TOWNSHIP OF ABINGTON

(2) CODE ENFORCEMENT AND LAND DEVELOPMENT COMMITTEE

October 5, 2016 7:00 P.M.

CALL TO ORDER

ROLL CALL:

SANCHEZ - MARKMAN - DIPLACIDO - ZAPPONE

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 August 29, 2016 Code Enforcement and Land Development Committee Meeting

CE1. <u>Subdivision SD-16-07 - Robert Morris - 1511 Susquehanna Road</u> and 1112 Rydal Road

• Motion to approve the subdivision and land development application of Robert Morris, applicant and owner for the properties located at 1511 Susquehanna Road and 1112 Rydal Road, Abington Township. The applicant proposes to relocate the existing property lines to create a third lot that will contain the existing carriage house. The carriage house is proposed to be demolished and a new single-family dwelling constructed. The plan submitted has the proposed new lot fronting on Susquehanna Road and having the minimum one acre in lot area. The properties are zones in the (R-1) Residential District in Ward No. 1 of the Township of Abington.

- This motion is subject to the following conditions:
 - 1. Sanitary sewer service is available for this development. However, if approved, the applicant is required to obtain DEP approval for the additional EDU's prior to the recording of the final plan. To date, that application has not been submitted.
 - 2. The items listed within the Staff Review letter dated August 10, 2016 are to be taken under consideration by the Board of Commissioners of the Township of Abington.

 The applicant must obtain storm water management permits from the Engineering Department of the Township of Abington.
 - 3. The applicant must obtain storm water management permits from the Engineering Department of the Township of Abington.
- This motion is subject to the following waivers:
 - 1. Waiver from Section 146-11.A Property Identification Plan The plan is required to supply the tax parcel information, owner's name and lot area for all properties within 400 feet of the site involved in this application.
 - 2. Waiver from Section 146-11.B Existing Features Plan The plan is required to plot the location of all utilities on the sites and within 400 feet of the properties involved in this application.
 - 3. Waiver from Section 146-11.C Proposed Layout Plan The plan is required to plot the location of all existing utilities, to include the size, type and depth of all existing improvements proposed to remain and be removed.
 - 4. Waiver from Section 146-11.L Architectural Plan An architectural plan is required to be submitted with this subdivision plan. A rendering of the proposed single-family dwelling has been submitted. The applicant stated that the proposed single-family dwelling has been submitted. The applicant stated that the proposed new single-family dwelling will be very similar to the home currently under construction.
 - 5. Waiver from Section 146-39.1 Shade Trees The applicant will be planting the required shade trees. However, they seek approval to plan the trees within the front yard setback area and not within 5 feet of the front property line. The Planning Commission recommends the trees not be planted within 25 feet of the front property line.
 - 6. Waiver from Section 146-11.F Street Improvement Plan The applicant is required to submit a profile plan of the streets involved in this application.

- 7. Waiver from Section 146-11.1 Phasing Plan No phasing plan has been submitted. This a single lot development, no phasing is proposed.
- 8. Waiver from Section 146-24 Right-of-Way Width To allow the paved surfaces within the right-of-way to remain as currently installed. The requested was approved on the prior application. The applicant stated that all setbacks have been plotted from the Ultimate Right-of-Way.
- 9. Waiver from Section 146-27 Curbing & Sidewalks The applicant is required to install full street improvements along the frontages of Susquehanna Road and Rydal Road for the lots involved in this application. This request was approved on the prior application.
- 10. Waiver from Section 146-30 Lot Shape The Ordinance states that irregular shape lots are to be avoided. Lot No. 1 and Lot No. 3 are considered to have an irregular shape. Irregular shape lots can be problematic when installing fences, accessory structures and with property maintenance related issues.
- 11. Waiver from Section 146-11-38 Street Lighting The applicant has requested a waiver from the installation of additional street lighting.

Code Enforcement & Land Development BOARD ACTION REQUEST

October 5, 2016

CE/

CODE ENFORCEMENT

TOWNSHIP MANAGER



AGENDA ITEM Subdivision SD-16-07 Robert Morris



1511 Susquehanna Road and 1112 Rydal Road

PREVIOUS ACTION:

- Abington Township Planning Commission approved this application with conditions and requested waivers on September 27, 2016.
- Montgomery County Planning Commission approved this application on September 27, 2016.

RECOMMENDED BOARD ACTION:

- Motion to approve the subdivision and land development application of Robert Morris, applicant and owner for the properties located at 1511 Susquehanna Road and 1112 Rydal Road, Abington Township. The applicant proposes to relocate the existing property lines to create a third lot that will contain the existing carriage house. The carriage house is proposed to be demolished and a new single-family dwelling constructed. The plan submitted has the proposed new lot fronting on Susquehanna Road and having the minimum one acre in lot area. The properties are zoned in the (R-1) Residential District in Ward No. 1 of the Township of Abington.
- This motion is subject to the following conditions:
- 1. Sanitary sewer service is available for this development. However, if approved, the applicant is required to obtain DEP approval for the additional EDU's prior to the recording of the final plan. To date, that application has not been submitted.
- 2. The items listed within the Staff Review letter dated August 10, 2016 are to be taken under consideration by the Board of Commissioners of the Township of Abington.
- 3. The applicant must obtain storm water management permits from the Engneering Department of the Township of Abington.

- This motion is subject to the following waivers:
- 1. Waiver from Section 146-11.A Property Identification Plan The plan is required to supply the tax parcel information, owner's name and lot area for all properties within 400 feet of the site involved in this application.
- 2. Waiver from Section 146-11.B Existing Features Plan The plan is required to plot the location of all utilities on the sites and within 400 feet of the properties involved in this application.
- 3. Waiver from Section 146-11.C Proposed Layout Plan The plan is required to plot the location of all existing utilities, to include the size, type and depth of all existing improvements proposed to remain and be removed.
- 4. Waiver from Section 146-11.L Architectural Plan An architectural plan is required to be submitted with this subdivision plan. A rendering of the proposed single-family dwelling has been submitted. The applicant stated that the proposed new single-family dwelling will be very similar to the home currently under construction.
- 5. Waiver from Section 146-39.1 Shade Trees The applicant will be planting the required shade trees. However, they seek approval to plant the trees within the front yard setback area and not within 5 feet of the front property line. The Planning Commission recommends the trees not be planted within 25 feet of the front property line.
- 6. Waiver from Section 146-11. F Street Improvement Plan The applicant is required to submit a profile plan of the streets involved in this application.
- 7. Waiver from Section 146-11.I Phasing Plan No phasing plan has been submitted. This is a single lot development, no phasing is proposed.
- 8. Waiver from Section 146-24 Right-of-Way Width To allow the paved surfaces within the right-of-way to remain as currently installed. The requested was approved on the prior application. The applicant stated that all setbacks have been plotted from the Ultimate Right-of-Way.
- 9. Waiver from Section 146-27 Curbing & Sidewalks The applicant is required to install full street improvements along the frontages of Susquehanna Road and Rydal Road for the lots involved in this application. This request was approved on the prior application.
- 10. Waiver from Section 146-30 Lot Shape The Ordinance states that irregular shape lots are to be avoided. Lot No. 1 and Lot No. 3 are considered to have an irregular shape. Irregular shape lots can be problematic when installing fences, accessory structures and with property maintenance related issues.
- 11. Waiver from Section 146-11-38 Street Lighting The applicant has requested a waiver from the installation of additional street lighting.

<u>COMMENTS:</u>



1176 Old York Road Abington PA 19001-3713 Telephone: 267-536-1000

Subdivision & Land Development Notice Plan Review SD-16-07

Notice is hereby given that the Township of Abington will hold the following public meetings at the Abington Township Administration Building (1176 Old York Road) Planning Commission, Code Enforcement Committee and Board of Commissioners, to discuss the application of **Robert Morris**.

MEETINGS	DATE AND TIME September 27, 2016 @ 7:30 p.m.		
Planning Commission Committee			
Code Enforcement Committee	October 5 , 2016 @ 7:00 p.m.		
Board of Commissioners October 13, 2016 @			

This is the application of **Robert Morris**, applicant for the properties located at 1511 Susquehanna Road and 1112 Rydal Road, Rydal, Pa. 19046. The applicant proposes to relocate the existing property lines to create a third lot that will contain the existing carriage house. If approved, the carriage house is proposed to be demolish and a new single family dwelling constructed. The plan submitted for review has the proposed new lot fronting on Susquehanna Road and having the minimum one acre lot area. The properties are zoned within the R-1 Residential District of Ward #1 of the Township of Abington.

The application and plans are on file in the Code Enforcement Department and may be reviewed upon request. If there are any questions and/or comments that you may have, please feel free to contact me at 267-536-1017.

Mark A. Penecale Planning & Zoning Officer

• These meetings are subject to change if additional review time is required by Township Staff or requested by the applicant.



Township of Abington APPLICATION FOR APPROVAL OF PLAN

Submission Date	7/25/16	Application No. 30-16-07
To the Board of Comr	nissioners of the Township of Ab	ington:
of the Code of Abington Township of Abington Signature of Applicant	on Township, Chapter 146, entitle of 1991', and any supplements	Signature of Land Owner
A. Plan Type:		
Final Major S	Tajor Subdivision	 Minor Land Development Pre Major Land Development Final Major Land Development Final Major SD & LD
B. Plan Identifica	tion:	
Plan Dated: 6/28/16		Engineer: Nick T. Rose, P.E., ProTract Engineering, Inc.
		Commercial applications to include building square footage aber of lots and amount of dwelling unit types:
Split two lots into three	one lot(#1) is to continue to supp	ort existing dwelling, one lot (#2) will have an existing dwelling
replaced, and the othe	r (#3) contains a house under con-	struction.
C. Property Ident	ification:	
Address/Loca	tion 1511 Susquehanna Road, R	ydal, PA 19046
between stree	ts Rydal Road	and Cherry Lane/Sewell Lane

(continued on next page)

Township of Abington APPLICATION FOR MODIFICATION OF PLAN

\$ -16-07		
irements as indicated Subdivision and Land amendments thereto.		
pment velopment evelopment LD		
<u>lequested</u> ide all properties & existing he site.		
as no new streets are proposed		
n with defined timelines		
l facilities plan		
To not require tentative architectural plans (architecture is		
unknown at this time & a tentative plan would provide no benef To allow the existing 22' and 33' wide cartways in lieu of the required widths		
d curbs along Susquehanna		
shown		
eet lighting		
2016 D		

Applicant Robert Morris Address 1000 Dekalb Pike, Ambler, PA	10002	Dhone	215-
Address Tood Dekalo Pike, Ambier, PA	1 19002	FIIOIE	215-
Land Owner same as applicant, and	Rydal Project LLC		
Address 1511 Susquehanna Road,	Rydal, PA 19046	Phone	
Equitable Land Owner			
Address		Phone.	
Architect			
Address			
Engineer Nick T. Rose, P.E., ProTract		TM.	215-442-9230
Address P.O. Box 58, Hatboro, PA 19	040	Phone	210-442-8200
Attorney			
Address			
IMPROVEMENTS PROPOSED	UNITS		ESTIMATED COST
Streets			
5			
8			
Street Lighting			
Curbs			
Sidewalks			
Storm Sewers			
Water Supply			
Fire Hydrants			
Sanitary Sewers			
Monuments			
Shade Trees			
Open Space			
Park Lane			
Other			
Total Cost:			
• • • • • • • • • • • • • • • • • • • •	•••••	• • • • • • • • • • • • • • • • • • • •	
received from applicant:	Application Fee -		- chance # 1
# BB2185	Review Escrow		check #
# 882186	Total	2800	ECEIVEN
	1	n	JUI 2 5 2016
	s complete:		
acknowledged and application accepted a	s complete:	295	JOE 2 0 2010 8
		B Date	Y: 1

D.

Applicant Identification:

Township of Abington Planning Commission Recommendation Form

Application Number: SD-16-07

Date: September 27, 2016

Applicant's Name: Robert Morris

Applicant's Address: 100 Dekalb Pike, Ambler, Pa. 19046

Recommendation: [x] APPROVED [] DENIED VOTE: 8 of 8

Over View:

PC1: This is the application of Robert Morris, applicant and owner for the properties located at 1511 Susquehanna Road and 1112 Rydal Road, Rydal, Pa. 19046. The applicant proposes to relocate the existing property lines to create a third lot that will contain the existing carriage house. If approved, the carriage house is proposed to be demolish and a new single family dwelling constructed. The plan submitted for review has the proposed new lot fronting on Susquehanna Road and having the minimum one acre in lot area. The properties are zoned within the R-1 Residential District of Ward #1 of the Township of Abington.

Conditions:

- Sanitary sewer service is available for this development. However, if approved, the applicant is required to obtain DEP approval for the additional EDU's prior the recording of the final plan. To date, that application has not been submitted.
- The items listed within the Staff Review letter dated August 10, 2016 are to be taken under consideration by the Board of Commissioners of the Township of Abington.
- The applicant must obtain storm water management permits from the Engineering Department of the Township of Abington.

The following waivers have been requested.

- A. Section 146-11.A Property Identification Plan The plan is required to supply the tax parcel information, owner's name & lot area for all properties within 400 feet of the site(s) involved in this application. Staff supports this waiver. Yes {X} No { }
- B Section 146-11.B Existing Features Plan The plan is required to plot the location of all utilities on the sites and within 400 feet of the properties involved in this application. Staff supports this request. Yes {X} No { }
- C. Section 146-11.C Proposed Layout Plan The plan is required to plot the location of all existing utilities, to include the size, type and depth of all existing improvements proposed to remain and be removed. Staff supports this request. Yes {X} No { }
- D. Section 146-39.1 Shade Trees The applicant will be planting the required shade trees. However, they seek approval to plant the trees within the front yard setback area and not within 5 feet of the front property line. Yes {X} No { } The Planning Commission recommends the trees not be planted within 25 feet of the front property line.
- E. Section 146-11.F Street Improvement Plan the applicant is required to submit a profile plan of the streets involved in this application. No profile plan has been submitted. Yes {X} No { }
- F. Section 146-11.I Phasing Plan No phasing plan has been submitted. This is a single lot development, no phasing is proposed. Staff is in favor of this waiver. Yes {X} No { }
- G. Section 146-11.L Architectural Plan An architectural plan is required to be submitted with this subdivision plan. A rendering of the proposed single family dwelling has been submitted. The applicant stated that the proposed new single family dwelling will be very similar to the home currently under construction. Yes {X} No { }
- H. Section 146-24 Right-of-Way Width To allow the paved surfaces within the right-of-way to remain as currently installed. This requested was approved on the prior application. The applicant stated that all setbacks have been plotted from the Ultimate Righ-of-Way.

Yes {X} No { }

- Section 146-27 Sidewalks, Curbs & Gutter The applicant is required to install full street improvements along the frontages of Susquehanna Road and Rydal Road for the lots involved in this applications. This request was approved on the prior application. Yes {X} No { }
- J. Section 146-30 Lot Shape The Ordinance states that irregular shape lots are to be avoided. Lot #1 and Lot #3 are considered to have an irregular shaped. Irregular shape lots can be problematic when installing fences, accessory structures and with property maintenance related issues. Yes {X} No { }
- K. Section 146-38 Street Lighting The applicant has requested a waiver for the installation of additional street lighting. This was approved on the prior application. Yes {X} No { }

MAPenecale 9/27/2016



1176 Old York Road Abington PA 19001-3713 Telephone: 267-536-1000

Nick T. Rose ProTract Engineering, Inc. Post Office Box 58 Hatboro, Pa. 19040

August 10, 2016

Re: Staff Review Comments on Application SD-16-07 for the property located at 1511 Susquehanna Road, Rydal, Pa. 19046

Dear Mr. Rose,

This letter is written to inform you that the staff of the Township of Abington has reviewed the application and the plans submitted for the proposed subdivision of 1511 Susquehanna Road. Several of the conditions listed below are building permit related and will be clearly marked within this letter with a (BP). In the event that this application is approved, these comments are required to be addressed at the time a building permit is submitted for review. All other comments must be addressed to the satisfaction of the Board of Commissioners of the Township of Abington. This application has been submitted as a minor subdivision Plan, however due to the required public improvement, this plan has been reviewed as preliminary as final major subdivision plan.

Code Enforcement Department:

- 1. The plan calls for the demolition for the existing carriage house and the construction of a new single family dwelling on Lot #2. If this plan is approved, the applicant is required to submit sealed architectural plans that comply with the residential construction code adopted by the Township of Abington at the time of submission. (BP)
- 2. All contractors and sub-contractors working on this site are required to be registered with Attorney General's Office of the Commonwealth of Pennsylvania. (BP)
- 3. Separate permits are required for all electrical, heating, air conditioning and the construction of any structures. (BP)

Plumbing Inspector's Office:

Plumbing work is proposed in connection with this application at this time. All plumbing
work proposed is required to be applied for and completed by a Master Plumber that is
registered with this office. (BP)



 All plumbing work must be designed and installed to comply with the Plumbing Code adopted by the Township of Abington at the time the application is submitted for review.
 (BP)

Fire Marshal's Office:

 The driveway to serve Lot #1 proposes changes to the cart way that indicate a narrow driveway with turns that exceed 90 degrees. This office is requesting a revised driveway plan that will better allow access to the single family dwelling located on Lot #1.

Engineering Office:

- 7. Sanitary sewers flow to the Rydal Pumping Station on Valley Road which pumps to the Pennypack Interceptor; which flows to the Northeast Philadelphia treatment facility. Therefore, sanitary sewers are available for this area and are NOT affected by the DEP/Cheltenham Township moratorium.
- 8. Upon approval of this plan, the applicant shall provide the township with three (3) new executed (signed, notarized and recorded) deeds. This is a requirement of the subdivision process. The Township Engineer will not sign the final plan unless this is completed.
- 9. The plan does not indicate Concrete Monuments to be set at any of the new property corners. The plan must show Concrete Monuments (Iron Pins are not acceptable) for any new property corners. Additionally, upon approval of this plan, the applicant shall install said concrete monuments. This is a requirement of the subdivision process. According to my calculations, there are nine (9) corners where monuments will be needed.
- 10. Susquehanna Road is a State Road (SR 2017). All work in the State Road and the R.O.W. must be approved/permitted with PennDOT prior to start of construction.
- 11. All sanitary pipe placed within the R.O.W. & street areas shall be ductile iron pipe. Plastic/PVC is not acceptable within the R.O.W. area.
- 12. The applicant has indicated the abandoning several on-site sewer pipes and/or manholes. All on-site sewer apparatus (septic tanks, sewer manholes, pipes, etc.) that is to be abandoned or removed shall be done so in accordance with state and county guidelines. The applicant will need to contact the Director of Wastewater Utilities to schedule the capping of said pipe.
- 13. With regards to the sanitary laterals for both Lots #1 and #2, the plans indicate them being connected into a manhole in Susquehanna Rd. We would rather see a 6" pipe extended from the existing manhole and a new manhole positioned off the cart-way, near the ROW line, and then both laterals connected to it.

- 14. We suggest that the Director of Wastewater Utilities, George Wrigley, have an opportunity to review these plans.
- 15. Proposed Lot #1 will now encompass the sanitary sewer lateral for 1112 Rydal Rd (Lot #3). An easement will have to be created and filed with the deeds for both properties.
- 16. The plans indicate a gas line and communication line crossing the top-right property (which is labeled incorrectly) for Proposed Lot #1. An easement will have to be created and filed with the deeds for both properties.
- 17. The property above "Lot 3" is identified incorrectly. The correct parcel number is 30-00-64468-02-3 and is addressed as 1140 Rydal Ave.
- 18. The "FEMA 100 Year Floodplain" line has changed as of March 2, 2016. The applicant should make the change on these plans.
- 19. The plans indicate many grates around the existing dwelling on Prop Lot 1. We would like to know where these storm pipes (assumedly) extend and discharge. We cannot allow storm lines to traverse another property without their knowledge or without ROW.
- 20. The proposed/conceptual Storm Water Management (SWM) design/seepage pit for "Lot 2" is adequate for the subdivision process. However, as per the Township SWM Ordinance (Ord. No. 1910), the applicant must submit a SWM design plan and SWM report that includes both properties.
- 21. Before a Building Permit is issued, the applicant is required to apply for a Storm Water Management (SWM) permit from the Engineer's Office. The fee for said permit is \$110/ per property. The applicant will also need to provide an escrow in the sum of \$250/per property, for inspection of the SWM system for the next five (5) years [\$50 inspection fee per year times five years = \$250.] The seepage pit will be the responsibility of the new homeowner and will be inspected by the Township on a yearly basis. The contractor must schedule with the Engineering Department an inspection of the storm-water collection system(s) during the construction.
- 22. The address for Lot 1 will remain 1511 Susquehanna Road. The address for Lot 2 will be 1523 Susquehanna Road.

Planning Zoning Office:

23. An ACT 537 Exemption Application has not been filed with this application. I suggest you contact George Wrigley, The Director of Waste Water Treatment for the Township of Abington @ 215-886-0934 and inquire if an Exemption application is required.

- 24. Demolition permits are required for the removal of the existing carriage house, shed and barn located on Lot #2.
- 25. Architectural plans are required to be submitted for the proposed new single family dwelling.
- 26. Engineering Comment #18 states that the limits of the 100 year flood plain have been revised. The plan needs to reflect this change and the review of this application cannot be completed until the location of flood plain has been plotted.
- 27. Tree protection measures need to be shown for the 54 inch Beech tree plotted on Lot #2. The tree protection detail shown on sheet #4 will not work for this tree. The proposed single family dwelling is plotted as being as much as 10 feet within the drip line of the Beech tree.
- 28. The required easement language for the sanitary sewer and other utilities must be submitted for review and approval by the Township Solicitor.
- 29. The applicant is required to submit the details of the proposed on-site storm water management system proposed to be used on Lot #2.
- 30. This application is required to obtain the following waivers from the Subdivision & Land Development Ordinance of the Township of Abington.
 - A. Section 146-11.A Property Identification Plan The plan is required to supply the tax parcel information, owner's name & lot area for all properties within 400 feet of the site(s) involved in this application. Staff supports this request.
 - B. Section 146-11.B Existing Features Plan The plan is required to plot the location of all utilities on the sites and within 400 feet of the properties involved in this application. Staff supports this request.
 - C. Section 146-11.C Proposed Layout Plan The plan is required to plot the location of all existing utilities, to include the size, type and depth of all existing improvements proposed to remain and be removed. Staff supports this request.
 - D. Section 146.11.E Soil Erosion Control Plan The applicant is required to include soil erosion control measures for this application. Staff is not in favor of this waiver.
 - E. Section 146-11.F Street Improvement Plan The applicant is required to submit a profile plan of the streets involved in this application. No profile plan has been submitted. Staff is in favor of this waiver.

- F. Section 146-11.I Phasing Plan No phasing plan has been submitted. Staff is in favor of this waiver.
- G. Section 146-11.L Architectural Plan An architectural plan is required to be submitted with this subdivision plan. A rendering of the proposed single family dwelling has been submitted. Staff is not in favor of this request.
- H. Section 146-24 Right-of-Way Width To allow the paved surfaces within the right-of-way to remain as currently installed. Staff is in favor of this request.
- Section 146-27 Sidewalks, Curbs & Gutter The applicant is required to install full street improvements along the frontages of Susquehanna Road and Rydal Road for the lots involved in this applications. This request was approved on the prior application.
- J. Section 146-30 Lot Shape The Ordinance states that irregular shape lots are to be avoided. Lot #1 and Lot #3 are considered to have an irregular shaped. Irregular shape lots can be problematic when installing fences, accessory structures and with property maintenance related issues.
- K. Section 146-38 Street Lighting The applicant has requested a waiver for the installation of additional street lighting. Staff is in favor of this request.

Due to the outstanding issues that need to be addressed with the tree protection, easement language, the flood plain and several other comments listed above, I suggest that the applicant revise the plans and submit the information listed above prior to a presentation to the Planning Commission, Code Enforcement and/or Board of Commissioners. If the issues are not addressed, staff will advise the review bodies listed above to deny the application. If there are any questions pertaining to the comments listed above, I would ask that you contact the reviewing department directly or I can be reached at 267-536-1017.

Sincerely

Mark A. Penecale

Planning & Zoning Officer

Cc: Lawrence T. Matteo, Jr.; Director of Planning & Code Enforcement

Michael E. Powers; Abington Township Engineer

Jon Messina; Abington Township Building Inspector

Ken Clark; Abington Township Fire Marshal

File Copy (2)

MONTGOMERY COUNTY BOARD OF COMMISSIONERS

JOSH SHAPIRO, CHAIR VALERIE A. ARKOOSH, MD, MPH, VICE CHAIR JOSEPH C. GALE



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

September 27, 2016

Mr. Mark A. Penecale, Zoning Officer Abington Township 1176 Old York Road Abington, PA 19001-3713 DECEIVE I SEP 2 7 2016 BY:

Re: MCPC #14-0197-003

Susquehanna Road: 3 lots on 4.22 acres

Situate: Susquehanna Road (N), Rydal Road (W)

Abington Township

Dear Mr. Penecale:

We have reviewed the above-referenced subdivision in accordance with Section 502 of Act 247, "The Pennsylvania Municipalities Planning Code," as you requested on July 27, 2016. We forward this letter as a report of our review.

BACKGROUND

The applicant, Robert Morris, has submitted a subdivision plan. The proposed subdivision would subdivide one lot into two lots (resulting in "Lot 1", 2.15 acres, and "Lot 2", 1.00 acre), and undertake a lot line adjustment between the resulting "Lot 1" and existing "Lot 3", 1.08 acres. Lot 1 is the site of an existing dwelling, detached garage, and shed. Lot 2 is the site of an existing carriage house and barn (both to be removed) and a proposed house. Lot 3 is the site of a dwelling under construction. There is an existing onsite sewer system on the property, but it will be abandoned and public sewer and water will utilized. The properties lie in the R1 Low Density Residential District, and the applicant has stated that public water and sewer are available. The applicant has submitted a preliminary and final plan dated June 28, 2016; we have reviewed this plan as a minor plan since no public improvements are proposed. We previously reviewed this plan in a letter of September 22, 2014.



RECOMMENDATION

We wish to commend the applicant for addressing our concern raised in our previous review letter about lack of clarity regarding the potential utility easement. The Montgomery County Planning Commission (MCPC) generally supports the applicant's proposal, however, in the course of our review we have identified the following issue(s) that the applicant and Township may wish to consider prior to final plan approval. Our comments are as follows:

REVIEW COMMENTS

ZONING

A. Lot Dimensions

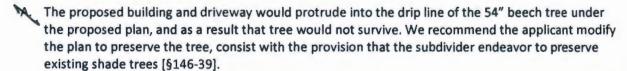
Corner properties shall have two front yards and two side yards [§801.C]. Lot 3 shows a rear
yard.

SALDO

- A. Unidentified Line. It is unclear what the line interrupted periodically by five dots is on 1135 Rydal Road (the Clooney property), and this line does not appear in the legend.
- B. Lot Dimensions
 - "With regard to corner lots, all sides of a lot adjacent to street lines shall be considered frontage where front yard requirements prevail"; only one front yard is shown [§146-8].
 - Dimensions shall be set in feet and decimal parts thereof, and bearings shall be in degrees, minutes and seconds [§146-10].



TREE PRESERVATION



B. Will the existing cedars near Susquehanna Road be preserved? Two of the existing cedars will be partially located in the proposed sanitary sewer easement.

CONCLUSION

We wish to reiterate that MCPC generally supports the applicant s proposal but we believe that our suggested revisions will better achieve the Township s planning objectives for residential development.

Please note that the review comments and recommendations contained in this report are advisory to the municipality and final disposition for the approval of any proposal will be made by the municipality.

Should the governing body approve a final plat of this proposal, the applicant must present the plan to our office for seal and signature prior to recording with the Recorder of Deeds office. A paper copy bearing the municipal seal and signature of approval must be supplied for our files.

Sincerely,

Mike Narcowich, AICP, Principal Community Planner

mnarcowi@montcopa.org

610-278-5238

c: Robert Morris, Applicant

Nick Rose, P. ., ProTract ngineering, nc., Applicant s Representative

Lucy Strackhouse, Chair Person, Abington Planning Commission

APPLICATION NO. 16-07 Opinion and Order of the Board

The application of **Robert Morris**, owner of the property located at 1511 Susquehanna Road. The applicant requests a dimensional variance from Section 301.3 of the Zoning Ordinance of the Township of Abington. The applicant seeks approval to subdivide the property into two parcels. Lot 1A will contain the existing single-family dwelling and requires a variance for the proposed lot frontage of 42.51 feet. Lot 1B is shown to contain the existing carriage house on a conforming lot.

The property is situated at 1511 Susquehanna Road, zoned in the (R-1) Residential District in Ward No. 1 of the Township of Abington.

Upon due advertisement, a public hearing was held in the Abington Township Building, 1176 Old York Road, Abington, Pennsylvania, on Tuesday, March 15, 2016, commencing at 7:55 PM.

Present at the hearing were:

Michael O'Connor, Chairman Barbara M. Wertheimer, Esq., Vice-Chair John DiPrimio, Member Linda J. Kates, Member Gertrude M. Hackney, Esq., Member

Bruce J. Eckel, Esq., Solicitor for the Zoning Hearing Board John H. Filice, Esq., for the Applicant Mark A. Penecale, Planning & Zoning Officer Lawrence T. Matteo, Jr., Secretary, Zoning Hearing Board

Findings of Fact

- The name and address of the applicant and owner is Robert Morris, 1000 Dekalb Pike, Ambler, PA 19002.
- The applicant was represented by John Filice, Esq., law firm of Rubin, Glickman, Steinberg and Gifford.
- 3. The property is located at 1511 Susquehanna Road, zoned in the (R-1) Residential District in Ward No. 1 of the Township of Abington (the Property).
- 4. The Applicant is a builder.
- After proper advertising and posting, a hearing was held on Tuesday, March 15, 2016.

- 6. The following exhibits were submitted at the hearing on March 15, 2016:
 - B-1 Proof of Publication
 - B-2 Certification of Posting of the Property by Mark Penecale
 - A-1 Formal Application
 - A-2 Site Plan prepared by ProTract Engineering dated 2-2-16.
- 7. The applicant's Engineer testified that the Property is about three acres of land. AT the rear of the property there is a large house and in the front of the property right on Susquehanna Road is a carriage house that is also occupied as a residence (Carriage House).
- 8. This Property was created by a three (3) lot subdivision of a property in 2014.
- That subdivision created three (3) lots within the Property consisting of the existing home and Carriage house and two other undeveloped building lots.
- 10. The LLC of which the Applicant is a member is currently building houses on those two lots.
- 11. The LLC purchased the two building lots and the applicant purchased the Property which is the subject of this application on the same day.
- 12. The applicant's Engineer testified that the Applicant wants to further subdivide the Property into two parcels each of which would have a residential dwelling.
- 13. The Applicant then intends to raze the Carriage House and build a new residential dwelling.
- 14. The result of the above would be to accomplish what the original subdivision could not accomplish which is to have a four (4) lot subdivision rather than a three lot subdivision.
- 15. When the original subdivision was approved the Applicant's Property contained the house and the Carriage House.
- 16. When the Applicant purchased the Property he knew that the Property contained the house and the Carriage House.
- 17. The Property can continue to be used for the house and the Carriage House.
- 18. The Applicant stated his hardship is that the Carriage House residents need to walk up the long driveway to pay their rent.

- 19. The Applicant has no legal hardship and can continue to use the Property as a house and a Carriage House.
- 20. Section 801.B.7 states that every lot must abut a street for the minimum required district lot width and Section 301.3 of the Abington Township Zoning Ordinance (the Ordinance) requires a minimum lot width of 200 feet in the R-1 Residence District.
- 21. Section 201 of the Ordinance defines Lot Width as "the distance measured between lot lines, other than the front and rear lot lines, at the building setback line.
- 22. The lot width of the Applicant's proposed lot A is 42.51 feet. Therefore a variance is required from Section 801.B.7.
- 23. The Applicant did not meet his burden of proving entitlement to a variance.
- 24. The Property which contains the house and the Carriage House has been used for decades and can continue to be used.
- 25. Any hardship would be self imposed since the Applicant purchased the Property knowing how it was permitted to be used and the Property can continue to reasonably be used as a single family dwelling with a Carriage house as it has been used without any zoning relief being required.
- 26.A landowner's desire to subdivide land from an existing lot or maximize development potential is not a legal hardship creating entitlement to a variance.
- 27.The Applicant testified that if yhe variance was not granted that the status quo would continue and the tenant would continue to remain in the Carriage House under the current agreement.
- 28, The Property can be used as presently zoned as a single family home with the Carriage House.

Conclusions of Law

- The Board finds that granting this application would adversely affect the health, safety, and welfare of the neighborhood.
- The Owners of the Property have the reasonable use of the Property as it is presently zoned and used.

- 3. The Board finds that the Applicant has failed to demonstrate a hardship necessary for the granting of the requested variance in this application.
- The Applicant did not establish entitlement to a variance under the standards set forth in the Municipalities Planning Code and the Abington Township Zoning Ordinance.
- Even under the relaxed standards of Hertzberg, the Applicant has not established a hardship.
- 6. Under the circumstances of this matter, the Applicant has not met the burden in establishing a hardship in this application.
- 7. Approving this application would necessitate a potential violation of Section 801.B.5 of the Ordinance.

Opinion and Order of the Board

The Board finds that the granting of a variance from Section 301.3 of the Zoning Ordinance to permit a lot with a Lot Width of less than 200 feet would adversely affect the health, safety, and welfare of the community. The Board further finds that the applicant failed to establish the hardship necessary for the granting of the variance. Therefore, this application for a dimensional variance is **DENIED**.

Zoning Hearing Board of the Township of Abington

Michael O'Connor, Chairperson

Barbara M. Wertheimer, Esq., Vice Chair

John DiPrimio, Member

(Aye)

Linda U. Kates, Member

Gertrude M. Hackney, Esq. Member

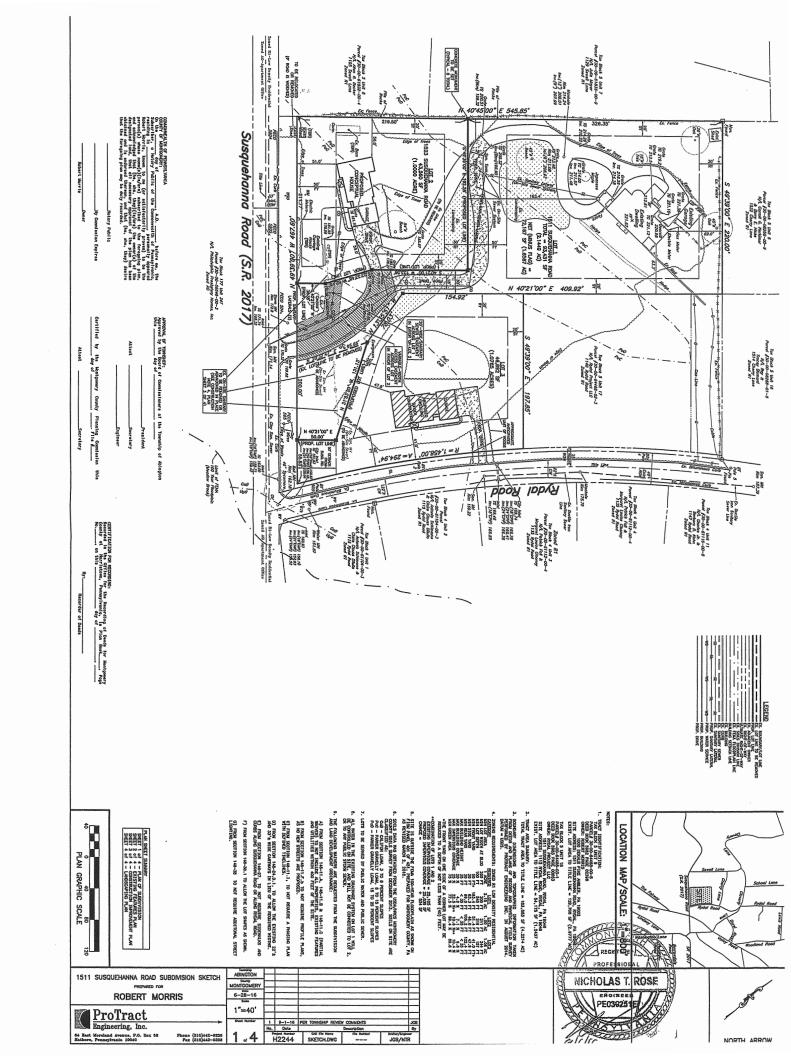
Decision Date April 19, 2016

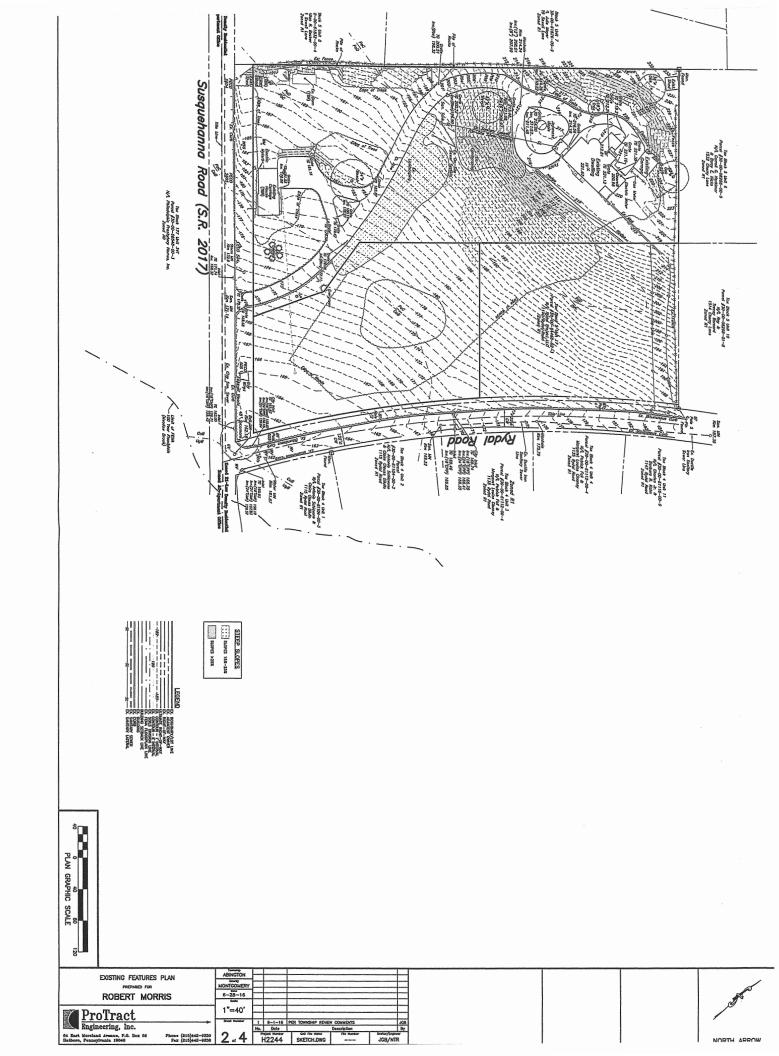
Note: There is a 30-day period after the date of a decision for an aggrieved person to file an appeal in court to contest a denial by the Zoning Hearing Board.

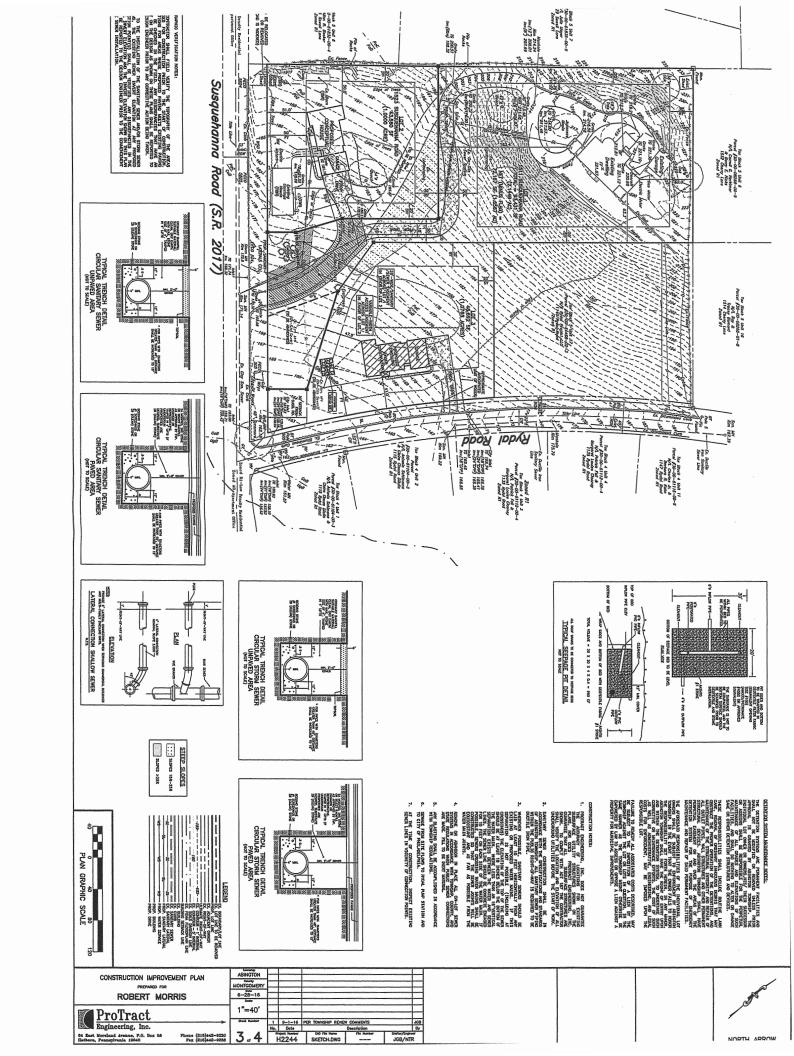
(Aye)

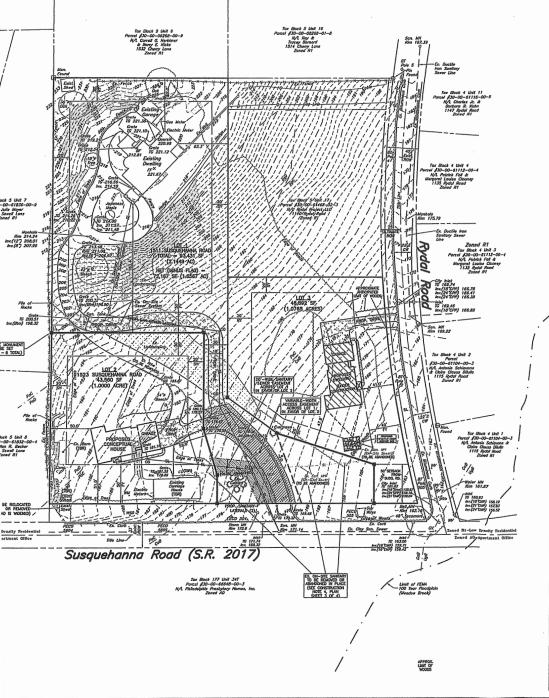
Applicants that take action on a Zoning Hearing Board approval during the 30-day appeal period do so at their own risk.

All applicable permits must be secured from the Township of Abington within (6) six months of this decision or this decision becomes null and void.









TOTAL WOODS ON PROPERTY = 0.83 ACRES WOODS AREA TO BE DISTURBED = 0.03 ACRES± (3.6 %)*
WOODS AREA TO BE PRESERVED = 0.80 ACRES± (98.4 %)* *SUBJECT TO FUTURE BUILDING PERMIT/GRADING PLANS.

ESTIMATED INDIVIDUAL TREES OVER 8" DIAMETER TO BE REMOVED = 200 ..AT ASSUMED RATE OF 50 TREES/ACRE

AT THE TIME OF PROPOSED HOUSE LOCATION AND CONSTRUCTION, INDIVIDUAL TREE REMOVAL WILL BE FURTHER EVALUATED.

NOTE: EXISTING TREES SUFFICE TO SATISFY TOWNSHIP STREET TREE REQUIREMENTS.

- Locations of plant materials approximate. Exact location of plant materials shall be determined by Londscope Contractor in the field, with the approval of the Tomahip Engineer.
- Londscope plans shall not be utilized to determine locations, or measurements of other proposed site structures. Refer to drawings by engineer for other information.

 - drewings by signiser for other information.

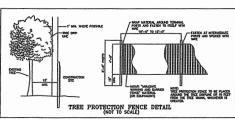
 Front nows shall goes with the monantelevier "Standard Float nows" at Police to the Control of t
- sumps.

 Size and grading standards shall conferm to the "U.S.A. Standard for Norsey Stock" as palmared by the American Association of Norseyment.

 Belled and bettinged and belief and pistform plants shall have solid bell standards to the standard standard shall be solid bell sizes shall be specified in the "U.S.A. for Norsey Stock". Loose, broken, or mountclourds belle will be rejected.

- All rejected iendecope materials shell be immediately remo site and replaced with occeptable landscope materials. No for landscope materials are accepted unless approved by Architect and Township Engineer, in writing.
- Planting shall be conducted under seasons which are normal for work. At the option and on the full responsibility of the Contro-planting operation may be conducted under unacconcible conditions, general, plant during the following seasons unless otherwise approx the Architect:
- b. Broadleaf Evergreen Trees and Shrubs: from the time the frost leaves the ground until new growth is well developed. (Spring)
- o. Oroundcover: After the danger of frost is post. (Spring until early Summer)



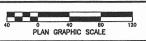


STEEP SLOPES

SLOPES 15X-25

SLOPES >25%









Phone