

TOWNSHIP OF ABINGTON

(2) CODE ENFORCEMENT AND LAND DEVELOPMENT COMMITTEE

June 29, 2015

7:00 P.M.

CALL TO ORDER

**ROLL CALL: SANCHEZ – MARKMAN – DiPLACIDO – MYERS
 GILLESPIE**

**Township Manager LEFEVRE
Assistant Township Manager WEHMEYER
Township Solicitor CLARKE
Director of Code Enforcement MATTEO
Township Engineer POWERS**

MINUTES:

Motion to approve the minutes of the June 1, 2015 Code Enforcement and Land Development Committee Meeting

**CE1. Ordinance No. 2097 – Ordinance Enacting Chapter 126
“Real Estate Registry Vacant Properties”**

Motion to adopt Ordinance No. 2097, Enacting Chapter 126 – “Real Estate Registry Vacant Properties” for the Board of Commissioners consideration on Thursday, July 9, 2015 at 7:30 p.m.

**CE2. Ordinance No. 2098 – Ordinance Enacting Chapter 49 –
“Vacant Property Review Board”**

Motion to adopt Ordinance No. 2098 Enacting Chapter 49 – “Vacant Property Review Board” for the Board of Commissioners consideration on Thursday, July 9, 2015 at 7:30 p.m.

CE3. Resolution No. 15-024 – Transfer of Liquor License No. R-19572 – Oreland Associates II, LLC – Bernie’s Restaurant- 391 Highland Avenue

Approve the Motion to Advertise the public hearing on Resolution No. 15-024, scheduled for 7:30 p.m. on Thursday, August 13, 2015, in the 2nd Floor Boardroom of the Abington Township Administration Building, located at 1176 Old York Road, Abington, PA 19001.

Code Enforcement and Land Development

BOARD ACTION REQUEST

June 29, 2015

CE1

Agenda Item Number

CODE ENFORCEMENT

TOWNSHIP MANAGER



AGENDA ITEM

22

Ordinance No. 2097
Ordinance Enacting Chapter 126 – “Real Estate Registry
Vacant Properties”

PREVIOUS ACTION

- Chapter 126 – Real Estate Registry - Vacant Properties – should be enacted for the health, safety, morals, general welfare, cleanliness, beauty, convenience and comfort of the Township.
- Montgomery County Planning Commission recommended approval of this ordinance on May 4, 2015.
- Abington Township Planning Commission recommended approval of this ordinance on June 23, 2015.

RECOMMENDED BOARD ACTION

- Motion to adopt Ordinance 2097, Enacting Chapter 126 - Real Estate Registry Vacant Properties for the Board of Commissioners consideration on Thursday, July 9, 2015 at 7:30 pm.

COMMENTS

- This ordinance is at the request of Commissioner Lori Schreiber and Township Staff.

**TOWNSHIP OF ABINGTON
MONTGOMERY COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2097

**AN ORDINANCE ENACTING CHAPTER 126 – “REAL ESTATE REGISTRY –
VACANT PROPERTIES”**

WHEREAS, the Township of Abington is a Township of the First Class, duly organized and existing pursuant to the applicable laws of the Commonwealth of Pennsylvania; and

WHEREAS, pursuant to section 1502.44 of the First Class Township Code of the Commonwealth of Pennsylvania, 53 P.S. §56544, the Board of Commissioners has the authority to enact and amend provisions of the Abington Township Code (“Code”) at any time it deems necessary for the health, safety, morals, general welfare, cleanliness, beauty, convenience and comfort of the Township and the inhabitants thereof; and

WHEREAS, pursuant to section 1502.10 of the First Class Township Code of the Commonwealth of Pennsylvania, 53 P.S. §56510, the Board of Commissioners has the authority to take all needful means for securing the safety of persons or property within the Township; and

WHEREAS, the Board of Commissioners of the Township of Abington has determined that Chapter 126 – “Real Estate Registry – Vacant Properties,” should be enacted for the health, safety, morals, general welfare, cleanliness, beauty, convenience and comfort of the Township and the inhabitants thereof.

NOW, THEREFORE, the Board of Commissioners of the Township of Abington does hereby **ENACT** and **ORDAIN** as follows:

1. Chapter 126 – “Real Estate Registry – Vacant Properties” is hereby enacted as reflected in Exhibit “A” attached hereto.
2. All other ordinances, portions of ordinances, or any section of the Code inconsistent with

this Ordinance are hereby repealed.

3. This Ordinance shall become effective five (5) days after enactment.

ORDAINED AND ENACTED this _____ day of _____, 2015.

TOWNSHIP OF ABINGTON
BOARD OF COMMISSIONERS

Attest:

Michael LeFevre, Secretary

By: _____
Wayne Luker, President

Exhibit "A"

§126-1. Purpose.

The purpose of this Ordinance requiring registration of all vacant non-residential buildings is to assist the Township, and in particular the Code Enforcement Department, in protecting the public health, safety and welfare by monitoring the number of vacant non-residential buildings in the Township, to assess the effects of the condition of those buildings on nearby businesses and on the neighborhoods in which they are located, particularly in light of fire safety hazards and to promote substantial efforts to rehabilitate, rent or sell such vacant buildings. The provisions of this Ordinance are applicable to the owners of such vacant buildings as set forth herein and are in addition to and not in lieu of any and all other applicable provisions of the Township of Abington Code.

§126-2. Definitions.

As used in this ordinance, the following terms shall have the meaning indicated, unless a different meaning clearly appears from the context:

- A. "Boarded" – A building or structure, if in place of one or more exterior doors, other than a storm door, or of one or more windows, there is a sheet or sheets of plywood or similar material covering the space for such door or window.
- B. "Exterior and Major Systems Maintenance" – The safe and lawful maintenance of the façade, windows, doors, roof and all other parts of the exterior of the building and the maintenance of its major systems consisting of the roof, the electrical and plumbing systems, the water supply system, the sewer system, and the sidewalk, driveway, if any, and/or area of the lot, as applicable, in a manner consistent with the requirements of the codes of the Township of Abington, including, without limitation, the 1996 BOCA Property Maintenance Code.
- C. "Occupied" – As applied to a building or structure subject to the provisions of this Ordinance, where one or more persons actually conducts a lawful business or resides in all or any part of the building as the licensed business occupant, or as the legal or equitable owner/occupant(s) or tenant(s) on a permanent, non-transient basis, or any combination of the same. For purposes of this Ordinance, evidence offered to prove that a building is so occupied may include, but shall not be limited to, the regular receipt of delivery of regular mail through the U.S. Postal Service; proof of continual telephone, electric, gas, heating, water and sewer services; a valid Township of Abington business license, or the most recent federal, state or Township of Abington income tax statements indicating that the subject property is the official business or residence address of the person or business claiming occupancy.
- D. "Open" – A building, structure or dwelling unit subject to the provisions of this Ordinance that has one or more exterior doors, other than a storm door, broken or open, or that lack properly functioning locks to secure them; and/or a building, structure or dwelling unit

subject to the provisions of this Ordinance that has one or more broken windows, or one or more windows that are not able to be locked and secured from intrusion, or any combination of the foregoing.

- E. "Owner" – Any person, agent, operator, firm or corporation having legal or equitable interest in the property; or recorded in the official records of the County of Montgomery or the Township of Abington as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.
- F. "Vacant" – A building or structure subject to the provisions of this Ordinance in which no person or persons actually, currently conducts a lawfully licensed business, or lawfully resides or lives in any part of the building as the legal or equitable owner(s) or tenant-occupant(s) or owner-occupant(s), or tenant(s) on a permanent non-transient basis. For purposes of this Chapter, properties or buildings that can accommodate more than one use shall not be considered vacant if 60% or more of the available square footage of the building is occupied.

§126-3. Applicability.

The requirements of this Ordinance shall be applicable to the owner of any non-residential building that has been vacant for more than 45 consecutive days. Each such owner shall cause to be filed a registration statement as outlined herein.

§126-4. Registration Statement and Fees; Local Agent

A. Registration Statement.

The owner of any building that has been vacant for more than 45 consecutive days shall file a registration statement with the Abington Township Code Enforcement Department. The registration statement shall include the street address and tax map parcel number of each such vacant building, the names and addresses of all owners, working telephone numbers, and any other information deemed necessary by the Code Enforcement Department. All owners and/or agents are required to supply a point of contact or an emergency contact person(s) and a working telephone number that has service 24 hours a day and 7 days a week.

- 1. For purposes of this Ordinance, the following shall also be applicable:
 - i. If the owner is a corporation, the registration statement shall provide the names and resident addresses of all officers and directors of the corporation and shall be accompanied by a copy of the most recent relevant filing with the secretary of state;
 - ii. If the owner is an estate, the registration statement shall provide the name and business address of the executor of the estate;

- iii. If the owner is a trust, the registration statement shall provide the name and business address of all trustees, grantors and beneficiaries;
 - iv. If the owner is a partnership, the registration statement shall provide the names and residence addresses of all partners with an ownership interest in the property of ten percent or greater;
 - v. If the owner is any other form of unincorporated association, the registration statement shall provide the names and residence addresses of all partners with an ownership interest in the property of ten percent or greater;
 - vi. If the owner is an individual, the registration statement shall provide the name and residence address of that person.
2. Registration shall be required for all vacant buildings, whether vacant and secure, vacant and open, or vacant and boarded, and shall be required whenever any building has remained vacant for 45 consecutive days or more. In no instance shall the registration of a vacant building be construed to exonerate the owner, agent or responsible party from responsibility for compliance with any other building code or housing code requirement. One registration statement may be filed to include all vacant buildings of the owner so registering, but the payment of all fees described herein are required for each property so registered.
 3. Each registration statement shall be valid for a period of one (1) year. If the property remains vacant upon the expiration of the registration statement, the owner of the building shall be required to submit a new registration statement to the Code Enforcement Department.

B. Local Agent.

If none of the persons identified in the registration statement as an owner or agent thereof is shown on the registration statement to have an address within the Commonwealth of Pennsylvania, the registration statement shall also provide the name and address of a person who resides within the Commonwealth of Pennsylvania who is authorized to accept service of process on behalf of the owners and who shall be designated as a responsible local party or agent, both for purposes of notification in the event of an emergency affecting the public health, safety or welfare, and for purposes of service of any and all notices or registration statements as herein authorized and in connection herewith.

C. Registration Fees

1. There shall be no registration fee imposed for any registration filed within forty-five (45) days of the property first becoming vacant.
2. A non-refundable fee of Five Hundred Dollars (\$500.00) shall be imposed for any building registered more than forty-five (45) days after first becoming vacant, regardless of whether the owner voluntarily registers such property or the vacancy is discovered by the Township.
3. A non-refundable fee of One Thousand Dollars (\$1,000.00) shall be imposed for any building that has been vacant for at least six (6) months, regardless of whether the owner voluntarily registers such property or the vacancy is discovered by the Township. This fee shall apply regardless of whether the owner of the building registered the property and paid the applicable fee as indicated in Section C(2) above.
4. A non-refundable fee of One Thousand Five Hundred Dollars (\$1,500.00) shall be imposed for any building that has been vacant for at least one (1) year, regardless of whether the owner voluntarily registers such property or the vacancy is discovered by the Township. This fee shall apply regardless of whether the owner of the building registered the property and paid the applicable fees as indicated in Sections C(2) and C(3) above.
5. For each successive six (6) month period that a building remains vacant, an additional fee of Five Hundred Dollars (\$500.00) shall be imposed, regardless of whether the owner voluntarily registers such property or the vacancy is discovered by the Township. This fee shall apply regardless of whether the owner of the building registered the property and paid the applicable fees as indicated in Sections C(2), C(3) and C(4) above.

D. Waiver of Registration Fee.

1. Upon written application of the owner and upon satisfaction of the requirements set forth below, the Board of Commissioners may grant a one-time waiver of the Five Hundred Dollar (\$500.00) registration fee referenced in paragraph C(2) above. The waiver shall automatically expire after six (6) months from the date the property first becomes vacant. Upon expiration of the waiver, all provisions of this Chapter shall apply. The waiver shall be granted if the owner satisfactorily demonstrates the following:
 - i. The owner is in the process of demolition, rehabilitation, or other substantial repair of the vacant building; and
 - ii. The anticipated length of time for the demolition, rehabilitation or other substantial repair of the vacant building; and

- iii. The owner is actively attempting to sell or lease the property at reasonable terms, including price, during the vacancy period; and
 - iv. All past due vacant registration fees, if any, and all other financial obligations and/or debts owed to the Township in connection with the vacant property have been paid.
2. The Board of Commissioners shall consider the fee waiver request within sixty (60) days of the date of receipt of the written application.
 3. At all times, the burden of proof shall remain upon the owner of the building to demonstrate that the waiver is appropriate in light of the above factors. It is recommended that the owner submit any available photos, plot plan, layout plan, price, agent and information with the application for fee waiver to demonstrate the active marketing of the property.

E. Inspection. At the time of registration, the Township shall conduct an inspection of the premises, and advise the owner of any conditions that violate the Township property maintenance code or similar codes, and shall advise the owner of the actions necessary to abate such violation or violations.

§126-5. Appeal Rights.

Upon notification from the Code Enforcement Department that a property is vacant and requires registration, the owner shall have the right to appeal the imposition of the registration fees to the Board of Commissioners, upon filing an application in writing accompanied by a Fifty Dollar (\$50.00) non-refundable filing fee to the Code Enforcement Department no later than thirty (30) calendar days from the date of the notice. On appeal, the owner shall bear the burden of providing satisfactory objective proof that the property is occupied, per the definition of the term "occupied" set forth in Section 2(c).

§126-6. Delinquent Registration Fee as a Lien.

After the owner is given notice that the registration fee(s) referenced in §126-4 above is due, and the owner fails to pay the amount due, said amount shall constitute a debt due and owing to the Township, and the Township may file a municipal lien against the property as provided for by law, as well as take all other available legal action in order to collect such debt.

§126-8. Duty to Amend Registration Statement.

If the status of the registration information changes during the course of any calendar year, it is the responsibility of the owner, or the responsible person or agent of the owner, to contact the Code Enforcement Department within thirty (30) days of the change and advise the department in writing of those changes.

§126-9. Exceptions.

This section shall not apply to any building owned by the United States, the Commonwealth, the Township, nor any of their respective agencies or political subdivisions.

§126-10. Violations and Penalties.

The failure or refusal for any reason of any owner, or agent of an owner acting on behalf of the owner, to register a vacant building or to pay the registration fee(s) required in this Chapter, or to otherwise fail to comply with the provisions of this Chapter shall constitute a summary offense punishable upon conviction thereof by a fine of not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00) for each failure or refusal to register, or for each failure or refusal to pay a required vacant building fee, as applicable. This penalty shall be in addition to the Five Hundred Dollar (\$500.00) Registration fee.

§126-11. Repealer.

All prior ordinances or parts of prior ordinances which are inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

§126-12. Severability.

In the even that any section, sentence, clause or word of this Ordinance shall be declared illegal, invalid or unconstitutional by any Court of competent jurisdiction, such declaration shall not prevent, preclude or otherwise foreclose the validity of the remaining portions of this Ordinance.

**MONTGOMERY COUNTY
BOARD OF COMMISSIONERS**

JOSH SHAPIRO, CHAIR

VALERIE A. ARKOOSH, MD, MPH, VICE CHAIR

BRUCE L. CASTOR, JR., COMMISSIONER



**MONTGOMERY COUNTY
PLANNING COMMISSION**

MONTGOMERY COUNTY COURTHOUSE • PO Box 311
NORRISTOWN, PA 19404-0311
610-278-3722

FAX: 610-278-3941 • TDD: 610-631-1211
WWW.MONTCOPA.ORG

JODY L. HOLTON, AICP
EXECUTIVE DIRECTOR

May 4, 2015

Mr. Mark A. Penecale, Zoning Officer
Abington Township
1176 Old York Road
Abington, Pennsylvania 19001-3713

Re: MCPC #08-0083-003 and -004
Ordinance Enacting Chapter 126 -
Real Estate Registry - Vacant Properties;
Ordinance Enacting Chapter 49 - Vacant
Property Review Board
Abington Township

Dear Mr. Penecale:

We have reviewed the above-referenced ordinances as you requested on April 14, 2015. We forward this letter as a report of our review and recommendations.

Applicant's Proposal

This review is for two proposed ordinances related to vacant properties: Ordinance 126, Establishing a Real Estate Registry; and Ordinance 49, Creating a Vacant Property Review Board. The Review Board would investigate and examine vacant and derelict properties to determine if they should be certified as "blighted". The Registry would help the Code Enforcement Department monitor the number of vacant nonresidential buildings; measure the fire-safety and other impacts of the condition of those properties on neighboring ones; and promote the rehabilitation, rental, or sale of said properties.

Review Comments

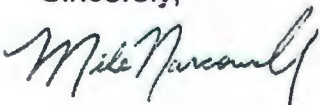
We recognize that vacant buildings can have a deleterious effect on neighborhoods and communities of which they are a part. We support the Township's efforts to monitor and exert a degree of control over its vacant properties so as to limit any negative impacts these buildings might have, and facilitate the productive rehabilitation or reuse of such properties.

If the Township has not already done so, we recommend consulting "From Blight to Bright: A Comprehensive Toolkit for Pennsylvania", published by the PA Department of Community and Economic Development and the PA Housing Alliance (<http://www.pablightlibrary.com/>).

Otherwise, we have identified no major planning issues associated with this proposed ordinance.

Should the governing body adopt these proposed ordinances, Section 609 of the Municipalities Planning Code requires that we be sent an official copy within 30 days.

Sincerely,



Mike Narcowich, AICP, Principal Community Planner
610.278.5238 - mnarcowi@montcopa.org

c: Michael LeFevre, Township Manager
Lawrence T. Matteo Jr., Director of Planning and Code Enforcement
Michael E. Powers, P.E., Township Engineer
Michael P. Clarke, Esq., Rudolph Clarke, LLC, Township Solicitor

Township of Abington Planning Commission Recommendation Form

Application Number: Ordinance #2097 Date: June 23, 2015

Applicant's Name: Township of Abington

Applicant's Address: 1176 Old York Road, Abington, Pa. 19001

Recommendation: APPROVED DENIED VOTE: 9 of 9

Over View: The Planning Commission has been asked to review proposed Ordinance #2097 that would set regulations for the registration of non-residential vacant buildings within the Township of Abington.

Comments:

1. The Planning Commission would like to see a follow up ordinance that requires vacant residential properties to register as well.

MAPenecale
6/23/2015

Real Estate Registry
Vacant Properties
Ordinance #2097

Registration of Vacant Non-residential Building

- *The purpose of this Ordinance is to require the registration of non-residential buildings within the Township of Abington.*
- *The adoption of this Ordinance will assist the Code Enforcement Department in the property maintenance of these building and sites.*
- *The adoption of this Ordinance will assist the Economic Development Committee and the Community Development Office with planning of and improvement projects within the Township.*
- *The adoption of this Ordinance will assist both the Fire Departments and the Police Department with the emergency management of these properties.*

Ordinance #2097

- *This ordinance provides definitions that clearly outline the Township's meaning for terms such as occupied, open, owner and vacant.*
- *This ordinance provides a time line for registration of any building that has been vacant for 45 consecutive days.*
- *This ordinance requires the filing of a registration form that will include the name, address, e-mail address and working phone numbers for all owners and a point of contact for emergencies.*
- *This ordinance requires at least one point of contact that resides with the State of Pennsylvania. {The Local Agent Clause}*

Each registration is good for one year and after the expiration a new registration form is required to be submitted .

- *A fee of \$500.00 shall be imposed for any property owners that has not registered their vacant building after the 45 days time period.*
- *A fee of \$1,000.00 shall be imposed for any property owner that has not registered their vacant building after a 6 month time period.*
- *A fee of \$1,500.00 shall be imposed for any property owner that has not registered their vacant building after a 1 year time period.*
- *The Board of Commissioners have the power to waive the \$500.00 registration fee upon written request from the property owner, however the property still is required to register.*

1200 Block Easton Road



Tyson Ave & Jenkintown Road



1800 Block Old York Road



1600 Block Old York Road



1600 Block Old York Road



Code Enforcement and Land Development

BOARD ACTION REQUEST

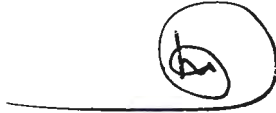
June 29, 2015

CE 2

Agenda Item Number

CODE ENFORCEMENT

TOWNSHIP MANAGER



AGENDA ITEM

h

**Ordinance No. 2098
Ordinance Enacting Chapter 49 – “Vacant Property Review Board”**

PREVIOUS ACTION

- Chapter 49 – Vacant Property Review Board – should be enacted for the health, safety, morals, general welfare, cleanliness, beauty, convenience and comfort of the Township.
- Montgomery County Planning Commission recommended approval of this ordinance on May 4, 2015.
- Abington Township Planning Commission recommended approval of this ordinance on June 23, 2015.

RECOMMENDED BOARD ACTION

- Motion to adopt Ordinance No. 2098 Enacting Chapter 49 – “Vacant Property Review Board” for the Board of Commissioners consideration on Thursday, July 9, 2015 at 7:30 pm.

COMMENTS

- This ordinance is at the request of Commissioner Lori Schreiber and Township Staff.

**TOWNSHIP OF ABINGTON
MONTGOMERY COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2098

AN ORDINANCE ENACTING CHAPTER 49 – “VACANT PROPERTY REVIEW BOARD”

WHEREAS, the Township of Abington is a Township of the First Class, duly organized and existing pursuant to the applicable laws of the Commonwealth of Pennsylvania; and

WHEREAS, pursuant to section 1502.44 of the First Class Township Code of the Commonwealth of Pennsylvania, 53 P.S. §56544, the Board of Commissioners has the authority to enact and amend provisions of the Abington Township Code (“Code”) at any time it deems necessary for the health, safety, morals, general welfare, cleanliness, beauty, convenience and comfort of the Township and the inhabitants thereof; and

WHEREAS, pursuant to section 1502.10 of the First Class Township Code of the Commonwealth of Pennsylvania, 53 P.S. §56510, the Board of Commissioners has the authority to take all needful means for securing the safety of persons or property within the Township; and

WHEREAS, pursuant to 35 P.S. §1712.1, the Board of Commissioners is empowered to create a Blighted Property Review Board, and

WHEREAS, the Board of Commissioners of the Township of Abington has determined that Chapter 49 – “Vacant Property Review Board,” should be enacted for the health, safety, morals, general welfare, cleanliness, beauty, convenience and comfort of the Township and the inhabitants thereof.

NOW, THEREFORE, the Board of Commissioners of the Township of Abington does hereby **ENACT** and **ORDAIN** as follows:

1. Chapter 49 – “Vacant Property Review Board” is hereby enacted as reflected in Exhibit “A” attached hereto.
2. All other ordinances, portions of ordinances, or any section of the Code inconsistent with this Ordinance are hereby repealed.
3. This Ordinance shall become effective five (5) days after enactment.

ORDAINED AND ENACTED this _____ day of _____, 2015.

**TOWNSHIP OF ABINGTON
BOARD OF COMMISSIONERS**

Attest:

Michael LeFevre, Secretary

By: _____
Wayne Luker, President

Exhibit "A"

§49-1. Purpose.

The purpose and intent of this Ordinance is to establish a vacant property review board to investigate and examine vacant and derelict properties within the Township of Abington to determine if said properties should be certified as blighted properties as set forth in the Urban Redevelopment Law of 1945, as amended, 35 P.S. 1701 et seq.

§49-2. Definitions.

- A. "Authority" or "Redevelopment Authority" – The Redevelopment Authority of the County of Montgomery, a public body corporate and politic created and organized in accordance with the provisions of the Urban Redevelopment Law.

- B. "Blighted Property" – Any of the following:
 - 1. Any premises which because of physical condition or use is regarded as a public nuisance at common law or has been declared a public nuisance in accordance with state or local housing, building, plumbing, fire and related codes.
 - 2. Any premises which because of physical condition, use or occupancy is considered an attractive nuisance to children, including but not limited to, abandoned wells, shafts, basements, excavations, and unsafe fences or structures.
 - 3. Any dwelling which because it is dilapidated, unsanitary, unsafe, vermin infested or lacking in the facilities or equipment required by any applicable housing or building code, has been designated by the department responsible for enforcement of the Code as unfit for human habitation.
 - 4. Any structure which is a fire hazard, or is otherwise dangerous to the safety of persons or property.
 - 5. Any structure from which the utilities, plumbing, heating, sewage, or other facilities have been disconnected, destroyed, removed or rendered ineffective so that the property is unfit for its intended use.
 - 6. Any vacant or unimproved lot or parcel of ground in a predominantly built up neighborhood, which by reason of neglect or lack of maintenance has become a place for accumulation of trash and debris, or a haven for rodents or other vermin.
 - 7. Any unoccupied property which has been tax delinquent for a period of at least two years.

8. Any property which is vacant but not tax delinquent, which has not been rehabilitated within one year of the receipt of notice to rehabilitate from the appropriate code enforcement agency.
9. Any abandoned property. A property shall be considered abandoned if:
 - a. it is a vacant or unimproved lot or parcel of ground on which a municipal lien for the cost of demolition of any structure located on the property remains unpaid for a period of six months;
 - b. it is a vacant property or vacant or unimproved lot or parcel of ground on which the total of municipal liens on the property for tax or any other type of claim of the municipality are in excess of 150% of the fair market value of the property as established by the Board of Revisions of Taxes or other body with legal authority to determine the taxable value of the property; or
 - c. the property has been declared abandoned by the owner, including an estate that is in possession of the property.

- C. "Board of Commissioners" – The Board of Commissioners of Abington Township.
- D. "County" – The County of Montgomery.
- E. "Redevelopment Area" – Any area, whether improved or unimproved, which the Township or County Planning Commission or the Vacant Property Review Board created herein may find to be blighted because of the existence of the conditions enumerated herein, so as to require redevelopment under the provisions of the Urban Redevelopment Law.
- F. "Redevelopment Contract" – A contract between the Authority and the redeveloper for the redevelopment of an area under the provisions of the Urban Redevelopment Law, as amended.
- G. "Residential and Related Use" – Residential property for sale or rental and related uses, including but not limited to, park and recreation areas, neighborhood community service, and neighborhood parking lots.
- H. "Township" – The Township of Abington, Montgomery County, Pennsylvania.
- I. "VPRB" – Vacant Property Review Board.

§49-3. Vacant Property Review Board.

A. The Board of Commissioners hereby establishes a Vacant Property Review Board, consisting of seven (7) members to be selected as follows:

1. One (1) member of the Board of Commissioners;
2. The Executive Director of the Redevelopment Authority or his/her designee;
3. One (1) member of the County Planning Commission, as selected by the Executive Director of the Commission;
4. One (1) member of the Abington Township Planning Commission; and
5. Three (3) members to be appointed by the Board of Commissioners to staggered three-year terms. The initial appointment of members, shall be for a term of office to commence June 1, 2015, on the following staggered basis wherein the term of membership shall expire on the first Monday of January in the year indicated as follows:
 - a. One member to be appointed for a term expiring in the year of 2016.
 - b. One member to be appointed for a term expiring in the year of 2017.
 - c. One member to be appointed for a term expiring in the year of 2018.

B. Functions of the Vacant Property Review Board.

1. Certification of Blight. Pursuant to the terms and requirements of the Urban Development Act and this Ordinance, the VPRB shall make a determination, and certify to the Redevelopment Authority, that a particular property within the municipality is blighted.
2. Rules and Regulations. The VPRB shall establish rules and regulations consistent with the Urban Redevelopment Act, this Ordinance, and any other applicable local, state or federal laws or regulations, to govern the business of the VPRB, and the procedures for certification of blighted properties to the Redevelopment Authority.
3. Advisory Functions. The VPRB may advise the Township, the Planning Commissions, and the Redevelopment Authority in matters relating to the acquisition, disposition, and reinvestment of properties acquired through the certification process of the VPRB.

§49-4. Requirements for Certification of Blight

- A. No property shall be certified to the Redevelopment Authority unless it is vacant.
- B. No property shall be certified to the Redevelopment Authority unless the owner of the property or an agent designated by him for receipt of service of notices within the County has been served with notice of the determination that the property is blighted, together with an appropriate order to eliminate the conditions causing the blight and notification that failure to do so may render the property subject to condemnation under this Ordinance. The notice shall be served upon the owner or his agent in accord with rules and regulations established by the VPRB. The owner or his agent shall have the right of appeal from the determination that the property is blighted.
- C. No blighted property shall be certified to the Redevelopment Authority until the time period of appeal, as provided in the VPRB's Rules and Regulations, has expired and no appeal has been taken, or, if taken, the appeal has been disposed of and the owner or his agent has failed to comply with the order of the VPRB or the Court.
- D. Acquisition and disposition of blighted property under this Ordinance shall not require preparation, adoption or approval of a Redevelopment Area Plan or Redevelopment Proposal, as those terms are defined in the Urban Redevelopment Law, as amended, but at least thirty (30) days prior to the acquisition of any property, the Redevelopment Authority shall transmit identification of the property to the Township Planning Commission and the County Planning Commission and shall request a recommendation as to the appropriate reuse of the property. The Redevelopment Authority shall not acquire the property where the Township Planning Commission and the County Planning Commission certify the disposition for residential or related use or commercial or industrial reuse would not be in accord with the Comprehensive Plan of the Township or the County.
- E. Property disposed of within a Redevelopment Area should be disposed of under a Redevelopment Contract in accordance with the provisions of the Urban Redevelopment Law, as amended.
- F. Property disposed of outside an urban renewal project area shall be disposed of by deed in accordance with the provisions set forth in applicable law.

§49-5. Repealer and Severability.

- A. All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.
- B. To the extent that any federal or state agency with jurisdiction shall impose, modify or terminate controls in any area pertinent to this Ordinance, this Ordinance shall be construed as not to conflict therewith while it is in the process of amendment or repeal, as the Township may elect.

- C. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by a final decision of any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holdings shall not affect the validity of the remaining portions hereof.

Township of Abington Planning Commission Recommendation Form

Application Number: Ordinance #2098 Date: June 23, 2015

Applicant's Name: Township of Abington

Applicant's Address: 1176 Old York Road, Abington, Pa. 19001

Recommendation: APPROVED DENIED VOTE: 9 of 9

Over View: The Planning Commission has been asked to review proposed Ordinance #2098 that would allow for the creation of Vacant Property Review Board, set standards for the make-up of the Board and regulations on the operation of this Board.

Comments:

MAPenecale
6/23/2015

Ordinance #2098

- *This ordinance creates the VACANT PROPERTY REVIEW BOARD.*
- *The VPRB will consist of 7 members, appointed by the Board of Commissioners. The Board will be made up of the following:*
- *1 Member of the Board of Commissioners.*
- *The Executive Director of the Redevelopment Authority or his/her designee.*
- *1 member of the Montgomery County Planning Commission.*
- *1 member of the Abington Township Planning Commission.*
- *3 additional members appointed by the Board of Commissioners.*

Urban Redevelopment Law

- *The purpose of this ordinance is to empower the Township of Abington to determine if a property is blighted as per the requirements of the Urban Redevelopment Law.*
- *The Vacant Property Review Board will have the authority to develop rules and regulations for properties deemed to be blighted. These rules and regulations must be in compliance with the federal, state and local regulations.*
- *They will act as the advisory board to the Board of Commissioners in the acquisition of these blighted properties.*

Requirements of a Blighted Property

- *This ordinance establishes regulations for the term Blight.*
- *A property must be vacant.*
- *This ordinance requires notification to the owners by Montgomery County that a property is deemed blighted and that a notice must contain the corrective actions required to bring the property into compliance to be removed from the status of "Blighted".*
- *This ordinance contains the ability of appeal by the owner on the status of a "Blighted Property".*
- *This ordinance also provides regulations of the disposal of properties deemed to be blighted, but outside a defined "Redevelopment Area".*

Code Enforcement & Land Development

BOARD ACTION REQUEST

CE3

Agenda Item

June 29, 2015

Code Enforcement

Township Manager

AGENDA ITEM



Resolution No. 15-024
Transfer of Liquor License No. R-19572
Oreland Associates II, LLC – Bernie's Restaurant
391 Highland Avenue

PREVIOUS ACTION

- In December of 2000 the Pennsylvania Liquor Code was amended to require municipalities to hold a public hearing when an application is made to transfer an existing liquor license into another municipality.
- Oreland Associates II, LLC proposes to operate Bernie's Restaurant at 391 Highland Avenue.
- Pursuant to the Pennsylvania Liquor Code, a public hearing must be held on the proposed transfer.
- **A public hearing will be held on August 13, 2015 at 7:30 p.m.**

RECOMMENDATED BOARD ACTION

Approve the Motion to Advertise the public hearing on Resolution No. 15-024, scheduled for 7:30 p.m. on Thursday, August 13, 2015, in the 2nd Floor Board Room of the Abington Township Administration Building, located at 1176 Old York Road, Abington, Pa. 19001.

**TOWNSHIP OF ABINGTON
RESOLUTION NO. 15-024**

A RESOLUTION OF THE TOWNSHIP OF ABINGTON, MONTGOMERY COUNTY, COMMONWEALTH OF PENNSYLVANIA, APPROVING THE TRANSFER OF RESTAURANT LIQUOR LICENSE R-19572 INTO THE TOWNSHIP OF ABINGTON FROM SPRINGFIELD TOWNSHIP, MONTGOMERY COUNTY, PENNSYLVANIA.

WHEREAS, ACT 141 of 2000 {the ACT}, which amends the Commonwealth's Liquor Code, authorizes the Pennsylvania Liquor Control Board to approve, in certain instances, the transfer of Restaurant Liquor Licenses across municipal boundaries within the same county regardless of quota limitations provided for in Section 461 of the Liquor Code, if sales of the liquor and malt or brewed beverages are legal in the municipality receiving the license; and

WHEREAS, the receiving municipality issues a resolution approving the transfer of the license outside the municipality to inside the municipality; and

WHEREAS, amendments to the Liquor Code stipulate that prior to the adoption of a resolution by the receiving municipality, at least one hearing is held for the purpose of permitting interested parties to state their concerns regarding the transfer of the Restaurant Liquor License into the municipality; and

WHEREAS, an applicant for the transfer filed under the ACT must contain a copy of the resolution adopted by the municipality approving the transfer of the Restaurant Liquor License into the receiving municipality.

NOW THEREFORE BE IT RESOLVED, Oreland Associates II, LLC has requested the approval of the Board of Commissioners of the Township of Abington for the proposed transfer of Pennsylvania Restaurant Liquor License No. R-19572 to its facility within the Township of Abington, with the understanding that said transfer must be approved at a later date by the Pennsylvania Liquor Control Board; and

BE IT FURTHER RESOLVED, that the Board of Commissioners of the Township of Abington finds that the transfer of Restaurant Liquor License No. R-19572 into the Township of Abington by Oreland Associates II, LLC, will not adversely affect the welfare, health, peace and morals of the Township or its residents.

BE IT FURTHER RESOLVED, that the Board of Commissioners of the Township of Abington approves by adoption of this Resolution, the proposed inter-municipal liquor license transfer proposed by Oreland Associates II, LLC to be used at Bernie's Pub, located at 391 Highland Avenue, Jenkintown, Pa. 19046, Abington Township, Montgomery County, Pennsylvania.

BE IT FURTHER RESOLVED, that the license transfer is subject to the approval of the Pennsylvania Liquor Control Board.

I HEREBY CERTIFY that this resolution was adopted by the Township of Abington at a public meeting held on the **13th** day of **August, 2015**,

ATTEST:

TOWNSHIP OF ABINGTON

Michael LeFevre
Township Secretary

Wayne C. Luker, President
Board of Commissioners

Abington Township

1176 Old York Road Abington, PA 19001

Phone: (267) 536-1000

Fax: (215)884-8271

APPLICATION FOR LIQUOR LICENSE TRANSFER & PUBLIC HEARING

ALL SECTIONS OF THIS APPLICATION MUST BE COMPLETED. INCOMPLETE APPLICATIONS SHALL RESULT IN THE APPLICATION BEING DENIED.

Application Date: _____ Initial Filing Fee Due on Submission: **\$2000.00**

For purpose of the application, "applicants" shall refer to every individual and/or corporation that will have interest in the licensed establishment:

Applicant/Licensee: Oreland Associates II, LLC _____ License No. ____ R-19572 ____

Trade Name (if any): Bernie's _____

Applicant Address: 1428 Scrope Road Rydal, PA 19046 _____

Property Location Address: 391 Highland Ave. Jenkintown, PA 19046 _____

Phone Number: 267-255-5342_ Fax Number: _____ Email: _____

Correspondence is to be mailed to the 0 property and/or 0 applicant address.

List every individual and/or corporation that will have interest in the licensed establishment:

Name/Address	Title	Name/Address	Title
Eric Kretschman	Member		
1428 Scrope Road Rydal, PA 19046			

Proposed Location within Abington Township:

Property Owner Name: Duke Real Estate Partners LLC _____ Daytime Phone: _215-459-3686_

Address: 2010 County Line Road____ City: Huntingdon Valley State: PA_ Zip Code: 19006

Description of the property in which the applicant desires to locate the liquor license: Shopping Center _____

Type of business establishment the applicant intends to establish within Abington Township: Restaurant

Date at which the applicant proposes to relocate the liquor license to Abington Township: Approx. September 2015_

Names & Addresses and property owners of all adjoining properties to the proposed location of the liquor license within Abington Township:

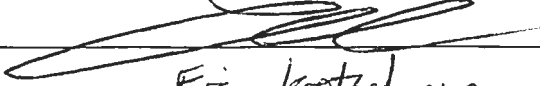
Property Address	Tax Parcel #	Name of Location	Property Owner Name	Owner Address

Attach to this application a listing of all available liquor licenses in Abington Township and a narrative explaining why these licenses have proven invalid. *Applicant has not searched other available license because applicant's affiliate, Oreland Associates, LLC, currently owns a license and will transfer that license to this location.*

Number of existing liquor licenses maintained by the applicant: 0

A copy of the completed application required by the Pennsylvania LCB, including, but not limited to, the applicant's criminal history and liquor code violations must be provided with this application.

Upon receipt, this application will be reviewed for completion of information and required attachments. Complete applications will be processed through Abington Township Board of Commissioners. The Zoning Officer will coordinate the Public Hearing date with the applicant or designated contact.

Applicant Signature:  Date: 5/28/15

Print Applicant Name: Eric Kretschman

Designated Contact: Andrew D. Santana Firm: Fox Rothschild LLP

Address: 1428 Scraper Road, Ryckoff State: PA Zip: 19046

Phone: 267-255-5345 Fax: N/A Email: Eric.Kretschman@gmail.com

Zoning District: SF overlay Check # 1001

Ward: 12 Rec # 881647

COPY

PLCB-21 4/12

COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA
LIQUOR CONTROL BOARDAPPLICATION FOR TRANSFER
OF
LICENSE AND PERMIT

BUREAU OF LICENSING

(SEE INSTRUCTIONS ON REVERSE)

I hereby agree to the transfer of my license and permits, if any, to the applicant named in Block 6 and to the premises shown in Block 8 and 9. I guarantee to make no other attempt to transfer said license and permits until this application has been definitely acted upon.

INFORMATION AS TO PRESENT LICENSEE AND ADDRESS OF LICENSED PREMISES

1. NAME OF LICENSEE Oreland Associates, LLC	LID 64903	LICENSE NO. R 19572	AMUSEMENT PERMIT <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
2. TRADE NAME (IF ANY) Bernie's Pub			
3. ADDRESS OF PREMISES (STREET, RURAL ROUTE, P.O. BOX NO.) 12 Allison Road		(POST OFFICE) Oreland	(STATE) (ZIP) PA 19075
4. NAME OF MUNICIPALITY Springfield Township	TYPE OF MUNICIPALITY <input type="checkbox"/> CITY <input type="checkbox"/> BORO <input checked="" type="checkbox"/> TWP. <input type="checkbox"/> INC. TOWN		COUNTY Montgomery

5.

RESOLUTION

At a regular or special meeting held on April 27, 20 15 by the licensed corporation, it was resolved that said application be filed with the Pennsylvania Liquor Control Board, and that Eric Kretschman, Member and/or _____ is/are

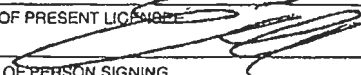
(NAME/TITLE) (NAME/TITLE)

hereby authorized to execute said application, and any other papers required by the Board.

INFORMATION FOR APPLICANT AND ADDRESS OF PREMISES TO BE LICENSED

6. NAME OF APPLICANT Oreland Associates II, LLC	IS AMUSEMENT PERMIT TO BE TRANSFERRED? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
7. TRADE NAME (IF ANY) Bernie's	
8. ADDRESS OF PREMISES (STREET, RURAL ROUTE, P.O. BOX NO.) 391 Highland Avenue	
(POST OFFICE) Jenkintown	(STATE) (ZIP) PA 19046
9. NAME OF MUNICIPALITY Abington	TYPE OF MUNICIPALITY <input type="checkbox"/> CITY <input type="checkbox"/> BORO <input checked="" type="checkbox"/> TWP. <input type="checkbox"/> INC. TOWN
COUNTY Montgomery	

I swear or affirm, subject to the penalties provided by 18 Pa. C.S. §4904 and 47 P.S. §4-403(h) and/or §4-436(j) and/or §5-504(b) and/or §7-704, that the foregoing answers and statements provided herein are true and complete to the best of my knowledge and belief.

SIGNATURE OF PRESENT LICENSEE 	TITLE Managing Member
PRINT NAME OF PERSON SIGNING Eric Kretschman	DATE OF EXECUTION 5/28/15
HOME ADDRESS OF PRESENT LICENSEE 1428 Scrope Road Rydal, PA 19046	PHONE (267) 255-5345

This application for transfer must be accompanied by the following supporting papers and requisite fee(s):

- Application and other supporting documents as instructed on the accompanying application for type of license and permits desired.
- Check or money order made payable to the *PLCB* or the *Commonwealth of Pennsylvania* for license transfer fee of \$650 for person to person, or \$550 for place to place, or \$700 for BOTH person to person and place to place. This fee is not refundable.
- Additional fee of \$10.00 if the current Amusement Permit is to be transferred.
- If an inter-municipal transfer of a retail license, written approval from the governing body of the receiving municipality if the retail municipal quota is met or exceeded.
- If the transfer is for a retail liquor or retail malt beverage dispenser license from a city of the 1st class to a county of the 2nd class A or 3rd class designated as a Mixed-Use Town Center Development Project, the following is required:
 - Municipal approval as described in "D."
 - Resolution or Ordinance stating the municipality has designated the location a Mixed-Use Town Center Development Project.
 - \$50,000 surcharge fee along with the transfer fee as described in "B."
 - Intra-County Affirmation stating the applicant has exhausted reasonable means for obtaining a suitable license within the county.
 - Affidavit from a real estate agent, license broker or other similar professional attesting to the unavailability of a liquor license at a relative market price.

DO NOT WRITE BELOW THIS LINE

LID _____ PM _____ CO/MNCP CODE _____ ZIP _____

**APPLICATION FOR
RETAIL LIQUOR OR RETAIL DISPENSER
LICENSE AND PERMITS**

(SEE INSTRUCTIONS PAGE 3)

PAGE 1 OF 3

(ANSWER ALL QUESTIONS)

The undersigned hereby applies for: NEW TRANSFER OF A

<input type="checkbox"/> HOTEL LIQ.	<input type="checkbox"/> EATING PLACE RET. DISP.	<input type="checkbox"/> AIRPORT RESTAURANT LIQ.	<input type="checkbox"/> CONTINUING CARE RETIREMENT COMMUNITY RESTAURANT LIQ.
<input type="checkbox"/> HOTEL RET. DISP.	<input type="checkbox"/> OFF-TRACK WAGERING REST. LIQ.	<input type="checkbox"/> PRIVATELY-OWNED PUBLIC GOLF COURSE REST. LIQ.	<input type="checkbox"/> CONTINUING CARE RETIREMENT COMMUNITY EATING PLACE RET. DISP.
<input type="checkbox"/> BREWERY PUB	<input type="checkbox"/> MUNIC. GOLF COURSE LIQ.	<input type="checkbox"/> PRIVATELY-OWNED PUBLIC GOLF COURSE RET. DISP.	<input type="checkbox"/> GAMING RESTAURANT LIQ.
<input checked="" type="checkbox"/> RESTAURANT LIQ.	<input type="checkbox"/> MUNIC. GOLF COURSE RET. DISP.		<input type="checkbox"/> GAMING EATING PLACE RET. DISP.

1. NAME OF APPLICANT

Oreland Associates II, LLC

2. TRADE NAME (IF ANY)

Bernie's

3. ADDRESS OF PREMISES

391 Highland Avenue Jenkintown PA 19046
(STREET, RURAL ROUTE, P.O. BOX NO.) (POST OFFICE) (STATE) (ZIP)

4. NAME OF MUNICIPALITY TYPE OF MUNICIPALITY COUNTY

Abington CITY BORO TWP. INC. TOWN Montgomery

5. AMUSEMENT PERMIT

WILL YOU PERMIT DANCING, PROVIDE FLOOR SHOWS, OR ANY OTHER ENTERTAINMENT? YES NO

6. SUNDAY SALES PERMIT (PERMIT IS NOT NECESSARY FOR CONTINUING CARE RETIREMENT COMMUNITY APPLICANTS)

WILL YOU SELL LIQUOR AND/OR MALT OR BREWED BEVERAGES ON SUNDAY? YES NO

7. EXTENDED HOURS FOOD LICENSE

WILL YOU SERVE FOOD UNTIL 7:00 A.M. OF ANY DAY? YES NO

8. IS THE APPLICATION TO BE CONSIDERED FOR PRIOR APPROVAL?

YES NO

9. HAS THE APPLICANT PREVIOUSLY FILED AN APPLICATION FOR ANY OTHER PLCB LICENSE? YES NO IF "YES", WHEN AND WHERE?

10. IS A CURRENT HEALTH LICENSE POSTED ON THE PREMISES? YES NO IF "YES", WHEN DOES IT EXPIRE? GIVE MONTH, DAY, YEAR.

11. NAME OF CURRENT OWNER OF PREMISES DEED BOOK VOLUME NO. PAGE NO./INSTRUMENT NO.

Duke Real Estate Partners, LLC 0042-00023 2015009569

ADDRESS OF CURRENT OWNER OF PREMISES LEASE EXPIRATION DATE

2010 County Line Road, Huntingdon Valley PA 19006 11/30/2025

11(A). NAME OF OFFICERS, DIRECTORS, SHAREHOLDERS, PARTNERS OR MEMBERS OF PROPERTY OWNER. (ATTACH SEPARATE SHEET IF NECESSARY) TITLE

Stanley A. Casacio Member

Joy Nash Member

JJCC Partners LP Member

Charlemagne LP Member

12. ECONOMIC DEVELOPMENT (NEW LICENSE APPLICATION ONLY)

ARE YOU APPLYING FOR A NEW RESTAURANT LIQUOR OR EATING PLACE RETAIL DISPENSER ON THE BASIS OF ECONOMIC DEVELOPMENT? YES NO

IF YES, ARE YOU APPLYING ON THE BASIS OF (A), (B), OR (C)? CHECK ONE:

A. THE PROPOSED PREMISES IS LOCATED WITHIN A KEYSTONE OPPORTUNITY ZONE. YES NO

B. THE PROPOSED PREMISES IS LOCATED WITHIN AN AREA DESIGNATED AS AN ENTERPRISE ZONE. YES NO

C. THE GOVERNING BODY OF THE MUNICIPALITY HAS APPROVED THE APPLICANT FOR LOCAL ECONOMIC DEVELOPMENT. YES NO

DO NOT WRITE BELOW THIS LINE

NEW APPL: CO/MNCP _ _ _ _ ZIP _ _ _ _ _

13. IF THE PREMISES TO BE LICENSED IS IN A PA GAMING FACILITY:

- A. WHO IS THE GAMING LICENSE ISSUED TO? _____
- B. GAMING LICENSE NUMBER _____
- C. NAME OF THE GAMING FACILITY _____
- D. ARE THERE ANY OTHER PLCB LICENSES ISSUED FOR THIS PREMISE? IF YES, WHAT ARE THE PLCB LICENSE NUMBERS?

14. COMPLETE IN DETAIL - ATTACH SEPARATE SHEET, IF NECESSARY.

NAME OF INDIVIDUAL APPLICANT, PARTNERS, MEMBERS, OR OFFICERS & DIRECTORS	TITLE	HOME ADDRESS	DATE AND PLACE OF BIRTH	LENGTH OF RESI- DENCE IN PA.	U.S. CITIZEN?	
					YES	NO
A. NAME Eric S. Kretschman	Member	1428 Scrope Road Rydal, PA 19046			✓	
B. NAME						
C. NAME						
D. NAME						
E. NAME						
F. NAME						

15. FOR CORPORATIONS AND LIMITED LIABILITY COMPANIES ONLY

A. REGISTERED AS: PROFIT NONPROFIT

REGISTERED NAME	INCORPORATED/ORGANIZED		IF FOREIGN CORPORATION GIVE DATE OF CERTIFICATE OF AUTHORITY OR IF FOREIGN LLC GIVE DATE REGISTERED IN PA
	PLACE	DATE	
Oreland Associates II, LLC	Rydal, PA	10/14/14	

B. RESOLUTION

TYPE OF PERMIT TO BE GRANTED NEW LICENSE TRANSFER OF LICENSE

At a regular or special meeting held on April 27, 20 15 by the applicant, it was resolved that said application be filed with the Pennsylvania Liquor Control Board, and that Eric S. Kretschman, Member and/or _____ is/are hereby
(NAME/TITLE) (NAME/TITLE)

authorized to execute said application, and any other papers required by the Board.

16. FOR CORPORATIONS ONLY

LIST ALL STOCKHOLDERS - ATTACH SEPARATE SHEET, IF NECESSARY.

NAME OF STOCKHOLDER	HOME ADDRESS	DATE & PLACE OF BIRTH	U.S. CITIZEN?		NO. OF SHARES OF STOCK HELD
			YES	NO	
A. NAME					
B. NAME					
C. NAME					
D. NAME					
E. NAME					
F. NAME					

APPLICATION FOR
RETAIL LIQUOR OR RETAIL DISPENSER
LICENSE AND PERMITS

17. Is a management company employed or otherwise contracted to operate, manage or otherwise supervise all or part of the operation?

YES NO

If yes, list the name and address of the entity: _____

18. NAME OF MANAGER	HOME ADDRESS	DATE & PLACE OF BIRTH	U.S. CITIZEN?	
			YES	NO
NAME Katherine Curtin	3402 W. Queen Lane Philadelphia, PA 19129	[REDACTED]	<input checked="" type="checkbox"/>	<input type="checkbox"/>

19. CONVICTION RECORD: The following is a record of all felony and misdemeanor convictions of the individual owner, all partners, all members, the manager and all corporate officers, directors and stockholders. (Attach separate sheet, if necessary.)

If there have been no such convictions, check here: No such convictions

NAME	DATE OF CONVICTION	CHARGE	DISPOSITION	LOCATION OF COURT (COUNTY AND STATE)

20. Neither the applicant nor any member, officer, director, stockholder, agent or employee has any financial interest, either directly or indirectly, in any other class of license or permit issued by this Board, or in the ownership, leasehold, or equipment, of any property used by such other licensee or permittee, or mortgage lien against the same, nor have they loaned any money, or given credit, or anything of value, for equipping, maintaining or conducting an establishment used in such other license or permit, except as follows:

No exceptions

21. No person having any financial interest as an individual, or as a member, officer, director, stockholder, agent or employee in another class of license or permit issued by this Board will be in any manner interested, either directly or indirectly, in the business proposed to be licensed under this application, or in the ownership or leasehold of the property or equipment to be used in the operation of the said business, or any mortgage lien against the same, nor have they loaned any money, or given credit, or anything of value, to the applicant, or any member, officer, director, stockholder, servant, agent or employee of said applicant, for equipping, maintaining or conducting this business, except as follows:

No exceptions

22. None of the applicants hold any public office involving the enforcement of penal laws, or penal ordinances or resolutions, except as follows:

No exceptions

23. The building to be licensed is not located within 300 feet of any church, school, hospital, public playground or charitable institution, except as follows:

No exceptions

24. If an application for continuing care retirement facility, list the number of residents over the age of 62, _____ and the total number of residents _____.

25. PREMISES TO BE LICENSED

A. LIST COMPLETE INFORMATION FOR EVERY ROOM WHICH IS TO BE USED IN THE OPERATION OF THE LICENSED BUSINESS, INCLUDING A SEPARATE KITCHEN, IF ANY, AND AREA TO BE USED FOR STORAGE OF ALCOHOLIC BEVERAGES.

ROOM		LOCATED ON WHAT FLOOR	SEATING CAPACITY	DESIGNATE USE: SERVING, KITCHEN OR STORAGE
WIDTH	LENGTH			
See Plans				

B. IF HOTEL LICENSE, NUMBER OF PERMANENT BEDROOMS AVAILABLE FOR GUESTS

N/A

C. OCCUPANCY OF REMAINDER OF BUILDING


Retail

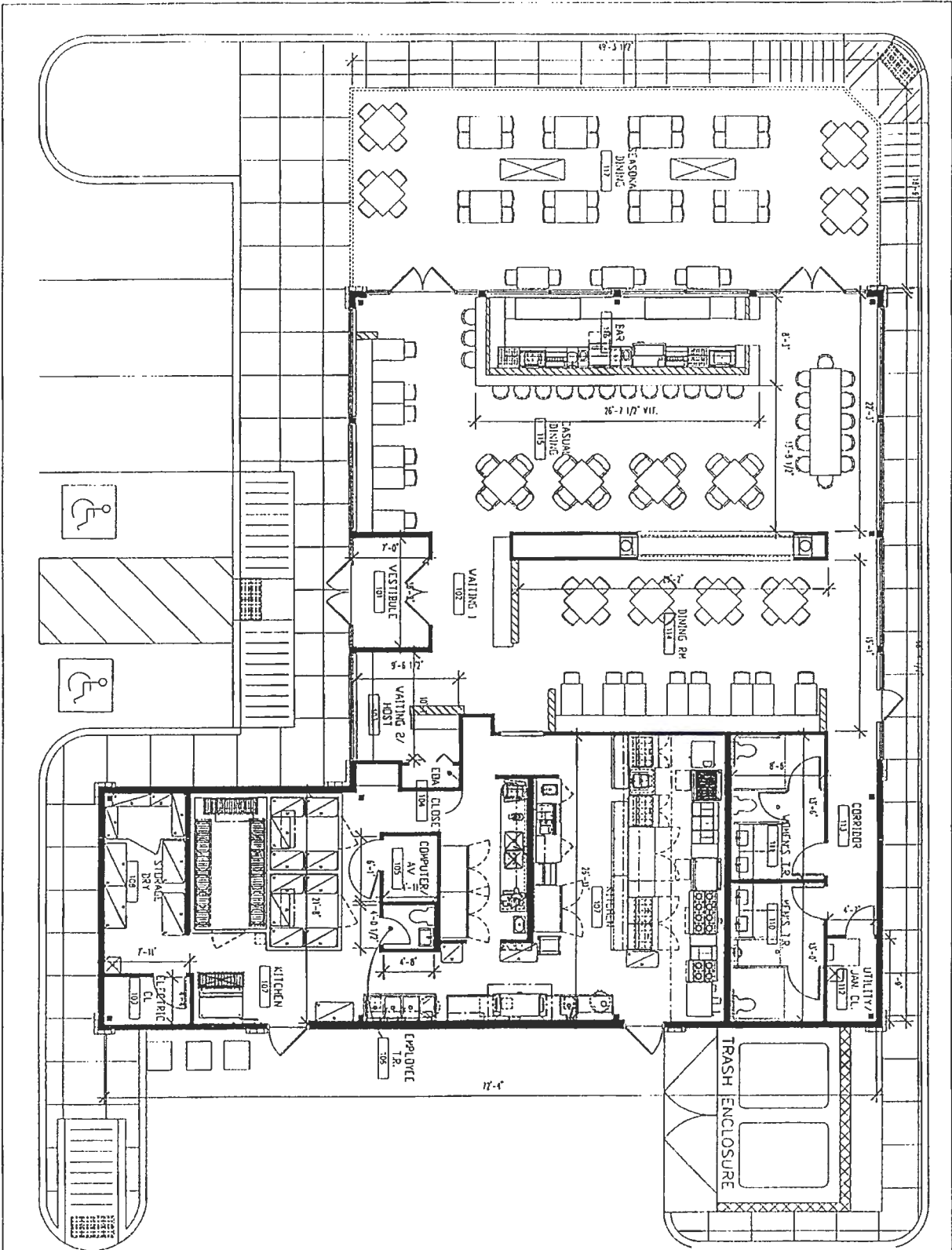
26. No other type of business licensed by the Liquor Control Board is conducted in the building, except as follows:

No exceptions

27. A placard, PLCB-1296, Public Notice of Application Alcoholic Beverages, was posted on (DATE) _____ in a conspicuous place on the outside of the premises as required by the Liquor Code and Regulations of the Board, and will remain posted until a notice of approval or refusal is received by the applicant.

I swear or affirm, subject to the penalties provided by 18 Pa. C.S. §4904 and 47 P.S. §4-403(h) and/or §4-436(j), that the foregoing answers and statements provided herein are true and complete to the best of my knowledge and belief.

SIGNATURE 		TITLE <i>Mary M. Santana</i>	NAME OF ATTORNEY REPRESENTING YOU IN THIS MATTER, IF ANY D. Santana, Esquire	
HOME ADDRESS 1428 Scrope Road Rydal, PA 19046		PHONE (267) 255-5342	ADDRESS 10 Sentry Parkway, Suite 200 PO Box 3001, Blue Bell, PA 19422	PHONE (610) 397-6500
SIGNATURE		TITLE		
HOME ADDRESS		PHONE		
PREMISES PHONE NO.				
E-MAIL ADDRESS		DATE SIGNED		



SCALING DIMENSIONS
 DRAWN FROM: 27 SEAT
 CROWN CHINA/STAIN: 33 SEAT
 SEATING: 10000 + 34 SEAT

SPACE PLAN - BERNIE'S RESTAURANT & PUB
 SWITCHVILLE CROSSING
 HIGHLAND AVENUE AND WHARTON ROAD
 ABINGTON TOWNSHIP, PA
 PROPERTY OWNER: DUKE REAL ESTATE PARTNERS, LLC

NEW CENTURY DESIGN AND CONSTRUCTION, INC.
 2010 COUNTY LINE ROAD
 HUNTINGDON VALLEY, PA 19006
 05.14.2015
 SCALE = 1/4" = 1'-0"

REGARDING NOTICE POSTING AS REQUIRED BY
PENNSYLVANIA LIQUOR CODE AND BOARD REGULATIONS

License Number R 19572 LID #: 64903
Applicant Oreland Associates II, LLC
Address of Premises 391 Highland Avenue
Jenkintown, PA 19046
(ZIP CODE)

Type of Application:

- New with an Amusement Permit
- New without an Amusement Permit
- Transfer with an Amusement Permit
- Transfer without an Amusement Permit
- Extension
- Change of Officers

The undersigned applicant for a license action concerning alcoholic beverages, Oreland Associates II, LLC, swears or affirms that a "Public Notice of Application" has been and will be continuously and conspicuously posted on the premises for which the license action is applied, in the manner prescribed by the Liquor Code and Board Regulations, from the date the application was filed with the Board, (INSERT DATE).

(SIGNATURE)
(SIGNATURE)
(SIGNATURE)

The foregoing statements are provided under penalty of perjury, 18 Pa. C.S.A. §4903 and §4904, and 47 P.S. §4-403(h) and/or §4-436(j).

This affidavit must be submitted in conjunction with each new, transfer, or extension application and any notice of change in officers or stockholders constituting a change of corporate control. New and transfer applications for retail licenses, except clubs, performing arts and public venues, must indicate if the transaction includes an amusement permit. The "Public Notice of Application" must be posted on the date the application or notice is filed and must remain posted until the application has been approved or refused by the Board.

This affidavit must be executed by the same person or persons who signed the application or notice. If the applicant is a corporation, the corporate officer(s) who signed the application of notice shall execute this affidavit by affixing the same signature(s) and title(s) hereon. If the applicant is a limited liability company, the member(s) who signed the application of notice shall execute this affidavit by affixing the same signature(s) hereon.

NOTE: If the transfer of controlling interest in a corporation affects more than one license, EACH LICENSED PREMISES must be properly posted.

List additional license numbers here: _____

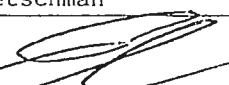
APPENDIX
SOCIAL SECURITY INFORMATION

Pennsylvania Right To Know Act [65 P.S. §66.1-66.4] restricts dissemination of Social Security Account Numbers. The identifying information contained on this form is not considered public information. This is not a public document.

In accordance with the Federal Privacy Act of 1974, you have the right to refuse to disclose your Social Security Account Number. Such refusal will not result in a denial of any right, benefit, or privilege provided by law. Your Social Security Account Number will be used for cross-reference identification within the Liquor Control Board and among other state agencies. The Liquor Control Board is empowered by the Pennsylvania Liquor Code (47 P.S. §1-101, et seq.), to request your Social Security Account Number. This form must be filed whether or not social security numbers are disclosed.

1. NAME OF LICENSEE Oreland Associates II, LLC		LICENSE NO. R-19572
2. TRADE NAME (IF ANY) Bernie's		LID NO. 64903
3. ADDRESS OF PREMISES 391 Highland Avenue	(STREET, RURAL ROUTE, P.O. BOX NO.) (POST OFFICE) Jenkintown	(STATE) (ZIP) PA 19046
4. THE NAMES LISTED HERE MUST AGREE WITH THE INFORMATION LISTED ON THE APPLICATION FOR LICENSE OR PERMIT. COMPLETE IN DETAIL - ATTACH SEPARATE SHEET, IF NECESSARY.		

SOCIAL SECURITY NUMBER	NAMES OF ALL MEMBERS, OFFICERS, DIRECTORS, STOCK-HOLDERS, MANAGER, STEWARD, LICENSEE OR PARTNER/PARTNERSHIP		
	LAST	FIRST	MIDDLE INITIAL
A [REDACTED]	Kretschman	Eric	S
B [REDACTED]	Curtin	Katherine	
C			
D			
E			
F			
G			
H			
I			
J			

NAME OF PERSON SIGNING Eric Kretschman		NAME OF PERSON SIGNING	
SIGNATURE 	TITLE Member	SIGNATURE	TITLE
HOME ADDRESS 1428 Scrope Road Rydal, PA 19046	PHONE (267) 255-5345	HOME ADDRESS	PHONE
DATE SIGNED		DATE SIGNED	

TAX CERTIFICATION STATEMENT

(SEE INSTRUCTIONS ON REVERSE)

A completed Tax Certification Statement must accompany all applications for new licenses or transfers, as required by Section 477 of the Liquor Code. Failure to provide the requested information and/or any outstanding state income, corporation, sales or unemployment compensation tax obligations (including failure to file or register) will cause your application to be rejected. If additional space is needed, please use white 8½" x 11" paper. Type or print all information requested.

1. LICENSEE (APPLICANT) NAME Oreland Associates, LLC	2. BUSINESS PHONE NO. AREA CODE (215) 277-5506
---	--

3. TRADE/FICTITIOUS NAME (IF ANY)
Bernie's Pub

4. LICENSED ADDRESS 12 Allison Road, P.O. Box 145	(STREET, RURAL ROUTE, P.O. BOX NO.)	Oreland	PA	19075
	(POST OFFICE)		(STATE)	(ZIP)

5. TYPE OF APPLICATION FILED <input type="checkbox"/> NEW <input checked="" type="checkbox"/> TRANSFER	IF A TRANSFER <input type="checkbox"/> BUYER <input checked="" type="checkbox"/> SELLER	6. LCB LICENSE NUMBER (IF NONE, CHECK HERE <input type="checkbox"/>) R-19572
---	--	--

7. TYPE OF ENTITY

<input type="checkbox"/> SOLE PROPRIETOR	<input type="checkbox"/> PARTNERSHIP	<input type="checkbox"/> LIMITED LIABILITY PARTNERSHIP
<input checked="" type="checkbox"/> LIMITED LIABILITY COMPANY	<input type="checkbox"/> CORPORATION	<input type="checkbox"/> CLUB

8. LIST LICENSEE	SOCIAL SECURITY NUMBER COMPLETE ALL BLOCKS
NAME (PRINT)	_____ - _____ - _____

9. LIST THE FOLLOWING STATE TAX IDENTIFICATION NUMBERS (ALL ITEMS: A,B,C, AND D MUST BE COMPLETED).

A. SALES TAX LICENSE (8 DIGITS) 8 5 - 3 4 7 6 4 - 6 <input type="checkbox"/> N/A	C. CORPORATE BOX NUMBER (7 DIGITS) 1 0 0 0 - 0 8 4 8 4 5 <input type="checkbox"/> N/A
B. EMPLOYER ID (EIN) (9 DIGITS) 2 7 - 5 2 5 5 3 3 2 <input type="checkbox"/> N/A	D. UNEMPLOYMENT COMPENSATION ACCOUNT NUMBER 7 3 - 0 0 0 2 3 - <input type="checkbox"/> N/A

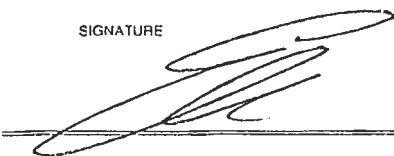
10. If you currently have a License, do you have employees or have you employed any employees since you filed your last renewal application? YES NO

11. AFFIRMATION: I swear or affirm, subject to the penalties provided by 18 Pa. C.S. §4904, and 47 P.S. §403(h) and/or 4-436(j) and/or §7-704, that all information required herein has been provided, and with respect to all State taxes to which applicant is subject, all tax reports have been filed, and all State taxes have been paid, or are subject to a timely administrative or judicial appeal, or are subject to a duly approved deferred payment plan.

SIGNATURE

TITLE

DATE



Murphy Member

5/28/15

TAX CERTIFICATION STATEMENT

(SEE INSTRUCTIONS ON REVERSE)

A completed Tax Certification Statement must accompany all applications for new licenses or transfers, as required by Section 477 of the Liquor Code. Failure to provide the requested information and/or any outstanding state income, corporation, sales or unemployment compensation tax obligations (including failure to file or register) will cause your application to be rejected. If additional space is needed, please use white 8½" x 11" paper. Type or print all information requested.

1. LICENSEE (APPLICANT) NAME Oreland Associates II, LLC	2. BUSINESS PHONE NO. AREA CODE
---	------------------------------------

3. TRADE/FICTITIOUS NAME (IF ANY)
Bernie's

4. LICENSED ADDRESS 391 Highland Avenue	(STREET, RURAL ROUTE, P.O. BOX NO.)	(POST OFFICE) Jenkintown	(STATE) PA	(ZIP) 19046
---	-------------------------------------	------------------------------------	----------------------	-----------------------

5. TYPE OF APPLICATION FILED <input type="checkbox"/> NEW <input checked="" type="checkbox"/> TRANSFER	IF A TRANSFER <input checked="" type="checkbox"/> BUYER <input type="checkbox"/> SELLER	6. LCB LICENSE NUMBER (IF NONE, CHECK HERE <input type="checkbox"/>) R-19572
---	--	---

7. TYPE OF ENTITY

<input type="checkbox"/> SOLE PROPRIETOR	<input type="checkbox"/> PARTNERSHIP	<input type="checkbox"/> LIMITED LIABILITY PARTNERSHIP
<input checked="" type="checkbox"/> LIMITED LIABILITY COMPANY	<input type="checkbox"/> CORPORATION	<input type="checkbox"/> CLUB

8. LIST LICENSEE	SOCIAL SECURITY NUMBER	COMPLETE ALL BLOCKS
NAME (PRINT)	_____ - _____ - _____	

9. LIST THE FOLLOWING STATE TAX IDENTIFICATION NUMBERS (ALL ITEMS: A,B,C, AND D MUST BE COMPLETED).

A. SALES TAX LICENSE (8 DIGITS) [6] [7] - [5] [1] [2] [9] [0] - [0] <input type="checkbox"/> N/A	C. CORPORATE BOX NUMBER (7 DIGITS) [1] [0] [0] [1] - [1] [7] [0] [7] [1] [2] <input type="checkbox"/> N/A
B. EMPLOYER ID (EIN) (9 DIGITS) [4] [7] - [2] [6] [7] [0] [7] [2] [6] <input type="checkbox"/> N/A	D. UNEMPLOYMENT COMPENSATION ACCOUNT NUMBER _____ - _____ - _____ <input checked="" type="checkbox"/> N/A

10. If you currently have a License, do you have employees or have you employed any employees since you filed your last renewal application? YES NO

11. AFFIRMATION: I swear or affirm, subject to the penalties provided by 18 Pa. C.S. §4904, and 47 P.S. §403(h) and/or 4-436(j) and/or §7-704, that all information required herein has been provided, and with respect to all State taxes to which applicant is subject, all tax reports have been filed, and all State taxes have been paid, or are subject to a timely administrative or judicial appeal, or are subject to a duly approved deferred payment plan.

SIGNATURE




TITLE

Murphy Member
5/28/15

DATE

5/28/15

REQUEST FOR CRIMINAL RECORD CHECK

(SEE INSTRUCTIONS ON REVERSE)			FOR OFFICIAL USE ONLY		
TYPE OR PRINT LEGIBLY WITH INK					
DATE OF REQUEST	LICENSE NO. R-19572	LID NO. 54876	LID NO.		
1. NAME OF APPLICANT/LICENSEE Oreland Associates II, LLC			APPLICATION CATEGORY		
2. TRADE NAME (IF ANY) Bernie's			ENDING YEAR		
3. ADDRESS OF PREMISES (STREET, RURAL ROUTE, P.O. BOX NO.) 391 Highland Ave			CONTROL NO.		
4. (POST OFFICE) Abington		(STATE) PA	(ZIP) 19046		
5. NAME (SUBJECT OF RECORD CHECK) (LAST) (FIRST) (MIDDLE) Kretschman Eric S.			TITLE/POSITION Managing Partner		
6. MAIDEN NAME AND/OR ALIASES None		SOCIAL SECURITY NO. (SOC) 	DATE OF BIRTH (DOB) 	SEX <input checked="" type="checkbox"/> M <input type="checkbox"/> F	RACE Caucasian
SIGNATURE 		TITLE/POSITION Member	HOME ADDRESS 1428 Scrope Road Rydal, PA 19046		PHONE
REQUESTER CHECKLIST <input checked="" type="checkbox"/> DID YOU ENTER THE FULL NAME, DOB, AND SOC? <input checked="" type="checkbox"/> DID YOU ENCLOSE THE \$10.00 FEE (CHECK/MONEY ORDER) PAYABLE TO "PLCB" OR "COMMONWEALTH OF PA"? DO NOT SEND CASH. <input checked="" type="checkbox"/> DID YOU ENTER YOUR COMPLETE ADDRESS INCLUDING ZIP CODE AND TELEPHONE NUMBER IN THE BLOCKS PROVIDED?			AFTER COMPLETION MAIL TO: PENNSYLVANIA LIQUOR CONTROL BOARD P O BOX 8940 HARRISBURG PA 17105-8940		

DO NOT WRITE BELOW THIS LINE

INFORMATION DISSEMINATED <input type="checkbox"/> NO RECORD <input type="checkbox"/> CRIMINAL RECORD		INQUIRY BY	DATE INQUIRED
THE INFORMATION DISSEMINATED BY THE CENTRAL REPOSITORY IS BASED SOLELY ON THE FOLLOWING IDENTIFIERS THAT MATCH THOSE FURNISHED BY THE REQUESTER		CERTIFIED BY	
<input type="checkbox"/> NAME	<input type="checkbox"/> DATE OF BIRTH	<input type="checkbox"/> RACE	
<input type="checkbox"/> SOC	<input type="checkbox"/> MAIDEN/ALIAS NAME	<input type="checkbox"/> SEX	

REQUEST FOR CRIMINAL RECORD CHECK

TYPE OR PRINT LEGIBLY WITH INK			(SEE INSTRUCTIONS ON REVERSE)			FOR OFFICIAL USE ONLY		
DATE OF REQUEST		LICENSE NO. R-19572	LID NO. 54876		LID NO.			
1. NAME OF APPLICANT/LICENSEE Oreland Associates II, LLC					APPLICATION CATEGORY			
2. TRADE NAME (IF ANY) Bernie's					ENDING YEAR			
3. ADDRESS OF PREMISES (STREET, RURAL ROUTE, P.O. BOX NO.) 391 Highland Avenue					CONTROL NO.			
4. (POST OFFICE) Abington		(STATE) PA	(ZIP) 19046					
5. NAME (SUBJECT OF RECORD CHECK) (LAST) Curtin (FIRST) Katherine (MIDDLE)					TITLE/POSITION Manager			
6. MAIDEN NAME AND/OR ALIASES N/A			SOCIAL SECURITY NO. (SOC) 		DATE OF BIRTH (DOB) 		SEX <input type="checkbox"/> M <input checked="" type="checkbox"/> F	RACE Caucasian
SIGNATURE <i>Katherine Curtin</i>			TITLE/POSITION Manager		HOME ADDRESS 3407 W. Queen Lane Philadelphia, PA 19129		PHONE	
REQUESTER CHECKLIST					AFTER COMPLETION MAIL TO:			
<input checked="" type="checkbox"/> DID YOU ENTER THE FULL NAME, DOB, AND SOC? <input checked="" type="checkbox"/> DID YOU ENCLOSE THE \$10.00 FEE (CHECK/MONEY ORDER) PAYABLE TO "PLCB" OR "COMMONWEALTH OF PA"? DO NOT SEND CASH. <input checked="" type="checkbox"/> DID YOU ENTER YOUR COMPLETE ADDRESS INCLUDING ZIP CODE AND TELEPHONE NUMBER IN THE BLOCKS PROVIDED?					PENNSYLVANIA LIQUOR CONTROL BOARD P O BOX 8940 HARRISBURG PA 17105-8940			

DO NOT WRITE BELOW THIS LINE

INFORMATION DISSEMINATED		INQUIRY BY	DATE INQUIRED
<input type="checkbox"/> NO RECORD <input type="checkbox"/> CRIMINAL RECORD			
THE INFORMATION DISSEMINATED BY THE CENTRAL REPOSITORY IS BASED SOLELY ON THE FOLLOWING IDENTIFIERS THAT MATCH THOSE FURNISHED BY THE REQUESTER		CERTIFIED BY	
<input type="checkbox"/> NAME	<input type="checkbox"/> DATE OF BIRTH	<input type="checkbox"/> RACE	
<input type="checkbox"/> SOC	<input type="checkbox"/> MAIDEN/ALIAS NAME	<input type="checkbox"/> SEX	