COMMUNITY PANEL: 403 OF 451 MONTGOMERY COUNTY PA DATED: MARCH 2, 2016.

. SOILS INFORMATION TAKEN FROM NATURAL RESOURCE CONSERVATION SERVICES.

PENNYPACK CREEK TRIBUTARY CLASSIFIED AS A TROUT STOCKING WATER RESOURCE ACCORDING TO PA DEP. 7. PARCEL BOUNDARY AND ADDTIONAL SITE INFORMATION TAKEN FROM PLAN OF SURVEY LANDS N/F SISTERS OF ST. BASIL THE

GREAT BY NAVE NEWELL DATED 3.17.21. 8. ALL BASE INFORMATION IS CONSIDERED PRELIMINARY AND SUBJECT TO FIELD VERIFICATION AND SURVEY. SITE PLAN MAY VARY



TYPICAL DIMENSIONS

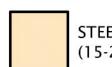
LIBERTY COLLECTION

CAREY, RADLEY, AND VINLAND 2,000 SF LIVING AREA SCALE: N.T.S.

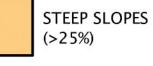
LEGEND:



25'





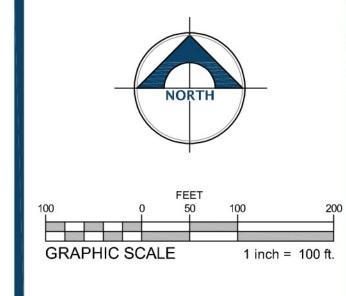






PENDING MORE ACCURATE INFORMATION.

PROPOSED BUILDING SEPARATION:



CONCEPT "L" 150 ACTIVE ADULT CARRIAGE HOMES SISTERS OF ST. BASIL

ABINGTON TOWNSHIP, MONTGOMERY COUNTY, PA

PLAN SUMMARY (150) TOTAL DWELLINGS

±3,925 LF OF CARTWAY ±285 LF OF BOULEVARD ±330 LF OF EMERGENCY ACCESS

±2.9 AC STORM WATER**

PROP. ZONING DISTRICT TBD

**INCLUDED IN OPEN SPACE CALCULATION

PROJECT NUMBER: 7662 DATE: 2022.01.19 SCALE: 1" = 100' DRAWN BY: EED

SITE AREA: ± 45.75 AC

OFFICE DATA:

SITE DATA:

ADDRESS: 711 FOX CHASE ROAD,

30-00-22420-005

CURRENT ZONING: COMMUNITY SERVICE

PARCEL(S): 30-00-22424-001

JENKINTOWN, PA 19046



CURRICULUM VITAE

John H. Baionno, P.E. Project Engineer

Education

B.S. in Civil Engineering Colorado State University, 1987 Registrations

Professional Engineer in Pennsylvania, #050278E Professional Engineer in New Jersey, #41270

Key Qualifications

Over 34 years of broad experience in subdivision and land development design/engineering for residential, commercial, industrial, educational, and resort developments. Responsible for all phases of site design, from concept plans through final plans, municipal approvals, permitting, and construction. Provides leadership, coordination, and engineering expertise while leading a team of designers and technicians that prepares plans based on the client's input, agency standards, and sound engineering judgment.

Engineering experience includes grading and drainage plans, storm water management, erosion and sedimentation control plans, street and highway improvement plans, sanitary sewer and domestic water plans, subdivision mapping, municipal testimony and presentation, and regulatory permitting through various governmental agencies.

Select Professional Design Experience

- Stone Mill at Huntingdon Valley, Lower Moreland Township, Montgomery County, PA A 60 lot, 59-acre, single family cluster development of ¹/₃+ acre lots, with 30+ acres of preserved open space.
- Enclave at Ellis Preserve, Newtown Township, Delaware County, PA
 A 76 unit, 23-acre townhome development within a 218-acre master planned community in the heart of Newtown Square, PA.
- Molly Dodd Anderson Library, George School, Middletown Township, Bucks County, PA A 26,000 sf LEED Gold certified structure, inclusive of vegetated roof, multiple rain gardens, and geothermal heating/cooling, among the various green features of the site.
- Newtown Station, Newtown Borough, Bucks County, PA
 A 57 unit, 8-acre, traditional neighborhood development in the heart of historic Newtown Borough.
- Neshaminy High School Expansion, Middletown Township, Bucks County, PA
 \$80 million renovation of the high school facilities, including building demolition and construction, expanded parking and bus loading area, state highway widening/reconstruction, and four subsurface detention/infiltration basins.
- Reserve at Eagle, Upper Uwchlan Township, Chester County, PA A 208 lot, 167-acre, single family development of ½+ acre lots.

