

**TOWNSHIP OF ABINGTON**

**(2) CODE ENFORCEMENT AND LAND DEVELOPMENT COMMITTEE**

**February 1, 2017  
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 November 28, 2016  
Code Enforcement and Land Development Committee  
Meeting**

**CE1. Subdivision SD-16-08 – Patrick J. Deacon – 2823 Old Welsh Road**

**Motion to approve the subdivision application of Patrick J. Deacon, applicant for the property located at 2823 Old Welsh Road. The applicant proposes to subdivide the existing property of 21,250 square feet into two lots. Lot No. 1 will contain the existing single-family dwelling and consist of 13,750 square feet. Lot No. 2 is proposed to be 7,500 square feet. Lot No. 2 is proposed to be improved with a new single-family dwelling. The Zoning Hearing Board of the Township of Abington granted a dimensional variance on October 18, 2016 to allow for Lot No. 1 to have one side yard of 7 feet in depth. The properties are zoned in the R-4 Residential District in Ward No. 8 of the Township of Abington.**

**This motion is subject to the following conditions:**

- 1. Sanitary sewer service is available for the development. Flows from this project will be treated by the Abington Township Waste Water Treatment Facility. The applicant has submitted an ACT 537 Exemption Mailer that must be approved by DEP. (Abington Planning Commission approved this request on January 24, 2017).**

2. **The terms listed within the Staff Review letter dated November 28, 2016 are to be taken under consideration by the Board of commissioners of the Township of Abington.**
3. **The side yard setback on the eastern side of the property is requested to be a minimum of 13 feet from the common property line. (Zoning Hearing Board decision of October 18, 2016).**

**This motion is subject to the following waivers:**

1. **Waiver from Section 146-11.A – Property Identification Plan – this 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. Staff supports this waiver.**
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. Staff supports this request.**
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. Staff supports this request.**
4. **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 five (5) feet of the front property line. (The Planning Commission recommends that trees not be planted within the twenty (20) feet of the front property line).**
5. **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.**
6. **Waiver from Section 146-24 – Right-of-Way Width – To allow the paved surfaces within the right-of-way to remain as currently installed. This request was approved on the prior application. The applicant stated that all setbacks have been plotted from the Ultimate Right-of-Way.**
7. **Waiver from Section 146-27 – Sidewalks, Curbs & Gutter – The applicant is required to install full street improvements along the frontage of Old Welsh Road. There are no sidewalks, curbs and gutters along either side of Old Welsh Road in this block.**

**CE2. Liquor License Transfer – Resolution No. 2017-007 – Giant Food Stores, LLC/737 Huntingdon Pike**

**FOR INFORMATION ONLY**

**Public Hearing will be held on February 9, 2017 at 7:30 PM on Resolution No. 2017-007 authorizing the Giant Food Store at 737 Huntingdon Pike to transfer an existing restaurant liquor license from outside of Abington Township.**

**CE3. Ordinance No. 2131 – To Amend the Zoning Code, Ordinance No. 1753 of the Township of Abington, to Create Use C-37 Medical Marijuana Dispensary and Use D-18 Medical Marijuana Grower/Processor with the Township of Abington**

**Motion to approve the advertisement of Ordinance No. 2131, and to take action on the following Ordinance No. 2131 at its regularly scheduled meeting on March 9, 2017, at 7:30 p.m.**

# Code Enforcement & Land Development BOARD ACTION REQUEST

February 1, 2017

**CEI**

Agenda Item

CODE ENFORCEMENT

TOWNSHIP MANAGER



**AGENDA ITEM**  
Subdivision SD-16-08  
Patrick J. Deacon  
2823 Old Welsh Road

*Handwritten signature in blue ink.*

PREVIOUS ACTION:

- Abington Township Planning Commission approved this application with conditions and requested waivers on January 24, 2017.
- Montgomery County Planning Commission approved this application on November 30, 2016.

RECOMMENDED BOARD ACTION:

- Motion to approve the subdivision application of Patrick J. Deacon, applicant for the property located at 2823 Old Welsh Road. The applicant proposes to subdivide the existing property of 21,250 square feet into two lots. Lot No. 1 will contain the existing single-family dwelling and consist of 13,750 square feet. Lot No. 2 is proposed to be 7,500 square feet. Lot No. 2 is proposed to be improved with a new single-family dwelling. The Zoning Hearing Board of the Township of Abington granted a dimensional variance on October 18, 2016 to allow for Lot No. 1 to have one side yard of 7 feet in depth. The properties are zoned in the R-4 Residential District in Ward No. 8 of the Township of Abington.
- This motion is subject to the following conditions:
  1. Sanitary sewer service is available for this development. Flows from this project will be treated by the Abington Township Waste Water Treatment Facility. The applicant has submitted an ACT 537 Exemption Mailer that must be approved by DEP. (Abington Planning Commission approved this request on January 24, 2017).
  2. The items listed within the Staff Review letter dated November 28, 2016 are to be taken under consideration by the Board of Commissioners of the Township of Abington.

3. The side yard setback on the eastern side of the property is requested to be a minimum of 13 feet from the common property line. (Zoning Hearing Board decision of October 18, 2016).
- This motion is subject to the following waivers:
    1. **Waiver from Section 146-11.A – Property Identification Plan** – this 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. Staff supports this waiver.
    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. Staff supports this request.
    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. Staff supports this request.
    4. **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 five (5) feet of the front property line. (The Planning Commission recommends that trees not be planted within the twenty (20) feet of the front property line).
    5. **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.
    6. **Waiver from Section 146-24 – Right-of-Way Width** – To allow the paved surfaces within the right-of-way to remain as currently installed. This request was approved on the prior application. The applicant stated that all setbacks have been plotted from the Ultimate Right-of-Way.
    7. **Waiver from Section 146-27 – Sidewalks, Curbs & Gutter** – The applicant is required to install full street improvements along the frontage of Old Welsh Road. There are no sidewalks, curbs and gutters along either side of Old Welsh Road in this block.
- 

**COMMENTS:**

# Township of Abington

## Planning Commission Recommendation Form

**Application Number: SD-16-08**

**Date: January 24, 2017**

**Applicant's Name: Patrick Deacon**

**Applicant's Address: 659 Roberts Avenue, Glenside, Pa. 19038**

**Recommendation:  APPROVED     DENIED    VOTE: 9 of 9**

**Over View: PC1:** This is the application of **Patrick J. Deacon**, applicant for the property located at 2823 Old Welsh Road, Willow Grove, Pa. 19090. The applicant proposes to subdivide the existing property of 21,250 square feet into two lots. Lot #1 will contain the existing single family dwelling and consist of 13,750 square feet. Lot #2 is proposed be 7,500 square feet in lot area. Lot #2 is proposed to be improved with a new single family dwelling. The Zoning Hearing Board of the Township of Abington granted a dimensional variance on October 18, 2016 to allow for Lot #1 to have one side yard of 7 feet in depth. The properties are zoned within the R-4 Residential District of Ward #8 of the Township of Abington.

**Conditions:**

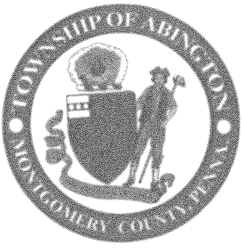
1. Sanitary sewer service is available for this development. Flows from this project will be treated by the Abington Township Waste Water Treatment Facility. The applicant has submitted an ACT 537 Exemption Mailer that must be approved by DEP. Approved (X) Denied ( )
2. The items listed within the Staff Review letter dated November 28, 2016 are to be taken under consideration by the Board of Commissioners of the Township of Abington.
3. The side yard setback on the eastern side of the property is required to be a minimum of 13 feet. See the Zoning Hearing Board Decision.

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 20 feet of the front property line.
- E. **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.  
Yes {X} No { }
- F. **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 Right-of-Way.  
Yes {X} No { }
- G. **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.  
Yes {X} No { }



Wayne C. Luker, President  
 Steven N. Kline, Vice President  
 Michael LeFevre, Manager  
 Jay W. Blumenthal, Treasurer

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

## Subdivision & Land Development Notice Plan Review SD-16-08

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 **Patrick J. Deacon** of Popper/Deacon, Inc.

MEETINGS	DATE AND TIME
Planning Commission Committee	January 24, 2017 @ 7:30 p.m.
Code Enforcement Committee	January 30, 2017 @ 7:00 p.m.
Board of Commissioners	February 9, 2017 @ 7:30 p.m.

This is the application of **Patrick J. Deacon**, applicant for the property located at 2823 Old Welsh Road, Willow Grove, Pa. 19090. The applicant proposes to subdivide the existing property of 21,250 square feet into two lots. Lot #1 will contain the existing single family dwelling and consist of 13,750 square feet. Lot #2 is proposed be 7,500 square feet in lot area. Lot #2 is proposed to be improved with a new single family dwelling. The Zoning Hearing Board of the Township of Abington granted a dimensional variance on October 18, 2016 to allow for Lot #1 to have one side yard of 7 feet in depth. The properties are zoned within the R-4 Residential District of Ward #8 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.*



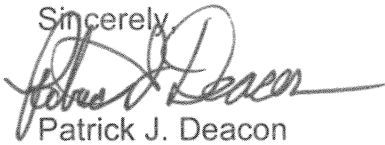


Dear Mr. Penecale,

Please allow this letter to serve as confirmation that I approve the extension of time for the Township of Abington to take final action on the subdivision plan I submitted for the property located at 2823 Old Welsh Road, Willow Grove, Pa. 19090. As per our conversation, the Board of Commissioners will take final action no later than Thursday, February 9, 2017.

If there are any questions that you may have, please feel free to contact me directly.

Sincerely,

A handwritten signature in black ink, appearing to read "Patrick J. Deacon", with a long horizontal flourish extending to the right.

Patrick J. Deacon  
Popper / Deacon, Inc.

# Township of Abington

## APPLICATION FOR APPROVAL OF PLAN

Submission Date 10/20/16

Application No. SD-16-08

To the Board of Commissioners of the Township of Abington:

The undersigned hereby makes application for approval of plan type as indicated below, under the provisions of the Code of Abington Township, Chapter 146, entitled The Subdivision and Land Development Regulations of the Township of Abington of 1991, and any supplements and amendments thereto.

Patrick J. Dawson  
(Signature of Applicant)

Joseph Stewart  
Janette Stewart  
(Signature of Land Owner)

Title of Plan Submitted: Plan of Minor Subdivision  
2823 Old Welsh Rd.

### A. Plan Type:

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> Minor Subdivision  | <input type="checkbox"/> Minor Land Development       |
| <input type="checkbox"/> Preliminary Major Subdivision | <input type="checkbox"/> Pre Major Land Development   |
| <input type="checkbox"/> Final Major Subdivision       | <input type="checkbox"/> Final Major Land Development |
| <input type="checkbox"/> Preliminary Major SD & LD     | <input type="checkbox"/> Final Major SD & LD          |

### B. Plan Identification:

Plan Dated: 7-29-2015

Engineer: \_\_\_\_\_

Plan Proposes: Brief narrative of the proposed activity. Commercial applications include building square footage and specific uses; Residential applications include number of lots and amount of dwelling unit types:

minor subdivision to create (1) one  
new building lot.

### C. Property Identification:

Address / Location 2823 Old Welsh Road  
Between streets Fitzwaterdown and Abington Ave

# Township of Abington

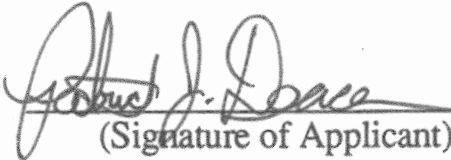
## APPLICATION FOR MODIFICATION OF PLAN

Submission Date 10/26/14

Application No. SD-16-00

To the Board of Commissioners of the Township of Abington:

The undersigned hereby makes application for modification of plan application requirements as indicated below, under the provisions of the Code of Abington Township, Chapter 146, entitled The Subdivision and Land Development Regulations of the Township of Abington of 1991, and any supplements and amendments thereto.

  
(Signature of Applicant)

\_\_\_\_\_  
(Signature of Land Owner)

Title of Plan Submitted: \_\_\_\_\_

### A. Plan Type:

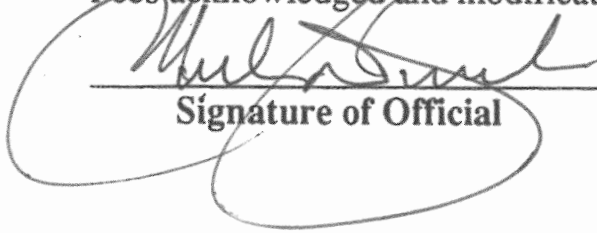
- Minor Subdivision
- Preliminary Major Subdivision
- Final Major Subdivision
- Preliminary Major SD & LD

- Minor Land Development
- Preliminary Land Development
- Final Land Development
- Final Major SD & LD

Regulation Topic	Section #	Extent of Modification Requested
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

\*\*\*\*\*

Fees acknowledged and modification request received:

  
Signature of Official

10/26/14  
Date

D. Applicant Identification:

Applicant: Popper & Deacon, INC.  
 Address: 659 Roberts Ave Phone: 215-460-9050  
Glenside, Pa 19038

Land Owner: Joseph & Jeanette Stewart  
 Address: 2823 Old Welch Rd Phone: \_\_\_\_\_  
Willow Grove, Pa 19038

Equitable Land Owner: \_\_\_\_\_  
 Address: \_\_\_\_\_ Phone: \_\_\_\_\_

Architect: \_\_\_\_\_  
 Address: \_\_\_\_\_ Phone: \_\_\_\_\_

Engineer: Eastern Chadrow Assoc. Inc.  
333 E. Street Road  
 Address: Warminster, PA 18974 Phone: 215-672-8671

Attorney: \_\_\_\_\_  
 Address: \_\_\_\_\_ Phone: \_\_\_\_\_

IMPROVEMENTS PROPOSED	UNITS	EST. COST.
Streets	_____	_____
Street Widening	_____	_____
Street Signs	_____	_____
Street Lighting	_____	_____
Curbs	_____	_____
Sidewalks	_____	_____
Storm Sewers	_____	_____
Water Supply	_____	_____
Fire Hydrants	_____	_____
Sanitary Sewers	_____	_____
Monuments	_____	_____
Shade Trees	_____	_____
Open Space	_____	_____
Park Land	_____	_____
Other	_____	_____

Total:

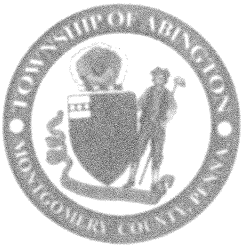
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Fees received from applicant:	Application Fee	<u>300.<sup>00</sup></u>
<u>Check - 10865 Rec# 183106</u>	Review Escrow	<u>2500.<sup>00</sup></u>
<u>Check - 10866 Rec# 183107</u>	Total	<u>\$ 2800.<sup>00</sup></u>

Fees acknowledged and application accepted as complete:

*Mark ...*  
 Signature of Official

10/22/10  
 Date



Wayne C. Luker, President  
Steven N. Kline, Vice President  
Michael LeFevre, Manager  
Jay W. Blumenthal, Treasurer

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

Mr. Patrick Deacon  
Popper & Deacon, Inc.  
659 Roberts Avenue  
Glenside, Pa. 19038

November 28, 2016

**Re: Staff Review Comments on Application SD-16-08 for the property located at 2823 Old Welsh Road, Willow Grove, Pa. 19090.**

Dear Mr. Deacon,

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 2823 Old Welsh Road, Willow Grove, Pa. 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 preliminary as final minor subdivision plan. This application was approved by the Zoning Hearing Board of the Township of Abington as Case #16-30 on October 18, 2016.

**Code Enforcement Department:**

1. The plan calls for 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:**

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



5. 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:**

6. This application was reviewed by the Fire Marshal's Office, however, no comment was provided.

**Engineering Office:**

7. Sanitary sewers flow to the Abington Township Treatment Plant. Therefore, sanitary sewers are available for this project and are NOT affected by the DEP/Cheltenham Township moratorium.
8. Upon approval of this plan, the applicant shall provide the township with two (2) 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 or off-set. The applicant is required to install three (3) concrete monuments (Iron Pins are not acceptable) for the new property corners and the property line off-set.
10. Old Welsh Road is a State Road (SR 2029). All work in the roadway and the Right of Way must be approved/permitted with PennDOT prior to start of construction. This includes the new driveway entrance.
11. All sanitary pipe placed within the Township or State Right of Way is required to be Class 52 ductile iron pipe. Plastic/PVC is not acceptable within the Right of Way.
12. We suggest that the Director of Wastewater Utilities, George Wrigley, have an opportunity to review these plans.
13. The proposed/conceptual Storm Water Management (SWM) design/seepage pit for "Lot 2" is adequate for the subdivision process. However, as per the Township Storm Water Management Ordinance (Ord. No. 1910), the applicant must submit a Storm Water Management design plan and Storm Water Management report that includes both properties.
14. 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.

15. The address for Lot #2 will be 2827 Old Welsh Road, Willow Grove, Pa. 19090.

**Planning Zoning Office:**

16. An ACT 537 Exemption Application has been filed with this application. The Exemption Applicant and plans have been forwarded to George Wrigley, The Director of Waste Water Treatment for the Township of Abington for review. Any comments on that application will be sent under separate cover. Questions concerning the Exemption Mailer can be directed to Mr. Wrigley @ 215-886-0934.
17. A permit for the new driveway for Lot #2 is required to be approved by PennDot. In the event that this application is approved, the subdivision plan will not be signed prior to a copy of the approved PennDot permit being submitted to this office. It is strongly suggested that the permit application be submitted to PennDot at this time.
18. Architectural plans are required to be submitted for the proposed new single family dwelling. Architectural plans must be presented to the Planning Commission at the time this application is reviewed.
19. The building envelope for Lot #2 needs to be added to Sheet #3 of 4.
20. Tree protection measures need to be shown for the three trees proposed to remain on Lot #2. The proposed single family dwelling does not appear to be within the drip line of the remaining trees.
21. The Zoning Hearing Board granted the required dimensional variance from Section 304.3 of the Zoning Ordinance of the Township of Abington to allow the existing single family dwelling to be 7 feet from the proposed property line.
22. The applicant may wish to consider relocating the proposed on-site storm water management system to the front of the proposed single family dwelling. This would free up a larger area of the rear yard for permitted accessory uses and the existing elevations on the site flow to the front yard.
23. There appears to be retaining walls proposed with the installation of the driveway. Please be aware that retaining walls 48 inches in height or greater requires a plan sealed by a Professional Engineer.

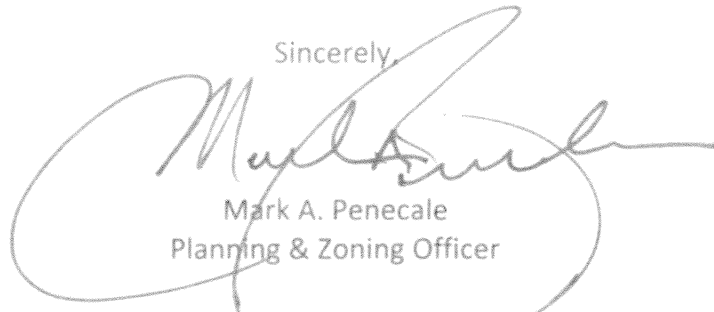
24. This application is required to obtain the following waivers from the Subdivision & Land Development Ordinance of the Township of Abington.

- 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.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 in lieu of a complete set of architectural plans. Staff is 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 and right-of-way width to remain at 33 feet. Staff is in favor of this request.
- I. **Section 146-27 – Sidewalks, Curbs & Gutter** – The applicant is required to install full street improvements along the frontage of Old Welsh Road for the lots involved in this applications. Staff is in favor of this request as curbing and sidewalks to not exist in this area.
- J. **Section 146-39 – Shade Trees** – The applicant is required to plant one shade tree within 5 feet of the front property line per every 50 feet of street frontage. The existing 18 inch tree within the front yard setback area on lot #2 addresses this requirement for this lot, however at least two shade trees will need to be planted on lot #1. The applicant requests a waiver to allow the trees within the front yard setback area instead of within the 5 feet of the front property line. Staff is in favor of this request.

This application is scheduled to be reviewed by the Planning Commission, Code Enforcement Committee and the Board of Commissioners of the Township of Abington. Any revisions to the plans submitted must be received by my office at least 14 days prior to the next scheduled meeting. 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,

A large, stylized handwritten signature in black ink, which appears to read "Mark A. Penecale". The signature is written over a large, faint circular watermark or stamp that is partially visible behind the text.

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  
VALERIE A. ARKOOSH, MD, MPH, CHAIR  
JOSH SHAPIRO, 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

November 30, 2016

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

Re: MCPC #16-0218-001  
Plan Name: 2823 Old Welsh Road  
(1 Unit on 2 lots on 0.48 acres)  
Situate: Old Welsh Road (N), Fitzwatertown Road (E)  
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 October 31, 2016. We forward this letter as a report of our review.

## BACKGROUND

The applicant, Patrick Deacon, has submitted a minor subdivision plan. The proposal would subdivide one 21,250 s.f. lot into two lots (resulting in "Lot 1", 13,750 s.f., and "Lot 2", 7,500 s.f.). According to the applicant's plan, Lot 1 is the site of an existing dwelling and detached garage. Public sewer and water will be utilized. The properties lie in the R4 High Density Residential District. The applicant has submitted a preliminary and final minor plan dated July 29, 2016.

## RECOMMENDATION

The Montgomery County Planning Commission (MCPC) recommends that plan approval be withheld until the matter regarding the parcel boundaries is resolved. In the course of our review we have also identified the following issue(s) that the applicant and Township may wish to consider. Our comments are as follows:



## REVIEW COMMENTS

### PROPERTY INFORMATION

- A. Parcel Boundaries. The Board of Assessment shows two existing parcels (Block 112 Units 4 and 5) where the existing conditions plan only shows one. This should be resolved prior to plan approval.

### TRANSPORTATION

- A. Sidewalks [§146-27]. We recommend that the applicant construct sidewalk on the street frontage. Although this section of Old Welsh Road does not currently have sidewalks, all surrounding streets do have them (west side of Fitzwatertown; both sides of Lillian, Osbourne and Mt. Vernon). Consistent with the recommendations of *MONTCO 2040: A Shared Vision*, the Montgomery County Comprehensive Plan a sidewalk network should be constructed, over time and through the land development process, eventually connecting to the existing sidewalk terminus on Old Welsh at Lukens. This would allow pedestrians to safely walk to Willow Hill Elementary and Willow Grove Park Mall, among other destinations.
- B. Cartway. Is Old Welsh Road considered a "Secondary Road"? If so, it requires a minimum cartway of 40' [§146-24.D]; the existing and proposed cartway is 24.5'. A waiver could be granted (we suggest that the Township might choose to make this waiver conditional on a sidewalk being constructed).

### LANDSCAPING

- A. Street Trees. [§146-39.A]. One street tree is required for every 50' of frontage; there is currently an evergreen tree near (and extending over) the boundary with the McKeogh property. Based on the requirements and existing conditions we recommend that at least two shade trees be planted on the Old Welsh Road frontage.

### OTHER PLAN INFORMATION

- A. Traffic Route numbers should be provided (Old Welsh Road is #2029) [§146-11.A].
- B. Is there an access easement for the portion of the driveway that extends across the boundary with the Znak property? [§146-11.A]

## CONCLUSION

We recommend that the Township withhold final plan approval until the applicant clarifies the tract's existing parcel boundaries. In addition, we feel 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,



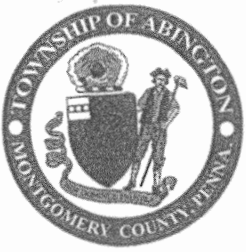
Mike Narcowich, AICP, Principal Planner II

[mnarcowi@montcopa.org](mailto:mnarcowi@montcopa.org)

610-278-5238

- c: Patrick Deacon, Applicant
- Edmund A. Chadrow, III, R.P.L.S., Eastern/Chadrow Associates, Applicant's Surveyor
- Lucy Strackhouse, Chair Person, Twp. Planning Commission
- Michael LeFevre, Twp. Manager

Attachment: Reduced copy of Applicant's Plan



Wayne C. Luker, President  
Steven N. Kline, Vice President  
Michael LeFevre, Manager  
Jay W. Blumenthal, Treasurer

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

October 19, 2016

Joseph and Jeanette Stewart  
2823 Old Welsh Road  
Willow Grove, PA 19090

Re: **Application No. 16-30 – Joseph and Jeanette Stewart**  
**2823 Old Welsh Road, Abington Township**

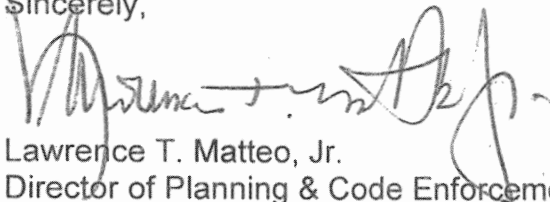
Dear Mr. and Mrs. Stewart:

At the stated meeting of the Abington Township Zoning Hearing Board, Tuesday, October 18, 2016, your application for dimensional variance from Section 304.3 of the Zoning Ordinance was **APPROVED WITH THE FOLLOWING CONDITION:**

1. The house on the new lot shall be no closer than 13 feet from the common property line.

The property involved in this application is located at 2823 Old Welsh Road, zoned in the (R-4) Residential District in Ward No. 8 of the Township of Abington.

Sincerely,

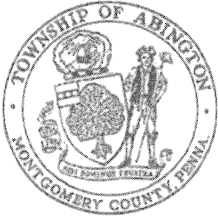


Lawrence T. Matteo, Jr.  
Director of Planning & Code Enforcement

Enclosure

c: Commissioner Peggy Myers  
Zoning Hearing Board  
Bruce Eckel, Esq.  
Code Enforcement Department





**TOWNSHIP OF ABINGTON  
ZONING HEARING BOARD  
1176 OLD YORK ROAD  
ABINGTON, PENNSYLVANIA 19001**

Michael O'Connor, Chairman  
Barbara M. Wertheimer, Vice Chairperson  
Linda J. Kates, Member  
Gertrude M. Hackney, Esq, Member  
John DiPrimio, Member  
Bruce J. Eckel, Esq, Solicitor

**DECISION**

Application 16-30 of Jeanette & Joseph Stewart, owners of the property located at 2823 Old Welsh Road. The applicants have requested a dimensional variance from Section 304.3 of the Zoning Ordinance to allow for a side yard setback of 7 feet instead of the required 10 feet. This application was approved by the Zoning Hearing Board as Case No. 14-16 on November 18, 2014, however the applicants never moved forward with the subdivision and the approval expired. The applicants propose to subdivide the property into two lots. Both lots comply with the lot area, frontage, lot depth and coverage requirements of the (R-4) Residential District. However the existing single-family dwelling is 7 feet from the propose property line. The property is zoned in the (R-4) Residential District of Ward No. 8 of Township of Abington.

First Hearing Date: October 18, 2016

Decided: October 18, 2016

Copy Mailed: October 19, 2016

You are hereby notified that your application has been DENIED/ APPROVED APPROVED WITH THE FOLLOWING CONDITIONS/ by decision rendered on

**BOARD SIGNATURES**

**VOTE**

**CONDITIONS**

*Michael O'Connor*

Michael O'Connor, Chair

Aye:   
Nay:

*Barbara M. Wertheimer*

Barbara M. Wertheimer, Vice Chair

Aye:   
Nay:

*Linda J. Kates*

Linda J. Kates

Aye:   
Nay:

*Gertrude M. Hackney*

Gertrude M. Hackney, Esq

Aye:   
Nay:

*John DiPrimio*

John DiPrimio

Aye:   
Nay:

The house on the new lot shall be no closer than 13 feet from the common property line.

**DATED: October 18, 2016**

There is a 30-day period after the date of a decision for an aggrieved person to file an appeal in court to contest an approval or denial by the Zoning Hearing Board. (Applicants that take action on a Zoning Hearing Board approval during the 30-day appeal period do so at their own risk.)

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

1. Development Information

Name of Development 2823 Old Welsh Road
Developer Name Popper/Deacon, Inc.
Address 659 Roberts Avenue
Glenside, Pa 19038
Telephone # 215-416-9050
Email PJDEACON@icloud.com

2. Location of Development

a. County Montgomery
b. Municipality Abington Township
c. Address or Coordinates 2823 Old Welsh Road, Willow Grove, Pa 19090
d. Tax Parcel # 36-00-48644-00-7
e. USGS Quad Name Germantown, PA
inches up 3-3/8" over 1-1/8"
from bottom right corner of map.
f. Located in a High Quality/Exceptional Value watershed?
[ ] Yes [x] No

3. Type of Development Proposed (check appropriate box)

[x] Residential [ ] Multi-Residential
Describe 1 new lot, 1 new connection
[ ] Commercial [ ] Institutional
Describe
[ ] Brownfield Site Redevelopment
[ ] Other (specify)

4. Size

a. # of lots 1 # of EDUs 1
b. # of lots since 5/15/72
c. Development Acreage 0.49
d. Remaining Acreage 0

5. Sewage Flows gpd

6. Proposed Sewage Disposal Method (check applicable boxes)

a. [ ] Sewerage System
[x] Existing (connection only) [ ] New (extension)
[x] Public [ ] Private
[ ] Pump Station(s)/Force Main [x] Gravity
Name of existing system being extended
connection tap-in
Interceptor Name
Treatment Facility Name
NPDES Permit #
b. [ ] Construction of Treatment Facility
[ ] With Stream Discharge
[ ] With Land Application (not including IRSIS)
[ ] Other
[ ] Repair?
Name of waterbody where point of discharge is proposed (if stream discharge)

- c. [ ] Onlot Sewage Disposal Systems (check appropriate box)
[ ] Individual onlot system(s) (including IRSIS)
[ ] Community onlot system
[ ] Large-Volume onlot system
d. [ ] Retaining tanks

Number of Holding Tanks
Number of Privies

7. [ ] Request Sewage Facilities Planning Module forms in electronic format

8. Request for Planning Exemption

a. Protection of rare, endangered or threatened species
Check one:
[x] The "PNDI Project Environmental Review Receipt" is attached, or
[ ] A completed "PNDI Project Planning & Environmental Review Form," (PNDI Form) is attached. I request DEP staff to complete the required PNDI search for my project. I realize that my planning exemption will be considered incomplete and that the DEP processing of my planning exemption request will be delayed, until a "PNDI Project Environmental Review Receipt" and all supporting documentation from jurisdictional agencies (when necessary) is/are received by DEP.

Applicant or Consultant Initials

- b. [x] Plot Plan Attached [ ] Site Reports Attached

c. Onlot Disposal Systems

(1) I certify that the Official Plan shows this area as an onlot service area.

(Signature of Municipal Official) / Date

Name (Print) / Title

Municipality (must be same as in 2.b.)

Telephone #

(2) I certify that each lot in this subdivision has been tested and is suitable for both a primary and replacement sewage disposal system.

Signature of SEO / Date

Name (Print) / Certification #

Telephone #

(3) I certify that each lot in this subdivision is at least 1 acre in size

(Signature of Project Applicant/Agent) / Date

d. Public Sewerage Service (i.e., ownership by municipality or authority)

Based upon written documentation, I certify that the facilities proposed for use have capacity and that no overload exists or is projected within 5 years. (Attach documents.)

(Signature of Municipal Official) / Date

Name (Print) / Title

Municipality (must be same as in 2.b.)

Telephone #



## 1. PROJECT INFORMATION

Project Name: 2823 Old Welsh Road  
Date of Review: 7/29/2016 03:12:14 PM  
Project Category: Development, Residential, subdivision which will contain 1-2 lots with 1-2 single family living units  
Project Area: 0.47 acres  
County(s): Montgomery  
Township/Municipality(s): ABINGTON  
ZIP Code: 19090  
Quadrangle Name(s): AMBLER  
Watersheds HUC 8: Lower Delaware  
Watersheds HUC 12: Upper Pennypack Creek  
Decimal Degrees: 40.143774, -75.133047  
Degrees Minutes Seconds: 40° 8' 37.5851" N, 75° 7' 58.9693" W

## 2. SEARCH RESULTS

Agency	Results	Response
PA Game Commission	No Known Impact	No Further Review Required
PA Department of Conservation and Natural Resources	No Known Impact	No Further Review Required
PA Fish and Boat Commission	No Known Impact	No Further Review Required
U.S. Fish and Wildlife Service	No Known Impact	No Further Review Required

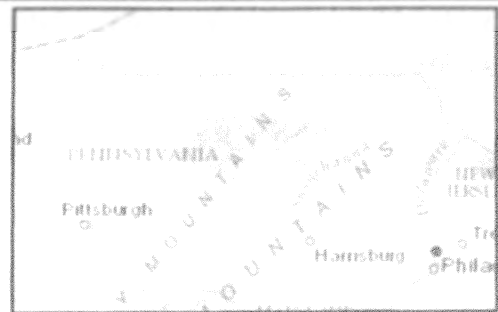
As summarized above, Pennsylvania Natural Diversity Inventory (PNDI) records indicate no known impacts to threatened and endangered species and/or special concern species and resources within the project area. Therefore, based on the information you provided, no further coordination is required with the jurisdictional agencies. This response does not reflect potential agency concerns regarding impacts to other ecological resources, such as wetlands.

Note that regardless of PNDI search results, projects requiring a Chapter 105 DEP individual permit or GP 5, 6, 7, 8, 9 or 11 in certain counties (Adams, Berks, Bucks, Carbon, Chester, Cumberland, Delaware, Lancaster, Lebanon, Lehigh, Monroe, Montgomery, Northampton, Schuylkill and York) must comply with the bog turtle habitat screening requirements of the PASPGP.

### 2823 Old Welsh Road

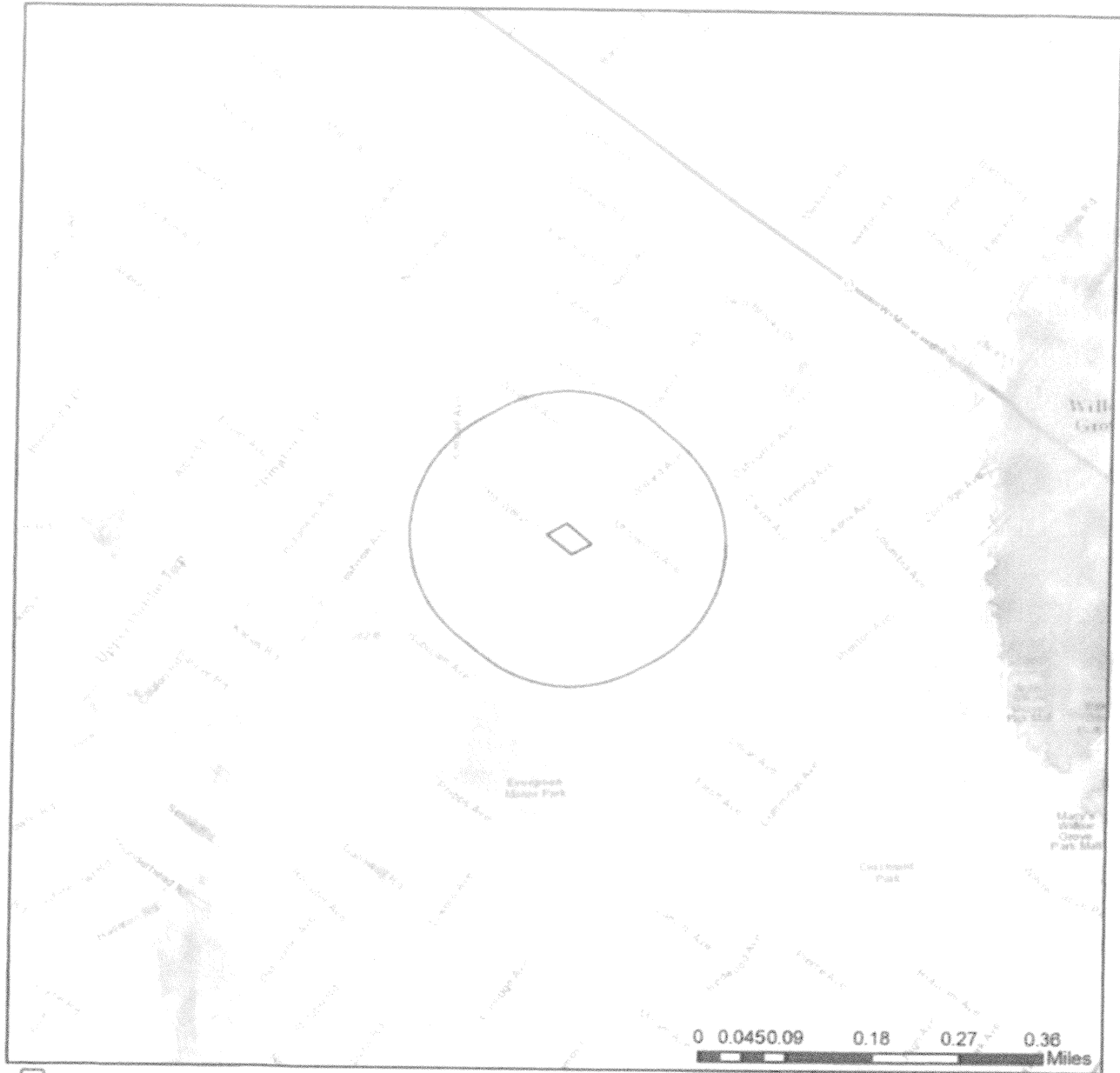


- Project Boundary
- Buffered Project Boundary



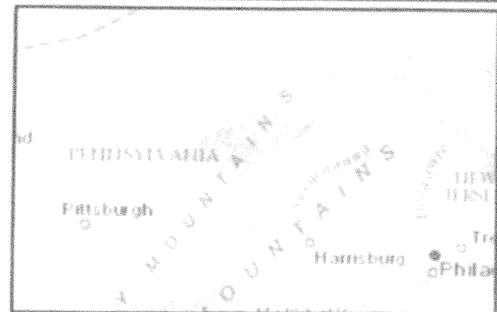
Service Layer Credits: Sources: Esri, HERE, DeLorme, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, MapmyIndia, © OpenStreetMap contributors, and the GIS User Community  
Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA,

### 2823 Old Welsh Road



- Project Boundary
- Buffered Project Boundary

Service Layer Credits: Sources: Esri, HERE, DeLorme, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, MapmyIndia, © OpenStreetMap contributors, and the GIS User Community



### 3. AGENCY COMMENTS

Regardless of whether a DEP permit is necessary for this proposed project, any potential impacts to threatened and endangered species and/or special concern species and resources must be resolved with the appropriate jurisdictional agency. In some cases, a permit or authorization from the jurisdictional agency may be needed if adverse impacts to these species and habitats cannot be avoided.

These agency determinations and responses are **valid for two years** (from the date of the review), and are based on the project information that was provided, including the exact project location; the project type, description, and features; and any responses to questions that were generated during this search. If any of the following change: 1) project location, 2) project size or configuration, 3) project type, or 4) responses to the questions that were asked during the online review, the results of this review are not valid, and the review must be searched again via the PNDI Environmental Review Tool and resubmitted to the jurisdictional agencies. The PNDI tool is a primary screening tool, and a desktop review may reveal more or fewer impacts than what is listed on this PNDI receipt. The jurisdictional agencies **strongly advise against** conducting surveys for the species listed on the receipt prior to consultation with the agencies.

#### PA Game Commission

##### RESPONSE:

No Impact is anticipated to threatened and endangered species and/or special concern species and resources.

#### PA Department of Conservation and Natural Resources

##### RESPONSE:

No Impact is anticipated to threatened and endangered species and/or special concern species and resources.

#### PA Fish and Boat Commission

##### RESPONSE:

No Impact is anticipated to threatened and endangered species and/or special concern species and resources.

#### U.S. Fish and Wildlife Service

##### RESPONSE:

No impacts to **federally** listed or proposed species are anticipated. Therefore, no further consultation/coordination under the Endangered Species Act (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq. is required. Because no take of federally listed species is anticipated, none is authorized. This response does not reflect potential Fish and Wildlife Service concerns under the Fish and Wildlife Coordination Act or other authorities.

### 4. DEP INFORMATION

The Pa Department of Environmental Protection (DEP) requires that a signed copy of this receipt, along with any required documentation from jurisdictional agencies concerning resolution of potential impacts, be submitted with applications for permits requiring PNDI review. Two review options are available to permit applicants for handling PNDI coordination in conjunction with DEP's permit review process involving either T&E Species or species of special concern. Under sequential review, the permit applicant performs a PNDI screening and completes all coordination with the appropriate jurisdictional agencies prior to submitting the permit application. The applicant will include with its application, both a PNDI receipt and/or a clearance letter from the jurisdictional agency if the PNDI Receipt shows a Potential Impact to a species or the applicant chooses to obtain letters directly from the jurisdictional agencies. Under concurrent review, DEP, where feasible, will allow technical review of the permit to occur concurrently with the T&E species consultation with the jurisdictional agency. The applicant must still supply a copy of the PNDI Receipt with its permit application. The PNDI Receipt should also be submitted to the appropriate agency according to directions on the PNDI Receipt. The applicant and the jurisdictional agency will work together to resolve the potential impact(s). See the DEP PNDI policy at <https://conservationexplorer.dcnr.pa.gov/content/resources>.

### 5. ADDITIONAL INFORMATION

The PNDI environmental review website is a preliminary screening tool. There are often delays in updating species status classifications. Because the proposed status represents the best available information regarding the conservation status of the species, state jurisdictional agency staff give the proposed statuses at least the same consideration as the current legal status. If surveys or further information reveal that a threatened and endangered and/or special concern species and resources exist in your project area, contact the appropriate jurisdictional agency/agencies immediately to identify and resolve any impacts.

For a list of species known to occur in the county where your project is located, please see the species lists by county found on the PA Natural Heritage Program (PNHP) home page ([www.naturalheritage.state.pa.us](http://www.naturalheritage.state.pa.us)). Also note that the PNDI Environmental Review Tool only contains information about species occurrences that have actually been reported to the PNHP.

### 6. AGENCY CONTACT INFORMATION

**PA Department of Conservation and Natural Resources**  
Bureau of Forestry, Ecological Services Section  
400 Market Street, PO Box 8552  
Harrisburg, PA 17105-8552  
Email: [RA-HeritageReview@pa.gov](mailto:RA-HeritageReview@pa.gov)  
Fax: (717) 772-0271

**U.S. Fish and Wildlife Service**  
Pennsylvania Field Office  
Endangered Species Section  
110 Radnor Rd; Suite 101  
State College, PA 16801  
NO Faxes Please

**PA Fish and Boat Commission**  
Division of Environmental Services  
450 Robinson Lane, Bellefonte, PA 16823  
Email: [RA-FBPACENOTIFY@pa.gov](mailto:RA-FBPACENOTIFY@pa.gov)


**PA Game Commission**  
Bureau of Wildlife Habitat Management  
Division of Environmental Planning and Habitat Protection  
2001 Elmerton Avenue, Harrisburg, PA 17110-9797  
Email: [RA-PGC\\_PNDI@pa.gov](mailto:RA-PGC_PNDI@pa.gov)  
NO Faxes Please

### 7. PROJECT CONTACT INFORMATION

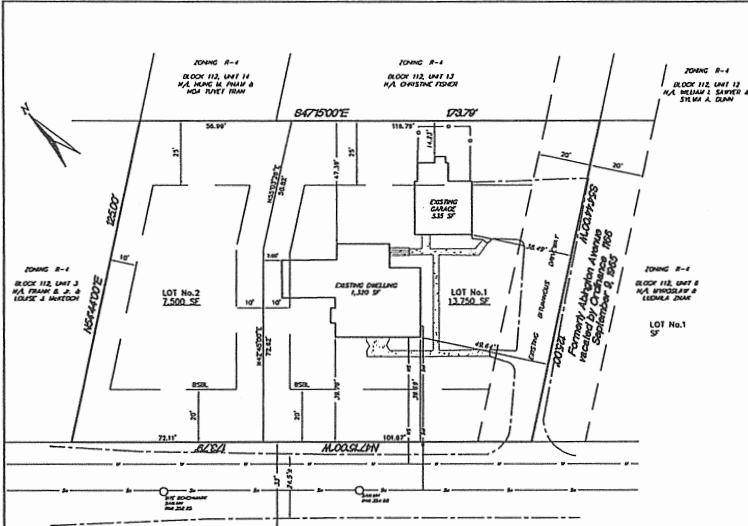
Name: Ed Chadrow  
Company/Business Name: Eastern/Chadrow Assoc  
Address: 333 E. STREET ROAD  
City, State, Zip: WARMINSTER, PA 18974  
Phone: (215) 672-8671 Fax: (215) 672-6765  
Email: Ed.Chadrow@Comcast.net

### 8. CERTIFICATION

I certify that ALL of the project information contained in this receipt (including project location, project size/configuration, project type, answers to questions) is true, accurate and complete. In addition, if the project type, location, size or configuration changes, or if the answers to any questions that were asked during this online review change, I agree to re-do the online environmental review.

  
applicant/project proponent signature

8-1-2016  
date



OLD WELSH ROAD S.R. 2029

- SUMMARY**
- TAX PARCEL - BLOCK 112, UNIT 4 (P/N 30-00-40644-00-7)
  - AREA - 21,250 SF
  - ZONING - R4, HIGH DENSITY RESIDENTIAL DISTRICT
 

REQUIREMENT	LOT No. 1	LOT No. 2
GROSS AREA	13,750 SF	7,500 SF
LOT WIDTH	50'	50'
LOT DEPTH	100'	100'
FRONT YARD	20'	20'
REAR YARD	20'	20'
SIDE YARD	5'	5'
SCREEN AREA	12.5%	40% MAX.
RAMP COV.	30.5%	35% MAX.
SCREEN AREA	89.5%	45% MIN.
ACCESSORY STRUCTURE	6'	6' MIN.
  - THESE DRAWINGS INDICATE THE APPROXIMATE LOCATION OF EXISTING SUBSURFACE UTILITIES IN THE VICINITY OF THE PROJECT & ARE NOT GUARANTEED FOR ACCURACY AND/OR COMPLETENESS. PENNSYLVANIA ACT 187 REQUIRES THAT CONTRACTORS DETERMINE THE LOCATION OF ALL UTILITY, SEWERAGE & WATER LINES BEFORE COMMENCING CONSTRUCTION. (1-800-247-1776)
  - 2 OFF-STREET PARKING SPACES - 2 IN GARAGE
  - OWNER: JOSEPH & JEANNETTE STEWART  
2823 OLD WELSH ROAD  
MELFORD GROVE, PA 19090  
APPLICANT: POPPER & DEACON, INC.  
650 ROBERTS AVENUE  
GLENSIDE, PA 19038
  - THIS PROPOSAL IS FOR THE MINOR SUBDIVISION OF 2823 OLD WELSH ROAD TO CREATE ONE ADDITIONAL BUILDING LOT.
  - LOTS TO BE CONNECTED TO PUBLIC WATER & SEWER.
  - DATE OF TOPOGRAPHY - U.S.C. & G.S.
  - PROPERTY BOUNDARIES DETERMINED FROM FILED SURVEY, PLANS, DEEDS OF RECORD AND PLANS OBTAINED FROM PENNDOT RECORDS RETENTION UNIT, KING OF PRUSSIA, PA.

ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D. 20\_\_\_\_, BEFORE ME THE SUBSCRIBER, A NOTARY PUBLIC OF THE COMMONWEALTH OF PENNSYLVANIA, RESIDING IN \_\_\_\_\_, PERSONALLY APPEARED \_\_\_\_\_

WHO ACKNOWLEDGED TO BE THE \_\_\_\_\_ TO BE THE \_\_\_\_\_ BEING AUTHORIZED TO DO SO. \_\_\_\_\_ EXECUTED THE FOREGOING PLAN BY SIGNING THAT THE SAID CORPORATION IS THE OWNER OF THE DESCRIBED LAND, THAT ALL NECESSARY APPROVAL OF THE PLAN HAS BEEN OBTAINED AND IS ENJOINED IN HEREIN, AND THAT SAID CORPORATION DESIRES THAT THE FOREGOING PLAN BE DULY RECORDED.

\_\_\_\_\_  
NOTARY PUBLIC  
MY COMMISSION EXPIRES \_\_\_\_\_  
(SEAL)

RECORDED IN THE OFFICE FOR THE RECORDING OF DEEDS, ETC. AT HODDSTOWN, PA. IN PLAN BOOK \_\_\_\_\_, PAGE NO. \_\_\_\_\_, ON \_\_\_\_\_, BY \_\_\_\_\_

NOTICE: \_\_\_\_\_  
PROCESSED AND REVIEWED. A report has been prepared by the Planning & Zoning Commission in accordance with the Subdivisions Planning Code.  
Controlled Date: \_\_\_\_\_  
For the Board:  
Montgomery County Planning Commission



**LEGEND**

(---)	PROPOSED SPOT ELEVATION
(---)	EXISTING SPOT ELEVATION
(---)	PROPOSED DRAINAGE
(---)	EXISTING DRAINAGE
(---)	PROPOSED EROSION CONTROL
(---)	EXISTING EROSION CONTROL
(---)	PROPOSED SEWER
(---)	EXISTING SEWER
(---)	PROPOSED WATER
(---)	EXISTING WATER
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(---)	EXISTING EASEMENT ON PLAN

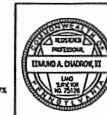
APPROVED BY THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF ABINGTON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
PRESIDENT  
\_\_\_\_\_  
SECRETARY  
\_\_\_\_\_  
ENGINEER

**SHEET INDEX**

- PLAN OF LOTLINE CHANGE
- EXISTING FEATURES PLAN
- DRAINAGE, EROSION & SEDIMENTATION CONTROL PLAN
- DETAILS SHEET

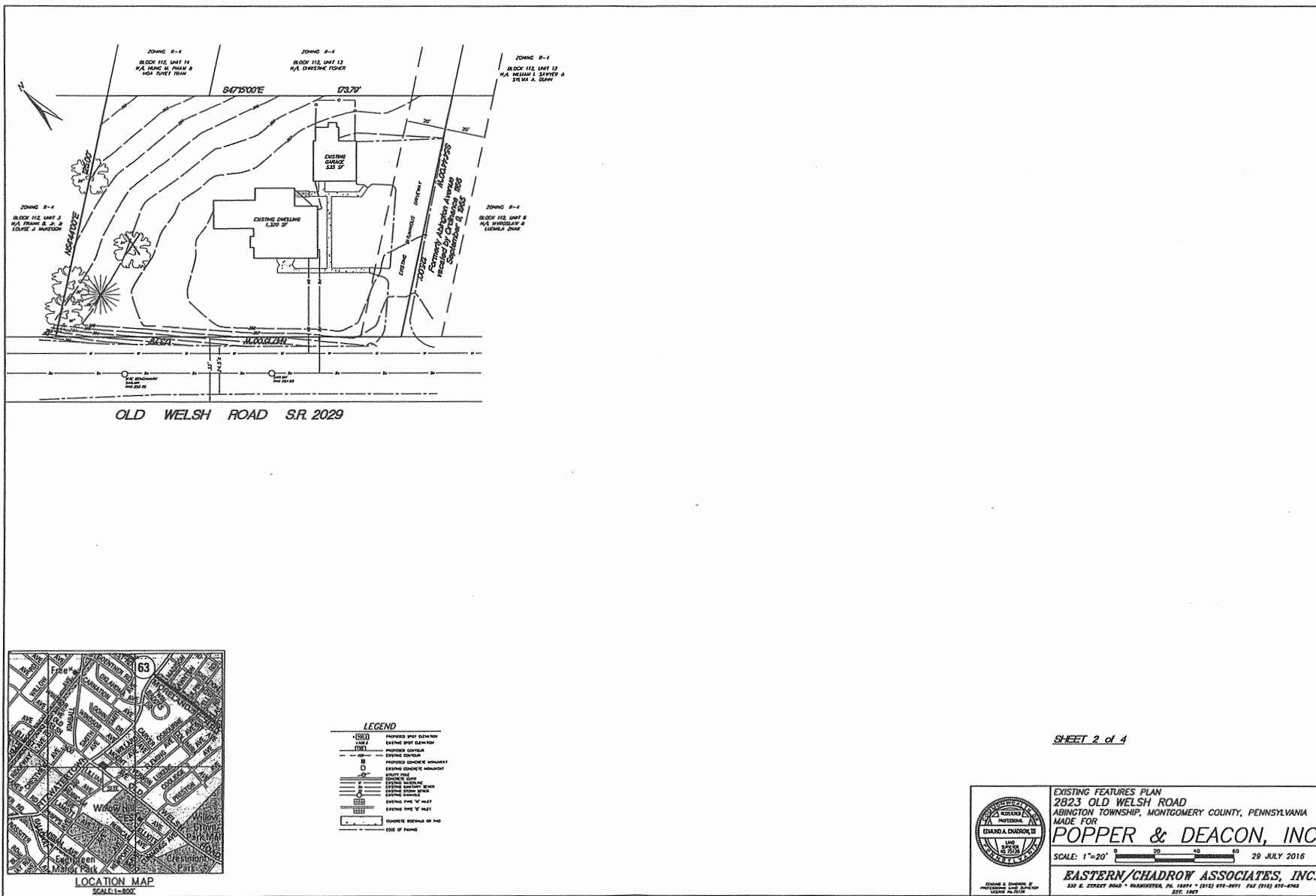
SHEET 1 of 4



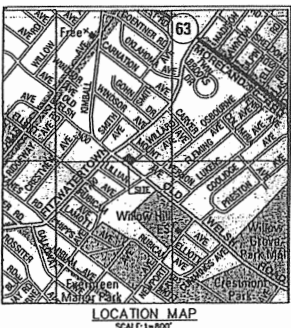
PLAN OF MINOR SUBDIVISION  
2823 OLD WELSH ROAD  
ABINGTON TOWNSHIP, MONTGOMERY COUNTY, PENNSYLVANIA  
MADE FOR  
**POPPER & DEACON, INC.**

SCALE: 1"=20' 0 20 40 80 20 JULY 2016

**EASTERN/CHADROW ASSOCIATES, INC.**  
333 E. STREET ROAD • HARRISBURG, PA 17104 • (717) 651-8911 FAX (717) 651-6768  
EST. 1987



OLD WELSH ROAD S.R. 2029



**LEGEND**

(---)	PROPOSED SPOT ELEVATION
(---)	PROPOSED SPOT ELEVATION
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(---)	PROPOSED SPOT ELEVATION

**SHEET 2 of 4**

EXISTING FEATURES PLAN  
2823 OLD WELSH ROAD  
ABINGTON TOWNSHIP, MONTGOMERY COUNTY, PENNSYLVANIA  
MADE FOR  
**POPPER & DEACON, INC.**  
SCALE: 1"=20' 29 JULY 2016

**EASTERN/CHADROW ASSOCIATES, INC.**  
333 E. STREET ROAD • WARRINGTON, PA 18974 • (610) 676-8671 FAX (610) 676-6748  
EST. 1987

EDWARD J. CHADROW, II  
LAND SURVEYOR  
No. 3152







# BOARD OF COMMISSIONERS BOARD ACTION REQUEST

February 1, 2017

AGENDA ITEM

*CE2*

CODE ENFORCEMENT

TOWNSHIP MANAGER



**AGENDA ITEM**

Liquor License Transfer  
Resolution No. 2017-007



Giant Food Stores, LLC/737 Huntingdon Pike

---

**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 restaurant liquor license into another municipality.
- Giant Food Store, LLC operates a retail space at 737 Huntingdon Pike, Huntingdon Valley, Pa. 19006.
- Pursuant to the Pennsylvania Liquor Code, a public hearing must be held on the proposed transfer.

**Overview:**

- Township of Abington has received a request for an Inter-Municipal Transfer of Liquor License No. R-18487 from Pottstown Borough to be used by the Giant Food Stores LLC located at 737 Huntingdon Pike, Huntingdon Valley, Pa. 19006.

**Recommended Board Action:**

**INFORMATION ONLY**

- Public hearing will be held on February 9, 2017, at 7:30 pm., on Resolution No. 2017-007, authorizing the Giant Food Store, 737 Huntingdon Pike, to transfer an existing restaurant liquor license from outside of Abington Township.

**TOWNSHIP OF ABINGTON  
RESOLUTION NO. 2017-007**

**A RESOLUTION OF THE TOWNSHIP OF ABINGTON, COUNTY OF MONTGOMERY,  
COMMONWEALTH OF PENNSYLVANIA, APPROVING THE TRANSFER OF  
RESTAURANT LIQUOR LICENSE NO. R-18487 INTO THE TOWNSHIP OF ABINGTON  
FROM POTTSTOWN BOROUGH**

**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 liquor and malt or brewed beverages are legal in the municipality receiving the license; and

**WHEREAS**, {the Act} requires the applicant to obtain the receiving municipality a resolution approving the inter-municipal transfer of the liquor license prior to the applicant's submission of the application to the Pennsylvania Liquor Control Board; and

**WHEREAS**, following the public hearing, the receiving municipality must issue a Resolution either approving or denying the application to transfer the license into the municipality; and

**WHEREAS**, amendments to the Liquor Code stipulate that prior to adoption of a resolution by the receiving municipality, at least one public hearing must be held for the purpose of receiving comments and recommendations from interested individuals residing within the municipality concerning the applicant's intent to transfer a liquor license into the municipality; and

**WHEREAS**, proper notice of the public hearing held on this date was published as required.

**Now, Therefore, Be It Resolved**, that Giant Food Stores, LLC has requested the approval of the Township of Abington Board of Commissioners for the proposed transfer of Pennsylvania Restaurant Liquor License No. R-18487 {Mazza's Italian Restaurant, Inc. 600 Farmington Avenue, Pottstown, Pa. 19464} by Giant Food Stores, LLC to a restaurant facility within the Township of Abington to be located at 737 Huntingdon Pike, Huntingdon Valley, Pa. 19006, 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 based on the application and the testimony at advertised public hearing held on February 9, 2017, the Board of Commissioners of the Township of Abington find that transfer of Restaurant Liquor No. R-18487 will/will not adversely affect the welfare, health, peace and morals of the Township or its residents; and

**Be It Further Resolved**, that the application filed by Giant Food Stores, LLC for the inter-municipal transfer of Restaurant Liquor License No. R-18487 into the Township of Abington is hereby **APPROVED/DENIED**.

**I HEREBY CERTIFY** that this Resolution was adopted by the Township of Abington at its public meeting held of the 9<sup>th</sup> day of February, 2017

**ATTEST:**

**TOWNSHIP OF ABINGTON**

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Michael LeFevre  
Township Secretary

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Wayne C. Luker, President  
Board of Commissioners

**NOTICE OF PUBLIC HEARING  
LIQUOR LICENSE APPLICATION  
TOWNSHIP OF ABINGTON**

Notice is hereby given that the Board of Commissioners of the Township of Abington, at its public meeting on February 9, 2017, at 7:30 p.m. in the Township Building, 2<sup>nd</sup> Flood Board Room, 1176 Old York Road, Abington, Pennsylvania, 19001, will hold a public meeting on the following matter:

**Applicant:** Giant Food Stores, LLC. @ 737 Huntingdon Pike, Huntingdon Valley, Pa.

**Subject:** Applicant for an inter-municipal transfer of a liquor license to Applicant's business at 737 Huntingdon Pike, Huntingdon Valley, Abington Township from Pottstown Borough, Montgomery County. The hearing will be held for the purpose of receiving comment and recommendations of intersected individuals residing within the municipality concerning Applicant's intent to transfer a liquor license into the municipality of Abington Township.

Mark A. Penecale  
Planning & Zoning Officer  
Township of Abington  
1176 Old York Road  
Abington, Pa. 19001

**RC** | **RUDOLPH CLARKE, LLC**  
ATTORNEYS AT LAW

Edward Rudolph  
Michael P. Clarke  
Peter C. Amuso  
Michael L. Barbiero

Melissa K. Fiala  
Lauren A. Gallagher  
Barbara R. Merlie  
Noah Marlier  
Karen Lee DeMerlis  
Georgeann R. Fusco  
Alexander M. Glassman  
Benjamin W.R. Hauser  
Gregory R. Heleniak

OF COUNSEL:  
Matthew D. Bradford  
Joseph W. Pizzo

SEVEN NESHAMINY INTERPLEX  
SUITE 200  
TREVOSE, PA 19053  
Phone 215-633-1890

Fax 215-633-1830

[www.rudolphclarke.com](http://www.rudolphclarke.com)  
e-mail: [lgallagher@rudolphclarke.com](mailto:lgallagher@rudolphclarke.com)

Montgomery County Office  
350 Sentry Parkway East  
Building 630, Suite 110A  
Blue Bell, PA 19422

Phone 484-368-3808  
Fax 215-633-1830

Please respond to: Trevose

January 12, 2017

**Via E-Mail and Regular Mail**  
[diane@flaherty-ohara.com](mailto:diane@flaherty-ohara.com)

Diane DeNardo  
Flaherty & O'Hara  
610 Smithfield Street  
Suite 300  
Pittsburgh, PA 15222

Re: Abington Township – Intermunicipal Transfer of a Liquor License Application  
Liquor License No.: R-18487

Dear Diane:

This Firm serves as the Solicitors for Abington Township (“Township”). Please allow this correspondence to serve as the Township’s confirmation that an Application for an Inter-municipal Liquor License Transfer (“Application”) was received by the Township on December 16, 2016.

In order to finalize and complete the Application, enclosed please find three (3) copies of a Contract for Professional Services. Kindly have your client execute same where indicated and return all three signed copies to my attention for execution by the Township. The Township acknowledges receipt of the required escrow deposit, so an additional deposit is not required at this time.

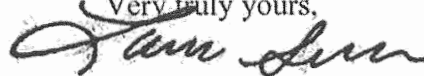
Pursuant to the Pennsylvania Liquor Code, the receiving municipality is required to act upon the application within 45 days, unless the applicant is notified in writing of the municipality’s election to utilize a statutory additional 60 days. 47 P.S. §4-461(b.1)(2)(ii). Please consider this correspondence as the Township’s written notification of its intention to exercise its statutory 60 day extension.

Robert J. O'Hara, III, Esquire  
January 12, 2017  
Page 2

Until the enclosed Contract for Professional Services is executed and returned to the Township, the Application is technically not complete. However, in anticipation that same will be returned in a timely fashion, the Township has selected a tentative date for the public hearing required by the Liquor Code. At its meeting on February 9, 2017, the Board of Commissioners will consider authorization to advertise a public hearing for January 12, 2017 at 7:30 pm in the 2nd Floor Board Room of the Township Administration Building, located at 1176 Old York Road, Abington, PA 19001. In the event that the Application is not completed in advance of the schedule hearing, the Township will reschedule the public hearing consistent with the date of completion of the Application.

If you have any questions or concerns, please do not hesitate to contact me.

Thank you.

Very truly yours,  


Lauren A. Gallagher

LAG:lg

Enclosure

cc: Michael LeFevre, Township Manager (via e-mail only, w/enclosures)  
Lawrence Matteo, Director of Planning & Code Enforcement (via e-mail only, w/enclosures)  
Mark Penecale, Planning & Zoning Officer (via e-mail only, w/enclosures)  
Robert J. O'Hara, III, Esquire (w/enclosures)

**CONTRACT FOR PROFESSIONAL SERVICES**

THIS AGREEMENT, made this \_\_\_\_\_ day of \_\_\_\_\_, 2017, by and between the **TOWNSHIP OF ABINGTON**, a township of the first class organized by and under the laws of the Commonwealth of Pennsylvania, located at 1176 Old York Road, Abington, Montgomery County, Pennsylvania 19001 ("Township") and **GIANT FOOD STORES, LLC** ("Applicant") a Pennsylvania Limited Liability Company, with a registered address at 27 Brookwood Avenue, Carlisle, Pennsylvania 17013.

**W I T N E S S E T H**

WHEREAS, Applicant is leasing property located at 737 Huntingdon Pike, Abington Township, Montgomery County, Pennsylvania ("property"); and

WHEREAS, the property is owned by Valley Associates, LP ("property owner"), a Pennsylvania Limited Partnership with a primary address at 243 Mall Blvd., King of Prussia, Montgomery County, Pennsylvania; and

WHEREAS, the Applicant proposes to operate a restaurant with beer sold for consumption on premises and to-go, and wine sold to-go ("Restaurant"), at the Property and such proposed use has been approved by the property owner; and

WHEREAS, the Applicant is interested in selling alcoholic and malt and brewed beverages at the Restaurant; and

WHEREAS, Applicant ("Buyer") has entered into an Agreement to purchase Pennsylvania Liquor Control Board License Number R-18487 ("License") from Mazza's Italian Restaurant, Inc. ("Seller") located in {00583673;v1}



WHEREAS, Applicant ("Buyer") has entered into an Agreement to purchase Pennsylvania Liquor Control Board License Number R-18487 ("License") from Mazza's Italian Restaurant, Inc. ("Seller") located in Pottstown, Montgomery County, Pennsylvania ("Agreement of Sale"); and

WHEREAS, the Applicant is the legal or equitable owner of the License; and

WHEREAS, the License was issued to the Seller for premises located at 600 Farmington Avenue, Pottstown, Montgomery County, Pennsylvania ("Pottstown Property"); and

WHEREAS, on or about December 16, 2016, the Applicant submitted the Application for Inter-Municipal Transfer to the Township for the transfer of the License ("Application") from the Pottstown Property to Applicant at the Restaurant; and

WHEREAS, the Applicant has requested that the Township review and approve the Application; and

WHEREAS, the Township is willing to consider approval of the Application conditioned that same shall be in accordance with the requirements, standards and specifications of the Township and the Commonwealth of Pennsylvania for Pennsylvania Liquor Control Board licenses in the Township.

NOW, THEREFORE, the parties hereto agree as follows:

1. The Applicant and the Township hereby authorize and direct the Township's Solicitor ("Solicitor"), along with any other professionals that Township deems necessary, to review the Application and make recommendations on the Application and to make any and all field inspections as are required pursuant to its rules, regulations and standards in order to ensure that the Application submitted by Applicant to Township will comply with all Township and Commonwealth of Pennsylvania rules and regulations.

2. The Applicant shall pay: (a) the Solicitor's reasonable legal fees for legal review and drafting of necessary documents including preparation of this Agreement; (b) administrative costs and expenses which the Township may incur by reason of this Agreement; (c) the charges and fees of any other professionals engaged by the Township regarding the Application; and (d) in the event that the Township is required to seek court intervention for the recovery of unpaid or unfunded charges and fees outlined in sections (a), (b) and (c) of this Paragraph or the enforcement of the terms of this Agreement generally, and the Township is successful in obtaining a verdict, judgment or other ruling in its favor, the reasonable attorney's fees and costs associated with such prosecution or litigation shall be the sole responsibility of the Applicant. All charges and fees shall be paid by the Applicant as required by the

Township in accordance with Paragraph Three (3) hereof.

3. The Applicant hereby agrees to deposit with the Township the sum of Two Thousand Dollars (\$2,000.00) as security for the payment of all costs and expenses, charges and fees as set forth in Paragraph Two (2) hereof, upon date of execution of this Agreement. It is agreed and understood by the parties that neither the Township nor its Solicitor shall commence processing the Application until said security deposit has been deposited with the Township.

4. In the event that the Township shall expend and/or become liable for administrative costs and expenses, and/or legal and/or any other fees in an amount in excess of the deposit referred to in Paragraph Three (3) hereof, the Applicant agrees to promptly deposit such additional sum with the Township after receiving a detailed statement of account, with respect thereto, from the Township.

5. The Applicant and the Township acknowledge that this Agreement represents their full understanding and bargain.

IN WITNESS WHEREOF, the parties hereto, intending to be legally bound hereby, set their hands and seals the date and year first above written.

[INTENTIONALLY LEFT BLANK; SIGNATURES ON NEXT PAGE]

WITNESS:

TOWNSHIP OF ABINGTON


\_\_\_\_\_

By: \_\_\_\_\_

GIANT FOOD STORES, LLC

ATTEST:

\_\_\_\_\_

By:  \_\_\_\_\_

NAME: Thomas Lenkevich

TITLE: President

# Code Enforcement & Land Development

## BOARD ACTION REQUEST

February 1, 2017

Agenda Item

**CE3**

Code Enforcement

Township Manager

### AGENDA ITEM

*hx*

#### Ordinance No.2131

An Ordinance to amend the Zoning Code, Ordinance #1753 of the Township of Abington, to create Use C-37 Medical Marijuana Dispensary & Use D-18 Medical Marijuana Grower/Processor within the Township of Abington

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### PREVIOUS ACTION

- The Department of Health of the Commonwealth of Pennsylvania is scheduled to start issuing licenses for Medical Marijuana Dispensary and Medical Marijuana Grower/Processor facilities.
- Act 16 of 2016 known as the Medical Marijuana Act has been approved by the Commonwealth of Pennsylvania.
- Ordinance #2131 will be reviewed by Montgomery County Planning and a staff review letter will be issued.
- Ordinance #2131 will be reviewed by the Planning Commission of the Township of Abington a recommended letter will be issued.

### RECOMMENDATED BOARD ACTION

Motion to approve the advertisement of Ordinance #2131, for the purpose of holding a hearing and to take formal action on Ordinance #2131 on Thursday, March 9, 2017, at 7:30 p.m. in the 2<sup>nd</sup> Floor Board Room of the Abington Township Administration Building, located at 1176 Old York Road, Abington, Pa. 19001.

## Public Notice

The Board of Commissioners of the Township of Abington will hold a public meeting on, **Thursday, March 9, 2017 at 7:30 p.m.** at the Abington Township Administration Building located at 1176 Old Road, Abington, Pa. 19001, to conduct a hearing on and to consider enactment of **Ordinance #2131**. Following the hearing, the Board of Commissioners may vote on the adoption of Ordinance #2131 which is entitled:

AN ORDINANCE OF THE TOWNSHIP OF ABINGTON, MONTGOMERY COUNTY, COMMONWEALTH OF PENNSYLVANIA, AMENDING THE ABINGTON TOWNSHIP ZONING ORDINANCE BY PROVIDING REGULATIONS AND USE CLASSIFICATION FOR USE C-37 MEDICAL MARIJUANA DISPENSARY AND USE D-18 MEDICAL MARIJUANA GROWER/PROCESSOR.

Ordinance #2131 was create to allow Abington Township to be in compliance with ACT 16 of 2016 of the Commonwealth of Pennsylvania.

A copy of the full text of the proposed ordinance may be examined by any citizen in the Code Enforcement Office of the Township of Abington, located at 1176 Old York Road, Abington, Pa. 19001, during normal business hours. An attest copy of the proposed ordinance has been sent to the Montgomery County Law Library and to the Times Chronicle and is available for public inspection.

All interested parties are invited to attend and make comment on the proposed ordinance.

Michael LeFevre, Secretary  
Township of Abington

**TOWNSHIP OF ABINGTON**  
**MONTGOMERY COUNTY, PENNSYLVANIA**  
**ORDINANCE NO. 2131**

**AN ORDINANCE AMENDING CHAPTER 162 – “ZONING” ARTICLE III --  
“ESTABLISHMENT OF ZONING DISTRICTS,” RELATED TO THE MEDICAL  
MARIJUANA ACT**

**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**, the Board of Commissioners of the Township of Abington has determined that Chapter 162 – “Zoning” should be amended 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:

**SECTION 1. Chapter 162, “Zoning,” Section 201, Specific Definitions**, is hereby amended to add the following definitions:

*Department of Health* – The Department of Health of the Commonwealth of Pennsylvania.

*Medical Marijuana Act* – Act 16 of 2016, 35 P.S. § 10231.101 *et seq.*



*Medical Marijuana Dispensary* – A person, including a natural person, corporation, partnership, association, trust, or other entity, or any combination thereof, which is registered by the Department of Health under the Medical Marijuana Act to dispense medical marijuana. The term does not include a Health Care Medical Marijuana Organization under Chapter 19 of the Medical Marijuana Act.

*Medical Marijuana Grower/Processor* – A person, including a natural person, corporation, partnership, association, trust, or other entity, or any combination thereof, which is registered by the Department of Health under the Medical Marijuana Act to grow and process medical marijuana. The term does not include a Health Care Medical Marijuana Organization under Chapter 19 of the Medical Marijuana Act.

**SECTION 2. Chapter 162, Article IV, Town Commercial Districts, Section 400.2.A, Special Commercial Districts, Section 401.2.A, Planned Business Districts, Section 402.2.A, and Article V, Mixed Use Districts, Section 501.2.A, are** hereby amended to add the following permitted use:

~~33.~~ C-37 Medical Marijuana Dispensary

**SECTION 3. Chapter 162, Article V, ~~Recreation/Conservation Districts~~Suburban Industrial District, Section 502.2.B, is hereby amended to add the following conditional use:**

h. D-18 Medical Marijuana Grower/Processor

**SECTION 4. ~~Chapter 162, Chapter 162, Article VII, Use Regulations, Section 706.C, Section 706.C,~~ is amended to add the following use:**

**Use C-37** Medical Marijuana Dispensary, subject to the specific criteria listed below:

- (a) A Medical Marijuana Dispensary shall provide proof of registration with the Department of Health or proof that registration has been sought and is pending approval, and shall at all times maintain a valid, accurate, and up-to-date registration with the Department of Health. Should registration be denied or revoked at any time, any Township approval shall immediately become void. A Medical Marijuana Dispensary may not operate on the same site as a facility used for growing and processing medical marijuana.
- (b) A Medical Marijuana Dispensary shall at all times operate in compliance with all Department of Health regulations pertaining to such facilities.

- (c) A Medical Marijuana Dispensary shall not be operated or maintained on a parcel within 1,000 feet, measured by a straight line in all directions, without regard to intervening structures or object, from the nearest point on the property line of a residentially zoned property or a parcel containing a public, private or parochial school, day-care center, place of worship, public park, or community center.
- (d) A Medical Marijuana Dispensary must operate entirely within an indoor, enclosed, and secure facility. No exterior sales and no sidewalk displays shall be permitted. No drive-thru services shall be permitted. The use cannot be advertised on radio or television.
- (e) A Medical Marijuana Dispensary shall be limited to the hours of operation not earlier than 9:00 a.m. and not later than 9:00 p.m.
- (f) A Medical Marijuana Dispensary shall submit a disposal plan to be reviewed and approved by the Township. Medical marijuana remnants and by-products shall be disposed of according to an approved plan and shall not be placed within an exterior refuse container.
- (g) There shall be no emission of dust, fumes, vapors or odors which can be seen, smelled or otherwise perceived from beyond the lot line for the property where the Medical Marijuana Dispensary is located.
- (h) No one under the age of eighteen (18) shall be permitted in a Medical Marijuana Dispensary, unless accompanied by a caregiver as required under Section 506 of the Medical Marijuana Act.
- (i) No use of medical marijuana shall be permitted on the premises of a Medical Marijuana Dispensary.
- (j) A Medical Marijuana Dispensary shall submit a security plan to the Township, which plan shall demonstrate how it will maintain effective security and control. The security plan shall specify the type and manner of 24-hour security, tracking, recordkeeping, record retention, and surveillance system to be utilized in the facility as required by Section 1102 of the Medical Marijuana Act and as supplemented by regulations promulgated by the Department of Health pursuant to the Medical Marijuana Act.

**SECTION 5. Chapter 162, Article VII, Use Regulations, Section 706.D,** is hereby amended to add the following:

**Use D-18** Medical Marijuana Grower/Processor, subject to the specific criteria listed below:

- (a) A Medical Marijuana Grower/Processor shall provide proof of registration with the Department of Health or proof that registration has been sought and is pending approval, and shall at all times maintain a valid, accurate, and up-to-date registration with the Department of Health. Should registration be denied or revoked at any time, any Township approval shall immediately become void.
- (b) A Medical Marijuana Grower/Processor shall at all times operate in compliance with all Department of Health regulations pertaining to such facilities.
- (c) A Medical Marijuana Grower/Processor must be located on a lot containing not less than two (2) acres.
- (d) A Medical Marijuana Grower/Processor shall not be operated or maintained on a parcel within 1,000 feet, measured by a straight line in all directions, without regard to intervening structures or object, from the nearest point on the property line of a residentially zoned property or a parcel containing a public, private or parochial school, day-care center, place of worship, public park, or community center.
- (e) A Medical Marijuana Grower/Processor must operate entirely within an indoor, enclosed, and secure facility. No exterior sales and no sidewalk displays shall be permitted. No drive-thru services shall be permitted. The use cannot be advertised on radio or television.
- (f) A Medical Marijuana Grower/Processor shall be limited to the hours of operation not earlier than 9:00 a.m. and not later than 9:00 p.m.
- (g) A Medical Marijuana Grower/Processor shall submit a disposal plan to be reviewed and approved by the Township. Medical marijuana remnants and by-products shall be disposed of according to an approved plan and shall not be placed within an exterior refuse container.

- (h) There shall be no emission of dust, fumes, vapors or odors which can be seen, smelled or otherwise perceived from beyond the lot line for the property where the Medical Marijuana Grower/Processor is located.
- (i) No one under the age of eighteen (18) shall be permitted in a Medical Marijuana Grower/Processor, unless accompanied by a caregiver as required under Section 506 of the Medical Marijuana Act.
- (j) No use of medical marijuana shall be permitted on the premises of a Medical Marijuana Grower/Processor.
- (k) A Medical Marijuana Grower/Processor shall submit a security plan to the Township, which plan shall demonstrate how it will maintain effective security and control. The security plan shall specify the type and manner of 24-hour security, tracking, recordkeeping, record retention, and surveillance system to be utilized in the facility as required by Section 1102 of the Medical Marijuana Act and as supplemented by regulations promulgated by the Department of Health pursuant to the Medical Marijuana Act.
- (l) Fencing. Each Medical Marijuana Grower/Processor use shall be completely enclosed by a fence having a minimum height of six (6) feet. The Board of Commissioners may, by Conditional Use approval, require a greater fence height when deemed by the Board to be necessary for the protection of public health and safety.

**SECTION 6. Chapter 162, Article IX, Parking and Transportation Standards,** is hereby amended to add the following parking requirements:

**Section 901.3, Commercial Land Uses,** is amended to add the following:

**Use C-37: Medical Marijuana Dispensary:** One (1) off-street parking space per 200 square feet of gross leasable floor area.

**Section 901.4, Industrial Land Uses,** is amended to add the following:

**Use D-18: Medical Marijuana Grower/Processor:** One (1) off-street parking space per 500 square feet of gross floor area devoted to the manufacturing area, storage area and utility area, plus one (1) off-street parking space for every 300 square feet of gross floor area devoted to sales or office area.

**SECTION 7. SEVERABILITY.**

In the event that any section, sentence, clause, phrase or word of this ordinance shall be declared illegal, invalid or unconstitutional by any Court of competent jurisdiction, such declaration shall not prevent or otherwise foreclose enforcement of any of the remaining portions of this ordinance.

**SECTION 8. REPEALER.**

All ordinance or parts of ordinances inconsistent herewith or in conflict with any of the specific terms enacted hereby, to the extent of said inconsistency or conflicts, are hereby specifically repealed.

**SECTION 9. EFFECTIVE DATE.**

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

**ORDAINED AND ENACTED** this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

TOWNSHIP OF ABINGTON  
BOARD OF COMMISSIONERS

Attest:

\_\_\_\_\_  
Michael LeFevre, Secretary

By: \_\_\_\_\_  
Wayne Luker, President