

**AGENDA**  
**MONTGOMERY TOWNSHIP**  
**BOARD OF SUPERVISORS**  
**December 16, 2013**

[www.montgomerytwp.org](http://www.montgomerytwp.org)

Joseph P. Walsh  
Robert J. Birch  
Candyce Fluehr Chimera  
Michael J. Fox  
Jeffrey W. McDonnell

Lawrence J. Grogan  
Township Manager

**ACTION MEETING – 8:00 PM**

1. Call to Order by Chairman
2. Pledge of Allegiance
3. Public Comment
4. Announcement of Executive Session
5. Consider Approval of Minutes of the November 25, 2013 Meeting
6. Welcome New Township Employees
7. Presentation in Recognition of 175<sup>th</sup> Anniversary – Limekiln Pike Bridge
8. Announce Holiday Lights Contest Winners
9. Consider Approval of DVRPC Powerline Trail Connector Feasibility Study
10. Consider Preliminary/Final Land Development Plan – LDS#669 Chick-Fil-A
11. Consider Preliminary/Final Conditional Land Development Plan – LDS#666 - Giant to Go
12. Consider Preliminary/Final Conditional Land Development Plan – LDS#663  
Commerce Group
13. Consider Preliminary/Final Land Development Plan – LDS#670 - Montgomery Township  
Community/Recreation Center
14. Consider Approval of Escrow Release – Wegmans - M-12-49
15. Consider Resolution Authorizing Submission of Application to PennDOT – Traffic Signal  
Improvements – North Wales Road and Knapp Road
16. Consider Resolution Approving the Extension of the Term of the Montgomery Township  
Municipal Sewer Authority for Fifty Years
17. Consider Approval of Montgomery Township Sewer Authority 2014 Budget
18. Consider Approval of Montgomery Township Municipal Sewer Authority 2013 Tapping Fee  
Agreements

NOTICE: Please be advised that all regular and special meetings of the Board of Supervisors are recorded for replay on the Township cable channels, Comcast 22 and Verizon 34.

**OVER**

19. Consider Adoption of Montgomery Township 2014 Final Budget
20. Announcement of Re-Organization Meeting Date and Consideration of Authorization to Advertise for Re-Organization Meeting – January 6, 2014
21. Consider Payment of Bills
22. Other Business
23. Adjournment

**Future Public Hearings/Meetings:**

12-18-13 @ 6:00 PM – Sewer Authority  
12-18-13 @ 7:30 PM – Public Safety Committee  
12-19-13 @ 7:30 PM – Planning Commission  
01-06-14 @ 8:00 PM – Board of Supervisors Re-Organization Meeting

MONTGOMERY TOWNSHIP BOARD OF SUPERVISORS  
BOARD ACTION SUMMARY

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SUBJECT: Public Comment

MEETING DATE: December 16, 2013

ITEM NUMBER:

#3

MEETING/AGENDA: WORK SESSION

ACTION XX

NONE

REASON FOR CONSIDERATION: Operational: XX Information: Discussion: Policy:

INITIATED BY: Lawrence J. Gegan  
Township Manager

BOARD LIAISON: Joseph P. Walsh, Chairman

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BACKGROUND:

The Board needs to remind all individual(s) making a comment that they need to identify themselves by name and address for public record.

The Board needs to remind the public about the policy of recording devices. The individual(s) needs to request permission to record the meeting from the chairman and needs to identify themselves, by name and address for public record.

ZONING, SUBDIVISION OR LAND DEVELOPMENT IMPACT:

None.

PREVIOUS BOARD ACTION:

None.

ALTERNATIVES/OPTIONS:

None.

BUDGET IMPACT:

None.

RECOMMENDATION:

None.

MOTION/RESOLUTION:

None.

DISTRIBUTION: Board of Supervisors, Frank R. Bartle, Esq.

MONTGOMERY TOWNSHIP BOARD OF SUPERVISORS  
BOARD ACTION SUMMARY

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SUBJECT: Announcement of Executive Session

MEETING DATE: December 16, 2013

ITEM NUMBER:

*44*

MEETING/AGENDA: WORK SESSION

ACTION XX

NONE

REASON FOR CONSIDERATION: Operational: XX Information: Discussion: Policy:

INITIATED BY: Lawrence J. Gegan  
Township Manager



BOARD LIAISON: Joseph P. Walsh, Chairman

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BACKGROUND:

Frank Bartle will announce that the Board of Supervisors met in Executive Session and will summarize the matters discussed.

ZONING, SUBDIVISION OR LAND DEVELOPMENT IMPACT:

None.

PREVIOUS BOARD ACTION:

None.

ALTERNATIVES/OPTIONS:

None.

BUDGET IMPACT:

None.

RECOMMENDATION:

None.

MOTION/RESOLUTION:

None.

DISTRIBUTION: Board of Supervisors, Frank R. Bartle, Esq.

MONTGOMERY TOWNSHIP BOARD OF SUPERVISORS  
BOARD ACTION SUMMARY

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SUBJECT: Approval of Minutes for November 25, 2013 Meeting

MEETING DATE: December 16, 2013

ITEM NUMBER:

#5

MEETING/AGENDA: WORK SESSION

ACTION XX

NONE

REASON FOR CONSIDERATION: Operational: XX Information: Discussion: Policy:

INITIATED BY: Lawrence J. Grogan  
Township Manager

BOARD LIAISON: Joseph P. Walsh, Chairman

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BACKGROUND:

Just a reminder – Please call Deb Rivas or Shirley Snyder on Monday, December 16, 2013 before noon with any changes to the minutes.

ZONING, SUBDIVISION OR LAND DEVELOPMENT IMPACT:

None.

PREVIOUS BOARD ACTION:

None.

ALTERNATIVES/OPTIONS:

None.

BUDGET IMPACT:

None.

RECOMMENDATION:

None.

MOTION/RESOLUTION:

None.

DISTRIBUTION: Board of Supervisors, Frank R. Bartle, Esq.

**MINUTES OF MEETING  
MONTGOMERY TOWNSHIP BOARD OF SUPERVISORS  
NOVEMBER 25, 2013**

Chairman Joseph Walsh called the executive session to order at 7:00 p.m. In attendance were Supervisors Robert Birch, Candyce Fluehr Chimera, Michael Fox and Jeffrey McDonnell. Also in attendance were Lawrence Gegan and Frank Bartle, Esquire.

Chairman Joseph Walsh called the action meeting to order at 8:00 p.m. In attendance were Supervisors Robert Birch, Candyce Fluehr Chimera, Michael Fox and Jeffrey McDonnell. Also in attendance were Frank Bartle, Esquire, Lawrence Gegan, Chief J. Scott Bendig, Richard Lesniak, Kevin Costello, Bruce Shoupe, Ann Shade, Shannon Drosnock, Stacy Crandell, Richard Grier and Shirley Snyder.

Following the Pledge of Allegiance, Chairman Joseph Walsh called for public comment from the audience and there was none.

Township Solicitor Frank Bartle, Esquire reported that the Board had met in an executive session earlier in the evening at 7:00 p.m. Mr. Bartle reported that the Board discussed two Zoning Hearing Board matters of litigation for 1010 Horsham Road – Abington Memorial Hospital and 1630 County Line Road – Nand & Sashi Todi, and one personnel matter. Mr. Bartle also reported that these matters are legitimate subjects of executive session pursuant to Pennsylvania's Sunshine Law.

Chief of Police J. Scott Bendig introduced Brett Katz, a Township resident and 7<sup>th</sup> grade student at Pennbrook Middle School. In preparation for his Bar Mitzvah, Brett undertook a community service project, to raise funds to help support the Montgomery Township's Canine Unit. Brett presented a check in the amount of \$300 to the Chairman of the Board. A Certificate of Appreciation was presented to Brett Katz. Resolution #1 made by Supervisor Michael Fox, seconded by Supervisor Robert Birch and adopted unanimously, recognized Brett Katz for his donation to the Montgomery Township Police Department's Canine Unit and expressed the Township's appreciation for his support of our community.

Chairman Joseph Walsh announced that notification was received from State Senator Stewart Greenleaf, State Representative Todd Stephens and State Representative Kate Harper that Montgomery Township was awarded a grant in the amount of \$250,000 through the Commonwealth Financing Authority Department of Community and Economic Development's Greenways, Trails and Recreation Program. This grant will be used to help fund construction of a spray park and an accessible playground at the Township's new Community/Recreation Center to be located at the corner of Stump Road and Horsham Road. The Board expressed its thanks to State Senator Greenleaf, State Representative Stephens and State Representative Harper and their staff for their assistance in supporting the Township's application for this grant and to Assistant to the Township Manager Stacy Crandell for initiating and preparing the application.

Director of Finance Shannon Drosnock reported that a review of the regulations governing the requirements for installation, maintenance responsibility and assessment of the costs for Residential Street Lighting determined that amendments needed to be made to Chapters 205 and A237 of the Township Code in an effort to make the language clearer and more consistent with current practices. The proposed ordinance will update provisions of the Township's Subdivision and Land Development Code governing requirements for the installation of street lighting. The public hearing opened at 8:07 p.m. Notes of testimony were taken by Court Reporter Tim Kurek. Solicitor Frank Bartle read the Legal Notice and marked Exhibits B1 through B6 into the record. There was no public comment regarding this proposed amendment to the Street Light Ordinance. The public hearing closed at 8:14 p.m. Resolution #2 made by Supervisor Michael Fox, seconded by Supervisor Candyce Fluehr Chimera and adopted unanimously, adopted Ordinance #13-276 amending Chapters 205 and A237 of the Montgomery Township Code governing requirements for the installation of street lighting,

establishment of street lighting districts, methods of assessment of street lighting and costs and maintenance responsibilities.

Director of Finance Shannon Drosnock presented the 2014 Preliminary Budget. Four public workshops were conducted by the Board and staff during the month of October. Ms. Drosnock stated that the proposed Total Revenues for 2014 reflect a 3.70% increase over 2013. General Fund Revenues consist of the real estate mileage remaining at 1.49 mills in 2014 and 75 percent of residential property owners are participating in the Homestead Exclusion which was implemented in 2003. Total Expenditures for 2014 show a 3.8% increase. Upon adoption of a preliminary budget by the Board, a notice must be advertised stating that the proposed budget is available for public inspection at the Township Building. After the approved preliminary budget has been available for public inspection for twenty (20) days, the Board of Supervisors must adopt a final budget no later than December 31, 2013. Resolution #3 made by Supervisor Michael Fox, seconded by Vice Chairman Jeffrey McDonnell and adopted unanimously, adopted the 2014 Preliminary Budget for all funds and set Monday, December 16, 2013 at 8:00 p.m. in the Township Building as the date, time and place for the public meeting for consideration of adoption of the 2014 Final Budget.

Director of Finance Shannon Drosnock reported that staff has identified that a potential cost saving measure for Facility Trash and Recyclable Material Collection & Disposal could be achieved through the use of a consolidated contract awarded through the competitive bidding process combining all five (5) current accounts with two (2) different vendors into one contract with one vendor. Currently, the combined cost for these services is approximately \$40,000 per year. The draft bid document has been reviewed by the Township Solicitor. Resolution #4 made by Supervisor Michael Fox, seconded by Supervisor Candyce Fluehr Chimera and adopted unanimously, authorized the advertisement of the Montgomery Township Facilities Waste and Single Stream Recyclable Materials Collection and Disposal bid with a bid opening

on December 20, 2013 at 10:00 a.m. at the Township building with the award of the bid to take place at the January 6, 2014 Board of Supervisors meeting.

Director of Finance Shannon Drosnock announced that the Finance Committee is recommending an amendment to the Finance Committee Bylaws to remove the first paragraph in Section G , thus allowing the committee members to determine the day of the month that best accommodates their schedules for the monthly Finance meetings for the upcoming year. The meeting day chosen by the Finance Committee would be advertised in accordance with the requirements of Pennsylvania law. Resolution #5 made by Supervisor Michael Fox, seconded by Supervisor Candyce Fluehr Chimera and adopted unanimously amended the Finance Committee Bylaws to remove paragraph one of Section G, granting the Committee the flexibility to choose a day to hold their monthly meetings that accommodates the committee members schedules.

Director of Planning Bruce Shoupe reviewed the preliminary/final land development plan for the Goodwin Property located at 131 Stevers Mill Road. This project proposes to remove the existing dwelling and construct three (3) new single family dwellings. Each proposed dwelling will take access from Stevers Mill Road. Jason Smeland, P.E. of Lenape Valley Engineering was present representing the applicant. Mr. Smeland advised that the applicant is in agreement with the conditions set forth in the approval resolution, but is seeking several waivers in conjunction with this project. After some discussion, the Board requested the removal of waiver #2 giving the applicant the option of providing a fee in lieu of planting nine shade trees, and stated that the nine trees be planted on the site. Under public comment Christine and John Healy of 135 Stevers Mill Road stated that the drawing of their property that was received from the Planning Office at Montgomery Township shows a different property line than the drawing being presented by Mr. Smeland, which they believe would take approximately three (3) feet from the Healy property. Frank Bartle, Esquire recommended that the matter of

the location of the property line be resolved before final approval for the plan is given. Michelle Evans of 128 Stevers Mill Road commented that she has had continuous issues with the contractor who is currently working on the project in their development and stated that valid concerns exist concerning the location of the property line markers. Based on the discussion that followed an additional condition was added to the resolution stating that the applicant will prove to the satisfaction of the Township that the property boundaries are as set forth on the approved subdivision plan before any building permits are issued to construct any new homes on the site. Resolution #6 made by Chairman Joseph Walsh, seconded by Supervisor Michael Fox and adopted unanimously, approved the final land development plan for the Goodwin Property with the inclusion of the additional condition listed above.

Director of Planning Bruce Shoupe reported that the Township is requesting approval to submit the application for the 2013 Tree City USA Recertification. This program gives national recognition for urban and community forestry programs in towns and cities that meet the standards set forth. Resolution #7 made by Supervisor Michael Fox, seconded by Supervisor Candyce Fluehr Chimera and adopted unanimously, approved the application for Montgomery Township to receive the 2013 Tree City USA Recertification.

Director of Planning Bruce Shoupe reported that the Shade Tree Commission is requesting approval to obtain a proposal for the development of a Forestry Management Plan which would provide alternatives in addressing the Emerald Ash Borer (EAB). The Commission contacted the Pennsylvania Bureau of Forestry seeking qualified Foresters to provide this professional service. The Commission contacted Curtis Eshelman of Timberlink Consulting in Doylestown, PA. Mr. Eshelman presented information to the Shade Tree Commission in regards to developing a plan. Resolution #8 made by Supervisor Michael Fox, seconded by Chairman Joseph Walsh and adopted unanimously, authorized the Shade Tree Commission to

obtain a proposal from Timberlink Consulting for the development of a Forestry Management Plan.

Resolution #9 made by Chairman Joseph Walsh, seconded by Supervisor Michael Fox and adopted unanimously, authorized a construction escrow release #4 for Keystone Homebrew LDS#657 in the amount of \$139,610.05.

Resolution #10 made by Chairman Joseph Walsh, seconded by Supervisor Michael Fox and adopted unanimously, authorized a construction escrow release #1 for Montgomery Chase LDS#616A in the amount of \$47,728.00.

Resolution #11 made by Chairman Joseph Walsh, seconded by Supervisor Michael Fox and adopted unanimously, authorized an end of maintenance period escrow release for Montgomery Square United Methodist Church LDS#638 in the amount of \$34,029.60.

Assistant to the Township Manager Stacy Crandell reported that the Montgomery 300 Committee has proposed holding a fireworks display to be held as part of the 300<sup>th</sup> Community Day to commemorate the Township's Anniversary on September 20, 2014 (rain date of September 27, 2014). The 300 Committee and Montgomery Township staff are recommending that the Township contract with Celebration Fireworks for this event. Resolution #12 made by Supervisor Michael Fox, seconded by Chairman Joseph Walsh and adopted unanimously, approved the contract and authorized the deposit be sent to Celebrations Fireworks to provide the fireworks display for the 300<sup>th</sup> Anniversary Community Day Event on September 20, 2014.

Assistant to the Township Manager Stacy Crandell reported that one of the highlights of the 300<sup>th</sup> Community Day on September 20, 2014 is having music groups performing throughout the day of the event. In order to accomplish this, the Committee is requesting approval to rent staging equipment, a sound system and lighting. The Committee is recommending to contract with Clear Sound, Inc., who has worked with the Township on previous projects and is registered with the State Costars Program. In addition, staff is

recommending contracting with Upper Merion Township for the use of an 8' x 16' bandwagon, which would be provided at no cost to Montgomery Township. Resolution #13 made by Supervisor Michael Fox, seconded by Chairman Joseph Walsh and adopted unanimously, approved contracting with Clear Sound Inc. to provide the staging, sound and lighting for the 300<sup>th</sup> Anniversary Community Day Event on September 20, 2014.

Ms. Crandell also reported that every two years, the Pennsylvania General Assembly develops a Capital Budget Bill which provides an opportunity for local governments to submit requests for possible funding consideration by the Governor's Office. Township staff has been researching and investigating the next steps for the RACP Grant and met with Robert Dusek from Direction Associates, a small firm in Spring House, Pennsylvania, which has been successful in assisting other organizations in receiving RACP grant funds. Resolution #14 made by Vice Chairman Jeffrey McDonnell, seconded by Supervisor Candyce Fluehr Chimera and adopted unanimously, approved the proposal from Direction Associates for the preparation of the RACP Grant documents including the Business Plan and the Application for the Community Recreation Center.

Director of Public Works Kevin Costello reported that on June 24, 2013 the Board authorized the sale of the Township's 2001 Ford F-550 Bucket Truck and a 2004 Kubota ZD-28 Mower through the online auction company Municibid. A total of 64 bids were received for the bucket truck and 26 bids for the Kubota as of the close of bidding. Resolution #15 made by Supervisor Michael Fox, seconded by Supervisor Candyce Fluehr Chimera and adopted unanimously, authorized the sale of a 2001 Ford F-550 bucket truck to Jim Kehs, J.K. Truck Equipment of Boyertown, PA in the amount of \$18,900.00 and the sale of a 2004 Kubota ZD-28 mower to Karl Grube of Gettysburg, PA in the amount of \$1,457.00 in accordance with the terms and agreement through the Municibid online auction company.

Township Manager Lawrence Gregan reported that as part of the Rt 202 Parkway Project, PennDOT installed Intelligent Transportation System (ITS) devices and communication infrastructure along the 202 Parkway and its primary intersecting and parallel routes under Project SR 0202, Section 71T. The ITS devices consist of closed circuit television cameras, dynamic message signs and a travel time detection system. PennDOT is responsible for the maintenance of all ITS devices and the mainline fiber trunk. Maintenance of the traffic signal systems and the fiber optic "drop" cable from those signals is the Township's responsibility. In December of 2011 the Township approved and executed these agreements, which have been rejected by PennDOT's legal team it has been longer than sixty (60) days since the execution of the agreement. New agreements have been prepared for execution. Resolution #16 made by Chairman Joseph Walsh, seconded by Supervisor Michael Fox and adopted unanimously, authorized Montgomery Township to enter into a Traffic Signal Maintenance Agreement and a Cooperative Memorandum of Agreement for the installation of various traffic signals and communication equipment for the State Project No. S.R. 202 Section 71T.

Township Manager Lawrence Gregan reported that a proposal has been submitted by Township Traffic Engineer Kevin Johnson to perform traffic engineering services in order to obtain PennDOT approval for the installation of left turn advanced phases (left turn arrows) at the intersection of North Wales Road and Knapp Road. This improvement was identified in the Traffic Study performed for the Simon Properties/Wegmans development project. The proposal includes preparation of a revised traffic signal permit plan and application package for submission to PennDOT, attendance at a field meeting with PennDOT to review the conditions and scope of improvements and attendance at Township meetings to discuss the improvements. Resolution #17 made by Supervisor Michael Fox, seconded by Chairman Joseph Walsh and adopted unanimously approved the Traffic Engineer Study Proposal from Traffic Planning and Design, Inc., dated November 19, 2013 to perform traffic engineering

services in order to obtain PennDOT approval for the installation of left turn advanced phases at the intersection of North Wales Road and Knapp Road at a cost of \$5,750.00.

Township Manager Lawrence Gregan reported that in September the Cutler Group authorized its contractor, Wolverine Constructors, to proceed with site grading and paving improvements on Friendship Park in accordance with plans prepared by Chambers and Associates and in compliance with the approved NPDES permit for this work. The Township Engineer has inspected the site and has found the work completed to date to be satisfactory and in accordance with the approved plans. Resolution #18 made by Chairman Joseph Walsh, seconded by Supervisor Michael Fox and adopted unanimously, accepted the Township Engineer's recommendation that the site work being performed at Friendship Park by Wolverine Constructors, Inc., as detailed in Wolverine's Payment request #11 has been completed in accordance with the approved plans and specifications and that the Cutler Group be notified of the Township's acceptance so that they can proceed with payment to Wolverine in accordance with the provisions of their contract.

Chairman Joseph Walsh made a motion to approve the payment of bills. Supervisor Michael Fox seconded the motion. The payment of bills was unanimously approved as submitted.

Chairman Joseph Walsh reported that it has been the policy of the Board of Supervisors to waive permit fees for non-profit and religious organizations. The Township has received a request from Paws Rescue, an animal rescue and cat adoption center to waive the non-residential occupancy permit fee for their temporary center at Montgomery Mall. Resolution #19 made by Chairman Joseph Walsh, seconded by Supervisor Michael Fox and adopted unanimously, authorized the waiver of permit fee for Paws Rescue in Montgomery Mall.

Under other business, Motion #1 made by Chairman Joseph Walsh, seconded by Vice Chairman Jeffrey McDonnell and adopted unanimously, authorized the Township Solicitor to

send letters stating the Board of Supervisors position on the Nand Todi and Abington Hospital Zoning Hearing Board matters.

There being no further business to come before the Board, the meeting adjourned at 9:50 p.m.

MONTGOMERY TOWNSHIP BOARD OF SUPERVISORS  
BOARD ACTION SUMMARY

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SUBJECT: Welcome New Township Employees

MEETING DATE: December 16, 2013

ITEM NUMBER:

#6

MEETING/AGENDA: WORK SESSION

ACTION XX

NONE

REASON FOR CONSIDERATION: Operational: XX Information: Discussion: Policy:

INITIATED BY: Lawrence J. Gregan  
Township Manager



BOARD LIAISON: Joseph P. Walsh, Chairman

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BACKGROUND:

This evening we would like to welcome three new employees to the Montgomery Township staff.

Lance Allen began his employment with Montgomery Township on November 26, 2013 as the IT Support Technician in the Finance Department. Lance comes to us with a strong background in technology and customer service. He is a 2007 graduate of ITT Technical Institute and has a great foundation in IT.

Joseph Bennett began his employment with Montgomery Township on September 3, 2013 as a Recruit Dispatcher with the Police Department. Joe was previously employed at Doylestown Hospital as a Patient Care Technician and is a volunteer firefighter with FDMT.

Carlos Cartagena began his employment with Montgomery Township on December 3, 2013 as a Recruit Dispatcher with the Police Department. Carlos was previously employed as a police dispatcher with the Hatfield Police Department, and is a recent graduate of the Montgomery County Police Academy.

ZONING, SUBDIVISION OR LAND DEVELOPMENT IMPACT:

None.

PREVIOUS BOARD ACTION:

None.

ALTERNATIVES/OPTIONS:

None.

BUDGET IMPACT:

None.

RECOMMENDATION:

Welcome new employees, IT Recruit Dispatcher, Lance Allen and Joseph Bennett and Carlos Cartagena as Recruit Dispatcher with Montgomery Township.

MOTION/RESOLUTION:

BE IT RESOLVED by the Board of Supervisors of Montgomery Township that we hereby welcome Lance Allen to his position of IT Support Technician and Joseph Bennett and Carlos Cartagena to their position of Recruit Dispatcher with Montgomery Township.

MOTION: \_\_\_\_\_ SECOND: \_\_\_\_\_

ROLL CALL:

Robert J. Birch	Aye	Opposed	Abstain	Absent
Candyce Fluehr Chimera	Aye	Opposed	Abstain	Absent
Michael J. Fox	Aye	Opposed	Abstain	Absent
Jeffrey W. McDonnell	Aye	Opposed	Abstain	Absent
Joseph P. Walsh	Aye	Opposed	Abstain	Absent

DISTRIBUTION: Board of Supervisors, Frank R. Bartle, Esq.

**MONTGOMERY TOWNSHIP BOARD OF SUPERVISORS  
BOARD ACTION SUMMARY**

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SUBJECT: Presentation in Recognition of the 175<sup>th</sup> Anniversary – Limekiln Pike Bridge

MEETING DATE: December 16, 2013      ITEM NUMBER: #7

MEETING/AGENDA: ACTION **XX**      CONSENT      NONE

REASON FOR CONSIDERATION: Operational: **XX**      Policy:      Discussion:      Information:

INITIATED BY: Lawrence J. Gregan,      BOARD LIAISON: Joseph P. Walsh, Chairman  
Township Manager *Law*

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**BACKGROUND:**

Mr. and Mrs. Roy Rodriguez, long term residents of Montgomery Township, and active members of numerous volunteer civic organizations in the Township, would like to make a presentation to the Board of Supervisors in recognition of the 175<sup>th</sup> Anniversary of the Limekiln Pike Bridge.

The bridge, located in the Village of Eureka over the Little Neshaminy Creek, was built in 1838 and restored in 2013. It is one of the older examples of stone arch bridges in Pennsylvania and its longevity a testimony to the quality of construction of these historic stone arch bridges.

In recognition of this milestone, Mr. and Mrs. Rodriguez have commissioned a watercolor painting of the bridge by John Maxwell, a local award winning artist, which they would like to present to the Board of Supervisors at this public meeting.

**ZONING, SUBDIVISION OR LAND DEVELOPMENT IMPACT:** None.

**PREVIOUS BOARD ACTION:** None.

**ALTERNATIVES/OPTIONS:** None.

**BUDGET IMPACT:** None.

**RECOMMENDATION:**

It is recommended that the Board of Supervisors adopt the attached resolution recognizing the 175<sup>th</sup> Anniversary of the Limekiln Pike Bridge and expressing appreciation to Mr. and Mrs. Roy Rodriguez for their generous contribution.

**MOTION/RESOLUTION:**

See attached Resolution.

**ROLL CALL:**

Robert J. Birch	Aye	Opposed	Abstain	Absent
Candye Fluehr Chimera	Aye	Opposed	Abstain	Absent
Michael J. Fox	Aye	Opposed	Abstain	Absent
Jeffrey W. McDonnell	Aye	Opposed	Abstain	Absent
Joseph P. Walsh	Aye	Opposed	Abstain	Absent

**DISTRIBUTION:** Board of Supervisors, Frank R. Bartle, Esq.

## RESOLUTION

WHEREAS 2013 marks the 175<sup>th</sup> Anniversary of the Limekiln Pike Bridge over the Little Neshaminy Creek in Montgomery Township; and

WHEREAS the bridge was originally built in 1839 and used to help transport limestone to the limekiln plant in Upper Dublin Township; and

WHEREAS the bridge represents one of the older examples of stone arch bridges built in Pennsylvania; and the bridge's longevity is a testimony to the quality of construction of stone arch bridges in Pennsylvania; and

WHEREAS, Mr. and Mrs. Roy Rodriguez have commissioned a watercolor painting of the bridge to commemorate this anniversary; and

WHEREAS, Mr. and Mrs. Rodriguez have graciously donated the painting to the Montgomery Township Community; and

NOW, THEREFORE BE IT RESOLVED, and it is resolved by the Board of Supervisors of Montgomery Township, that the Board recognizes the 175<sup>th</sup> Anniversary of the Limekiln Pike Bridge over the Little Neshaminy Creek; and

FURTHER BE IT RESOLVED that we hereby accept the generous contribution of Mr. and Mrs. Rodriguez and express our deepest appreciation to Mr. and Mrs. Rodriguez for this contribution, and for their longstanding and unwavering support to the Montgomery Township Community.

RESOLVED this 16<sup>th</sup> day of DECEMBER, 2013.

MONTGOMERY TOWNSHIP BOARD OF SUPERVISORS  
BOARD ACTION SUMMARY

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SUBJECT: Announce Winners of Holiday Lights Contest

MEETING DATE: December 16, 2013

ITEM NUMBER: #8

MEETING/AGENDA:

ACTION

NONE

REASON FOR CONSIDERATION: Operational: Policy: Discussion: xx Information:

INITIATED BY: Sharon Tucker, Recreation Coordinator

BOARD LIAISON: Michael J. Fox, Liaison to  
Park & Recreation Board

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**BACKGROUND:**

The Montgomery Township Administration Department recently completed the 10<sup>th</sup> Annual Holiday Lights Contest. Entries were due on Friday, December 6<sup>th</sup> and judging took place on Wednesday, December 11<sup>th</sup> by representatives from Township staff and the Park and Recreation Board.

Montgomery Township would like to thank the families who decorated their homes and participated in the contest (addresses listed below) and recognize them for their outstanding spirit of the season. All participants will receive a Certificate of Appreciation from the Township. The four winners will also receive a lawn sign and a gift certificate from a local business. Winning categories are: Most Colorful, Most Traditional, Most Variety and Grand Prize Winner – "Car Stopper."

**Participants:**

104 Fairview Drive, Lansdale  
17 Spur Road, Lansdale  
134 Thames Drive, North Wales  
127 Oxford Lane, North Wales  
14 Douglass Road, Lansdale  
1130 West Thomas Road, Lansdale  
106 Kingston Way, North Wales  
109 Kingston Way, North Wales  
105 Mallard Drive West, North Wales  
2012 Highland Court, North Wales

**Winners:**

Most Colorful:	127 Oxford Lane, North Wales
Most Traditional	104 Fairview Drive, Lansdale
Most Variety:	17 Spur Road, Lansdale
Grand Prize Winner – "Car Stopper":	134 Thames Drive, North Wales

**ZONING, SUBDIVISION OR LAND DEVELOPMENT IMPACT:**

None.

**PREVIOUS BOARD ACTION:**

None.

ALTERNATIVES/OPTIONS:

None.

BUDGET IMPACT:

None.

RECOMMENDATION:

Recognize the winners and participants of the 2013 annual Holiday Lights Contest.

MOTION/RESOLUTION:

BE IT RESOLVED by the Board of Supervisors of Montgomery Township that we hereby recognize the winners and participants in the 2013 Holiday Lights Contest as submitted.

MOTION: \_\_\_\_\_ SECOND: \_\_\_\_\_

ROLL CALL:

Robert J. Birch	Aye	Opposed	Abstain	Absent
Candyce Fluehr Chimera	Aye	Opposed	Abstain	Absent
Michael J. Fox	Aye	Opposed	Abstain	Absent
Jeffrey W. McDonnell	Aye	Opposed	Abstain	Absent
Joseph P. Walsh	Aye	Opposed	Abstain	Absent

DISTRIBUTION: Board of Supervisors, Frank R. Bartle, Esq.

MONTGOMERY TOWNSHIP BOARD OF SUPERVISORS  
BOARD ACTION SUMMARY

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SUBJECT: Consider Approval of DVRPC Powerline Trail Connector Feasibility Study

MEETING DATE: December 16, 2013

ITEM NUMBER: #9

MEETING/AGENDA:

ACTION

NONE

REASON FOR CONSIDERATION: Operational: Policy: Discussion: xx Information:

INITIATED BY: Stacy Crandell  
Assistant to the Township Manager

BOARD LIAISON: Joseph P. Walsh, Chairman  
Board of Supervisors

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BACKGROUND:

In December 2011, the Township applied for a grant under Delaware Valley Regional Planning Commission's (DVRPC) Regional Trails Program Phase II Grant Program to conduct a study to determine the most feasible alignment for a trail connection between the proposed Powerline Trail and Route 202 Parkway Trail. The Grant in the award of \$32,000 was awarded to the Township by DVRPC on behalf of the William Penn Foundation in May 2012.

In October 2012, the Board of Supervisors authorized the execution of the grant agreement with DVRPC for the \$32,000 Regional Trails Program Phase II to conduct the Powerline Trail Connector Study.

In January 2013, the Township received a letter from DVRPC to obtain a budget and a professional services scope of work from a consultant who would provide services on this feasibility study. Staff met with Gilmore & Associates, the Township Engineer, to discuss the scope of work on this project.

In March 2013, the Board of Supervisors approved the professional services scope of work and cost proposal from Gilmore Associates for the Powerline Trail Connector Feasibility Study. The amount of their services was covered by the \$32,000 grant from DVRPC and the Township provided a local match of in-kind services of \$8,000.

Over the past several months, Township Staff and Gilmore Associates have performed site tours of each of the possible routes to see which one would be the most feasible. In addition, Gilmore Associates along with Township Staff have attended various public committee meetings to review the findings of the research that was performed. After receiving feedback from property owners, Township Staff, and from various committee meetings, Gilmore Associates has developed the attached feasibility study. It was determined that the most feasible alignment for a trail connection between the proposed Powerline Trail and Route 202 Parkway Trail is going through Commerce Drive.

Attached is the final draft of the Feasibility Study. Chris Green from Gilmore Associates is here to present the Powerline Trail Connector Feasibility Study.

ZONING, SUBDIVISION OR LAND DEVELOPMENT IMPACT:

None.

PREVIOUS BOARD ACTION:

On October 22, 2012, the Board of Supervisors authorized the execution of the grant agreement with DVRPC for the \$32,000 Regional Trails Program Phase II.

On March 25, 2013, the Board of Supervisors approved the professional scope of work from Gilmore Associates in the amount not to exceed \$32,000 to perform the Powerline Trail Connector Feasibility Study.

ALTERNATIVES/OPTIONS:

None.

BUDGET IMPACT:

The grant is for \$40,000 with \$32,000 in grant money with \$8,000 in-kind match donation from Montgomery Township.

RECOMMENDATION:

Staff is recommending the Board approve the Feasibility Study so it can be submitted to DVRPC.

MOTION/RESOLUTION:

BE IT RESOLVED by the Board of Supervisors of Montgomery Township that we hereby approve the Powerline Trail Connector Feasibility Study that recommends Commerce Drive as the most feasible route for the trail connector.

MOTION: \_\_\_\_\_ SECOND: \_\_\_\_\_

ROLL CALL:

Robert J. Birch	Aye	Opposed	Abstain	Absent
Candyce Fluehr Chimera	Aye	Opposed	Abstain	Absent
Michael J. Fox	Aye	Opposed	Abstain	Absent
Jeffrey W. McDonnell	Aye	Opposed	Abstain	Absent
Joseph P. Walsh	Aye	Opposed	Abstain	Absent

DISTRIBUTION: Board of Supervisors, Frank R. Bartle, Esq.

MONTGOMERY TOWNSHIP BOARD OF SUPERVISORS  
BOARD ACTION SUMMARY

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SUBJECT: Consideration - Preliminary/Final Land Development Plan – Chick-Fil-A - LDS #669

MEETING DATE: December 16, 2013

ITEM NUMBER: #10

MEETING/AGENDA: WORK SESSION ACTION XX NONE

REASON FOR CONSIDERATION: Operational: Information: Discussion: XX Policy:

INITIATED BY: Bruce Shoupe

Director of Planning and Zoning

BOARD LIAISON: Joseph P. Walsh

Chairman

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BACKGROUND:

This plan is for the redevelopment of two lots located at 794 and 798 Bethlehem Pike. They are located within the C-Commercial Zoning District. The intended uses are a fast food restaurant with drive-thru and a restaurant with associated retail sales. The site is approximately 2.369 acres. The applicant proposes to consolidate the two lots and then subdivide the consolidated lot into two developable lots. The existing K&G retail store and associated infrastructure will be demolished. The proposal is to construct a 4,791 square foot fast food restaurant (Chick-Fil-A) with a drive-thru and a 5,819 square foot restaurant with associated retail sales. Access from Bethlehem Pike will not be changed. Access to the Montgomery Mall ring road will be relocated.

The Township staff and consultants have reviewed this plan for compliance with Township Codes. Copies of the review letters are attached.

ZONING, SUBDIVISION OR LAND DEVELOPMENT IMPACT:

The Applicant executed an indefinite extension form, which allows unlimited review time by the Township, unless a notice is received from the Applicant that a decision be rendered within 90 days by the Board of Supervisors.

PREVIOUS BOARD ACTION:

None

ALTERNATIVES/OPTIONS:

The Board could deny this plan or approve this plan with the conditions as outlined in the attached resolution.

BUDGET IMPACT:

None.

RECOMMENDATION:

The resolution be adopted by the Board of Supervisors.

MOTION/RESOLUTION:

The Resolution is attached. (The Chairman needs to read only the highlighted portions of the

resolution.)

MOTION \_\_\_\_\_

SECOND \_\_\_\_\_

ROLL CALL:

Robert J. Birch	Aye	Opposed	Abstain	Absent
Candyce Fluehr Chimera	Aye	Opposed	Abstain	Absent
Michael J. Fox	Aye	Opposed	Abstain	Absent
Jeffrey W. McDonnell	Aye	Opposed	Abstain	Absent
Joseph P. Walsh	Aye	Opposed	Abstain	Absent

DISTRIBUTION: Board of Supervisors, Frank B. Bartle, Esq.

**RESOLUTION #**

**MONTGOMERY TOWNSHIP**

**MONTGOMERY COUNTY, PENNSYLVANIA**

**A RESOLUTION GRANTING CONDITIONAL PRELIMINARY/FINAL APPROVAL OF  
THE APPLICATION FOR SUBDIVISION/LAND DEVELOPMENT FOR CHICK-FIL-A,  
794 AND 798 BETHLEHEM PIKE – LDS #669**

The Board of Supervisors of Montgomery Township, Montgomery County, Pennsylvania, hereby resolves to grant conditional, preliminary/final approval of the land development application and plan for **Chick-fil-A, 794 and 798 Bethlehem Pike**, as more fully detailed on the plans listed on Exhibit "A" attached hereto and made part hereof and further conditioned upon the following being satisfied by the Applicant prior to the recording of the final plan:

1. Fulfilling all obligations and requirements of the **Gilmore & Associates, Inc.** letters dated November 4, 2013, September 30, 2013; **Boucher & James, Inc.** letters dated October 31, 2013, September 23, 2013; **Montgomery Township Planning Commission** comments dated November 7, 2013; **Montgomery County Planning Commission** comments dated September 23, 2013; **Traffic Planning and Design, Inc.** letters dated October 31, 2013, September 23, 2013; **Montgomery Township Fire Marshal's Office** comments dated September 11, 2013; **Montgomery Township Police Department** comments dated August 26, 2013; and **Kenneth Amey's** letters dated October 31, 2013, September 30, 2013.
2. The Applicant shall enter into a Land Development Agreement and post financial security for all improvements to the satisfaction of the Township Engineer and Township Solicitor for each phase of this development. The record plan shall indicate each phase.
3. The Applicant shall satisfy the requirements of all Montgomery Township Codes, the Montgomery Township Municipal Sewer Authority and North Wales Water Authority. A copy of the Authorities' permits and/or agreements from the above must be provided to the Township.
4. The Applicant shall be responsible for payment of all Township Consultant fees related to this project.
5. The Applicant shall be responsible for obtaining all other Regulatory Authority Permits having jurisdiction over this project.
6. All future development of this parcel shall be subject to new application and approval by the Board of Supervisors.
7. The applicant must comply with the Zoning Hearing Board's Opinion and Order dated July 2, 2013.
8. All storm water inlets and outfall structures shall be identified in accordance with the PADEP Municipal Separate Storm Sewer Systems requirements.

9. The Applicant acknowledges that Section 205-116 of the SALDO provides for the payment of a fee in lieu of the dedication of parkland for park and recreation purposes. The Applicant hereby agrees to accept the provisions of Section 205-116(A)(2) of the SALDO providing for the payment of \$.50 per square foot for nonresidential development or use up to 10,000 square feet and \$.25 per square foot over 10,000 square feet. This fee must be paid prior to the submission of an application for a building permit. .
10. All signage identified on the plan is not approved unless it conforms to the Township Zoning code or has been granted prior relief from the Zoning Hearing Board.
11. The Applicant shall supply a copy of the documentation Cross Easement, Cross Access Easements and the Access Easement documentation to the ring road to the Township Engineer and its Solicitor for review and approval prior to recording of plan.
12. The Applicant shall execute the required Storm water Management Facilities Maintenance and Monitoring Agreement and Landscaping Declaration of Covenants and Restriction for its benefit and its successors and assigns

**BE IT FURTHER RESOLVED** that the following **waivers are granted to the extent that they concur with the recommendation of the consultants:**

1. Section 205-78.C (1) (f) – the requirement to show tentative grades 400 feet beyond the site. *(The applicant's plan shows the existing conditions, including grading, approximately 25 feet past their property lines. The consultants have no objection to this waiver.)*
2. Section 205-10.H (4) – the requirement that parking aisles be at least 22 feet wide and that angled parking not be permitted. *(The applicant is proposing angled parking on the northern portion of the site in order to promote on-way traffic circulation thru the Chick-fil-A parking area. The consultants have no objection to this waiver.)*
3. Section 205-10.H (6) – the requirement for a loading zone. *(The Zoning Hearing Board approved a variance for this on July 2, 2013. The consultants have no objection to this waiver.)*
4. Section 205-78.A (1) – the requirement that the plans be drawn in a scale of 100 feet to the inch. *(The applicant's plans have been drawn at a scale of 20 feet to the inch. The consultants have no objection to this waiver.)*
5. Section 205-78.B (1) – the requirement to show existing features within 400 feet of the site. *(The applicant has provided an aerial map of the site. The consultants have no objection to this waiver.)*
6. Section 205-79.A (1) – the requirement that a vertical scale of the profile be 4 feet to the inch. *(The applicant's profile utilizes a scale of 2 feet to the inch. The consultants have no objection to this waiver.)*

7. Section 205.18.A (3) (a) – the requirement that the minimum internal diameter of storm drains should be 15 inches. *(Due to the limited cover in the proposed driveway culvert, dual 12 inch pipes are proposed in order to convey the proposed runoff. The consultants have no objection to this waiver.)*
8. Section 205-10.H (7) (b) – the requirement that handicapped parking spaces be 12 feet wide. *(The applicant is proposing 8 feet wide handicap parking stalls per federal ADA requirements. The consultants have no objection to this waiver.)*
9. Section 205-24.A – the requirement for street lighting. *(The applicant is proposing internal lot lights, but is not proposing to install any additional street lighting. The consultants have no objection to this waiver.)*
10. Section 205-52.A (2) (a) – the requirement that street trees be spaced no closer than 40 feet nor further than 50 feet apart. *(Due to conflicts with underground utility lines, driveways and storm water management basin, the spacing between trees is proposed to be less than 40 feet in some areas and greater than 50 feet in other areas. The consultants have no objection to this waiver provided the waiver is limited to the spacing of the street trees,)*
11. Section 205-52.B (2) (a) – the requirement for softening buffers. Specifically, Section 205-52.B (4) (a) requires that 4 shade trees and 8 shrubs be provided for each 100 feet of property perimeter. *(The applicant's plan exceeds the number of required shrubs, but is deficient by thirty-one (31) in the number of shade trees. Adding more trees to the perimeter of the tract will cause trees to be installed with unhealthy spacing and may result in conflicts with underground utilities and other site amenities. The consultants have no objection to this waiver provided that a fee in lieu of the missing plant material is submitted. The plan is missing **31 Shade Trees @ \$350 = \$10,850**)*
12. Section 205-52.D(1)(a) – the requirement to provide 1 shade tree per 10 parking spaces and 6 shrubs for every 2 parking spaces around the entire parking lot perimeter, plus 1 shade tree for each 290 square feet of planting island. *(The plan complies with the total number of shade trees and shrubs but is deficient by nine (9) shade trees required to be planted within internal islands. The addition of more trees within the planting islands will cause conflicts with underground utilities and street lighting. The consultants have no objection to this waiver provided a fee in lieu is provided for the missing plant material. The plan is missing **9 Shade Trees @ \$350 = \$3,150**)*
13. Section 205-52.D(1)(g) – for land uses where the total number of parking spaces exceeds 100, the parking area shall be divided by continuous islands perpendicular to the parking spaces every 124'. Four (4) shade trees and eight(8) shrubs shall be required per 100 linear feet of landscape island. Entrance driveways shall contain on each side four (4) shade trees and eight (8) shrubs per 100 linear feet. The plan is missing ten (10) shade trees. *(The consultants have no objection to this waiver provided a fee in lieu is provided for the missing plant material. The plan is missing **10 shade trees @ \$350 = \$3,500**)*

14. Section 205-53.C and Section 205-54 – the requirement for tree preservation and replacement. A total of 23 replacement trees are required. *(There are no remaining locations to plant additional shade trees on the property without causing conflicts with underground utilities or site amenities. The consultants have no objection to this waiver provided a fee in lieu is provided for the missing plant material. The plan is missing **23 Replacement trees @ \$350 = \$8,050**)*
15. Section 205-52.F (6) – the requirement for storm water management landscaping plant material. *(The consultants have no objection to this waiver provided a fee in lieu is provided for the nine (9) shade trees missing. **9 Shade Trees @ \$350 = \$3,150**)*
16. Section 205-52.G – the requirement for individual lot landscaping. *(The consultants have no objection to this waiver provided a fee in lieu is provided for the missing plant material. The plan is missing two shade trees. **2 Shade Trees @ \$350 = \$700.00**)*
17. Section 230-78.A – the requirement for a 25 foot wide planting area in the front yard. *(The Board of Supervisors have the discretion to waive this requirement. The consultants have no objection to this waiver.)*

This Resolution shall become effective on the date upon which all of the above stated conditions are accepted by the Applicant in writing. If, for any reason, the Applicant fails to acknowledge the acceptance of the conditions contained in this Resolution within ten (10) days from the date of this Resolution, then the Preliminary/Final Plan approval granted herein shall become null and void, the waivers requested shall be deemed denied, and the plan shall be denied for failure to comply with Sections of the Township Zoning Ordinance and/or Township Subdivision and Land Development Ordinance for the reasons cited herein or as set forth in the letters referenced herein.

DULY PRESENTED AND ADOPTED by the Board of Supervisors of Montgomery Township, Montgomery County, Pennsylvania, at a public meeting held this 16<sup>th</sup> day of December, 2013.

MOTION BY:

SECOND BY:

VOTE:

The above conditions are agreed to by the applicant this \_\_\_\_\_  
day of \_\_\_\_\_, 2013.

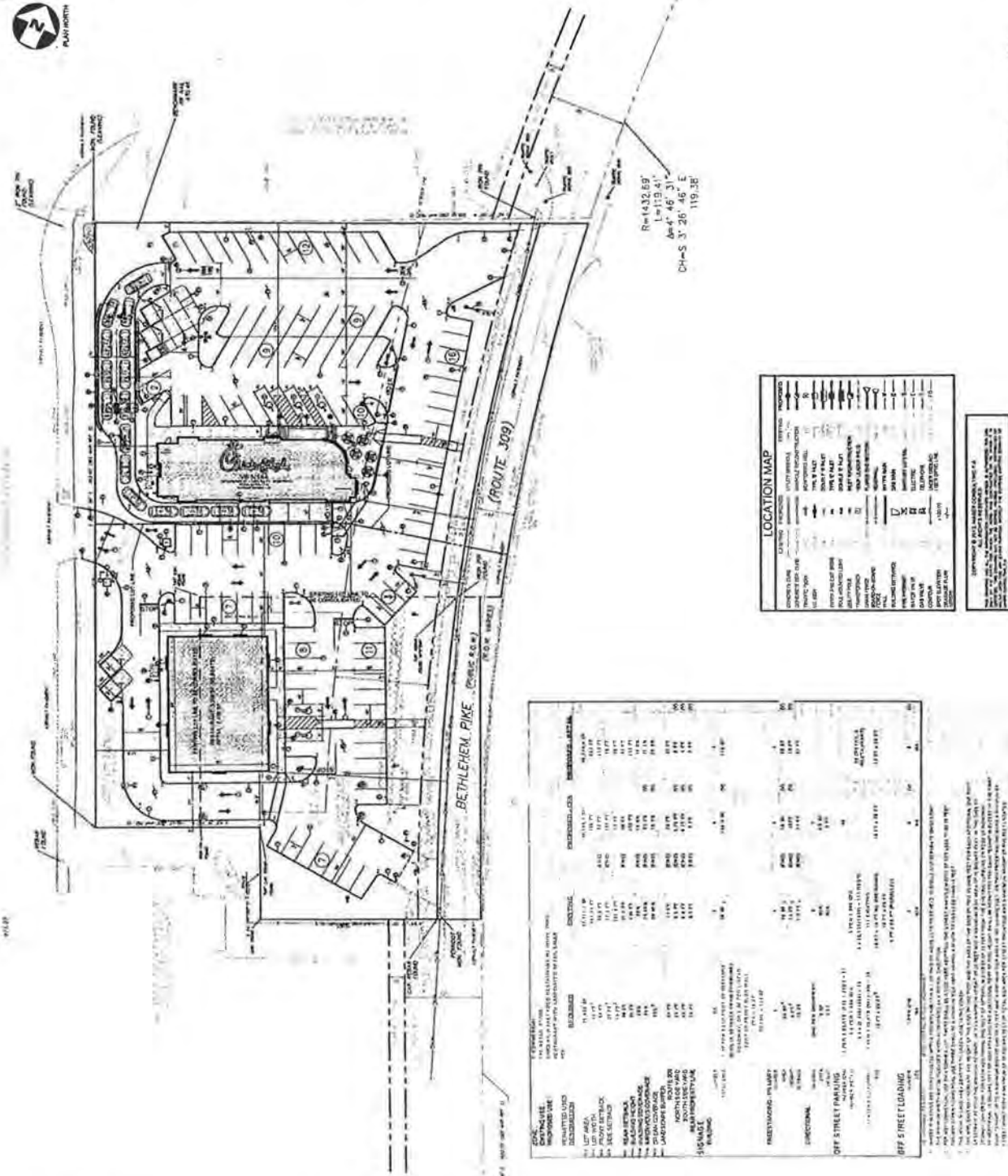
\_\_\_\_\_  
Applicant Signature

xc: Applicant, F. Bartle, R. Dunlevy, B. Shoupe, M. Stoerrle, K. Johnson, J. Stern-Goldstein,  
MCPC, Minute Book, Resolution File, File

EXHIBIT "A"

**PLANS-STUDIES**




<u>DESCRIPTION</u>	<u>ORIGINAL DATE</u>	<u>REVISED DATE</u>
1. Title Sheet	8-2-13	10-2-13
2. Survey Plan	8-2-13	10-2-13
3. Demolition Plan	8-2-13	10-2-13
4. Site Plan	8-2-13	10-2-13
5. Grading and Drainage Plan	8-2-13	10-2-13
6. Construction Details	8-2-13	10-2-13
7. Construction Details	8-2-13	10-2-13
8. Construction Details	8-2-13	10-2-13
9. Construction Details	8-2-13	10-2-13
10. Construction Details	8-2-13	10-2-13
11. Post Construction Stormwater Management Plan	8-2-13	10-2-13
12. Soil Erosion Plan	8-2-13	10-2-13
13. Soil Erosion Notes and Details	8-2-13	10-2-13
14. Landscape Plan	8-2-13	10-2-13
15. Landscape Notes and Details	8-2-13	10-2-13
16. Lighting Plan	8-2-13	10-2-13
17. Utility Site Plan	8-2-13	10-2-13
18. Profiles	8-2-13	10-2-13
19. Stormwater Management Report	8-2013	
20. Stormwater Operations and Maintenance Manual	8-2013	



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 <p><b>Cricket Field</b>          3700 Burlington Road          Atlanta, Georgia          30349-2998          Telephone 404-763-8000</p>		SHEET NO. DATE BY
Seal		
 <p><b>RUSSELL T. McCALL II</b>          PROJECT/DESIGN SUPERVISOR          M.A.S.E. (S.E. No. 3522)</p>		
 <p><b>MASE</b>          Mechanical, Architectural, Structural, Electrical          2000 Peachtree Industrial Blvd., Suite 200          Atlanta, Georgia 30329          Tel: 404-525-1100          Fax: 404-525-1101          E-mail: mase@earthlink.net          Web: www.maseinc.com</p>		
<p><b>STORE</b>          VE N144          794 &amp; 795          DOTHEN PINE          PARCEL ID          # 45-00-00332-00-7 AND          # 45-00-00334-00-4          TOWNSHIP OF          MONTGOMERY          COUNTY          COMMONWEALTH OF PENNSYLVANIA</p>		
SHEET TITLE		
<b>SUBDIVISION EXHIBIT</b>		
DWG. EDITION: 02.#		
<input type="checkbox"/> Is Preliminary <input checked="" type="checkbox"/> IS/ISN: Submitted <input type="checkbox"/> For Construction		
File No.: 12004002 Store: 03222 Date: 9/13/12 Drawn By: CDC Checked By: RTM		
Sheet		
1 OF 1		

## **WAIVER REQUEST LIST**

**For:**

**Chick-fil-A  
794 & 798 Bethlehem Pike  
Montgomery, PA  
Parcel ID No. 46-00-00352-00-7 & 46-00-00346-00-4  
October 4, 2013  
Maser File No. 12000420A**

**Due to the size and scope of the project the applicant is hereby requesting Waivers from the following requirements:**

**Section of Conditionally Exempt  
Site Plan which relief is requested**

**Description of Proposed Waiver**

**Item Number §205-78.C(1)(f)**

**The plans must contain tentative grades to a point 400 feet beyond the boundaries of the subdivision. The applicant's plan show the existing conditions, including grading approximately 25 feet past their property lines. Considering the neighboring lots are completely developed with curbed in parking lots or roadways, the applicant believes the 25 feet of grading is appropriate to prepare an accurate set of design and construction documents.**

**Item Number §205-10.H.(4)**

**The aisle width should be a minimum of 22 feet for both one-way and two-way aisles. The applicant is proposing the one-way driveway on the north side of the Chick-fil-A to have an aisle width of 18 feet. The parking stalls accessed by the 18 foot drive isle are at a 60 degree angle to enforce the one-way flow and allow for customers to easily back out of their spaces into the isle. Gilmore & Associates, Inc has supported this waiver in their September 30, 2013 review letter.**

**Item Number §205-10.H.(6)**

The Subdivision and Land Development Ordinance requires a loading zone. The applicant typically has one to two tractor trailer deliveries per week. The truck will arrive during off peak hours and will utilize the row of parking stalls adjacent to the drive thru lane. All other deliveries will occur via a box truck that can fit in a typical parking stall. It should be noted the Zoning Hearing Board has approved a variance for not providing a loading zone and Gilmore & Associates, Inc has supported this waiver in their September 30, 2013 review letter.

**Item Number §205-78.A.(1)**

The scale should be 100 feet to the inch. The applicant's plans have been drawn at a scale of 20 feet to the inch to create a more legible drawing. Gilmore & Associates, Inc has supported this waiver in their September 30, 2013 review letter.

**Item Number §205-78.B.(1)**

The plans should include the location, names and widths of streets and alleys, including existing streets; the location and names of railroads; the location of property lines and names of owners; and the location of watercourses, sanitary sewers, storm drains and similar features within 400 feet of any part of the land to be subdivided. The plan must show the location and size of all watercourses and the boundaries of the floodplain areas utilizing base flood elevation data available from federal, state and other sources. The applicant has included an aerial map on the Title Sheet, Sheet C0, that shows the streets, businesses, parking lots, and any watercourses within the vicinity of the site. Gilmore & Associates, Inc has supported this waiver in their September 30, 2013 review letter.

**Item Number §205-79.A.(1)**

The vertical scale of the profile should be 4 feet to the inch. The applicants profile utilize a scale of 2 feet to the inch to create

a more legible drawing. Gilmore & Associates, Inc has supported this waiver in their September 30, 2013 review letter.

**Item Number §205-18.A.(3)(a)**

The minimum internal diameter of storm drains should be 15 inches. Due to the limited cover in the proposed driveway culvert, dual twelve (12) inch pipes are proposed in order to convey the proposed runoff. There is not enough room to increase the pipe size. Additionally, four (4) inch underdrains are proposed for the proposed Constructed Filters to ensure positive drainage

**Item Number §205-10.H(4)**

In accordance with the chart found in 205-10.H(4), parking aisles must be at least 22 feet wide and angled parking is not permitted. The applicant is proposing angled parking on the northern portion of the site in order to promote one-way traffic circulation thru the Chick-fil-A's parking area. The proposed parking layout meets the recommended standards within the Urban Land Institute Dimensions of Parking. Traffic Planning and Design, Inc. has supported this waiver in their September 23, 2013 review letter.

**Item Number §205-10.H(7)(b)**

The handicapped parking spaces must be 12 feet wide. The applicant is proposing 8 foot wide handicap parking stalls per federal ADA requirements. Traffic Planning and Design, Inc. has supported this waiver in their September 23, 2013 review letter.

**Item Number §205-24.A**

Street lighting shall be installed along each street in each subdivision and along each street front abutting a public street in each land development by the developer and at the expense of the developer, unless specifically waived by the Board of Supervisors. The applicant is proposing internal lot lights, but is not

proposing to install any additional street lighting. There is no existing street lighting along Bethlehem Pike. Traffic Planning and Design, Inc. has supported this waiver in their September 23, 2013 review letter.

**Item Number §205.51 Section 11**

A replacement tree plant schedule using the trees proposed for replacement of existing trees of eight-inch or greater caliper destroyed by development. The schedule shall indicate the botanical and common name, height, spread, caliper, quantity and special remarks for all proposed replacement trees. This may be made a part of the general plant schedule. Due to spatial constraints, no trees are being provided to specifically replace the existing trees to be removed. A waiver is required for this condition. All trees being removed are located within planting islands constructed in connection with the previous development. No naturally occurring trees are being removed.

**Item Number §205-52.A(2)(a)**

Requires that street trees shall be spaced to permit the healthy growth for each tree, but in no instance shall they be closer than 40 feet on center nor further than 50 feet on center for each side of the street. The plans should be revised to demonstrate compliance with the Street Tree requirements provided under SLDO Section 205.52.A, or a waiver would be required. Street trees are provided along the property frontage. However, due to conflicts with underground utility lines, driveways, and the proposed stormwater management basin, the spacing between trees is less than 40' in some areas, and greater than 50' in other areas. Where the spacing is less than 40', columnar trees are used to permit proper growth.

**Item Number §205-52.B(2)(a)**

States that softening buffers are required in all Zoning Districts and for all uses. SLDO Section 205-52.B(4)(a) requires that four (4) shade trees and eight (8) shrubs shall be provided for each 100 feet of property perimeter. The plans should be revised to demonstrate compliance with the ordinance requirements, or a waiver would be required. Calculations demonstrating conformance with the softening buffer requirements have been added to the Landscape Plan. As shown, the plan exceeds the number of required shrubs but is deficient in the number of shade trees. Adding more trees to the perimeter of the tract will cause trees to be installed with unhealthy spacing and may result in conflicts with underground utilities, curbs, sidewalks, lighting, and other site amenities.

**Item Number §205-52.D(1)(a)**

Table 1 requires the provision of one (1) shade tree per ten (10) parking spaces within the entire lot and six (6) shrubs for every two (2) spaces around the entire parking lot perimeter, plus one shade tree per each 290 square feet of planting island. The plans should be revised to demonstrate compliance with the ordinance requirements, or a waiver would be required. Calculations demonstrating conformance with the Parking Lot Landscape requirements have been added to the Landscape Plan. As shown, the plan complies with the total number of shade trees and shrubs but is deficient on the number of shade trees planted within internal islands. The addition of more trees within the planting islands will cause conflicts with underground utilities and site lighting.

**Item Number §205-52D(1)(g)**

Requires that for any land use where the total number of parking spaces exceeds 100, the parking area shall be divided by continuous islands perpendicular to the

parking spaces every 124 feet. Four (4) shade trees and eight (8) shrubs shall be required per 100 linear feet of the landscape island. Entrance driveways shall be 20 feet wide and shall contain on each side four (4) shade trees and eight (8) shrubs per 100 linear feet. Snow storage areas shall be provided and planting design shall consider pedestrian circulation. The plans should be revised to demonstrate compliance with the ordinance requirements, or a waiver would be required. A waiver is requested from dividing the proposed parking area with continuous planting islands every 124'. As designed, the proposed parking layout does not contain any areas greater than 124' which would require continuous internal planting islands.

**Item Number §205-53.C and §205-54**

The proposed development will remove 38 trees greater than 8" cal. and less than 23" cal. No trees larger than 23" will be removed. The ordinance requires a 1:1 replacement of trees to be removed in excess of 40%. In this case, a total of 23 replacement trees are required. All trees to be removed were introduced to the site in connection with previous development. Although the plan proposes a total of 51 shade trees and 23 evergreen trees, these are required in connection with other ordinance requirements. There are no remaining locations to plant additional shade trees on the property without causing conflicts with underground utilities, lighting, or other site amenities. No trees are provided to specifically replace the trees being removed.

**And any other waivers as deemed necessary by Montgomery Township.**

Boucher & James  
Waiver Responses

Marita and Bruce— Here are our Chick-Fil-A waiver responses. The plant totals will likely be higher than the applicant expects because the Landscape Architect double- and triple-counted the plant material for a lot of the requirements. Our letter will be out shortly – it's with Kim right now. This is more waivers than what they had in the letter – this is everything in our letter that would need a waiver and also everything they asked for – considering they're saying they can't fit any more trees on the site, I figure they're going to want the waivers. Let me know if you have any questions.

Val

Chick-Fil-A Waiver Request Responses

ZO Section 230-78.A: 25' planting area in front yard may be waived at the discretion of the Board of Supervisors. We have no objection.

SLDO Section 205-51.A(11): Replacement Tree Schedule. No waiver is required as no replacement trees are proposed.

SLDO Section 205-52.A(2)(a): Street Trees shall be spaced no closer than 40' on center nor further than 50' on center. We have no objection to this waiver request provided the waiver is limited to the spacing of the street trees.

SLDO Section 205-52.B(4)(a) Softening Buffers:. We have no objection to this waiver request provided a fee-in-lieu is provided for the missing plant material.

The plan is missing thirty-one (31) shade trees.

SLDO Section 205-52.D(1)(a) Parking Lot Landscaping. We have no objection to this waiver request provided a fee-in-lieu is provided for the missing plant material.

The plan is missing nine (9) shade trees.

SLDO Section 205-52.D(1)(g): Parking Islands. We have no objection to this waiver request.

SLDO Section 205-52.F(6) Stormwater Management Landscaping. We have no objection to this waiver request provided a fee-in-lieu is provided for the missing plant material.

The plan is missing nine (9) shade trees

SLDO Section 205-52.G: Individual Lot Landscaping. We have no objection to this waiver request provided a fee-in-lieu is provided for the missing plant material.

The plan is missing two (2) shade trees.

SLDO Section 205-52.C and 205-54 Replacement Trees. We have no objection to this waiver request provided a fee-in-lieu is provided for the missing plant material.

The plan is missing twenty-three (23) replacement trees.

Total Missing Plant Material:

Fifty-one (51) Shade Trees @ \$375 = \$19,125

Twenty-Three (23) Replacement Trees @ \$275 = \$6,325

Total = \$25,450



**GILMORE & ASSOCIATES, INC.**  
ENGINEERING & CONSULTING SERVICES

November 4, 2013

File No. 12-04032

Bruce S. Shoupe, Director of Planning and Zoning  
Montgomery Township  
1001 Stump Road  
Montgomeryville, PA 18936-9605

Reference: Chick-fil-A Preliminary/Final Subdivision & Land Development – LD/S #669  
794 & 798 Bethlehem Pike  
Tax Block #46-00-00352-00-7 & 46-00-00346-00-4 Tax Units #10-36 & 10-14

Dear Bruce:

Pursuant to your request, Gilmore & Associates, Inc. has reviewed the preliminary/final subdivision and land development plans for the above-referenced project and offers the following comments for consideration by the Montgomery Township Board of Supervisors:

**I. SUBMISSION**

- A. Preliminary and Final Site Plans, as prepared by Maser Consulting P.A., twenty-two (22) sheets, dated August 2, 2013 and last revised October 2, 2013.
- B. Stormwater Management Report, as prepared by Maser Consulting P.A., dated October 2013.
- C. Geotechnical Engineering Exploration and Analysis, as prepared by Giles Engineering Associates, Inc., dated October 3, 2013.
- D. Response Letter, as prepared by Maser Consulting P.A., dated October 4, 2013.
- E. The proposed Sanitary Sewer Easement Description, as prepared by Maser Consulting P.A., dated October 3, 2013.
- F. Waiver Request List, as prepared by Maser Consulting P.A., dated October 4, 2013.
- G. The Deed of Record, Landscape Cost Estimate, and Site Photos.

**II. GENERAL**

The subject site is a redevelopment of two lots located at 794 and 798 Bethlehem Pike, Montgomeryville, PA, near the northeast corner of the Montgomery Mall property. The site has access on the east to Bethlehem Pike (S.R. 0309) and on the west to the Montgomery Mall ring road, a private road. The site is within the Commercial (C) Zoning District. The intended uses are a fast food restaurant with drive-thru and restaurant with associated retail sales. The total site is approximately 2.369 acres to the Legal Right-of-Way line. The project proposes to consolidate the two lots and then subdivide the consolidated lot into two developable lots. Then, the project proposes to demolish the existing K&G retail store and associated infrastructure and construct a proposed 4,943 sf fast food restaurant (Chick-fil-A) with drive-thru and a proposed 5,819 sf restaurant with associated retail sales. Also proposed with this application is the construction of other related appurtenances, such as parking areas, utilities, lighting, and stormwater management features. Access from Bethlehem Pike shall remain the same. However, access to the Montgomery Mall ring road will be relocated.

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### III. REVIEW COMMENTS

#### A. Zoning Ordinance

The Applicant was granted the following variances and special exceptions from the Zoning Ordinance by the Zoning Hearing Board of Montgomery Township at a Public Hearing held on July 2, 2013. The 'Conditions of Approval' shall be added to the Site Plan, sheet C2.

1. In the event that the Board of Supervisors requires the lot-line adjustment subdivision of the property, the following relief was granted relative to the Chick-fil-A Restaurant lot: 1) Variances from §230-77.F, §230-77.G, §230-78.A, §230-78.B, §230-127.A.4.b(1), §230-127.A.2.a, §230-127.A.4.b(3), and §230-137, and 2) Special Exceptions pursuant to §230-135 and §230-156.4.A.
2. In the event that the Board of Supervisors requires the lot-line adjustment subdivision of the property, the following relief was granted relative to the Restaurant/Retail building lot: 1) Variances from §230-78.A, §230-127.A.4.b(1), and §230-137, and 2) Special Exception pursuant to §230-135.
3. In the event that the Board of Supervisors should require the consolidation of the property, the following relief was granted: 1) Variances from §230-77.F, §230-77.G, §230-78.A, §230-78.B, §230-127.A.4.b(1), §230-127.A.2.a, §230-127.A.4.b(3), and §230-137, and 2) Special Exception pursuant to §230-156.4.A.

The relief set forth above is subject to the following conditions:

1. The Applicant shall obtain subdivision/land development approval from the Board of Supervisors.
2. The Applicant shall obtain the required cross easements to provide for parking on the adjacent property.
3. The signage shall conform with Exhibit A-17.

Based on our review the following items do not appear to comply with the Zoning Ordinance. Upon further development of the plans additional items may become apparent.

1. §230-77.D. – The proposed information for both CFA and Retail in the zoning chart on the Title Sheet, sheet C0, does not appear to match the information on the Site Plan, sheet C2, and should be revised accordingly, since a variance was not granted from this section of the Ordinance.
2. §230-78.A. – The proposed information for both CFA and Retail for along Route 309 in the zoning chart on the Title Sheet, sheet C0, should be revised to represent the distance from the back of curb to the closest part of the parking area, since a variance was not granted for along Route 309.
3. The following information in the zoning chart on the Title Sheet, sheet C0, does not appear to have received a variance, and therefore, the '(V)' symbol should be removed: Proposed Retail for impervious coverage, green coverage and number of directional signs, and Proposed CFA for number of directional signs.

#### B. Subdivision and Land Development Ordinance

The Applicant is requesting the following waivers from the Subdivision and Land Development Ordinance (SALDO). A 'List of Waivers Requested' shall be added to the Site Plan, sheet C2:

1. §205-10.H.(4) – A waiver is requested from the park lot dimension requirements that the aisle width be a minimum of 22 feet for both one-way and two-way aisles and that spaces be oriented 90 degrees to the drive aisle. The Applicant is proposing the one-way driveway on the north side of Chick-fil-A have an aisle width of 18 feet with spaces oriented at 60 degrees. We recommend consideration of this waiver since the proposed parking stalls are at a 60° angle.
2. §205-10.H.(6) – A waiver is requested from the requirement of off-street loading areas. The Applicant was granted relief from the requirement of an off-street loading space under the Zoning Ordinance. We recommend consideration of this waiver.
3. §205-10.H.(7)(b) – A waiver is requested from the requirement that the required off-street parking spaces for the physically handicapped be a minimum of 12 feet wide. The Applicant is proposing 8 foot wide handicap parking stalls per federal ADA requirements. Traffic Planning and Design, Inc. recommends consideration of this waiver.
4. §205-18.A.(3)(a) – A waiver is requested from the requirement that the minimum internal diameter of storm drains be 15 inches. The Applicant is proposing two (2) twelve (12) inch pipes as the driveway culvert under the Montgomery Mall ring road entrance. We recommend consideration of this waiver due to the cover constraints imposed in this location and conditioned upon the Applicant lowering the two (2) pipes to ensure that the manufacturer's recommended cover of 12 inches from the outside wall of the pipe is met.
5. §205-24.A – A waiver is requested from the requirement that street lighting be installed along each street in each subdivision and along each street front abutting a public street in each land development by the developer and at the expense of the developer. The Applicant is proposing internal lot lights, but is not proposing to install any additional street lighting. There is no existing street lighting along Bethlehem Pike. Traffic Planning and Design, Inc. recommends consideration of this waiver.
6. §205-51.A.(11) – A waiver is requested from the requirement that a replacement tree plant schedule using the trees proposed for replacement of existing trees of eight-inch-or-greater caliper destroyed by development be shown on the Landscape Plan. The Applicant is providing no trees to specifically replace the existing trees to be removed due to spatial constraints. All trees being removed are located within planting islands constructed in connection with the previous development. No naturally occurring trees are being removed. We defer recommendation concerning this waiver to the Montgomery Township Landscape Consultant.
7. §205-52.A.(2)(a) – A waiver is requested from the requirement that street trees be spaced to permit the healthy growth of each tree, but in no instance be closer than 40 feet on center nor farther than 50 feet on center for each side of the street. The Applicant is providing street trees along the property frontage. However, due to conflicts with underground utility lines, driveways, and the proposed stormwater management basin, the spacing between trees is less than 40 feet in some areas and greater than 50 feet in other areas. The Applicant is proposing columnar trees in areas where spacing is less than 40 feet to permit proper growth. We defer recommendation concerning this waiver to the Montgomery Township Landscape Consultant.
8. §205-52.B.(2)(a) – A partial waiver is requested from the requirement that softening buffers are required in all zoning districts and for all uses. The Applicant proposes a sufficient number of required shrubs but is deficient in the number of required shade trees for the softening buffers. The Applicant stated that "adding more trees to the perimeter of the tract will cause trees to be installed with unhealthy spacing and may result in conflicts with underground utilities, curbs, sidewalks, lighting, and other site amenities." We defer recommendation concerning this waiver to the Montgomery Township Landscape Consultant.

9. §205-52.D.(1)(a) – A waiver is requested from the requirement from Table 1 requiring the provision of one (1) shade tree per each 290 square feet of planting island. The Applicant stated that "the addition of more trees within the planting islands will cause conflicts with underground utilities and site lighting." We defer recommendation concerning this waiver to the Montgomery Township Landscape Consultant.
10. §205-52.D.(1)(g) – A waiver is requested from the requirement that for any land use where the total number of parking spaces exceeds 100, the parking area shall be divided by continuous islands perpendicular to the parking spaces every 124 feet. The Applicant stated that "the proposed parking layout does not contain any areas greater than 124 feet which would require continuous internal planting islands." We defer recommendation concerning this waiver to the Montgomery Township Landscape Consultant.
11. §205-53.C & §205-54 – A waiver is requested from the requirements of tree preservation and replacement of trees destroyed by development. The proposed development will remove 38 trees greater than 8-inch caliper and less than 23-inch caliper. The ordinance requires a 1:1 replacement of trees to be removed in excess of 40%. Therefore, a total of 23 replacement trees are required. The Applicant stated that "there are no remaining locations to plant additional shade trees on the property without causing conflicts with underground utilities, lighting, or other site amenities. No trees are provided to specifically replace the trees being removed." We defer recommendation concerning this waiver to the Montgomery Township Landscape Consultant.
12. §205-78.A.(1) – A waiver is requested from the requirement that the scale be 100 feet to the inch. We recommend consideration of this waiver since the plans are more legible under the current scale (1"=20').
13. §205-78.B.(1) – A waiver is requested from the requirement that the plans include the location, names and widths of streets and alleys, including existing streets; the location and names of railroads; the location of property lines and names of owners; and the location of watercourses, sanitary sewers, storm drains and similar features within 400 feet of any part of the land to be subdivided. The plan must show the location and size of all watercourses and the boundaries of the floodplain areas utilizing base flood elevation data available from federal, state and other sources. We recommend consideration of this waiver since the Applicant has included an Aerial Map on the Title Sheet depicting this area.
14. §205-78.C(1)(f) – A waiver is requested from the requirement that the plans contain tentative grades to a point 400 feet beyond the boundaries of the subdivision. We recommend consideration of this waiver.
15. §205-79.A.(1) – A waiver is requested from the requirement that the vertical scale of the profile be 4 feet to the inch. We recommend consideration of this waiver since the plans are more legible under the current scale (1"=2').

Based on our review, the following items do not appear to comply with the current Montgomery Township Subdivision and Land Development Ordinance (SALDO). Upon further development of the plans, additional items may become apparent.

1. §205-15.B – All lot corners should be permanently located by a metal pin. The Applicant agrees that if the proposed subdivision is approved, then proposed pins shall be shown on the Site Plan, sheet C2, along the proposed lot line at each change in direction.
2. §205-17.D – All existing concrete curb to remain along Bethlehem Pike and within the ultimate right-of-way was inspected by the Township Engineer during a site visit with the Applicant on October 16, 2013 in order to ensure that they meet the current standards as set forth by the

Township. The Applicant shall revise the plans to illustrate those locations determined during the site visit to be substandard.

3. §205-18.1.C & §205-29 – An Erosion and Sedimentation Control Plan should be submitted to the Montgomery County Conservation District (MCCD). No permit shall be approved unless there has been a plan approved by the MCCD. A NPDES permit must be obtained since the earth disturbance is over one (1) acre.
4. §205-19 – The description of the 'Proposed Sanitary Sewer Easement' has been included with the submission package. The description is based on the location of the existing lot line that divides the two (2) parcels. However, if the Township approves the proposed lot line change, then the description shall be revised based on the easement location being partially within two (2) parcels. Also, the course and distances for the easement, as shown on the Utility Site Plan, sheet PS1, should be added to the Site Plan, sheet C2, with all boundary information included (i.e. along legal right-of-way). A label for this easement should also be added to the Site Plan. Finally, the following comments pertain to the 'Description of Property': 1) the title contains the wrong state (New Jersey), 2) in the first paragraph, "State of Pennsylvania" should be revised to "Commonwealth of Pennsylvania", and 3) in the first paragraph, the Parcel ID# should be revised from 46-00-00352-07 to 46-00-00352-00-7.
5. §205-22 – All existing sidewalk, including curb ramps, to remain along Bethlehem Pike within the ultimate right-of-way was inspected by the Township Engineer during a site visit with the Applicant on October 16, 2013 in order to ensure that it meets the current Township and ADA standards. The Applicant shall revise the plans to illustrate those locations determined during the site visit to be substandard.
6. §205-28.A – No person shall commence or perform any grading, excavation, fill, topsoil removal or removal of vegetative cover without first having obtained a grading permit from the Township Zoning Officer upon the recommendation of the Township Engineer. The applicant will need to apply for a grading permit prior to construction.
7. §205-29.B.(2) – Development plans should adequately handle the velocity of surface water runoff. The size of the rip-rap (R-3) proposed at aprons #1-4 should be identified in the label in plan view on sheets C3, C10, and C12. Also, the information for rip-rap aprons 6A and 6B should be added to the plans. Next, the curb cut calculations in Appendix E and 'Standard E&S Worksheet #20' in Appendix F of the Stormwater Management Report indicates that the curb cuts are 4 feet wide. However, the 'Curb Cut (Flush Curb)' detail on the Post Construction Stormwater Management Plan, sheet C10, indicates a curb cut of 5 feet. This discrepancy should be clarified. Finally, 'Standard E&S Worksheet #20' in Appendix F of the Stormwater Management Report and the 'Rip Rap Apron' detail on Soil Erosion Notes and Details, sheet C13, should be revised so that the width of the apron (Aiw) should extend the full width of the curb cut.
8. §205-29.B.(3) – Whenever feasible, natural vegetation should be retained, protected and supplemented. Temporary tree protection fence should be shown around all existing trees that are to remain on-site. However, tree protection fence should not be installed in areas of proposed grading and should be shown around each individual tree when not considered woodlands. The tree protection fence should be revised on the Demolition Plan, Soil Erosion Plan and Landscape Plan.
9. §205-29.C – Comment relating to the Grading and Drainage Plan, sheet C3:
  - a. The following spot grades appear to be incorrect: 1) spot grade in drive-thru near inlet 3, 2) high point along south side of Chick-fil-A building in drive-thru at building, 3) spot grade along curb near sanitary manhole B-11B, 4) spot grade along curb at curb ramp at northeast corner of restaurant/retail building, and 5) TC and BC near contour 474 near sanitary manhole B-11B.

10. §205-29.C.(3) – Concentration of surface water runoff should only be permitted in swales or watercourses. The Applicant proposes to modify two (2) existing swales located along the western property line. Based on the Title Survey, sheet C1, it appears that the drainage areas to these two (2) swales consist of the grass islands they are located in and any additional runoff directed towards them from the proposed development. Channel calculations should be included in the Stormwater Management Report in order to verify whether temporary/permanent erosion control protection, such as NAG S75, is required in the swales following the completion of the earth disturbance activities in these locations. Also, a detail of the modified swales should be added to the plans.
11. §205-78.A.(3) – The sheet designation and/or sheet number in relation to the total number of sheets in the plan set appear incorrect on the following sheets: 2, 10, 11, and 15.
12. §205-78.C.(1)(b) – Courses and distances should be shown on the proposed subdivision line, ultimate right-of-way line, and any easement lines within the survey of the land to be subdivided.
13. §205-78.C.(1)(c) – The ultimate right-of-way of Bethlehem Pike should be labeled on the Site Plan, sheet C2.
14. §205-79.B – Legal descriptions should be provided for the two (2) proposed lots if the lot line change is approved, as well as, all easements and lands to be dedicated to the Township.
15. §205-79.B.(3) – The signature block for the Planning Commission of Montgomery Township is not required and should be removed from the Title Sheet.
16. §205-100 – A Traffic Management Study may be required. We defer this comment to the Montgomery Township Traffic Engineer.

C. Stormwater Management

Based on our review, the following items do not appear to comply with the Montgomery Township Subdivision and Land Development Ordinance (SALDO) Sections 205-18 and 205-18.1. Upon further development of the plans, additional items may become apparent.

1. §205-18.A.(7) – Manhole and inlet castings, together with their cover or gratings, should conform to Township standards as may be currently in effect. The following details should be added to the plans: inlet box and trash rack.
2. §205-18.A.(8) – Information pertaining to each roof drain (i.e. size, slope and material) should be added to the plans. Also, the invert of both roof drain discharge points should be raised while still maintaining a minimum of one (1) foot of cover in order to prevent runoff from backing up the systems.
3. §205-18.D.(2) – The design criteria for the stormwater detention facility shall be agreed upon by the Township Engineer. Based on the 'Site Runoff' chart for the 'Northwest M-Inlet' on page 8 of the Stormwater Management Report, the values in the 'Prop. To M-Inlet' columns are not consistent with the values calculated in Appendix C for 'Link 5L: Northwest M-Inlet'. This discrepancy should be clarified.
4. §205-18.D.(2) – The design criteria for the stormwater detention facility shall be agreed upon by the Township Engineer. Time of concentration calculations were not provided. The time of concentration shall be the minimum value per the *The Urban Hydrology for Small Watersheds – Technical Release 55* (0.1 hours or 6 minutes) or calculation provided the value of 10 minutes used in the analysis.

5. §205-18.D.(2) – The design criteria for the stormwater detention facility shall be agreed upon by the Township Engineer. Based on the Proposed Drainage Area Map, it appears that 'Drainage Area #9' drains to the Montgomery Mall ring road and ultimately to the 'Northern C Inlet'. However, the calculations in Appendix C of the Stormwater Management Report utilize this drainage area in the 'Northwest M Inlet'. The proposed curb cut should be relocated to capture this drainage area or the calculations revised to reflect the proposed conditions.
6. §205-18.D.(3) – The upstream and downstream invert and length of the equalization pipe (Primary Device) in the 'Summary for Pond 26P: Constructed Filter #1' and (Secondary Device) in the 'Summary for Pond 27P: Constructed Filter #2' in the Stormwater Management Report does not match the information provided on Sheets C3, C10 and C12. All of this information should be revised for consistency.
7. §205-18.1.D.(1)(d)[1] – Based on the 'Record of Subsurface Exploration' in Appendix A of the *Geotechnical Engineering Exploration and Analysis* by Giles Engineering Associates, Inc., it appears that the site is unsuitable for infiltration due to the minimal depth to the limiting zones (seasonal high groundwater table and bedrock). The Applicant proposes two (2) constructed filters to assist in water quality treatment. However, the bottom elevation of the bottom sand filter for both filters appears to be below the groundwater table. We recommend raising the bottom elevation of both filters so that the proposed system is not conveying a portion of the groundwater table since there is an underdrain pipe proposed within each filter.
8. §205-18.1.D.(1)(d)[2] – Constructed Filter #1 is designed utilizing a sand filter with 4" underdrain pipe in order to meet the water quality requirements of the Ordinance. The underdrain pipe should be illustrated in the plan view and connected to the proposed storm sewer system.
9. §205-18.1.D.(1)(d)[2] – The Pond Summary for Constructed Filter #2 in the Stormwater Management Report does not take into account the 15-inch orifice at invert 473.50 that is illustrated on the plans. Runoff from the constructed filter will discharge through the orifice prior to the equalization pipe. Constructed Filter #2 should be redesigned to take into account the orifice.
10. It appears that the information provided in the 'Combined Pipe/Node Report' in Appendix D of the Stormwater Management Report does not match the information provided on the plans in both plan and profile views. Once the plans and report are consistent, a complete review of the plans and profiles will be conducted.
11. Catch basins CB-2, CB-6 and CB-8, as well as, manholes MH-2, MH-5 and MH-6 appear to be mislabeled in the 'Combined Pipe/Node Report' in Appendix D of the Stormwater Management Report and should be revised accordingly.
12. The pipe from manhole 2 to the existing inlet should be designed as an 18-inch pipe since both the pipe upstream and downstream of this pipe is 18-inch.
13. A note should be added to the Grading and Drainage Plan, sheet C3, which states: "Hoods shall be provided within all on-site inlets to prevent debris from entering the subsurface system".
14. The Waiver Request Letter indicates in the waiver request from §205-18.A.(3)(a) that "dual twelve (12) inch pipes are proposed" as the driveway culvert under the Montgomery Mall ring road entrance. The label for the 12-inch pipe on the Grading and Drainage Plan, sheet C3, should be revised to indicate two (2) 12-inch pipes and the length of the pipes. Also, two (2) pipes should be illustrated on the plans.
15. The label for OCS Structure 2A on Sheets C3, C10 and C12 should include the invert for the 5.5 inch orifice.
16. The RIM elevation and outlet pipe invert appear to be incorrect in the 'OCS – Subsurface Manhole Detail' on the Post Construction Stormwater Management Details, sheet C11. Also, the separation of the ladder rungs should be changed from 18" to 12" throughout the detail.

17. The RIM elevation in the label for OCS Structure 1A on Sheets C3, C10 and C12 should be revised to 475.15.

D. General

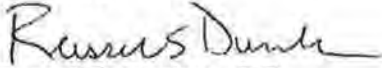
1. Comments relating to the list of 'Variances Granted' on the Title Sheet, sheet C0, and Site Plan, sheet C2:
  - a. Item E under 'Relief Granted relative to the Chick-fil-A Restaurant Lot' does not appear to contain the correct Ordinance section.
  - b. Item F under the 'Alternatively' list does not appear to contain an Ordinance section.
  - c. Item H under the 'Alternatively' list appears to contain a misspelling.
2. The two (2) parking spaces next to the dumpster pad for Chick-fil-A should be separated by a double parallel line.
3. The 55 label should be added to the Site Plan, sheet C2, in the location where the proposed curb meets the existing curb on the north side of the one-way 'IN' driveway.
4. The profile title 'Profile of CFA – San. MH (P1)' on Profiles, sheet PRF, should be revised to 'Profile of CFA – San. MH (B-11C)'.
5. The 'Refuse Enclosure Foundation Plan (Alt)' for Chick-fil-A on Construction Details, sheet C5, should be revised to match the Site Plan, specifically the three (3) equal sections of the concrete pad should equal 24 feet and the width of the two (2) enclosure pads should be 8 feet, as shown on the previous set of plans.
6. All details that are not applicable to this project and are indicated by an 'X' through the detail should be removed from Construction Details, sheet C7.
7. The Applicant should coordinate all proposed improvements along Bethlehem Pike with any on-going or planned PennDOT improvements within the area.
8. The Applicant should obtain all required approvals, permits, declarations of restrictions and covenants, etc. (i.e., PaDEP, PennDOT, Montgomery Township Traffic Engineer, MCPC, MCCD, Montgomery Township Municipal Sewer Authority, NWWA, North Penn Water Authority, MCDH, DRBC, HARB, Fire Marshal, Montgomery Township Lighting Consultant, Montgomery Township Landscape Consultant, etc.). Copies of these approvals and permits should be submitted to the Township and our office.
9. A copy of the letter confirming available sewer capacity should be provided.

Please note that due to the nature and amount of revisions that will be made to the plans and calculations, additional comments may be forthcoming during future plan reviews.

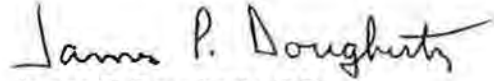
In order to help expedite the review process of the resubmission of the plan, the Applicant should submit a response letter which addresses each of the above comments. Changes that have been made to the application that are unrelated to the review comments should also be identified in the response letter.

If you have any questions regarding the above, please contact this office.

Sincerely,



Russell S. Dunlevy, P.E.  
Executive Vice President  
Township Engineers



James P. Dougherty, P.E.  
Senior Project Engineer  
Township Engineers

RSD/JPD/dcr

cc: Lawrence J. Gregan, Manager – Montgomery Township  
Marita A. Stoerle, Development Coordinator – Montgomery Township  
Kevin Johnson, P.E. – Traffic Planning & Design, Inc.  
Judith Stern Goldstein, ASLA, R.L.A. – Boucher & James, Inc.  
Matthew Stellmaker – Chick-fil-A  
Russell T. McFall II, P.E. – Maser Consulting P.A.  
Douglas C. Rossino, P.E. – Gilmore & Associates, Inc.



**GILMORE & ASSOCIATES, INC.**  
ENGINEERING & CONSULTING SERVICES

September 30, 2013

File No. 12-04032

Bruce S. Shoupe, Director of Planning and Zoning  
Montgomery Township  
1001 Stump Road  
Montgomeryville, PA 18936-9605

Reference: Chick-Fil-A Preliminary/Final Subdivision & Land Development – LD/S #669  
794 & 798 Bethlehem Pike  
Tax Block #46-00-00352-00-7 & 46-00-00346-00-4 Tax Units #10-36 & 10-14

Dear Bruce:

Pursuant to your request, Gilmore & Associates, Inc. has reviewed the preliminary/final subdivision and land development plans for the above-referenced project and offers the following comments for consideration by the Montgomery Township Board of Supervisors:

**I. SUBMISSION**

- A. Preliminary and Final Site Plans, as prepared by Maser Consulting P.A., eighteen (18) sheets, dated August 2, 2013.
- B. Stormwater Management Report, as prepared by Maser Consulting P.A., dated August 2013.
- C. Stormwater Operations and Maintenance Manual, as prepared by Maser Consulting P.A., dated August 2013.
- D. Application for Subdivision and Land Development.

**II. GENERAL**

The subject site is a redevelopment of two lots located at 794 and 798 Bethlehem Pike, Montgomeryville, PA, near the northeast corner of the Montgomery Mall property. The site has access on the east to Bethlehem Pike (S.R. 0309) and on the west to the Montgomery Mall ring road, a private road. The site is within the Commercial (C) Zoning District. The intended uses are a fast food restaurant with drive-thru and restaurant with associated retail sales. The total site is approximately 2.369 acres to the Legal Right-of-Way line. The project proposes to consolidate the two lots and then subdivide the consolidated lot into two developable lots. Then, the project proposes to demolish the existing K&G retail store and associated infrastructure and construct a proposed 4,791 sf fast food restaurant (Chick-fil-A) with drive-thru and a proposed 5,819 sf restaurant with associated retail sales. Also proposed with this application is the construction of other related appurtenances, such as parking areas, utilities, lighting, and stormwater management features. Access from Bethlehem Pike shall remain the same. However, access to the Montgomery Mall ring road will be relocated.

BUILDING ON A FOUNDATION OF EXCELLENCE

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[www.gilmore-assoc.com](http://www.gilmore-assoc.com)

### III. REVIEW COMMENTS

#### A. Zoning Ordinance

The Applicant was granted the following variances and special exceptions from the Zoning Ordinance by the Zoning Hearing Board of Montgomery Township at a Public Hearing held on July 2, 2013. A 'List of Variances and Special Exceptions Granted with Conditions of Approval' shall be added to the Site Plan, sheet C2.

1. In the event that the Board of Supervisors requires the lot-line adjustment subdivision of the property, the following relief was granted relative to the Chick-fil-A Restaurant lot: 1) Variances from §230-77.F, §230-77.G, §230-78.A, §230-78.B, §230-127.A.4.b(1), §230-127.A.2.a, §230-127.A.4.b(3), and §230-137, and 2) Special Exceptions pursuant to §230-135 and §230-156.4.A.
2. In the event that the Board of Supervisors requires the lot-line adjustment subdivision of the property, the following relief was granted relative to the Restaurant/Retail building lot: 1) Variances from §230-78.A, §230-127.A.4.b(1), and §230-137, and 2) Special Exception pursuant to §230-135.
3. In the event that the Board of Supervisors should require the consolidation of the property, the following relief was granted: 1) Variances from §230-77.F, §230-77.G, §230-78.A, §230-78.B, §230-127.A.4.b(1), §230-127.A.2.a, §230-127.A.4.b(3), and §230-137, and 2) Special Exception pursuant to §230-156.4.A.

The relief set forth above is subject to the following conditions:

1. The Applicant shall obtain subdivision/land development approval from the Board of Supervisors.
2. The Applicant shall obtain the required cross easements to provide for parking on the adjacent property.
3. The signage shall conform with Exhibit A-17.

Based on our review the following items do not appear to comply with the Zoning Ordinance. Upon further development of the plans additional items may become apparent.

1. §230-77.A.(2) – The definition of a 'Lot Area' found under §230-5 contains the following: "the area of any lot abutting a street shall be measured to the ultimate right-of-way line." The zoning chart on the Title Sheet, sheet C0, indicates that the lot area for the existing and both proposed lots are based on the legal right-of-way line. These areas should be based on the ultimate right-of-way line. The zoning chart and all information based on these areas shall be revised accordingly.
2. §230-77.A.(3) – The definition of a 'Lot Line' found under §230-5 contains the following: "the lot line for such portion of the lot as abuts such street shall be deemed to be the same as the ultimate right-of-way line." The information in the zoning chart on the Title Sheet, sheet C0, does not appear to be based on the ultimate right-of-way line. These lot widths should be based on the ultimate right-of-way line. The zoning chart shall be revised accordingly.
3. §230-77.B.– The existing and proposed information in the zoning chart on the Title Sheet, sheet C0, does not appear to be based on the ultimate right-of-way line and shall be revised accordingly.
4. §230-77.C.– The project site does not fall under the definition of a corner lot, and therefore, the information pertaining to a side yard on a corner lot shall be removed from the zoning chart on the Title Sheet, sheet C0.

5. §230-77.E, F & G. – These sections of the Ordinance shall be based on the revised Lot Areas as noted in comment 1 above. Also, an impervious surface breakdown should be added to the plans in order to verify these sections of the Ordinance meet the relief granted by the Zoning Hearing Board.
6. §230-78.A. – The zoning chart on the Title Sheet, sheet C0, should be revised in order to match the Zoning Hearing Board Decision as referenced above. All sections should contain values not "N/A".
7. §230-78.D. – Driveway access to state highways shall be subject to the permit process of the Pennsylvania Department of Transportation (PennDOT). Since the proposed project is a change in use, PennDOT should be consulted to determine if a Highway Occupancy Permit is required. The Applicant does not currently propose any reconstruction within the ultimate right-of-way.
8. §230-131 – A note shall be added to the plans which states: "All details and information provided on the plans in relation to any sign other than standard directional and roadway signs, such as monument, drive-thru and wall mounted signs, shall be reviewed for compliance upon filing of a sign application with the Building Department of Montgomery Township."
9. §230.156.4.D – The outdoor dining area should be physically separated from the sidewalk by a railing so that the dining area does not infringe on the public sidewalk for pedestrians going to the east parking lot and Bethlehem Pike sidewalk.
10. All zoning information based on the proposed conditions should be illustrated on the Site Plan, sheet C2. This includes lot width and all lot line setbacks with dimensions for each proposed lot, including dimensions to the proposed structures. An outline of the allowable building area should be illustrated.

B. Subdivision and Land Development Ordinance

The Applicant is requesting the following waiver from the Subdivision and Land Development Ordinance (SALDO):

1. §205-78.C(1)(f) – A waiver is requested from the requirement that the plans contain tentative grades to a point 400 feet beyond the boundaries of the subdivision.

Based on our review, the following items do not appear to comply with the current Montgomery Township Subdivision and Land Development Ordinance (SALDO). Upon further development of the plans, additional items may become apparent.

1. §205-10.G – Driveway access to state highways shall be subject to the permit process of the Pennsylvania Department of Transportation (PennDOT). Since the proposed project is a change in use, PennDOT should be consulted to determine if a Highway Occupancy Permit is required. The Applicant does not currently propose any reconstruction within the ultimate right-of-way.
2. §205-10.G.(1) – Driveways should be so located as to provide adequate sight distance at intersections with streets. Sight distance for the one-way out driveway should be added to the Site Plan, sheet C2.
3. §205-10.G.(4) – Driveways should be located as far from street intersections as is reasonably possible but not less than 100 feet. The existing one-way in driveway is within 100 feet of the lighted intersection for the Montgomery Mall access road. We defer this comment to the Montgomery Township Traffic Engineer.

4. §205-10.G.(8) – Clear-sight triangles should be provided where driveways intersect streets. A clear-sight triangle should be added to the Site Plan, sheet C2, for the one-way out driveway.
5. §205-10.G.(9) – Driveways should be posted with signs reading “No parking by order of the Fire Marshal”.
6. §205-10.H.(4) – The aisle width should be a minimum of 22 feet for both one-way and two-way aisles. The Site Plan indicates that the one-way driveway on the north side of Chick-fil-A has an aisle width of 18 feet. We would support a waiver from this requirement since the proposed parking stalls are at a 60° angle.
7. §205-10.H.(4) – All parking spaces shall be marked with all-weather paint with double parallel lines to be a minimum of six inches apart to separate each space. The site details indicate all parking spaces to be marked with single lines. The plan views and ‘Standard Parking Stall’ detail located on Construction Details, sheet C4, should be revised accordingly.
8. §205-10.H.(5) – There are several aisles where illegal parking is possible. These aisles should be posted with “No parking by Order of the Fire Marshal”.
9. §205-10.H.(6) – The Applicant was granted relief from the requirement of an off-street loading space under the Zoning Ordinance. We would support a waiver from the requirement of an off-street loading area under SALDO.
10. §205-10.H.(7)(d) – The above ground sign for a handicap parking space should be in accordance with Pennsylvania Department of Transportation (PennDOT) Publication 236M. The ‘Directional Signage’ detail on Construction Details, sheet C4, should be revised so that the handicap parking signs reference the pertinent PennDOT designation such as R7-8, R7-8B and R7-8F.
11. §205-15.B – All lot corners should be permanently located by a metal pin. Proposed pins should be shown on the Site Plan along the proposed lot line at each change in direction.
12. §205-17.A – The ‘Typical Pavement Section’ detail on Construction Details, sheet C6, should be revised to include currently accepted superpave nomenclature.
13. §205-17.D – All existing concrete curb to remain along Bethlehem Pike and within the ultimate right-of-way should be inspected by both the Township and PennDOT in order to ensure that they meet the current standards as set forth by the Authority having jurisdiction. The Applicant should be required to reconstruct any portion of the existing curb which does not meet these current standards.
14. §205-17.D.(1) – Concrete curb should be placed along all commercial driveways and parking lots. There is no curbing proposed along a portion of the one-way in driveway from the ultimate right-of-way line to the existing curb in Bethlehem Pike. The proposed curb should be extended to the existing curb in Bethlehem Pike.
15. §205-17.D.(2) – The minimum specification for the construction of concrete curbs should be a seven-by-eight-by-eighteen-inch concrete curb in accordance with the specifications of the Pennsylvania Department of Transportation Form 408. The ‘18” Concrete Curb’ detail on Construction Details, sheet C5, should be revised so that the dimension across the top of the curb is 7 inches.
16. §205-17.D.(3) – In accordance with Appendix A of the Subdivision and Land Development Ordinance, a note should be added to the ‘18” Concrete Curb’ and ‘Curb Cut (Flush Curb)’ details on Construction Details, sheets C5 and C7, and Post Construction Stormwater Management Plan, sheet C9, stating that Aquaron 2000 Sealing and Curing or approved equal must be applied to concrete curbing immediately upon the removal of the formwork.

17. §205-17.D.(4) – Concrete curbs should be constructed in accordance with the standard detail design specifications set forth in Appendix A of this Ordinance. The 'Curb Cut (Flush Curb)' detail on Construction Details, sheet C7, and Post Construction Stormwater Management Plan, sheet C9, should be revised in accordance with these design specifications, specifically, the 18" dimension should be revised to 18½" in order to have a one inch slope across the curb and the curb cut should be 5 feet not 5 inches.
18. §205-18.1.C & §205-29 – An Erosion and Sedimentation Control Plan should be submitted to the Montgomery County Conservation District (MCCD). No permit shall be approved unless there has been a plan approved by the MCCD. A NPDES permit must be obtained since the earth disturbance is over one (1) acre.
19. §205-19.A – On Profiles, sheet PRF, two additional electric/telephone service (T/E) crossings and one electric (E) crossing should be added to the 'Profile of Prop. Retail – Exist. San. MH'.
20. §205-19.A.(1) – On the Utility Site Plan, sheet PS1, the portion of the proposed sanitary sewer from manhole structure P1 to both grease traps is labeled 8" on the plan and associated profile. However, both lines are also labeled with the number "27" which correlates in the legend to using a 6" sanitary sewer line. The "27" label should be revised to a "1" label for both lines on the plan.
21. §205-19.A.(2) – The following details should be added to the Construction Details: sanitary sewer manhole with frame and lid, and both temporary and permanent utility trench backfill in structural and non-structural areas for copper, ductile iron, and pvc pipe.
22. §205-22 – All existing sidewalk, including curb ramps, to remain along Bethlehem Pike within the ultimate right-of-way should be inspected by the Township in order to ensure that it meets the current Township and ADA standards. The Applicant should be required to reconstruct any portion of the existing sidewalk and curb ramps that do not meet these current standards.
23. §205-22.A – The current sidewalk configuration illustrates that the curb cut near the southeast corner of the Chick-fil-A building next to the parking stall directs pedestrians into the parking stall. This portion of sidewalk should be redirected south through the grass island and out to the drive aisle for better access by pedestrians. Also, the crosswalk near the southeast corner of the Retail building directs pedestrians across the driveway to a curbed island. This crosswalk is not required and should be removed from the plans.
24. §205-22.B – The minimum specification for sidewalks should be non-monolithic 4,000 pounds per square inch (psi) concrete at a minimum of four (4) feet in width. The following details on Construction Details, sheet C4, should be revised: 1) the 'Sidewalk Handicap Ramp' detail should be revised so that the monolithic concrete handicap ramp notation is 4,000 psi with no monolithic notation, 2) the 'Handicap Ramp w/Flared Sides' detail should be revised so that the minimum ramp width is four (4) feet, 3) the 'Returned Curb Handicap Ramp' detail should be revised so that the dimensions of the flush and standard curbing meet the standard curbing specifications, and 4) the 'Typical Concrete Sidewalk' detail should be revised so that the concrete strength notation is 4,000 psi.
25. §205-22.C – In accordance with Appendix A of the Subdivision and Land Development Ordinance, a note should be added to all sidewalk details on Construction Details, sheet C4, stating that Aquaron 2000 Sealing and Curing or approved equal must be applied to concrete curbing immediately upon the removal of the formwork.
26. §205-24 – We defer the review of the Lighting Plan to the Montgomery Township Lighting Consultant.

27. §205-28.A – No person shall commence or perform any grading, excavation, fill, topsoil removal or removal of vegetative cover without first having obtained a grading permit from the Township Zoning Officer upon the recommendation of the Township Engineer. The applicant will need to apply for a grading permit prior to construction.
28. §205-28.D(2) – After final grading there should be a minimum of eight (8) inches of topsoil on the entire site other than that portion of the site where there are buildings or other impervious surface coverage. There shall be no release of excess topsoil from the site until examination by the Township Engineer. A note stating the above should be added to the Grading and Drainage Plan.
29. §205-29.B.(2) – A listing of on-site soils, including limitations, hydric soils, and hydrologic soil classification, should be added to the Survey Plan and Soil Erosion Plan.
30. §205-29.B.(2) – Development plans should adequately handle the velocity of surface water runoff. All rip-rap aprons on the plans, including those at the curb cuts, should be numbered and should correlate with the numbers in Appendix E and 'Standard E&S Worksheet #20' in Appendix F of the Stormwater Management Report. Also, all outlet protection, including conduit, should be designed based on the 100-year storm frequency. Once the plans and report are consistent and designed based on the 100-year storm frequency, a complete review of the rip-rap apron designs will be conducted. Also, the 'Rip Rap Apron' detail on Post Construction Stormwater Management Plan, sheet C9, and Soil Erosion Notes and Details, sheet C11, should be revised to include all of the information in Worksheet #20.
31. §205-29.B.(3) – Whenever feasible, natural vegetation should be retained, protected and supplemented. Temporary tree protection fence should be shown around all existing trees that are to remain on-site. The tree protection fence should be shown on both the Soil Erosion Plan and Landscape Plan. Also, the 'Sequence of Development' on Soil Erosion Notes and Details, sheet C11, should be revised accordingly.
32. §205-29.B.(9) – Sediment in the runoff water should be trapped until the disturbed area is stabilized. The 'Soil Erosion Legend' on the Soil Erosion Plan, sheet C10, indicates that 30" reinforced silt fence shall be installed throughout the site. However, 'Standard E&S Worksheet #3' in Appendix F of the Stormwater Management Report indicates that 18" standard silt fence shall be used "downstream of improvements around site". Also, only an 18" standard silt fence detail has been included on Soil Erosion Notes and Details, sheet C11. The Applicant should clarify which type of silt fence is to be utilized throughout the site.
33. §205-29.B.(9) – Sediment in the runoff water should be trapped until the disturbed area is stabilized. Silt fence should be installed along the curb line on the south side of the Montgomery Mall ring road entrance. Also, silt fence should not be proposed in locations where grading is proposed, such as along the property line on the west side of the proposed dumpster pad locations on the restaurant/retail parcel.
34. §205-29.B.(10) – The existing/proposed development contains both a one-way 'IN' and one-way 'OUT' driveway which should function as such during construction. Therefore, a rock construction entrance is not required at the one-way 'IN' driveway and should not be proposed so that contractors do not use this driveway as an exit. Also, 'No Exit' signs should be posted at the one-way 'IN' driveway during construction.
35. §205-29.C – Comments relating to the Grading and Drainage Plan, sheet C3:
  - a. The Applicant should determine if the existing "stone rip rap" located on the adjoining property near the northwest corner of the site is still required. Since the Applicant is proposing disturbance near this location, the stone rip rap could be removed if deemed unnecessary.

- b. The following spot grades appear to be incorrect: 1) high point on the north side of the entrance to the drive-thru, 2) spot grade in drive-thru near inlet 3, 3) high point along south side of Chick-fil-A building in drive-thru at building, and 4) spot grade at southern corner of rain garden #3.
  - c. Spot grades should be added to the following locations: 1) curb ramp at northwest corner of restaurant/retail building, and 2) curb ramp at southeast corner of restaurant/retail building.
  - d. Contours should be added to the following locations: 1) parking island near northeast corner of site (Elev. 475), 2) entrance to restaurant/retail building (Elev. 477), and 3) curb ramp in the middle of rain garden #2 (Elev. 476).
  - e. The following contours should be revised: 1) Elev. 473 in rain garden #3 should extend completely around the inside of the island, 2) Elev. 472 on the south side of the Montgomery Mall ring road entrance should not terminate into the existing curb but should continue back to the headwall, and 3) Elev. 475 near the southwest corner of the site should terminate into the existing contour.
36. §205-29.C.(3) – Concentration of surface water runoff should only be permitted in swales or watercourses. The Applicant proposes to modify two existing swales located along the western property line. Channel calculations should be included in the Stormwater Management Report in order to verify whether temporary/permanent erosion control protection is required in the swales. Also, a detail of the swales should be added to the plans.
37. §205-29.C.(4)(a) – Cut and fill slopes should not be steeper than 2:1 unless stabilized by a retaining wall. Note #3 in the 'Typical Reinforced Wall Section' detail on Construction Details, sheet C8, should be revised so that all retaining wall information is signed and sealed by a PA Professional Engineer.
38. §205-29.C.(4)(k) – Before commencing any excavation or fill which will affect an adjoining property or structures thereon, the person making or causing the excavation to be made shall give written notice to the owners of said adjoining properties or structures not less than 14 days before such excavation is to be made. The Applicant shall notify Montgomeryville Associates Inc. no less than 14 days prior to commencement of work within their property.
39. §205-49.C - Landscape Plans are required to be prepared by a Landscape Architect registered by the Commonwealth of Pennsylvania. The Landscape Plan is sealed with a raised seal of a Landscape Architect registered in the State of New Jersey. The plan should be sealed with a Commonwealth of Pennsylvania seal.
40. §205-51 – We defer the review of the Landscape Plans to the Montgomery Township Landscaping Consultant.
41. §205-78.A.(1) – The scale should be 100 feet to the inch. We would support a waiver request from this section of the Ordinance since the plans are more legible under the current scale.
42. §205-78.A.(3) – Each sheet should be numbered to show its relation to the total number of sheets in the plan set, as "Sheet No.1 of 5 sheets."
43. §205-78.A.(5) – The plans shall be prepared by a Professional Engineer registered in the Commonwealth of Pennsylvania. The plans have been sealed with an embossed seal of the State of New Jersey. The revised plans should be sealed with a seal of the Commonwealth of Pennsylvania. Also, the Engineer's Certification on the Title Sheet should reference the correct Township and date.

44. §205-78.B.(1) – The plans should include the location, names and widths of streets and alleys, including existing streets; the location and names of railroads; the location of property lines and names of owners; and the location of watercourses, sanitary sewers, storm drains and similar features within 400 feet of any part of the land to be subdivided. The plan must show the location and size of all watercourses and the boundaries of the floodplain areas utilizing base flood elevation data available from federal, state and other sources. We would support a waiver request from this section of the Ordinance since the Applicant has included an Aerial Map on the Title Sheet depicting this area.
45. §205-78.C.(1)(b) – The courses and distances should be shown for each of the boundary lines within the survey of the land to be subdivided. Courses and distances should be shown on all boundary lines, including proposed subdivision line, right-of-way lines, including legal and ultimate, and any easement lines. Also, the courses and distances currently shown on the plans should be reviewed for accuracy. Several distances appear to be incorrect.
46. §205-78.C.(1)(c) – The ultimate right-of-way of Bethlehem Pike should be labeled on the plans.
47. §205-78.C.(1)(h) – The plans should include building setback lines, with distances from the ultimate right-of-way line. All building setback lines should be measured and illustrated on the plans from the ultimate right-of-way line of Bethlehem Pike.
48. §205-79.A.(1) – The vertical scale of the profile should be 4 feet to the inch. We would support a waiver request from this section of the Ordinance since the plans are more legible under the current scale.
49. §205-79.B – The Applicant must provide record plans in accordance with the requirements of this section and the table of contents should identify the sheets to be recorded. In addition, legal descriptions should be provided for all proposed lots, easements and lands to be dedicated to the Township.
50. §205-79.B.(3) – The signature block for the Planning Commission of Montgomery Township is not required and should be removed from the Title Sheet. Also, a signature block for a notary public witnessing the signature of the owner and applicant should be added to the Title Sheet.
51. §205-79.B.(3)(a) – A signature block should be added to the Title Sheet for the signature of the registered engineer or surveyor, certifying that the plans represent a survey made by him, that the monuments shown thereon exist as located and that all dimensional and geodetic details are correct.
52. §205-100 – A Traffic Management Study may be required. We defer this comment to the Montgomery Township Traffic Engineer.

C. Stormwater Management

Based on our review, the following items do not appear to comply with the Montgomery Township Subdivision and Land Development Ordinance (SALDO) Sections 205-18 and 205-18.1. Upon further development of the plans, additional items may become apparent.

1. §205-18.A.(1) – The proposed storm sewer system has been designed to convey the 25-year storm frequency, which is acceptable with a minimum of one foot of freeboard in the structures. However, the entire stormwater management system, including storm sewer, should be designed to convey the entire 100-year storm frequency. A 'Combined Pipe/Node Report' for the 100-year storm frequency should be added to Appendix D of the Stormwater Management Report. Also, the minimum time of concentration used for design of the storm sewer system should be 5 minutes.

2. §205-18.A.(3)(a) – The minimum internal diameter of storm drains should be 15 inches. The proposed driveway culvert under the Montgomery Mall ring road entrance is 12" DIP. This pipe section should either be designed to meet the requirements of this section of the Ordinance or a waiver should be requested.
3. §205-18.A.(3)(a) – The minimum grade of storm drains should be  $\frac{1}{2}$  of 1%. All storm sewer not related to the proposed rain gardens should have a minimum slope of 0.5%. The pipe section from Inlet 3 to Inlet 4 appears to have a pipe slope of 0.46% and should be revised accordingly. Also, a waiver should be requested from this section of the Ordinance for the equalization pipes related to the proposed rain gardens.
4. §205-18.A.(3)(b) – Any closed conduit, when flowing full, should have a minimum velocity of 3.5 feet per second (fps). The pipe section from Inlet 3 to Inlet 4 appears to have a velocity of 3.28 fps and should be revised accordingly.
5. §205-18.A.(7) – Manhole and inlet castings, together with their cover or gratings, should conform to Township standards as may be currently in effect. The following details should be added to the plans: inlet box, and inlet and manhole steps.
6. §205-18.A.(8) – Information pertaining to each roof drain and rain garden equalization pipe (i.e. size, slope and material) should be added to the plans. Also, the flared-end sections located at each pipe end within Rain Gardens #1 and 2 should be pulled back into the slope such that no portion of the pipe is exposed. Next, the invert of both roof drain discharge points should be raised while still maintaining a minimum of one (1) foot of cover in order to prevent runoff from backing up the systems. Finally, a minimum of one (1) foot of cover should be maintained over both equalization pipes.
7. §205-18.D.(2) – The design criteria for the stormwater detention facility shall be agreed upon by the Township Engineer. The proposed construction activities for this project are located within two watersheds, Wissahickon Creek and the Little Neshaminy Creek. The Wissahickon Creek does not currently have a separate Stormwater Management Ordinance, and therefore, the design engineer should follow the Township's Subdivision & Land Development Ordinance (SALDO). However, the Little Neshaminy Creek has a separate Stormwater Management Ordinance, which is contained within the Township's SALDO as Appendix B. This Ordinance should be compared to the Township's Ordinance and the stricter of the two Ordinances should be used. Based on this information, the design engineer should reanalyze this site as two separate watersheds with possibly two different design criteria for both rate control and volume control or use the stricter of the two Ordinances for both watersheds.
8. §205-18.D.(2) – The design criteria for the stormwater detention facility shall be agreed upon by the Township Engineer. The on-site soils are Urban Land (UgB) which does not have a hydrologic soil group classification. However, this type of Urban Land most resembles an Abbottstown soil, and therefore, should be classified under hydrologic soil group 'C'. Thus, the runoff curve numbers 'CN' values used in the stormwater calculations should be revised in order to resemble those found under HSG 'C' (i.e. lawn – 74, meadow – 71, impervious – 98).
9. §205-18.D.(2) – The design criteria for the stormwater detention facility shall be agreed upon by the Township Engineer. The *Urban Hydrology for Small Watersheds – Technical Release 55* states that the minimum time of concentration (Tc) used in calculations should be 0.1 hours (6 minutes). The stormwater calculations utilize a minimum Tc of 10 minutes. Thus, the Tc used in the stormwater calculations should be revised using a minimum Tc of 6 minutes.
10. §205-18.D.(2) – The design criteria for the stormwater detention facility shall be agreed upon by the Township Engineer. The narrative portion of the Stormwater Management Report states that the existing conditions were analyzed "with the assumption that twenty percent of the existing impervious surfaces are meadow in good condition." If the stormwater calculations were analyzed using this assumption, then the calculations in Appendix B of the Report should be revised in

order to illustrate the use of meadow conditions. Currently, the existing conditions were analyzed using impervious and lawn coverages.

11. §205-18.D.(2) – The design criteria for the stormwater detention facility shall be agreed upon by the Township Engineer. The entire stormwater management system should be designed to convey the entire 100-year storm frequency. The calculations for the 100-year storm frequency should be added to the Stormwater Management Report.
12. §205-18.D.(3) – The Drainage Area Maps appear to be missing from Appendix H of the Stormwater Management Report. Therefore, the 'Study Areas' as described on pages 4 and 5 of the Stormwater Management Report cannot be reviewed for accuracy. Once the Drainage Area Maps are included in the next submission, a complete review of the stormwater management design will be conducted.
13. §205-18.D.(3) – The inlet and outlet pipe information for outlet control structure (OCS 2A) in the 'Summary for Pond' in the Stormwater Management Report does not match the information provided in the 'OCS – Subsurface Manhole Detail' on the Post Construction Stormwater Management Plan, sheet C9, and the plan view on the Grading and Drainage Plan, sheet C3. All of this information should be revised for consistency.
14. §205-18.D.(3)(c) – The emergency spillway must be designed to carry a one-hundred-year storm after development. Calculations should be provided in the Stormwater Management Report to demonstrate that the emergency spillway for Rain Garden #1 and the emergency overflow weir in outlet control structure (OCS 2A) have been designed to carry the entire one-hundred-year inflow.
15. §205-18.D.(4)(d) – A minimum four-foot-high fence should be installed around the top of all basins, public or private. A fence should be proposed around all of the rain gardens in order to protect the rain gardens from disturbance and create fall protection for pedestrians and motorists. A detail of the fence should be added to the plans.
16. §205-18.1.D.(1)(b)[3], §205-18.1.D.(1)(d)[2], and §205-18.1.D.(1)(d)[3] – The 1-year storm routing shall be provided as required by the Ordinance.
17. §205-18.1.D.(1)(d)[1] – In the narrative section of the Stormwater Management Report, there is a section which discusses a *Geotechnical Engineering Exploration and Analysis* by Giles Engineering Associates, Inc. This report appears to contain the infiltration testing and soil analysis information necessary to determine the feasibility of infiltration on-site. This report appears to be missing from the Stormwater Management Report. Once this report is included in the next submission, a complete review of the stormwater management system will be conducted.
18. §205-18.1.D.(1)(d)[2] – Rain Gardens #1, 2 and 3 are designed utilizing a sand bed of varying depth in order to meet the volume and water quality requirements of the Ordinance. Sand is an excellent filter media; however, it contains a very small void space, usually estimated to be about 10% maximum. The Pond Summary for each of the rain gardens in the stormwater calculations utilizes a void space of 40%. These calculations should be revised so that 10% void space is taken into account in the design in place of 40%.
19. §205-18.1.D.(1)(d)[2] – The Pond Summary for Rain Garden #1 in the Stormwater Management Report does not take into account the equalization pipe that is illustrated on the plans. Runoff from the basin will discharge through the equalization pipe before cresting the broad-crested weir. Rain Garden #1 should be redesigned so that the equalization pipe is the primary discharge and the weir is used as the emergency spillway.
20. §205-18.1.D.(1)(d)[2] – Since the Stormwater Management Report indicates that there is no infiltration within the site based on the testing performed, all three rain gardens should be designed with an underdrain system in order to prevent ponding water and the drowning of the

rain garden plantings. The underdrains should be connected to the proposed storm sewer system.

21. §205-18.1.D.(1)(d)[2] – Rain Garden #3 has currently been designed to discharge runoff across the parking area into the underground detention basin. The rain garden should be redesigned in order to convey the runoff to the basin using an underground storm sewer system.
22. It appears that the information provided in the 'Combined Pipe/Node Report' in Appendix D of the Stormwater Management Report does not match the information provided on the plans in both plan and profile views. Once the plans and report are consistent, a complete review of the plans and profiles will be conducted. However, the following are two minor comments related to the profiles on Profiles, sheet PRF: 1) manhole 2 in 'Profile of Storm Tech – Exist. M Inlet' should illustrate the location of the inflow pipe from Inlet #4, and 2) the gas line shown near OCS 1A in 'Profile of OCS (1A) – Storm Tech' is proposed not existing.
23. A drainage area calculation chart should be added to the Stormwater Management Report in order to review the calculated 'C' values for each inlet in the 'Combined Pipe/Node Report' in Appendix D of the Stormwater Management Report.
24. The following information should be added to the 'Combined Pipe/Node Report' in Appendix D of the Stormwater Management Report: grate elevation, Mannings 'n' value, cover, and hydraulic grade line.
25. An additional line should be added to the 'Combined Pipe/Node Report' in Appendix D of the Stormwater Management Report for pipe run OCS 1A to Inlet #1.
26. Manholes MH-2 and MH-3 appear to be mislabeled in the 'Combined Pipe/Node Report' in Appendix D of the Stormwater Management Report and should be revised accordingly.
27. The minimum cover from the outside top of pipe to finished grade should be 1.5 feet. It appears that this cover constraint is not met at Inlets #1 and 4. These inlets should be revised accordingly.
28. The angle of deflection from the inflow pipe to the outflow pipe within a structure should not be less than 90 degrees. The proposed pipe configuration at Inlet #4 appears to be less than 90 degrees.
29. The island in the parking area to the west of Rain Garden #2 appears to contain a sand bed with underdrain. The Applicant should clarify if this island is part of the rain garden.
30. Outlet control structure (1A) has been designed as an inlet with wingwalls based on the 'OCS Detail (Rain Garden #2) on the Post Construction Stormwater Management Plan, sheet C9. The plan view should be revised in order to illustrate this type of outlet device.
31. It is noted under the 'Stormwater Management Pond' section of the Stormwater Management Report that "hoods will also be provided within all on-site inlets to prevent debris from entering the subsurface system". A detail of the hood should be added to the plans.
32. The following details should be added to the plans: a specific detail of the Storm Tech system as it relates to this site (dimensions, number of pipes, etc.), and rain garden details.
33. The 'Flared End Section' detail on the Post Construction Stormwater Management Plan, sheet C9, should be revised to match the pipes proposed in this project.

D. General

1. The Survey Plan, sheet C1, appears to be missing from the plan set.

2. A copy of the deeds should be submitted to our office for use in review of the boundary information.
3. Utility information is not required on the Record Plan. In order to assist in alleviating congestion on the Site Plan, sheet C2, all utility structures should be removed from the plan.
4. A 'Stop' sign, stop bar, 'Stop' pavement marking, and 'Do Not Enter' sign should be installed at the corner of the grass island on the south side of the one-way 'IN' driveway next to the parking aisle.
5. The refuse enclosure for Chick-fil-A, as shown on the Site Plan, appears adequate for the size and use of the building and matches the detail on Construction Details, sheet C5. However, the refuse enclosure for the restaurant/retail building appears undersized in comparison. Also, the concrete apron does not appear large enough based on the detail. The restaurant/retail building refuse enclosure should be revised accordingly.
6. All details that are not applicable to this project and are indicated by an 'X' through the detail should be removed from Construction Details, sheets C4 – C7.
7. The Applicant should coordinate all proposed improvements along Bethlehem Pike with any on-going or planned PennDOT improvements within the area.
8. The Applicant should obtain all required approvals, permits, declarations of restrictions and covenants, etc. (i.e., PaDEP, PennDOT, MCPC, MCCD, Montgomery Township Municipal Sewer Authority, NWWA, North Penn Water Authority, MCDH, DRBC, HARB, Fire Marshal, etc.). Copies of these approvals and permits should be submitted to the Township and our office.
9. A copy of the letter confirming available sewer capacity should be provided.

Please note that due to the nature and amount of revisions that will be made to the plans and calculations, additional comments may be forthcoming during future plan reviews.

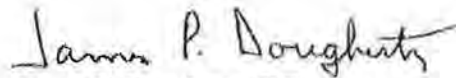
In order to help expedite the review process of the resubmission of the plan, the Applicant should submit a response letter which addresses each of the above comments. Changes that have been made to the application that are unrelated to the review comments should also be identified in the response letter.

If you have any questions regarding the above, please contact this office.

Sincerely,



Russell S. Dunlevy, P.E.  
Executive Vice President  
Township Engineers



James P. Dougherty, P.E.  
Senior Project Engineer  
Township Engineers

RSD/JPD/dcr

cc: Lawrence J. Grogan, Manager - Montgomery Township  
Marita A. Stoerle, Development Coordinator - Montgomery Township  
Kevin Johnson, P.E. – Traffic Planning & Design, Inc.  
Judith Stern Goldstein, ASLA, R.L.A. – Boucher & James, Inc.  
Matthew Stellmaker – Chick-fil-A  
Russell T. McFall II, P.E. – Maser Consulting P.A.  
Douglas C. Rossino, P.E. – Gilmore & Associates, Inc.



**Boucher & James, Inc.**  
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October 31, 2013

Lawrence Gregan, Township Manager  
Montgomery Township  
1001 Stump Road  
Montgomeryville, PA 18936

**SUBJECT: CHICK-FIL-A BETHLEHEM PIKE  
PRELIMINARY/FINAL SUBDIVISION/LAND DEVELOPMENT PLANS  
TOWNSHIP LD/S NO. 669  
PROJECT NO. 1355269R**

Dear Mr. Gregan:

Please be advised that we have reviewed the Chick-Fil-A Preliminary/Final Subdivision and Land Development Plans prepared by Maser Consulting, dated August 2, 2013 and last revised October 2, 2013. The site fronts on Bethlehem Pike, and is located approximately 3,000 feet south of the intersection of Bethlehem Pike and North Wales Road between Bethlehem Pike and the Wegmans Retail Grocery Store. The site is located within the C Commercial District.

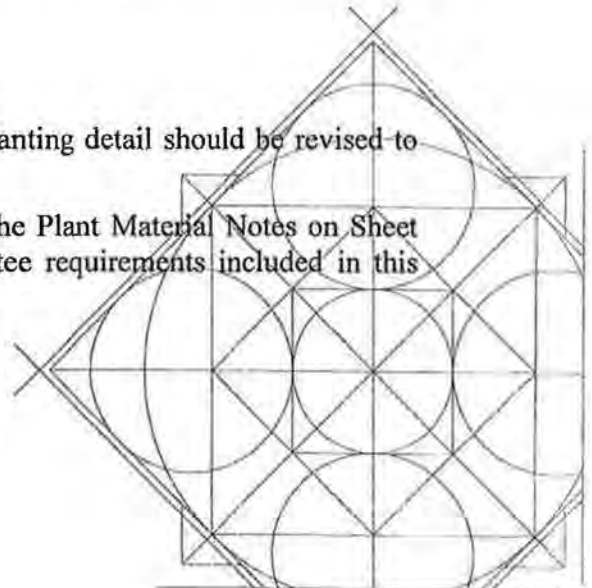
The plans propose the consolidation and then re-subdivision of the two lots within the site, as well as the demolition of the existing retail structure and all associated infrastructure. The plans propose the construction of a 4,943 SF Chick-Fil-A restaurant and another 5,819 SF retail/restaurant structure, as well as associated parking, utilities, lighting, and other infrastructure. Entrance and exit drive locations from Bethlehem Pike are not proposed to be changed. Cross access from the mall is proposed to be realigned. Public water and sewer are proposed.

On July 2, 2013, the Zoning Hearing Board of Montgomery Township granted relief with respect to a number of issues, including impervious coverage, green cover, landscape buffering, bypass lanes, freestanding and other signage, loading spaces, and parking requirements, and outdoor dining.

We offer the following comments for your consideration.

1. General Requirements

- A. SLDO Section 205-49.F: the coniferous tree planting detail should be revised to meet the requirements of SLDO Appendix C.
- B. SLDO Section 205-49.G: Note No. 10 under the Plant Material Notes on Sheet No. L2 should be revised to quote all guarantee requirements included in this ordinance section.



- C. SLDO Section 205-49.H: Note No. 3 under the General Municipal Landscape Requirements on Sheet L1 should be revised to include the dates (May 1 through November 15) during which end of maintenance inspections may be performed.

2. Landscape Plan Requirements

SLDO Section 205-51.A requires that the following information shall be provided in the landscape plan, or a waiver would be required:

- A. Section 1: Location map with zoning district designations for adjacent properties.
- B. Section 2: adjacent zoning district(s).
- C. Section 8: Location of existing and proposed underground, surface, and above-ground utilities including water lines.
- D. Section 18: A detailed cost estimate provided in accordance with this ordinance section shall be attached to the final landscape plan submission after the Board of Supervisors has ruled on any requested waivers and shall be used for the preparation of the land development agreement.

3. Planting Requirements

- A. ZO Section 230-77 requires that the minimum land area devoted to green vegetative cover shall not be less than 25% of the total lot area. On July 2, 2013, the Zoning Hearing Board granted a variance from this requirement.
- B. ZO Section 230-78.A requires that a planting area no less than 25 feet in width shall be provided along all street frontages, and along all sides and rear boundaries. On July 2, 2013, the Zoning Hearing Board granted a variance from the side and rear buffer width requirements. However, a 25' planting area is still required within the front yard. As the front yard abuts the S Shopping Center District (a Commercial District) the required planting area may be waived or reduced if deemed appropriate by the Board of Supervisors in accordance with ZO Section 230-78.A.
- C. Landscape material may not be used to meet multiple ordinance requirements. It appears that large quantities of proposed plant material on the site have been double- and triple-counted toward multiple landscape requirements on the site. The plan should be revised so plants are not counted toward multiple ordinance requirements.
- D. SLDO Section 205-52.A(2)(a): street trees shall be spaced no closer than 40 feet on center nor further apart than 50 feet on center. The street trees have not been provided at the required spacing. A waiver has been requested.
- E. SLDO Section 205-52.A(2)(f): where street trees are to be planted adjacent to utility lines, if it is not possible to locate the trees more than 15-25' away from the lines, the species of street tree is to be changed to a lower growing variety or species. The use of the columnar form tree species *Acer rubrum* 'Armstrong' proposed in the plans is not acceptable.

- F. SLDO Section 205-52.B(4)(a): Fifty-seven shade trees and 114 shrubs are required within softening buffers on the site. One hundred fourteen (114) softening buffer shrubs and 26 softening buffer trees are located on the plans. Thirty-one (31) required softening buffer shade trees have not been provided in the plans. A waiver has been requested.
- G. SLDO Section 205-52.D(1)(a): Ten (10) parking lot shade trees are required. Nine (9) required parking lot shade trees have not been provided in the plans. A waiver has been requested.
- H. SLDO Section 205-52.D(1)(g): the total number of parking spaces exceeds 100, but no perpendicular islands, associated landscaping, or entryway landscaping have been proposed as required by this ordinance section. A waiver has been requested.
- I. SLDO Section 205-52.F(6): seventeen shade trees and 34 shrubs are required within stormwater management facilities. Eight (8) shade trees and 34 shrubs are located on the plans. Nine (9) required shade trees have not been provided in the plans. The plans should be revised to meet this requirement or a waiver would be required.
- J. SLDO Section 205-52.G: three shade trees are required for individual lot landscaping. In accordance with Table 1, Note 1 of the Montgomery Township SLDO, up to 50% of individual lot shade trees may be substituted with evergreen trees at the rate of 2 evergreen trees for each shade tree. Two of the proposed Douglas-fir may substitute for one of the required individual lot shade trees. The remaining two individual lot shade trees should be provided. The plans should be revised to meet this requirement or a waiver would be required.

4. Wegmans and Bertucci's Landscaping

Required landscape material has recently been installed in association with the addition of the adjacent Wegmans retail grocery store and Bertucci's restaurant. It appears that based on the location of the limit of disturbance line shown on Sheet No. C10, the following landscape material will be disturbed:

- Four (4) *Gleditsia triacanthos* var. *inermis* 'Shademaster' – 'Shademaster Thornless Honeylocust'

The following additional installed landscaping also appears to have the potential to be disturbed:

- Eight (8) *Crataegus phaenopyrum* 'Washington' – Washington Hawthorn
- Five (5) *Pseudotsuga menziesii* – Douglas-fir

The plans should be revised to:

- Indicate the location, species and current size of all existing landscaping that is proposed to be disturbed or has the potential to be disturbed,

- Provide replacement, relocation, or adequate protection (not transplant in place) for all disturbed landscaping within the vicinity from which it was disturbed with equivalent material. Plant material is to be replaced at its current size.
- Provide details and specifications for the protection, replacement, or transplantation of the plant material to be protected, replaced, or relocated.
- Provide for an eighteen (18) month maintenance period for replaced or transplanted material and maintenance during the 18 month maintenance period.
- Provide a note indicating that this landscape material may not be used to meet any of the Chick-Fil-A landscaping requirements.
- Provide a note indicating that if any other Wegmans or Bertuccis landscape material is disturbed or removed during the construction process, or dies as a result of disturbance from construction at the Chick-fil-A site, the plant material must be replaced with equivalent plant material of the same size it was when it was disturbed.

5. Preservation, Protection and Replacement of Trees

- A. SLDO Section 205-53.B: trees and shrubs in the vicinity of proposed construction activity on adjacent properties must be protected from damage and encroachment from construction activity through installation of tree protection fencing along the property lines in accordance with the requirements of this ordinance section.
- B. SLDO Section 205-53.B: requires the protection of trees from encroachment by motor vehicles. References to additional mulch layering and timber and steel planking in Note No. 3 should be removed from the Tree Protection Specifications, as this would require the deliberate moving of tree protection fence and additional tree disturbance above and beyond what would be shown on the approved plan set.
- C. SLDO Sections 205-53.C: thirty eight existing trees between 8 and 23" in caliper are proposed to be removed. Twenty-three of these trees are required to be replaced. No replacement trees are proposed. A waiver has been requested.

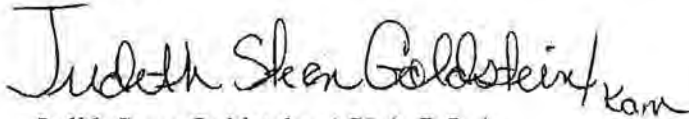
6. Recommended Plant List and Planting Standards and Guidelines

SLDO Section 205-56 provides a list of recommended trees, shrubs, and ground cover for use in Montgomery Township. However, the Board of Supervisors may permit other planting types if they are hardy to the area, not subject to blight or disease, and of the same general character and growth habit as those included in the recommended planting list. *Acer rubrum* 'Armstrong' has been included in the plant schedule. While *Acer rubrum* (Red Maple) is included in the Recommended Plant List, the cultivar *Acer rubrum* 'Armstrong' is a fastigate or upright (columnar) form, which is not of the same character and growth habit of the other shade trees selected for inclusion on the Recommended Plant List. Columnar form trees are not acceptable within Montgomery Township to meet shade tree requirements. We do not recommend the use of these trees on the site.

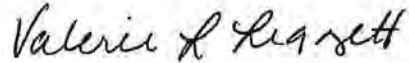
7. General Comments

- A. Plant Material Note No. 5 under the Landscape Notes should be revised to correctly reference the American Standard for Nursery Stock as ANSI Z60.1-2004 (or most recent) by the American Nursery and Landscape Association.
- B. It appears that some of the proposed trees are to be located directly over top of proposed utility lines. The plans should be revised to eliminate any conflicts between trees and existing and proposed utilities.
- C. Due to space constraints, some trees are located less than 5' from curbs sidewalks, and some shrubs are located overtop of utility lines. A note should be added to the plan stating that if shrubs or trees are removed due to work being performed on utilities, paved areas, or within easements on the site, plant material shall be replaced in accordance with the approved plan set.
- D. A detailed response letter addressing the above noted comments and any other changes to the plans should be included with future submissions.

Sincerely,



Judith Stern Goldstein, ASLA, R.L.A.  
Managing Director



Valerie L. Liggett, ASLA, R.L.A.  
Planner/Landscape Architect

JSG/vll/kam

cc: Board of Supervisors  
Planning Commission  
Bruce Shoupe, Director of Planning and Zoning  
Marita Stoerrle, Development Coordinator  
Marianne McConnell, Deputy Zoning Officer  
Frank R. Bartle, Esq., Dischell Bartle & Dooley, PC  
James P. Dougherty, P.E., Gilmore & Associates, Inc.  
Russell S. Dunlevy, P.E., Gilmore & Associates, Inc.  
Kevin Johnson, P.E., Traffic Planning & Design  
Ken Amey, AICP  
Matthew Stellmaker, Chick-Fil-A  
Russell McFall, Maser Consulting



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September 23, 2013

Lawrence Gegan, Township Manager  
Montgomery Township  
1001 Stump Road  
Montgomeryville, PA 18936

**SUBJECT: CHICK-FIL-A BETHLEHEM PIKE  
PRELIMINARY/FINAL SUBDIVISION/LAND DEVELOPMENT PLANS  
TOWNSHIP LD/S NO. 669  
PROJECT NO. 1355269R**

Dear Mr. Gegan:

Please be advised that we have reviewed the Chick-Fil-A Preliminary/Final Subdivision and Land Development Plans prepared by Maser Consulting, dated August 2, 2013. The site fronts on Bethlehem Pike, and is located approximately 3,000 feet south of the intersection of Bethlehem Pike and North Wales Road between Bethlehem Pike and the Wegmans Retail Grocery Store currently under construction. The site is located within the C Commercial District.

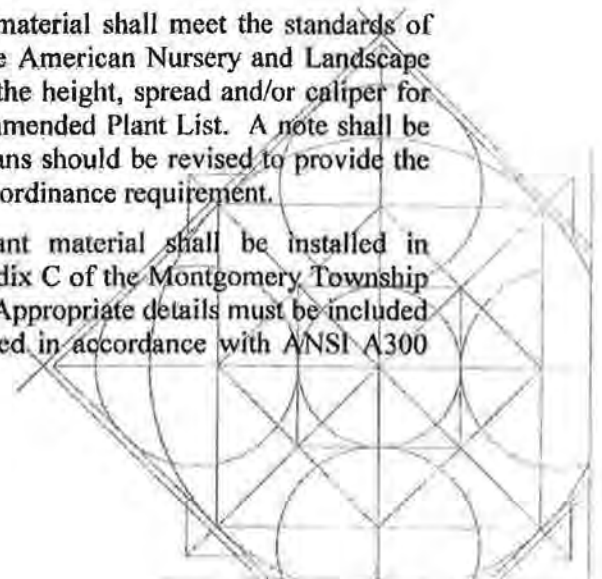
The plans propose the consolidation and then re-subdivision of the two lots within the site, as well as the demolition of the existing retail structure and all associated infrastructure. The plans propose the construction of a 4,791 SF Chick-Fil-A restaurant and another 5,819 SF retail restaurant structure, as well as associated parking, utilities, lighting, and other infrastructure. Entrance and exit driveways from Bethlehem Pike are not proposed to be changed. Cross access from the mall is proposed to be realigned. Public water and sewer are proposed.

On July 2, 2013, the Zoning Hearing Board of Montgomery Township granted relief with respect to a number of issues, including impervious coverage, green cover, landscape buffering, bypass lanes, freestanding and other signage, loading spaces and parking requirements, and outdoor dining.

We offer the following comments for your consideration.

1. General Requirements

- A. SLDO Section 205-49.E requires that all plant material shall meet the standards of the American Standard for Nursery Stock by the American Nursery and Landscape Association (2004), or most recent edition, and the height, spread and/or caliper for trees and shrubs listed in Section 205-56, Recommended Plant List. A note shall be added to the landscape plan stating this. The plans should be revised to provide the note in order to demonstrate compliance with the ordinance requirement.
- B. SLDO Section 205-49.F requires that all plant material shall be installed in accordance with the standards outlined in Appendix C of the Montgomery Township Subdivision and Land Development Ordinance. Appropriate details must be included on the plans. All plant materials shall be pruned in accordance with ANSI A300



pruning standards. A note should be included on the plans in order to demonstrate compliance with the ordinance requirement.

- C. SLDO Section 205-49.G requires that all plant material shall be guaranteed for 18 months from the day of final approval of the landscape installation by the Township Landscape Architect, Township Shade Tree Commission, or the Township Engineer. Any plant material 25% or more of which is dead shall be considered dead. A tree shall be considered dead when the main leader has died or 25% of the crown is dead. Any dead plant material shall be replaced and installed according to the approved planting practices. Note No. 10 under Plant Material under the Landscape Notes indicates a guarantee period of one year. This note should be revised in order to demonstrate compliance with the ordinance requirement.
- D. SLDO Section 205-49.H requires that the developer shall contact the Township in writing to request a final inspection for acceptance at the end of the guaranty period. These inspections will be performed when plant materials are in full leaf only (May 1 through November 15). All guaranty escrow funds will be released upon acceptance at the end of the guaranty period. The guaranty will be extended until 30 days after receipt of the request letter following May 1. Should the end of the guaranty period occur after November 15, the guaranty period shall be extended to May 15. A note should be included on the plans stating this information in order to demonstrate compliance with the ordinance requirement.
- E. SLDO Section 205-49.J requires that street trees shall be a minimum of three inches in caliper and shall be a species suggested in Section 205-56.A, Shade Trees. All main branches shall be pruned to a clearance height of eight (8) feet above the ground. Street trees shall have a single, straight trunk and central leader and shall be free of disease and mechanical damage. A note shall be added to the landscape plans stating this information. The plans should be revised in order to demonstrate compliance with the ordinance requirement.

2. Landscape Plan Requirements

- A. SLDO Section 205-51 requires that the following information shall be provided in the landscape plan. The plan should be revised to provide the following required information, or a waiver would be required:
  - 1. Section 1: Location map with zoning district designations for the site and adjacent properties.
  - 2. Section 2: Setback lines, easements, and the adjacent zoning district(s).
  - 3. Section 8: Location of existing and proposed underground, surface and above-ground utilities such as utility lines, utility easements, transformers, hydrants, manholes, and mechanical equipment.
  - 4. Section 11: A replacement tree plant schedule using the trees proposed for replacement of existing trees of eight-inch or greater caliper destroyed by development. The schedule shall indicate the botanical and common name, height, spread, caliper, quantity, and special remarks for all proposed replacement trees. This may be made a part of the general plant schedule.

5. Section 12: A plant schedule listing all new plant materials (trees, shrubs, and ground cover) proposed for planting. This schedule shall indicate the botanical and common name, height, spread, caliper, quantity, and special remarks for all proposed plant materials. All plant material proposed as a part of the Subdivision and/or Land Development project to meet the minimum ordinance requirements as noted herein shall be included in this schedule.
6. Section 14: Details for the planting, mulching, saucering and staking of trees, the planting of shrubs, and any other details which depict other related installations shall be in accordance with the requirements of this Ordinance, including those outlined in Appendix C.
7. Section 18: A detailed cost estimate shall be attached to the final landscape plan submission for the preparation of the land development agreement. This estimate shall show the value of all proposed landscaping. Unit costs for plant material shall include costs for materials, labor and guaranty and shall be so stated on the estimate provided.
8. Section 19: Limits and details of temporary fencing to be used for protection of existing trees and shrubs during construction.

3. Planting Requirements

- A. ZO Section 230-77 requires that the minimum land area devoted to green vegetative cover shall not be less than 25% of the total lot area. On July 2, 2013, the Zoning Hearing Board granted a variance from this requirement. If a lot line adjustment is required, the minimum land area devoted to green vegetative cover shall be permitted to be 16.3%; in the event that consolidation of the property is required, the amount of green vegetative cover required will be 23.5%.
- B. ZO Section 230.78.A requires that a planting area no less than 25 feet in width of grass, lawns, shrubbery, evergreens and trees shall be planted in accordance with a landscaping and screening plan as provided in Article VI of Chapter 205, the Montgomery Township Subdivision Ordinance, No. 18, and continuously maintained in a proper and attractive manner along all street frontages of property, exclusive of driveway and access areas, and along all sides and rear boundary lines. On July 2, 2013, the Zoning Hearing Board granted a variance from the side and rear buffer width requirements. However, a 25' planting area is still required within the front yard. As the front yard abuts the S Shopping Center District (a Commercial District) the required planting area may be waived or reduced if deemed appropriate by the Board of Supervisors in accordance with ZO Section 230-78.A.
- C. ZO Section 230-127.A(8)(a) requires that where freestanding signs are proposed within the C Commercial District, the applicant shall provide two (2) square feet of landscaped area for each square foot of sign area. Landscaping has been shown around the base of the proposed freestanding signs. However, calculations have not been provided to demonstrate compliance with the ordinance requirement. The plans should be revised to demonstrate compliance with the ordinance requirement, or a variance would be required.

- D. ZO Section 230-156.4.D requires that outdoor dining areas shall not infringe on any public sidewalk, or encroach upon required green space or parking areas; and shall be physically separated from the above by any combination of railing, fence, deck, panting boxes, or natural vegetation. The plans should be revised to demonstrate compliance with the ordinance requirement, or a variance would be required.
- E. SLDO Section 205-52.A(2)(a) requires that street trees shall be spaced to permit the healthy growth of each tree, but in no instance shall they be closer than 40 feet on center nor further than 50 feet on center for each side of the street. The plans should be revised to demonstrate compliance with the Street Tree requirements provided under SLDO Section 205-52.A, or a waiver would be required.
- F. SLDO Section 205-52.B(2)(a) states that softening buffers are required in all Zoning Districts and for all uses. SLDO Section 205-52.B(4)(a) requires that four (4) shade trees and eight (8) shrubs shall be provided for each 100 feet of property perimeter. The plans should be revised to demonstrate compliance with the ordinance requirements, or a waiver would be required.
- G. SLDO Section 205-52.C(2)(b) requires that all truck loading, outside storage areas, mechanical equipment and trash receptacles shall be screened from view from streets and abutting residential areas in accordance with the standards for screen buffer size and type. The plans should be revised to demonstrate compliance with the ordinance requirements, or a waiver would be required.
- H. SLDO Section 205-52.D(1)(a) Table 1 requires the provision of one (1) shade tree per ten (1) parking spaces within the entire lot and six (6) shrubs for every two (2) spaces around the entire parking lot perimeter, plus one shade tree per each 290 square feet of planting island. The plans should be revised to demonstrate compliance with the ordinance requirements, or a waiver would be required.
- I. SLDO Section 205-52.D(1)(g) requires that for any land use where the total number of parking spaces exceeds 100, the parking area shall be divided by continuous islands perpendicular to the parking spaces every 124 feet. Four (4) shade trees and eight (8) shrubs shall be required per 100 linear feet of landscape island. Entrance driveways shall be 20 feet wide and shall contain on each side four (4) shade trees and eight (8) shrubs per 100 linear feet. Snow storage areas shall be provided and planting design shall consider pedestrian circulation. The plans should be revised to demonstrate compliance with the ordinance requirements, or a waiver would be required.
- J. SLDO Section 205-52.F(6) requires that there shall be a minimum of one shade tree and two shrubs provided for each 30 linear feet of stormwater management facility perimeter. The plans should be revised to demonstrate compliance with the ordinance requirement or a waiver would be required.
- K. SLDO Section 205-52.G references Table 1 for individual lot landscaping requirements. Table 1 indicates that within the C Commercial District, one (1) shade tree is required for each 5,000 of gross floor area lot in order to meet the individual lot landscaping requirements. The plans should be revised to demonstrate compliance with the ordinance requirements, or a waiver would be required.

4. Wegmans and Bertucci's Landscaping

Required landscaping has recently been installed in association with the addition of the adjacent Wegmans retail grocery store and Bertucci's restaurant. It appears that based on the location of the limit of disturbance line shown on Sheet No. C10, the following landscape material will be disturbed (please see the attached landscape plans):

1. Four (4) *Gleditsia triacanthos* var. *inermis* 'Shademaster' – 'Shademaster Thornless Honeylocust'

The following additional installed landscaping also appears to have the potential to be disturbed:

1. Eight (8) *Crataegus phaenopyrum* 'Washington' – Washington Hawthorn
2. Five (5) *Pseudotsuga menziesii* – Douglas-fir

The plans should be revised to indicate the location and current size of all existing landscaping that is proposed to be disturbed, and to provide replacements or relocation for all disturbed landscaping within the vicinity from which it was disturbed with equivalent material. An eighteen (18) month maintenance period will be required for all relocated/replaced plant material. This landscape material may not be used to meet any of the Chick-Fil-A landscaping requirements. Should any additional Wegmans or Bertucci's landscape material be disturbed or removed during the construction process, the plant material must be replaced with equivalent plant material of the same size it was when it was disturbed.

5. Preservation, Protection and Replacement of Trees

- A. SLDO Sections 205-53.B requires that during the construction of any site, trees and shrubs, as defined herein, shall be protected by snow fencing or similar protection fencing to ensure that there is no encroachment within the area of their drip line by changing grade, trenching, stockpiling, of building materials or topsoil or the compaction of the soil and roots by any motor vehicle. A detail for tree protection fencing has been provided in the plan set, but no locations for tree protection fencing have been shown. A note on Sheet L2 references the Soil Erosion and Sediment Control Plan. However, no Tree Protection Fencing is shown on this sheet (Sheet C10).

In addition, this ordinance section requires that the soils and roots shall not be compacted by any motor vehicle. Notes under the Tree Protection Specifications on Sheet L2 permit the operation of heavy machinery within the driplines of trees with the application of mulch or planking or other measures. The plans should be revised to demonstrate compliance with the ordinance requirements, or a waiver would be required.

- B. SLDO Section 205-53.B(3) states that at the direction of the Township Engineer, Township Shade Tree Commission or Township Landscape Architect, existing trees which have not been adequately protected are to be removed and replaced. The plans should be revised to provide a note demonstrating compliance with this ordinance requirement.

- C. SLDO Sections 205-53.C and 205-54 outline the requirements for the preservation of trees and the replacement of trees destroyed by development. Tree replacement calculations have not been provided on the plans. The plans should be revised to clearly demonstrate compliance with the tree preservation, protection, and replacement requirements.

6. Recommended Plant List and Planting Standards and Guidelines

- A. SLDO Section 205-56 provides a list of recommended trees, shrubs, and ground cover for use in Montgomery Township. However, the Board of Supervisors may permit other planting types if they are hardy to the area, not subject to blight or disease, and of the same general character and growth habit as those included in the recommended planting list. Several plants have been included in the Plant Schedule that are not included in the list of recommended trees, shrubs, and ground covers. The following plants appear to meet the requirements of this section to be permitted to be planted on site:

The following plants do NOT meet the requirements of this section and we strongly recommend that they not be used in the landscape plan:

- 1. *Fraxinus pennsylvanica* 'Newport' – Newport Ash. Due to recent outbreaks of Emerald Ash Borer within Bucks and Montgomery Counties, we strongly recommend that Ash trees no longer be planted or specified in Landscape Plans within Montgomery Township. The plan should be revised to specify a different tree species.
  - 2. *Miscanthus sinensis* 'Gracillimus' – Maiden Grass. This plant is listed on the Pennsylvania DCNR watch list, which means that DCNR suspects there is reason to believe that this species has the potential to act aggressively in certain environments within Pennsylvania.
  - 3. *Prunus x cistena* – Purple Leaf Sand Cherry. This shrub has a large number of pest and maintenance problems, as well as a relatively short life expectancy (only 10 years +/-) meaning the shrubs would need to be replaced in a relatively short period of time.
- B. SLDO Section 205-56.A requires that shade trees shall be of minimum 3" in caliper, 14-18' in height, and 8' minimum spread, with a clear trunk to seven feet zero inches above the ground and full branching structure. The plans should be revised to demonstrate compliance with all ordinance requirements.
  - C. SLDO Section 205-56.B requires that evergreen trees shall be a minimum of eight feet high, have a minimum four foot spread (may be less for upright or columnar varieties), and be symmetrically branching to the ground. The plans should be revised to demonstrate compliance with the ordinance requirements.
  - D. SLDO Section 205-56.D requires that deciduous shrubs shall be a minimum of 30" in height and shall have a minimum 24" spread and shall be symmetrically branched to the ground. The plans should be revised to demonstrate compliance with the ordinance requirements.

- E. SLDO Section 205-56.E requires that evergreen shrubs shall be a minimum of 24" in height and shall have a minimum 18" spread and shall be symmetrically branched to the ground, except for spreading shrubs where the height and spread requirements may be reversed. The plans should be revised demonstrate compliance with the minimum height and spread requirements required by the ordinance.
- F. SLDO Appendix C.A requires that plant material shall be shown on the plans in accordance with the standards provided in subsections (1) through (12) and the shrub and tree planting details. The plans should be revised to provide the notes listed in this appendix, and to ensure that the details provided in the plan set match those shown in this appendix, in order to demonstrate compliance with the ordinance requirements.

7. General Comments

- G. SLDO Section 205-55.A requires that no building permit shall be issued unless a performance bond or other surety approved by the Township Solicitor has been filed with the Township. Such surety shall be in an amount equal to the cost of purchasing, planting, maintaining, and replacing all vegetative materials for a period of 18 months after written acceptance of the landscape installation by the Township. SLDO Section 205-55.B permits that this condition may be satisfied through a land development agreement with sufficient and appropriate financial guaranties suitable to the Board of Supervisors.
- H. The tree protection fencing details on Sheets L2 and C11 should be revised to state that tree protection fencing shall be located a minimum of 15' from the trunk of the tree or at the dripline, whichever is farther from the tree. Additionally, a note should be added to the detail requiring that the tree protection fencing shall be maintained until all work and construction have been completed. Any damages to tree protection fencing shall be repaired before construction may continue.
- I. It appears that some of the proposed trees and shrubs are to be located directly over top of proposed utility lines, and one shade/street tree is proposed to be located within the sanitary easement. The plans should be revised to provide a minimum of ten (10) horizontal feet between all proposed trees and underground utility lines; and shrubs should not be planted directly on top of any underground utility lines. Shade, ornamental and evergreen trees should not be located within easements. Additionally, trees should be planted a minimum of 5' from curbs. The plans should be revised to eliminate any conflicts between landscaping and utility lines and structures.
- J. The Picea abies (Norway Spruce) trees proposed in the plan have the potential to reach 40 to 60' in height by 25 to 30' in spread. Even without reaching its maximum size, it appears that this tree will grow much too large for the areas in which it is proposed to be located. We recommend that a different evergreen tree with a narrower mature footprint be selected from the recommended plant list in SLDO Section 205-56.B.
- K. The Rain Garden Soil specification states that rain gardens "shall contain a sandy soil mix to a minimum depth of 6. Soil shall consist of 10-15% clay material and a

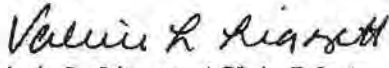
minimum of 65% sand. Soil pH shall range from 5.5 to 6.5.” A sandy soil mix is not appropriate for rain gardens in Montgomery Township. The recommended soil mix for rain garden soil amendments within this area is 20-30% compost and 70-80% clean topsoil to a depth of 9-18”. The plans should be revised to provide more appropriate rain garden soil amendment specifications for this area.

- L. On Sheet No. L2, a naturalized seed mix is specified to be planted within the rain garden areas. However, on Sheet No. C 11, the Vegetative Soil Stabilization Notes indicate that a mixture of Deertongue, Red Top, Wild Rye and Switchgrass are to be used for permanent stabilization within the basin areas. The plans should be revised to correct this discrepancy.
- M. The specifications for the seed mix for the site entrance road as shown on Sheet No. L2 appear to be in conflict with the information provided on Sheet No. C11. The plans should be revised for consistency.
- N. The Seed and Sod Specifications on Sheet No. L2 indicate that a seed mix is proposed to be planted on the sides of the drainage basins. However, this seed mix is not shown on the plan. The plans should be revised to show where this seed mix is proposed to be planted.
- O. The Seed and Sod Specifications on Sheet No. L2 indicate that a seed mix is proposed to be planted on steep slope areas. However, this seed mix is not shown on the plan. The plans should be revised to show where this seed mix is proposed to be planted.
- P. Two of the proposed Dark American Arborvitae located around the dumpster pads to the rear of the second restaurant and their associated planting areas, as well as one of the entryway planting islands, are shown crossing into the adjacent Simon Mall property. While there are improvements taking place which are necessary for drainage around the driveway coming from the mall property, this is technically not part of the Chick-Fil-A property and the shrubs and planting beds should not be located there. The plans should be revised to locate all proposed landscaping and planting beds within the boundaries of the subject property.
- Q. The plans should be revised to provide a note indicating that substantial changes to the approved Landscape Plans must be approved by the Township through plan resubmission. If substantial changes to the landscaping are made without prior approval from the Township, the changes will be rejected upon inspection.
- R. The plans should be revised to provide a note indicating that if a plant species or other substitution is made without receiving prior substitution request approval from the Township, the unapproved plants will be rejected upon inspection. All plant substitution requests should be forwarded in writing to this office for review.
- S. Note No. 2 under the Planting Notes under the Landscape Notes on sheet L2 references NJDOT specifications. The plans should be revised to reference only standards and specifications that are appropriate and relevant to Montgomery Township, Pennsylvania.

- T. Note No. 9 under the Maintenance Notes under the Landscape Notes on sheet L2 states that all tree guys and stakes shall be removed by the contractor 1 year after final acceptance. As a significant amount of damage can be caused to trees by leaving stakes and guys installed for too long, we recommend that tree stakes be removed after the first full growing season after planting. The note should be revised to require removal of the tree stakes at this time.
- U. It appears that some of the wording within Notes No. 1 and 2 under the Tree Protection Specifications has been mixed up. The notes should be revised for clarity.
- V. A detailed response letter addressing the above noted comments and any other changes to the plans should be included with future submissions.

Sincerely,

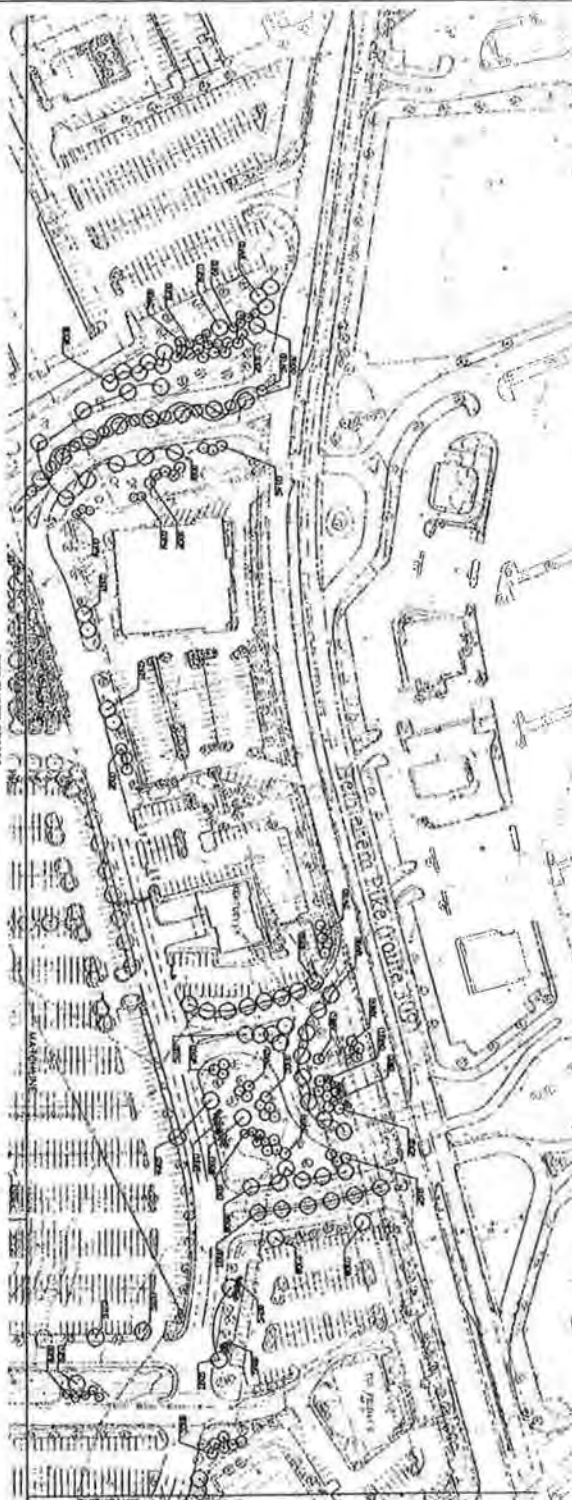
  
Judith Stern Goldstein, ASLA, R.L.A.  
Managing Director

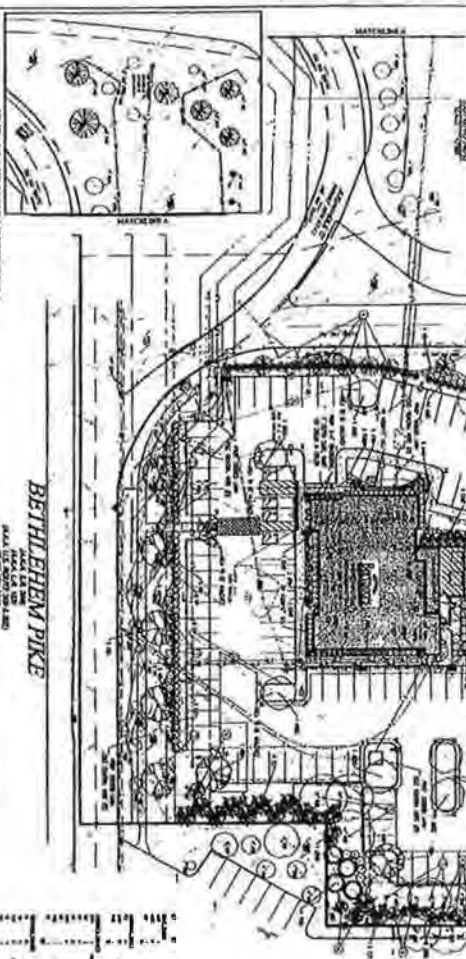
  
Valerie L. Liggett, ASLA, R.L.A.  
Planner/Landscape Architect

JSG/vll/kam

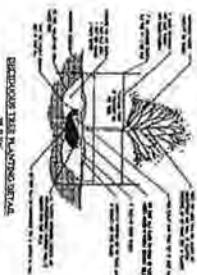
Enclosure(s)

cc: Board of Supervisors  
Planning Commission  
Bruce Shoupe, Director of Planning and Zoning  
Marita Stoerrle, Development Coordinator  
Marianne McConnell, Deputy Zoning Officer  
Frank R. Bartle, Esq., Dischell Bartle & Dooley, PC  
James P. Dougherty, P.E., Gilmore & Associates, Inc.  
Russell S. Dunlevy, P.E., Gilmore & Associates, Inc.  
Kevin Johnson, P.E., Traffic Planning & Design  
Ken Amey, AICP  
Matthew Stellmaker, Chick-Fil-A  
Russell McFall, Maser Consulting

[illegible][illegible]



GENERAL NOTES	
1. SEE SITE PLAN FOR GENERAL LAYOUT.	
2. SEE SPECIFICATIONS FOR MATERIALS AND CONSTRUCTION.	
3. SEE NOTES ON DRAWING FOR DIMENSIONS AND ELEVATIONS.	
4. SEE NOTES ON DRAWING FOR FINISHES AND SCHEDULES.	
5. SEE NOTES ON DRAWING FOR UTILITIES AND SERVICES.	
6. SEE NOTES ON DRAWING FOR SPECIAL REQUIREMENTS.	



LANDSCAPE SCHEDULE	
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CIVIL & CONSTRUCTION ENGINEERING

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BOHLER ENGINEERING

12345 MAIN STREET

ANYTOWN, CA 90123

TEL: (555) 123-4567

FAX: (555) 987-6543

D.T. NORTH

LANDSCAPE ARCHITECT

12345 MAIN STREET

ANYTOWN, CA 90123

TEL: (555) 123-4567

FAX: (555) 987-6543

LANDSCAPE PLAN

6

2024



## ***MEMORANDUM***

**TO:** Board of Supervisors

**FROM:** Planning Commission  
Jonathan Trump, Chairman

**DATE:** November 7, 2013

**RE:** Chick-Fil-A  
Bethlehem Pike

The Planning Commission has reviewed the plan for Chick-Fil-A and would like to recommend to the Board of Supervisors that the land development plan be approved and the requested waivers granted.

The motion further recommended that a fee-in-lieu of the required landscaping be provided to the Township.

**MONTGOMERY COUNTY  
BOARD OF COMMISSIONERS**

JOSHUA D. SHAPIRO, CHAIR

LESLIE S. RICHARDS, VICE CHAIR

BRUCE L. CASTOR, JR., COMMISSIONER



**MONTGOMERY COUNTY  
PLANNING COMMISSION**

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

610-278-3722

FAX: 610-278-3941 • TDD: 610-631-1211  
[WWW.MONTCOPA.ORG/PLANNING](http://WWW.MONTCOPA.ORG/PLANNING)

JODY HOLTON, AICP  
EXECUTIVE DIRECTOR

September 23, 2013

Mr. Larry Gregan, Manager  
Montgomery Township  
1001 Stump Road  
Montgomeryville, Pennsylvania 18936

Re: MCPC #08-0306-002  
Plan Name: Chick-Fil-A / Restaurant  
(2 lots comprising 2.67 acres)  
Situate: Bethlehem Pike (west)/  
south of North Wales Road  
Montgomery Township

**Applicant's Name and Address**

Chick-Fil-A  
5400 Buffington Road  
Atlanta, GA 30349

Contact: Matthew Stellmaker  
404-305-4522

Dear Mr. Gregan:

We have reviewed the above referenced land development in accordance with Section 502 of Act 247, "The Pennsylvania Municipalities Planning Code," as you requested on August 23, 2013. We forward this letter as a report of our review and recommendations.

**Background**

The application is a new proposal seeking preliminary and final land development approval for the development of a two commercial buildings, totaling 10,762 square feet on two separate lots. The development site is adjacent to the "ring road" which borders the perimeter of the Montgomery Mall at Bethlehem Pike. The applicant proposes the redevelopment of two lots- the first lot, a 1.85-acre lot at 794 Bethlehem Pike (Tax Parcel #46-00-00352-00-7) with a 22,200-square foot home furnishings store on it which will be demolished. The second lot at 798 Bethlehem Pike (Tax Parcel #46-00-00346-00-4) a 35,507-square foot lot contains an existing surface parking lot.

The applicant proposes to construct a 4,791-square foot Chick-Fil-A Restaurant on the former retail store site, and a 5,819-square foot restaurant/retail building (tenant to-be-determined) on the former parking lot site. The plan proposes the consolidation of the properties and by re-subdivision creating two new development tracts. The existing points of access from Bethlehem Pike will not be re-arranged and the rear access to the mall's ring road will be re-positioned.

The parcels lie in the township's Commercial Zoning District and are adjacent to the Montgomery Mall (Simon Properties, Indianapolis, IN). According to applicant's documentation the township's Zoning Hearing Board approved all the necessary zoning variances at their meeting of July 2, 2012. The Zoning Hearing board granted a number of variance to both the Chick-Fil-A Restaurant lot and the Retail/Restaurant lot. In summary, variances were granted for township requirements for impervious coverage, lot dimensions, setbacks, buffers, signage area and number of signs.

## Review Comments

1. Lot Consolidation and Integrated Site Design. The applicant's site development plan proposes separate lots and site development for two commercial buildings and parking areas which we believe could be more effectively designed in an integrated manner as a single lot. As submitted the development plan proposes a shared arrangement for ingress/egress from Bethlehem Pike and vehicular entry/exit to the mall's ring road. We suggest the single lot consolidation approach provides more design flexibility and would yield a safer and less congested commercial development.

In the Zoning Hearing Board decision of July 2, 2013, it appears the Supervisors have some discretion as to whether the development is permitted to proceed as two separate lots or to be consolidated as one lot. We are especially concerned about safe vehicular movements within the Chick-Fil-A Restaurant site and the adjacent retail/restaurant site with vehicles using the parking lot to access to the Montgomery Mall's ring road. The drive-thru area and its access are intensely developed and access with tractor-trailer deliveries will be very tight. We recommend that the lots be consolidated and the proposed site development plan be modified to reflect a single lot development with shared parking areas and driveways between the restaurants. We recommend this action in order to achieve the property's re-development—given the proposed restaurant/parking lot footprint—as a safe, effective and less congested commercial development.

2. Internal Circulation/Chick-Fil-A Drive-Through. The access drive and drive-thru for the Chick-Fil-A are immediately adjacent and without any setback area with the adjoining parking lot. This arrangement and its position relative to development's internal circulation are of concern and we suggest the arrangement may lead to un-necessary congestion and safety issues. An area of concern is at the point where vehicles exit the drive-thru and turn into the adjacent restaurant's parking lot to access the mall's ring road. The Chick-Fil-A customer is without direct access to the mall's ring road and must use the parking lot of the adjacent restaurant site. If the township permits the proposed re-subdivision of the site development into two lots as drawn we recommend that additional safety measures are needed to provide separation between the Chick-Fil-A drive-thru and the adjacent parking lot. We suggest that guard rails at the property line be constructed for safety and wheel-stops in the adjacent parking lot be utilized to assist in safe movement and parking of vehicles.

3. Landscape Plan.

A. *Ash Trees in the Landscape Plan* - The applicant's landscape plan proposes using a total of 16 Green Ash-'Newport' (*Fraxinus pennsylvanica*) tree species to fulfill its landscape plan requirements. We recommend these tree species be removed from the development's landscape plan and another more appropriate shade tree be substituted. All North American ash trees are subject to a devastating pest - the Emerald Ash Borer (EAB). This is pest will potential and almost inevitable impact all existing ash trees in the Commonwealth. The Commonwealth's Department of Conservation and Natural Resources has developed a protocol for recommended management actions for the EAB that the township should be aware of as it manages its land development process and greening requirements for future land development proposals. <http://www.dcnr.state.pa.us/forestry/insectsdisease/eab/index.htm>

- B. *Amendment to the Township's Recommended Plant List* - We recommend the township's "Recommended Plant List"- Section 205-56.A. Shade trees be amended to delete the two ash tree species because of the Emerald Ash Borer which is spreading throughout Pennsylvania.

This is a devastating pest for this tree species and it is thought by the arboricultural community to be comparable to the American chestnut blight (fungus) and the American elm that devastated these species in the early 20<sup>th</sup> century. The impact of this pest to suburban forested landscapes in southeastern Pennsylvania is substantial in terms of its economic and ecological costs.

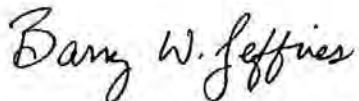
### **Recommendation**

We recommend approval of the proposed land development plan provided the above mentioned review comments are addressed to the satisfaction of the township and all local regulations are met.

Please note that the review comments and recommendations contained in this report are advisory to the municipality and the 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 stamp and signatures prior to recording with the Record of Deeds Office. A paper copy bearing the municipal seal and signature of approvals must be supplied for our files.

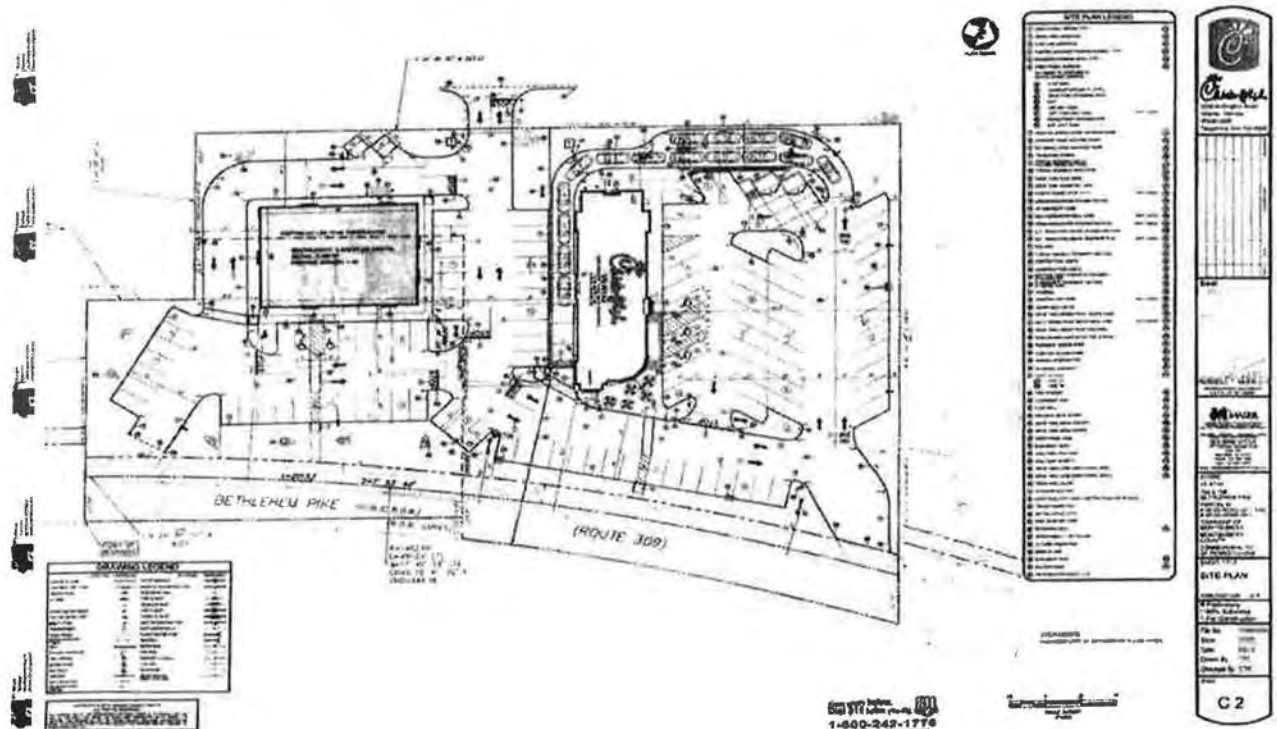
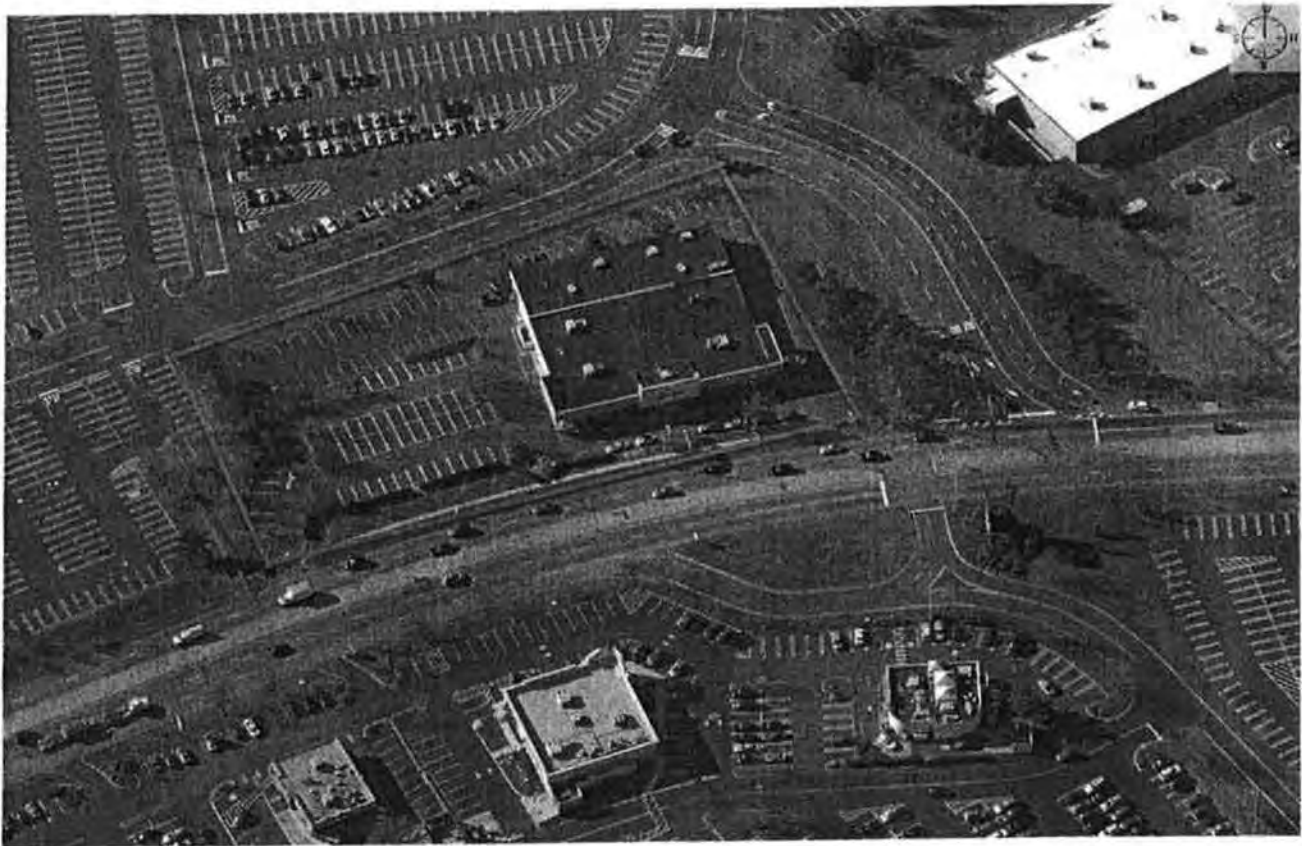
Sincerely,



Barry W. Jeffries, ASLA, Senior Design Planner  
610-278-3444, Email: [bjeffrie@montcopa.org](mailto:bjeffrie@montcopa.org)

c: Matthew Stellmaker, Chick-Fil-A, Applicant  
Marita Stoerrle, Twp. Development Coordinator  
Jonathan Trump, Chrm., Twp. Planning Commission  
Bruce Shoupe, Twp. Zoning Officer/Planning Consultant  
Frank A. Bartle, Twp. Solicitor  
Russell Dunlevy, Twp. Engineer

Attachment: Reduced Copy of Applicant's Plan



# TRAFFIC PLANNING AND DESIGN, INC.



2500 E. High Street | Suite 650 | Pottstown, PA | 19464  
610.326.3100 | TPD@TrafficPD.com

October 31, 2013

Mr. Bruce S. Shoupe  
Township Director of Planning and Zoning  
Montgomery Township  
1001 Stump Road  
Montgomeryville, PA 18936-9605

Re: Chik-fil-A  
Montgomery Township LD/S# 669  
TPD# MOTO-A-00060

Dear Bruce:

In our role as Township Traffic/Street Lighting Engineer, Traffic Planning and Design, Inc. (TPD) has reviewed the following items which were received in our office on October 7, 2013:

- Subdivision and Land Development plans for the above referenced project prepared by Maser Consulting P.A., dated August 2, 2013 (last revised October 2, 2013);
- Response letter prepared by Maser Consulting P.A., dated October 4, 2013.

Based on our review, we offer the following comments using the same numbering system as our September 23, 2013 review letter for those comments not yet addressed. Comments that have been addressed are not shown below.

## **Previous Traffic Engineering Comments**

2. The access from the site to the Mall ring road is being relocated. While we concur with the relocation, the applicant needs to confirm that they have the right to relocate the access. The response letter indicates that the easements will be forwarded for review once they are completed.
4. Angled parking with an 18 foot wide one-way drive aisle is proposed on the northern portion of the site. In accordance with the chart found in §205-10.H(4), parking aisles must be at least 22 feet wide and angled parking is not permitted. A waiver has been requested from this section of the Ordinance. In our opinion, TPD would support a waiver of this requirement because the proposal meets the recommended standards in the Urban Land Institute's Dimensions of Parking publication.
5. Per §205-10.H(7)(b), the handicap parking spaces must be increased to 12 feet (from the proposed 8 feet). A waiver has been requested from this section of the Ordinance. In our opinion, TPD would support a waiver of this requirement because an 8-foot parking stall for handicap parking is the applicable federal standard.

8. The following comments pertain to the truck turning templates:

- a. There is an existing "No Trucks" sign on the northern driveway. Therefore, all truck tracking templates (with the exception of the Montgomery Township Fire Truck) should be revised to show the truck accessing the internal loop road driveway in lieu of the northern driveway on Route 309.
- b. The trash truck template should show a large, front-loading truck in lieu of the smaller, rear-loading residential type truck which is currently shown.
- c. The WB-40 design vehicle encroaches on the curbing in two locations: near the ingress driveway on Route 309; and near the driveway to the loop road. The templates should be revised and/or the site should be modified to show the truck navigating the site with no encroachment on curbing.
- d. A note should be provided on the plan indicating that truck deliveries will be restricted to WB-50 design vehicles or smaller and will only be permitted during non-business hours.

9. The "Pedestrian Crossing" signs, denoted as sign "6G", located on the southern side of the proposed restaurant, should be removed since the associated crosswalk is no longer proposed.

11. The following comments pertain to the crosswalks at the internal three way stop controlled intersection:

- a. A handicap ramp must be provided on the northwest corner of the intersection that is accessible by both the north-south and east-west crosswalks.
- b. The stop bars must be located a minimum of four feet in advance of the crosswalks.

12. The response letter indicates that the existing sidewalk and curb ramps located along the Route 309 frontage are in compliance with Township and ADA requirements. However, it was noted through review of photographs of the area that detectible warning surfaces are not provided for the handicap ramps. The ramps should be revised accordingly.

**Previous Street Lighting Comments**

14. Per § 205-24.A Streetlighting; "*Streetlighting shall be installed along each street in each subdivision and along each street front abutting a public street in each land development by the developer and at the expense of the developer, unless specifically waived by the Board of Supervisors...*" The applicant has requested a waiver of this requirement, which TPD supports, as existing lighting is not currently provided along Bethlehem Pike (SR 0309).

19. The Applicant should coordinate with Township Public Works to determine if the existing cobra head luminaire mounted on a utility pole along Bethlehem Pike (SR 0309) is necessary and whether it should be reoriented to a position over SR 0309.

21. The applicant agreed to investigate the usage of a more efficient lighting method, (i.e. LED) in lieu of the lamps proposed, while maintaining similar physical features of the pole and fixtures. Please provide an update on the use of LED lighting.

#### **New Traffic Engineering Comments**

22. Unlike the previous submission, a curbed radius is proposed on the northern corner of the ingress driveway on Route 309 that extends into the Legal Right-of-Way for Route 309. The Applicant's engineer should contact PennDOT to determine if a Highway Occupancy Permit (HOP) is required to construct the curbing within the right-of-way.
23. The existing "Do Not Enter" sign located on the northern side of the ingress driveway on Route 309 should be relocated to the west to the internal intersection with parking aisles. In addition, a "Do Not Enter" sign should be provided on the southeastern corner of the ingress driveway and the parking aisles facing southwest.
24. The following general note should be included on the plan:
- a. "All proposed pedestrian facilities reflected on these plans shall be constructed to comply with the following standards:
    - i. PennDOT Design Manual 2, Chapter 6.
    - ii. PennDOT Standards for Roadway Construction, Publication 72M, RC-67M.
    - iii. U.S. Access Board, Public Right of Way Accessibility Guidelines (PROWAG) and ADA Accessibility Guidelines for Buildings and Facilities (ADAAG)."
25. On this submission, it appears that guiderail has been added to separate the drive-thru lane from the adjacent parking spaces on the southern side of the Chic-fil-A building and is not being used for crash protection. Details should be provided for the guiderail.
26. The existing "Do Not Enter" signs on the southern driveway on Route 309 should be revised to face Route 309 in lieu of facing the site as currently shown.
27. "Stop" signs should be provided on both sides of the southern driveway at the intersection with Route 309.
28. As previously shown, the "Sidewalk with Curb" detail on Sheet 6 of 22 should be revised to show sidewalk flush with the adjacent to curb in lieu of a monolithic design as currently shown.

#### **New Street Lighting Comments**

29. Proposed lighting under Labels "C" and "A" differs between what is displayed on the horizontal lighting plan and is tabulated in the Luminaire Schedule. Please verify and revise as needed.

30. Revise Note #3 on the Lighting Plan, Sheet ES2, to state the following; "Lighting proposed for use after 10 P.M. shall be reduced by at least 50% from then until dawn." In addition to the revised note, please indicate the manner in which the 50% minimum reduction will be achieved. The Township would prefer a dimming situation in lieu of an individual light extinguishment to achieve a minimum 50% reduction.

We reserve the right to make additional comments as additional information is submitted. Please call if you have any questions.

Sincerely,



Kevin L. Johnson, P.E.  
President

cc: Larry Gegan, Township Manager  
Marita Stoerrle, Township Development Coordinator  
Kevin Costello, Township Public Works Director  
Russ Dunlevy, P.E., Township Engineer  
Russell McFall II, P.E., Applicant's Engineer  
Joseph Platt, P.E., TPD



# TRAFFIC PLANNING AND DESIGN, INC.

2500 EAST HIGH STREET, STE 650  
POTTSTOWN, PA 19464

PHONE: 610.326.3100  
FAX: 610.326.9410

TPD@TRAFFICPD.COM  
WWW.TRAFFICPD.COM

September 23, 2013

Mr. Bruce S. Shoupe  
Township Director of Planning and Zoning  
Montgomery Township  
1001 Stump Road  
Montgomeryville, PA 18936-9605

Re: Chik-fil-A  
Montgomery Township LD/S# 669  
TPD# MOTO-A-00060

Dear Bruce:

In our role as Township Traffic/Street Lighting Engineer, Traffic Planning and Design, Inc. (TPD) has reviewed subdivision and land development plans for the above referenced project prepared by Maser Consulting P.A. and dated August 2, 2013. Additionally, TPD has reviewed the August 2013 Traffic Impact Study prepared by McMahon Associates.

Based on this review, we offer the following comments:

## Traffic Engineering Comments

1. The Applicant has submitted a traffic impact study in accordance with §205-101. The study represents a worse-case (highest volume) approach by not accounting for the potential reduction in trips associated with the internal interaction between the Montgomery Mall and the proposed site. In our opinion, the results of the traffic study indicating the proposed uses will not have an adverse traffic impact on the surrounding roadway network are valid.
2. The access from the site to the Mall ring road is being relocated. While we concur with the relocation, the applicant needs to confirm that they have the right to relocate the access.
3. Along the eastern side of the site (fronting Route 309), 18 foot deep parking spaces with a 24 foot wide parking aisle are proposed. In accordance with the chart found in §205-10.H(4) and §230-138, parking aisles must be at least 22 feet wide and parking spaces must be 10 feet by 20 feet. The aisle width could be reduced to 22 feet to increase the parking space depth to 20 feet to comply.
4. Angled parking with an 18 foot wide one-way drive aisle is proposed on the northern portion of the site. In accordance with the chart found in §205-10.H(4), parking aisles must be at least 22 feet wide and angled parking is not permitted. TPD would support a waiver of this requirement because the proposal meets the recommended standards in the Urban Land Institute's Dimensions of Parking publication.
5. Per §205-10.H(7)(b), the handicapped parking spaces must be increased to 12 feet (from the proposed 8 feet) or a waiver must be requested. TPD would support a waiver of this requirement because an 8-foot parking stall for handicapped parking is the applicable federal standard.
6. The Applicant needs to verify that the location of the proposed signs located in front of the handicap parking spaces do not encroach on the minimum 20 foot depth required and revise as necessary.

7. Per §205-10.H(5), the Applicant should discuss with the Township Fire Marshal the need to install No Parking signs along the rear of the proposed restaurant/retail use.
8. Truck turning templates for the largest expected design vehicle and the largest Township fire truck should be provided for review. In addition to the circulation throughout the site, truck turns into and out of all loading areas and garbage collection facilities should also be provided for review.
9. The crosswalk shown on the southern end of the site does not have an ADA receiving ramp.
10. Three parking spaces are located in the middle of the internal three way stop controlled intersection. With the number of proposed parking spaces exceeding code requirements, it would be desirable to eliminate these parking spaces to eliminate the need for vehicles to back out of the spaces into the middle of the intersection.
11. The proposed pedestrian connections between the restaurants and the existing sidewalk along Route 309 cross the parking aisles at midblock locations. It would be desirable to provide any pedestrian access points at internal stop controlled intersections. One possible location would be at the internal three way stop controlled intersection. Eliminating the three parking spaces as recommended in #9, would enable crossings of the southern and northern legs of the internal intersection to be no more than 24 feet in length. If separate connections are required to each parcel, relocating the subdivision line to run down the middle of a wider connection may be required.
12. The sidewalk and curb ramps located along the Route 309 frontage should be reviewed for compliance with Township standards and replaced as necessary.
13. The Applicant should consider installing a left turn arrow pavement marking adjacent to the through arrow at the drive-thru entrance. The legend of the left turn arrow should say EXIT.

#### **Street Lighting Comments**

14. Per §205-24.A Streetlighting; "Streetlighting shall be installed along each street in each subdivision and along each street front abutting a public street in each land development by the developer and at the expense of the developer, unless specifically waived by the Board of Supervisors..." TPD would support a waiver of this requirement, as existing lighting is not currently provided along Bethlehem Pike (SR 0309).
15. As stated in The Montgomery Township Street Lighting Specifications, the lighting layout should be revised to provide a minimum of five (5) feet outside a paved area, curbing or tire stops for poles supporting lighting fixtures for the illumination of parking areas and located directly behind parking spaces.
16. In order to verify the calculation statistics provided, revise the provided lighting plan to include a delineation of the calculation area. It appears that the minimum value of 0.1 fc may not be exhibited within the site parking/driving areas.
17. The Uniformity Ratio (Max/Min) of 78:1 is higher than the IESNA recommended value of 20:1 for parking lots. Investigate the lighting design/layout/calculations to comply with this recommended value. For example, a minimum value of 0.4fc would result in a 19.5:1 Uniformity Ratio.
18. All outside lighting, including sign lighting, shall be arranged, designed and shielded or directed so as to protect the abutting streets and highways and adjoining property from the

glare of lights. Ensure that lighting is shielded from adjacent properties as well as abutting streets. House side shields for all lights that are along Bethlehem Pike and adjacent to property lines, similar to light type "A", should be considered.

19. The Applicant should coordinate with Township Public Works to determine if the existing cobra head luminaire mounted on a utility pole along Bethlehem Pike (SR 0309) is necessary and whether it should be reoriented to a position over SR 0309.
20. Provide the anticipated hours of operation on the lighting plans. As stated in The Montgomery Township Street Lighting Specifications, lighting for commercial, industrial, public recreational, and institutional applications shall be controlled by automatic switching devices such as time clocks or combination motion detectors and photocells, to permit extinguishing outdoor lighting fixtures between 10:00 P.M. and dawn. For lighting proposed after 10:00 P.M., or after normal hours of operation, the lighting shall be reduced by at least 50% from then until dawn, unless supporting a specific purpose.
21. Investigate usage of a more efficient lighting method, (i.e. LED) in lieu of the lamps proposed, while maintaining similar physical features of the pole and fixtures.

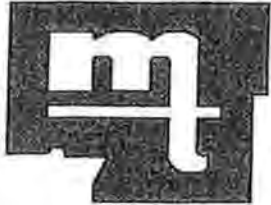
We reserve the right to make additional comments as additional information is submitted. Please call if you have any questions.

Sincerely,



Kevin L. Johnson, P.E.  
President

cc: Larry Gegan, Township Manager  
Marita Stoerrle, Township Development Coordinator  
Kevin Costello, Township Public Works Director  
Russ Dunlevy, P.E., Township Engineer  
Russell McFall II, P.E., Applicant's Engineer  
Joseph Platt, P.E., TPD



**MONTGOMERY TOWNSHIP  
FIRE SERVICES DEPARTMENT**  
1001 STUMP ROAD  
MONTGOMERYVILLE, PA 18936-9605  
Telephone: 215-393-6935 • Fax: 215-699-8892  
www.montgomerytp.org

**Rick Lesniak**  
DIRECTOR OF FIRE SERVICES  
CHIEF FIRE MARSHAL  
EMERGENCY PREPAREDNESS  
DIRECTOR

**FIRE MARSHAL OFFICE:**  
215-393-6936

**TO:** Bruce Shoupe, Director of Planning and Zoning

**FROM:** Rick Lesniak, Chief Fire Marshal

**REVIEW DATE:** 9-11-2013

---

**DEVELOPMENT NAME:** Chick-Fil-A **LOT AMOUNT(S):** 1

**LD/S#:** 669 **PLANS DATE:** 8-1-13

**LOCATION:** Bethlehem Pk **REVISION DATE:**

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In the interest of **Public Safety** and **Hazard Mitigation**, the following requirements shall be evaluated. All requirements listed below are to be referenced to the plan named above.

All requirements shall meet the 2006 International Building and Fire Codes as well as Township Ordinance(s).

1. Any gas services that are accessible/vulnerable to vehicular traffic SHALL have approved vehicle impact protection installed.
2. Fire lanes SHALL be established at buildings as directed by the Fire Marshal's Office. Marking of fire lanes shall include 4" YELLOW traffic striping and pavement lettering "NO PARKING FIRE LANE". "NO PARKING FIRE LANE" signage SHALL be provided at all fire lanes at intervals of not more than 50 ft. or as otherwise directed by the Fire Marshal's Office.
3. Fire Department Access Roads (including fire lanes) shall be constructed in a manner that will allow fire department apparatus access to **ALL** sides of the building or within 150 ft of all portions of the building. The roadway shall have an unobstructed width of at least 20 feet and an unobstructed vertical clearance of not less than 13 feet 6 inches. The surface of the roadway shall be designed and maintained to support the imposed loads of fire apparatus and shall be surfaced so as to provide all-weather driving capabilities
4. All buildings of Truss Construction SHALL comply with the Montgomery Township Truss Ordinance #04-188. Truss emblems can be obtained through the Fire Marshal's Office or Code Enforcement Office. The Fire Marshal's Office SHALL be contacted in regards to placement of truss placard.
5. Street address numbers shall be provided on each building as directed by the Fire Marshal's Office.
6. Fire department key boxes (Knox Box) SHALL be provided on each building at an approved location. Knox box forms are available through the Fire Marshal's Office or Code Enforcement Office.

7. ALL revisions of the above named plan SHALL be reviewed by the Fire Marshal's Office for approval.
8. All applicants are to contact the Code Enforcement Office when underground piping is being hydrostatically tested on site. Applicants are also reminded that flushing of the underground piping SHALL be witnessed by a township official prior to final riser connections per NFPA 13.
11. The plans shall be revised to show Montgomery Township fire truck turn path plan. Dimensions can be obtained by the Township Planning and Zoning Office.
12. Revised plans shall show 36" clearance around the proposed fire hydrant.

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**Conclusion:**

A written response or revised plan must be submitted to the Fire Marshal's Office and must satisfactorily address each plan review note listed above.

The current plans are **NOT APPROVED** as submitted.

If there are any questions regarding the review notes, please contact the Fire Marshal's Office at 215-393-6936 or 215-393-6935

Thank You,  
Rick Lesniak, Chief Fire Marshal

Reviewed by  
Frank J. Colelli Assistant Fire Marshal

TO FILE



## MONTGOMERY TOWNSHIP POLICE DEPARTMENT

J. Scott Bendig  
Chief of Police

1001 Stump Road • P.O. Box 68 • Montgomeryville, PA 18936  
215-362-2301 • Fax 215-362-6383

To: Montgomery Township Board of Supervisors  
Marita Stoerrle, Development Coordinator

From: Scott Bendig, Chief of Police *JSB*

Date: August 26, 2013

Re: LD/S #: 669  
Chick-Fil-A  
Bethlehem Pike  
Date of Plan: August 1, 2013

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A review of the above referenced subdivision/land development has been conducted on this date. There are no major areas of concern to the Police Department at this time.

Thank you for the opportunity to review this subdivision/land development. Please contact me if you have any issues or concerns.

**KENNETH AMEY, AICP**  
professional land planner

October 31, 2013

(via e-mail)

Lawrence J. Gregan, Township Manager  
MONTGOMERY TOWNSHIP  
1001 Stump Road  
Montgomeryville, PA 18936

Re: Chick-Fil-A  
Request for Lot Consolidation, Re-  
Subdivision, and Land Development  
794 & 798 Bethlehem Pk, Montgomery Twp  
Township File #LD/S-669

Dear Mr. Gregan:

I have completed my second review of the above referenced project and a plan consisting of 22 sheets, prepared by Maser Consulting, dated August 2, 2013, last revised October 2, 2013. The subject tract is located on the west side of Bethlehem Pike, in front of the Montgomery Mall. The site is zoned C-Commercial and is currently improved with a vacant retail clothing store and associated improvements.

This proposal would include demolition of the existing building and improvements, and the construction of a Chick-Fil-A restaurant and a second unidentified restaurant/retail building, along with parking and other required infrastructure. Existing access points on Bethlehem Pike are to remain, while the connection to the Mall Road is proposed to be shifted approximately 40' south of its current location.

The Montgomery Township Zoning Hearing Board granted relief at their July 2, 2013 meeting to enable development of the site. Relief was granted using two alternate scenarios; one with the two properties consolidated, and the other with each of the two proposed buildings situated on its own lot. The plans follow the second of these options.

Most of my initial comments have been addressed by the revised plan set. However, the following still apply:

1122 Old Bethlehem Pike  
Lower Gwynedd, PA 19002



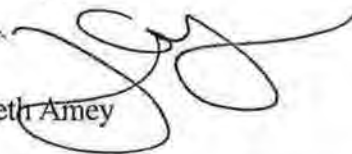
phone: 215.283.9619  
fax: 215.646.3458  
kenamey@aol.com

1. As noted above, the plans show the two existing lots being re-subdivided, with the two proposed buildings located on separate lots. If the project proceeds in this configuration, there will need to be cross easements shown on the plan and recorded against the deeds. This approach also results in a very congested plan with awkward circulation patterns and no separation between parking areas and the drive-through lane. It appears that a better result could be achieved if the lots were consolidated and the entire property developed as one unified plan. Shared parking and a common access drive would improve flow through the site.

2. A painted crosswalk should be provided across the Mall Road to connect this development with the Mall parking lot.

If there are any questions, please let me know.

Very truly yours,

  
Kenneth Arney

cc: Bruce S. Shoupe, Township Director of Planning and Zoning  
Marita Stoerrle, Development Coordinator  
Marianne McConnell, Deputy Zoning Officer  
Russell Dunlevy, PE, Township Engineer  
Frank Bartle, Esq., Township Solicitor  
Kevin Johnson, PE, Township Traffic Engineer  
Judith Stern Goldstein, ASLA, Township Landscape Architect

KENNETH AMEY, AICP  
professional land planner

September 30, 2013

(via e-mail)

Lawrence J. Gregan, Township Manager  
MONTGOMERY TOWNSHIP  
1001 Stump Road  
Montgomeryville, PA 18936

Re: Chick-Fil-A  
Request for Lot Consolidation, Re-  
Subdivision, and Land Development  
794 & 798 Bethlehem Pk, Montgomery Twp  
Township File #LD/S-669

Dear Mr. Gregan:

I have reviewed the above referenced plan consisting of 17 sheets, prepared by Maser Consulting, dated August 2, 2013, with no revisions noted. The subject tract is located on the west side of Bethlehem Pike, in front of the Montgomery Mall. The site is zoned C-Commercial and is currently improved with a vacant retail clothing store and associated improvements.

This proposal would include demolition of the existing building and improvements, and the construction of a Chick-Fil-A restaurant and a second unidentified restaurant/retail building, along with parking and other required infrastructure. Existing access points on Bethlehem Pike are to remain, while the connection to the Mall Road is proposed to be shifted approximately 40' south of its current location.

The Montgomery Township Zoning Hearing Board granted relief at their July 2, 2013 meeting to enable development of the site. Relief was granted using two alternate scenarios; one with the two properties consolidated, and the other with each of the two proposed buildings situated on its own lot. The plans follow the second of these options.

I have the following comments relative to this plan set:

1. The zoning table needs to clearly show the relief granted by the ZHB and how that relief was applied to the development plan.

1122 Old Bethlehem Pike  
Lower Gwynedd, PA 19002



phone: 215.283.9619  
fax: 215.646.3458  
kenamey@aol.com

2. The title sheet contains an index of plan sheets. Sheet #1 is not included in the plan set. The index should be revised or the sheet should be provided.

3. As noted above, the plans show the two existing lots being re-subdivided, with the two proposed buildings located on separate lots. If the project proceeds in this configuration, there will need to be cross easements shown on the plan and recorded against the deeds. This approach also results in a very congested plan with awkward circulation patterns and no separation between parking areas and the drive-through lane. In addition, it is not clear if, or how, trash trucks and delivery vehicles can maneuver through the site. It appears that a better result could be achieved if the lots were consolidated and the entire property developed as one unified plan. Shared parking and a common access drive would improve flow through the site. I will defer to the township traffic engineer, but it seems that relocating the existing access on Bethlehem Pike would also improve circulation.

4. A painted crosswalk should be provided across the Mall Road to connect this development with the Mall parking lot.

5. Although the buildings appear to comply with the front yard setback requirements, the front yard dimensions shown on the zoning table are incorrectly measured from the curb line, rather than from the right-of-way line.

If there are any questions, please let me know.

Very truly yours,



Kenneth Amey

cc: Bruce S. Shoupe, Township Director of Planning and Zoning  
Marita Stoerrle, Development Coordinator  
Marianne McConnell, Deputy Zoning Officer  
Russell Dunlevy, PE, Township Engineer  
Frank Bartle, Esq., Township Solicitor  
Kevin Johnson, PE, Township Traffic Engineer  
Judith Stern Goldstein, ASLA, Township Landscape Architect

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

IN RE: APPLICATION NO. 13050003 OF : REQUEST FOR  
CHICK-FIL-A, INC.; : VARIANCES AND  
PREMISES: 794 & 798 BETHLEHEM : SPECIAL EXCEPTIONS  
PIKE, MONTGOMERYVILLE, PA, 18936 :

DECISION

A Public Hearing on the above Application having been held on July 2, 2013 at 7:30 P.M. at the Montgomery Township Administration Building, 1001 Stump Road, Montgomeryville, Pennsylvania, pursuant to Notice as required by the Montgomery Township Zoning Ordinance, as amended (hereinafter "Ordinance") and the Pennsylvania Municipalities Planning Code, and having considered the evidence and testimony presented, the Zoning Hearing Board (hereinafter, "Board") of Montgomery Township enters the following Decision:

FINDINGS OF FACT

1. This is Application No. 13050003 of Chick-fil-A, Inc., 5200 Buffington Road, Atlanta, Georgia, 30349; equitable owner of the Property located at 794 and 798 Bethlehem Pike, Montgomeryville, Pennsylvania, 18936 (the "Property"), for the following relief to permit a proposed Chick-fil-A Restaurant and a proposed Restaurant/Retail buildings on the Property. The following alternative relief is requested:

In the event the Board of Supervisors requires the lot-line adjustment subdivision of the Property, the following relief is requested with respect to the proposed Chick-fil-A Restaurant lot:

- A. A Variance from §230-77.F to permit impervious material coverage of 83.7%, rather than 75% as required by the Ordinance;
- B. A Variance from §230-77.G to permit minimum land area devoted to green vegetative cover of 16.3%, rather than 25% as required by the Ordinance;
- C. A Variance from §230-78.A to permit 5.75 ft. of landscape buffer along the north side yard, .75 ft. along the south side yard, and 2 ft. along the rear property line, rather than the required 25 ft.;
- D. A Variance and/or interpretation from §230-78.B concerning a designated bypass lane;
- E. A Variance from §230-127.A.4.b(1) to permit a freestanding sign area of 50 sq. ft., rather than the permitted 34 sq. ft., and sign height of 10 ft., rather than the permitted 5 ft.;
- F. A Variance from §230-127.A.2.a to permit building signage area of 139.4 sq. ft., rather than 78 sq. ft. as permitted by the Ordinance;
- G. A Variance from §230-127.A.4.b(3) to permit three menu board signs, two being 24.1 sq. ft. in area and 10 ft. 7.5 inches in height, and one being 8.4 sq. ft. in area and 4.3 ft. in height;
- H. A Variance from §230-137 to permit the exclusion of an off-street loading space;
- I. A Special Exception pursuant to §230-135 to permit parking spaces located on an adjacent lot; and
- J. A Special Exception pursuant to §230-156.4.A to permit an outdoor dining area as an accessory use in the C-Commercial Zoning District.

And the following relief is requested with respect to the proposed Restaurant/Retail building lot:

- A. A Variance from §230-78.A to permit 0 ft. of landscape buffer along the north side yard, 4 ft. of landscape buffer along the south side yard, and 2 ft. along the rear property line, rather than 25 ft. as required by the Ordinance;
- B. A Variance from §230-127.A.4.b(1) to permit a freestanding sign area of 50 sq. ft., rather than 34 sq. ft. as required by the Ordinance, and sign height of 10 ft., rather than 5 ft. as permitted by the Ordinance;
- C. A Variance from §230-137 to permit the exclusion of an off-street loading space; and
- D. A Special Exception pursuant to §230-135 to permit parking spaces located on an adjacent lot.

2. In the alternative, in the event that the Board of Supervisors requires the consolidation of the Property into a single lot, the following relief is requested:

- A. A Variance from §230-77.F to permit impervious material coverage of 76.5%, rather than 75% as required by the Ordinance;
- B. A Variance from §230-77.G to permit minimum land area devoted to green vegetative cover of 23.5%, rather than 25% as required by the Ordinance;
- C. A Variance from §230-78.A to permit 5.75 ft. of landscape buffer along the north side yard, 4 ft. of landscape buffer along the south side yard, and 2 ft. along the rear property line, rather than the required 25 ft.;
- D. A Variance and/or interpretation from §230-78.B concerning a designated bypass lane;
- E. A Variance from §230-127.A.4.b(1) to permit two freestanding signs, rather than one as permitted by the Ordinance, a freestanding sign area of 50 sq. ft., rather than the permitted 34 sq. ft., and sign height of 10 ft., rather than the permitted 5 ft.;
- F. A Variance from §230-127.A.2.a to permit building sign area for the proposed Chick-fil-A of 139.4 sq. ft., rather than 78 sq. ft. as permitted by the Ordinance;
- G. A Variance from §230-127.A.4.b.(3) to permit three menu board signs, two being 24.1 sq. ft. in area

and 10 ft. 7.5 inches in height, and one being 8.4 sq. ft. in area and 4.3 ft. in height;

- H. A Variance from §230-137 to permit the exclusion of off-street loading space for the proposed uses; and
- I. A Special exception pursuant to §230-156.4.A to permit an outdoor dining area adjacent to the Chick-fil-A restaurant.

3. Kevin Haney an expert professional engineer in the field of zoning, land development and subdivision testified on behalf of the Applicant as follows:

- A. The Property is comprised of two lots; the larger lot is approximately 1.67 acres and the smaller lot is approximately .69 acres. The area of the entire site is approximately 2.37 acres. (NT 7/2/13, page 20).
- B. The Property is irregularly shaped and provides access to Route 309 and to the Montgomery Mall ring road situate in the rear of the Property. (NT 7/2/13, page 21).
- C. The existing improvements consist of an approximate 22,000 square foot building and 117 parking spaces. (NT 7/2/13, page 21).
- D. The Applicant is proposing to demolish the existing 22,000 square foot building and replace it with two much smaller uses; the total of the two proposed uses is about half of the existing building. (NT 7/2/13, page 22).
- E. The Applicant is proposing a Chick-fil-A Restaurant on the northern portion of the Property. The Applicant has not yet secured a tenant for the other proposed building; therefore, the Applicant has identified the proposed building as general retail space with potential for a restaurant. There will be no change to the two existing driveway access locations entering in from Route 309 and exiting out onto Route 309. (NT 7/2/13, page 22).

- F. The proposed Chick-fil-A Restaurant has a total of 136 seats, 20 of which are outside tables. (NT 7/2/13, page 29).
- G. The proposed development will decrease the impervious coverage, add more landscaping and improve site circulation throughout. (NT 7/2/13, page 30).
- H. The Property is zoned Commercial. (NT 7/2/13, page 32).
- I. The shape of the Property, the frontage along Route 309, the unique existing property line and the geometry of the lots are unique circumstances and conditions applicable to the Property. (NT 7/2/13, page 32).
- J. Zoning relief was previously granted relative to the Property in 2007 relative to side yard, rear yard, landscaping, buffering and parking provisions. (NT 7/2/13, pages 32 - 33).
- K. Exhibit A-13 sets forth the relief requested by the Applicant in the alternative dependent upon the Board of Supervisors requiring that the Property be subdivided or combined into a single lot. (NT 7/2/13, pages 33 - 43).
- L. The Applicant's proposed signage is set forth on Exhibit A-17. (NT 7/2/13, pages 44 - 48).
- M. In Mr. Haney's expert opinion, the relief requested will permit a reasonable use of the Property, will create an unnecessary hardship if not granted, and the Variances and Special Exceptions will not in any way alter the essential character of the neighborhood, not change the purpose or intent of the zoning code nor be injurious to the surrounding neighborhood. (NT 7/2/13, page 48).
- N. In order to viably develop the Property for any use zoning relief is required. (NT 7/2/13, page 68).
- O. The criteria for a special exception pursuant to Section 230-135 and Section 230-156.4.A. have been met. (NT 7/2/13, page 69).

4. John Martinez, an expert in restaurant project management testified on behalf of the Applicant, concerning the proposed outside seating, the design of the bypass drive-through lane, proposed signage, hours of operation and number of employees.

5. The following Exhibits were entered into evidence:

Board Exhibits

- B-1 Proof of Publication;
- B-2 Posting Date 6/19/2013;
- B-3 Notification of Residents (date) N/A;
- B-4 Notice of Hearing.

Applicant's Exhibits

- A-1 Resume of Kevin L. Haney, P.E.;
- A-2 Application of 5/14/13 by Chick-fil-A to the Montgomery Township Zoning Hearing Board;
- A-3 Letter of 5/15/13 to Zoning Hearing Board from Robert J. Kerns;
- A-4 Letter of 5/16/13 to Zoning Hearing Board from Robert J. Kerns;
- A-5 Purchase and Sale Agreement by and between Kahn's, Inc. and Chick-fil-A;
- A-6 Purchase and Sale Agreement by and between Aptcor Outpad, LLC and Chick-fil-A;
- A-7 Deed between Paul J. Keating and Helen M. Keating to Engleside Realty Company dated February 15, 1967;
- A-8 Deed between FRB Realty Corp. to Aptcor Outpad, LLC dated August 6, 2007;
- A-9 Montgomery County Property Tax Assessor Records - Tax map for Aptcor Outpad, LLC parcel and Tax map for Kahn's Inc. parcel;
- A-10 Overall Aerial of site;
- A-11 2D color rendering of Existing Conditions;
- A-12 2D color rendering of the Proposed Plan;

- A-13 Chart of relief requested for the properties at 794 and 798 Bethlehem Pike;
- A-14 Black and white copy of the Subdivision Exhibit;
- A-15 Black and white copy of the Alternative Driveway Plan;
- A-16 Color renderings of the buildings;
- A-17 Color copy of the sign exhibit;
- A-18 Curriculum Vitae of John Martinez;
- A-19 Curriculum Vitae of Sandy Koza.

#### CONCLUSIONS OF LAW

1. This Board has jurisdiction over the subject matter of the Application.

2. The Applicant is a proper party before the Board.

3. Pursuant to Section 230-184.A. of the Ordinance, the Board may grant a variance, provided that the following findings are made where relevant in a given case:

- (1) That there are unique physical circumstances or conditions, including irregularity, narrowness or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of this Zoning Ordinance in the neighborhood or district in which the property is located.
- (2) That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this Zoning Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
- (3) That such unnecessary hardship has not been created by the applicant.

- (4) That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located nor substantially or permanently impair the appropriate use or development of adjacent property nor be detrimental to the public welfare.
- (5) That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

4. The Applicant has satisfied its burden of proof and established that it is entitled to the variances requested pursuant to Section 230-184.A. of the Ordinance.

5. Pursuant to Section 230-156.4 and Section 230-185 of the Ordinance, an outdoor dining area shall be permitted as an accessory use and is permitted by special exception in the Commercial Zoning District.

6. The Applicant has satisfied the requirements of Section 230-156.4 and Section 230-185 relative to the requested special exception for an outdoor dining area.

7. Pursuant to Section 230-135 and Section 230-185 of the Ordinance, required parking spaces may be located elsewhere than on the same lot when authorized as a special exception.

8. The Applicant has satisfied the requirements of Section 230-135 and Section 230-185 of the Ordinance relative to location adjustments for required parking.

ORDER

Upon consideration of the evidence and testimony presented, Applicant's request for relief from the Ordinance is hereby GRANTED as follows:

In the event that the Board of Supervisors requires the lot-line adjustment subdivision of the Property, the following relief is GRANTED relative to the Chick-fil-A Restaurant lot:

- A. A Variance from §230-77.F to permit impervious material coverage of 83.7%, rather than 75% as required by the Ordinance;
- B. A Variance from §230-77.G to permit minimum land area devoted to green vegetative cover of 16.3%, rather than 25% as required by the Ordinance;
- C. A Variance from §230-78.A to permit 5.75 ft. of landscape buffer along the north side yard, .75 ft. along the south side yard, and 2 ft. along the rear property line, rather than the required 25 ft.;
- D. A Variance and/or interpretation from §230-78.B concerning a designated bypass lane;
- E. A Variance from §230-127.A.4.b(1) to permit a freestanding sign area of 50 sq. ft., rather than the permitted 34 sq. ft., and sign height of 10 ft., rather than the permitted 5 ft.;
- F. A Variance from §230-127.A.2.a to permit building signage area of 139.4 sq. ft., rather than 78 sq. ft. as permitted by the Ordinance;
- G. A Variance from §230-127.A.4.b(3) to permit three menu board signs, two being 24.1 sq. ft. in area and 10 ft. 7.5 inches in height, and one being 8.4 sq. ft. in area and 4.3 ft. in height;
- H. A Variance from §230-137 to permit the exclusion of an off-street loading space;

- I. A Special Exception pursuant to §230-135 to permit parking spaces located on an adjacent lot; and
- J. A Special Exception pursuant to §230-156.4.A to permit an outdoor dining area as an accessory use in the C-Commercial Zoning District.

And the following relief is GRANTED with respect to the Restaurant/Retail building lot:

- A. A Variance from §230-78.A to permit 0 ft. of landscape buffer along the north side yard, 4 ft. of landscape buffer along the south side yard, and 2 ft. along the rear property line, rather than 25 ft. as required by the Ordinance;
- B. A Variance from §230-127.A.4.b(1) to permit a freestanding sign area of 50 sq. ft., rather than 34 sq. ft. as required by the Ordinance, and sign height of 10 ft., rather than 5 ft. as permitted by the Ordinance;
- C. A Variance from §230-137 to permit the exclusion of an off-street loading space; and
- D. A Special Exception pursuant to §230-135 to permit parking spaces located on an adjacent lot.

Alternatively, in the event that the Board of Supervisors should require the consolidation of the Property, the following relief is GRANTED:

- A. A Variance from §230-77.F to permit impervious material coverage of 76.5%, rather than 75% as required by the Ordinance;
- B. A Variance from §230-77.G to permit minimum land area devoted to green vegetative cover of 23.5%, rather than 25% as required by the Ordinance;
- C. A Variance from §230-78.A to permit 5.75 ft. of landscape buffer along the north side

yard, 4 ft. of landscape buffer along the south side yard, and 2 ft. along the rear property line, rather than the required 25 ft.;

- D. A Variance and/or interpretation from §230-78.B concerning a designated bypass lane;
- E. A Variance from §230-127.A.4.b(1) to permit two freestanding signs, rather than one as permitted by the Ordinance, a freestanding sign area of 50 sq. ft., rather than the permitted 34 sq. ft., and sign height of 10 ft., rather than the permitted 5 ft.;
- F. A Variance from §230-127.A.2.a to permit building sign area for the proposed Chick-fil-A of 139.4 sq. ft., rather than 78 sq. ft. as permitted by the Ordinance;
- G. A Variance from §230-127.A.4.b.(3) to permit three menu board signs, two being 24.1 sq. ft. in area and 10 ft. 7.5 inches in height, and one being 8.4 sq. ft. in area and 4.3 ft. in height;
- H. A Variance from §230-137 to permit the exclusion of off-street loading space for the proposed uses; and
- I. A Special exception pursuant to §230-156.4.A to permit an outdoor dining area adjacent to the Chick-fil-A restaurant.

The relief set forth above is subject to the following conditions:

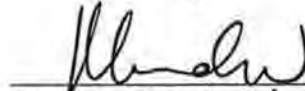
1. The Applicant shall obtain subdivision/land development approval from the Board of Supervisors;

2. The Applicant shall obtain the required cross easements to provide for parking on the adjacent property; and

3. The signage shall conform with Exhibit A-17.

Montgomery Township  
Zoning Hearing Board

  
Mary Kay Kelm

  
Ken Souder

  
Lawrence Poli

Order Entered: July 2, 2013

Circulation Date: 8/6/2013

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

IN RE: APPLICATION NO. 13050003 OF : REQUEST FOR  
CHICK-FIL-A, INC.; : VARIANCES AND  
PREMISES: 794 & 798 BETHLEHEM : SPECIAL EXCEPTIONS  
PIKE, MONTGOMERYVILLE, PA, 18936 :

### DECISION

A Public Hearing on the above Application having been held on July 2, 2013 at 7:30 P.M. at the Montgomery Township Administration Building, 1001 Stump Road, Montgomeryville, Pennsylvania, pursuant to Notice as required by the Montgomery Township Zoning Ordinance, as amended (hereinafter "Ordinance") and the Pennsylvania Municipalities Planning Code, and having considered the evidence and testimony presented, the Zoning Hearing Board (hereinafter, "Board") of Montgomery Township enters the following Decision:

### FINDINGS OF FACT

1. This is Application No. 13050003 of Chick-fil-A, Inc., 5200 Buffington Road, Atlanta, Georgia, 30349; equitable owner of the Property located at 794 and 798 Bethlehem Pike, Montgomeryville, Pennsylvania, 18936 (the "Property"), for the following relief to permit a proposed Chick-fil-A Restaurant and a proposed Restaurant/Retail buildings on the Property. The following alternative relief is requested:

In the event the Board of Supervisors requires the lot-line adjustment subdivision of the Property, the following relief is requested with respect to the proposed Chick-fil-A Restaurant lot:

- A. A Variance from §230-77.F to permit impervious material coverage of 83.7%, rather than 75% as required by the Ordinance;
- B. A Variance from §230-77.G to permit minimum land area devoted to green vegetative cover of 16.3%, rather than 25% as required by the Ordinance;
- C. A Variance from §230-78.A to permit 5.75 ft. of landscape buffer along the north side yard, .75 ft. along the south side yard, and 2 ft. along the rear property line, rather than the required 25 ft.;
- D. A Variance and/or interpretation from §230-78.B concerning a designated bypass lane;
- E. A Variance from §230-127.A.4.b(1) to permit a freestanding sign area of 50 sq. ft., rather than the permitted 34 sq. ft., and sign height of 10 ft., rather than the permitted 5 ft.;
- F. A Variance from §230-127.A.2.a to permit building signage area of 139.4 sq. ft., rather than 78 sq. ft. as permitted by the Ordinance;
- G. A Variance from §230-127.A.4.b(3) to permit three menu board signs, two being 24.1 sq. ft. in area and 10 ft. 7.5 inches in height, and one being 8.4 sq. ft. in area and 4.3 ft. in height;
- H. A Variance from §230-137 to permit the exclusion of an off-street loading space;
- I. A Special Exception pursuant to §230-135 to permit parking spaces located on an adjacent lot; and
- J. A Special Exception pursuant to §230-156.4.A to permit an outdoor dining area as an accessory use in the C-Commercial Zoning District.

And the following relief is requested with respect to the proposed Restaurant/Retail building lot:

- A. A Variance from §230-78.A to permit 0 ft. of landscape buffer along the north side yard, 4 ft. of landscape buffer along the south side yard, and 2 ft. along the rear property line, rather than 25 ft. as required by the Ordinance;
- B. A Variance from §230-127.A.4.b(1) to permit a freestanding sign area of 50 sq. ft., rather than 34 sq. ft. as required by the Ordinance, and sign height of 10 ft., rather than 5 ft. as permitted by the Ordinance;
- C. A Variance from §230-137 to permit the exclusion of an off-street loading space; and
- D. A Special Exception pursuant to §230-135 to permit parking spaces located on an adjacent lot.

2. In the alternative, in the event that the Board of Supervisors requires the consolidation of the Property into a single lot, the following relief is requested:

- A. A Variance from §230-77.F to permit impervious material coverage of 76.5%, rather than 75% as required by the Ordinance;
- B. A Variance from §230-77.G to permit minimum land area devoted to green vegetative cover of 23.5%, rather than 25% as required by the Ordinance;
- C. A Variance from §230-78.A to permit 5.75 ft. of landscape buffer along the north side yard, 4 ft. of landscape buffer along the south side yard, and 2 ft. along the rear property line, rather than the required 25 ft.;
- D. A Variance and/or interpretation from §230-78.B concerning a designated bypass lane;
- E. A Variance from §230-127.A.4.b(1) to permit two freestanding signs, rather than one as permitted by the Ordinance, a freestanding sign area of 50 sq. ft., rather than the permitted 34 sq. ft., and sign height of 10 ft., rather than the permitted 5 ft.;
- F. A Variance from §230-127.A.2.a to permit building sign area for the proposed Chick-fil-A of 139.4 sq. ft., rather than 78 sq. ft. as permitted by the Ordinance;
- G. A Variance from §230-127.A.4.b.(3) to permit three menu board signs, two being 24.1 sq. ft. in area

- and 10 ft. 7.5 inches in height, and one being 8.4 sq. ft. in area and 4.3 ft. in height;
- H. A Variance from §230-137 to permit the exclusion of off-street loading space for the proposed uses; and
- I. A Special exception pursuant to §230-156.4.A to permit an outdoor dining area adjacent to the Chick-fil-A restaurant.

3. Kevin Haney an expert professional engineer in the field of zoning, land development and subdivision testified on behalf of the Applicant as follows:

- A. The Property is comprised of two lots; the larger lot is approximately 1.67 acres and the smaller lot is approximately .69 acres. The area of the entire site is approximately 2.37 acres. (NT 7/2/13, page 20).
- B. The Property is irregularly shaped and provides access to Route 309 and to the Montgomery Mall ring road situate in the rear of the Property. (NT 7/2/13, page 21).
- C. The existing improvements consist of an approximate 22,000 square foot building and 117 parking spaces. (NT 7/2/13, page 21).
- D. The Applicant is proposing to demolish the existing 22,000 square foot building and replace it with two much smaller uses; the total of the two proposed uses is about half of the existing building. (NT 7/2/13, page 22).
- E. The Applicant is proposing a Chick-fil-A Restaurant on the northern portion of the Property. The Applicant has not yet secured a tenant for the other proposed building; therefore, the Applicant has identified the proposed building as general retail space with potential for a restaurant. There will be no change to the two existing driveway access locations entering in from Route 309 and exiting out onto Route 309. (NT 7/2/13, page 22).

- F. The proposed Chick-fil-A Restaurant has a total of 136 seats, 20 of which are outside tables. (NT 7/2/13, page 29).
- G. The proposed development will decrease the impervious coverage, add more landscaping and improve site circulation throughout. (NT 7/2/13, page 30).
- H. The Property is zoned Commercial. (NT 7/2/13, page 32).
- I. The shape of the Property, the frontage along Route 309, the unique existing property line and the geometry of the lots are unique circumstances and conditions applicable to the Property. (NT 7/2/13, page 32).
- J. Zoning relief was previously granted relative to the Property in 2007 relative to side yard, rear yard, landscaping, buffering and parking provisions. (NT 7/2/13, pages 32 - 33).
- K. Exhibit A-13 sets forth the relief requested by the Applicant in the alternative dependent upon the Board of Supervisors requiring that the Property be subdivided or combined into a single lot. (NT 7/2/13, pages 33 - 43).
- L. The Applicant's proposed signage is set forth on Exhibit A-17. (NT 7/2/13, pages 44 - 48).
- M. In Mr. Haney's expert opinion, the relief requested will permit a reasonable use of the Property, will create an unnecessary hardship if not granted, and the Variances and Special Exceptions will not in any way alter the essential character of the neighborhood, not change the purpose or intent of the zoning code nor be injurious to the surrounding neighborhood. (NT 7/2/13, page 48).
- N. In order to viably develop the Property for any use zoning relief is required. (NT 7/2/13, page 68).
- O. The criteria for a special exception pursuant to Section 230-135 and Section 230-156.4.A. have been met. (NT 7/2/13, page 69).

4. John Martinez, an expert in restaurant project management testified on behalf of the Applicant, concerning the proposed outside seating, the design of the bypass drive-through lane, proposed signage, hours of operation and number of employees.

5. The following Exhibits were entered into evidence:

Board Exhibits

- B-1 Proof of Publication;
- B-2 Posting Date 6/19/2013;
- B-3 Notification of Residents (date) N/A;
- B-4 Notice of Hearing.

Applicant's Exhibits

- A-1 Resume of Kevin L. Haney, P.E.;
- A-2 Application of 5/14/13 by Chick-fil-A to the Montgomery Township Zoning Hearing Board;
- A-3 Letter of 5/15/13 to Zoning Hearing Board from Robert J. Kerns;
- A-4 Letter of 5/16/13 to Zoning Hearing Board from Robert J. Kerns;
- A-5 Purchase and Sale Agreement by and between Kahn's, Inc. and Chick-fil-A;
- A-6 Purchase and Sale Agreement by and between Aptcor Outpad, LLC and Chick-fil-A;
- A-7 Deed between Paul J. Keating and Helen M. Keating to Engleside Realty Company dated February 15, 1967;
- A-8 Deed between FRB Realty Corp. to Aptcor Outpad, LLC dated August 6, 2007;
- A-9 Montgomery County Property Tax Assessor Records - Tax map for Aptcor Outpad, LLC parcel and Tax map for Kahn's Inc. parcel;
- A-10 Overall Aerial of site;
- A-11 2D color rendering of Existing Conditions;
- A-12 2D color rendering of the Proposed Plan;

- A-13 Chart of relief requested for the properties at 794 and 798 Bethlehem Pike;
- A-14 Black and white copy of the Subdivision Exhibit;
- A-15 Black and white copy of the Alternative Driveway Plan;
- A-16 Color renderings of the buildings;
- A-17 Color copy of the sign exhibit;
- A-18 Curriculum Vitae of John Martinez;
- A-19 Curriculum Vitae of Sandy Koza.

#### CONCLUSIONS OF LAW

1. This Board has jurisdiction over the subject matter of the Application.

2. The Applicant is a proper party before the Board.

3. Pursuant to Section 230-184.A. of the Ordinance, the Board may grant a variance, provided that the following findings are made where relevant in a given case:

- (1) That there are unique physical circumstances or conditions, including irregularity, narrowness or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of this Zoning Ordinance in the neighborhood or district in which the property is located.
- (2) That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this Zoning Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
- (3) That such unnecessary hardship has not been created by the applicant.

- (4) That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located nor substantially or permanently impair the appropriate use or development of adjacent property nor be detrimental to the public welfare.
- (5) That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

4. The Applicant has satisfied its burden of proof and established that it is entitled to the variances requested pursuant to Section 230-184.A. of the Ordinance.

5. Pursuant to Section 230-156.4 and Section 230-185 of the Ordinance, an outdoor dining area shall be permitted as an accessory use and is permitted by special exception in the Commercial Zoning District.

6. The Applicant has satisfied the requirements of Section 230-156.4 and Section 230-185 relative to the requested special exception for an outdoor dining area.

7. Pursuant to Section 230-135 and Section 230-185 of the Ordinance, required parking spaces may be located elsewhere than on the same lot when authorized as a special exception.

8. The Applicant has satisfied the requirements of Section 230-135 and Section 230-185 of the Ordinance relative to location adjustments for required parking.

ORDER

Upon consideration of the evidence and testimony presented, Applicant's request for relief from the Ordinance is hereby **GRANTED** as follows:

In the event that the Board of Supervisors requires the lot-line adjustment subdivision of the Property, the following relief is **GRANTED** relative to the Chick-fil-A Restaurant lot:

- A. A Variance from §230-77.F to permit impervious material coverage of 83.7%, rather than 75% as required by the Ordinance;
- B. A Variance from §230-77.G to permit minimum land area devoted to green vegetative cover of 16.3%, rather than 25% as required by the Ordinance;
- C. A Variance from §230-78.A to permit 5.75 ft. of landscape buffer along the north side yard, .75 ft. along the south side yard, and 2 ft. along the rear property line, rather than the required 25 ft.;
- D. A Variance and/or interpretation from §230-78.B concerning a designated bypass lane;
- E. A Variance from §230-127.A.4.b(1) to permit a freestanding sign area of 50 sq. ft., rather than the permitted 34 sq. ft., and sign height of 10 ft., rather than the permitted 5 ft.;
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- I. A Special Exception pursuant to §230-135 to permit parking spaces located on an adjacent lot; and
- J. A Special Exception pursuant to §230-156.4.A to permit an outdoor dining area as an accessory use in the C-Commercial Zoning District.

And the following relief is **GRANTED** with respect to the Restaurant/Retail building lot:

- A. A Variance from §230-78.A to permit 0 ft. of landscape buffer along the north side yard, 4 ft. of landscape buffer along the south side yard, and 2 ft. along the rear property line, rather than 25 ft. as required by the Ordinance;
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Alternatively, in the event that the Board of Supervisors should require the consolidation of the Property, the following relief is **GRANTED**:

- A. A Variance from §230-77.F to permit impervious material coverage of 76.5%, rather than 75% as required by the Ordinance;
- B. A Variance from §230-77.G to permit minimum land area devoted to green vegetative cover of 23.5%, rather than 25% as required by the Ordinance;
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yard, 4 ft. of landscape buffer along the south side yard, and 2 ft. along the rear property line, rather than the required 25 ft.;

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- H. A Variance from §230-137 to permit the exclusion of off-street loading space for the proposed uses; and
- I. A Special exception pursuant to §230-156.4.A to permit an outdoor dining area adjacent to the Chick-fil-A restaurant.

The relief set forth above is subject to the following conditions:

1. The Applicant shall obtain subdivision/land development approval from the Board of Supervisors;

2. The Applicant shall obtain the required cross easements to provide for parking on the adjacent property; and

3. The signage shall conform with Exhibit A-17.

Montgomery Township  
Zoning Hearing Board

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Mary Kay Kelm

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Ken Souder

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Laurence Poli

Order Entered: July 2, 2013

Circulation Date:

MONTGOMERY TOWNSHIP BOARD OF SUPERVISORS  
**BOARD ACTION SUMMARY**

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SUBJECT: Consideration - Preliminary/Final Land Development Plan – Giant To Go  
- LDS #666

MEETING DATE: December 16, 2013

ITEM NUMBER: #11

MEETING/AGENDA: WORK SESSION ACTION XX NONE

REASON FOR CONSIDERATION: Operational: Information: Discussion: XX Policy:

INITIATED BY: Bruce Shoupe  
Director of Planning and Zoning

BOARD LIAISON: Joseph P. Walsh  
Chairman

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BACKGROUND:

The applicant, Giant Food Stores, proposes to construct and operate a 5,000 square foot convenience store with a five double-sided pump gasoline fueling station at 741 Bethlehem Pike. This lot is within the C-Commercial Zoning District. Retail Sales is a permitted use, while a conditional use was approved for the gasoline pumps. The existing parcel is currently fully developed with an 18,750 square foot retail building. This is to be removed. This lot has frontage on both Horsham Road and Bethlehem Pike. Current access to the site is via a shared access easement at both frontages. The proposed plan incorporates expiration of the shared access easement on Bethlehem Pike, modifying the access available to the neighboring lot and creation of new single lot access points for the subject lot on Bethlehem Pike. Parking, storm water management facilities, landscaping and lighting are also proposed.

The Township staff and consultants have reviewed this plan for compliance with Township Codes. Copies of the review letters are attached.

ZONING, SUBDIVISION OR LAND DEVELOPMENT IMPACT:

The Applicant executed an indefinite extension form, which allows unlimited review time by the Township, unless a notice is received from the Applicant that a decision be rendered within 90 days by the Board of Supervisors.

PREVIOUS BOARD ACTION:

None

ALTERNATIVES/OPTIONS:

The Board could deny this plan or approve this plan with the conditions as outlined in the attached resolution.

BUDGET IMPACT:

None.

RECOMMENDATION:

The resolution be adopted by the Board of Supervisors.

MOTION/RESOLUTION:

The Resolution is attached. (The Chairman needs to read only the highlighted portions of the resolution.)

MOTION \_\_\_\_\_

SECOND \_\_\_\_\_

ROLL CALL:

Robert J. Birch	Aye	Opposed	Abstain	Absent
Candyce Fluehr Chimera	Aye	Opposed	Abstain	Absent
Michael J. Fox	Aye	Opposed	Abstain	Absent
Jeffrey W. McDonnell	Aye	Opposed	Abstain	Absent
Joseph P. Walsh	Aye	Opposed	Abstain	Absent

DISTRIBUTION: Board of Supervisors, Frank B. Bartle, Esq.

## RESOLUTION #

### MONTGOMERY TOWNSHIP

### MONTGOMERY COUNTY, PENNSYLVANIA

#### **A RESOLUTION GRANTING CONDITIONAL PRELIMINARY/FINAL APPROVAL OF THE APPLICATION FOR LAND DEVELOPMENT FOR GIANT FOOD STORES, LLC FOR A GIANT TO GO RETAIL STORE, 741 BETHLEHEM PIKE – LDS#666**

The Board of Supervisors of Montgomery Township, Montgomery County, Pennsylvania, hereby resolves to grant conditional, preliminary/final approval of the land development application and plan for **Giant Food Stores, LLC for a Giant To Go Retail Store, 741 Bethlehem Pike**, as more fully detailed on the plans listed on Exhibit "A" attached hereto and made part hereof and further conditioned upon the following being satisfied by the Applicant prior to the recording of the final plan:

1. Fulfilling all obligations and requirements of the **Gilmore & Associates, Inc.** letters dated November 20, 2013, June 12, 2013; **Boucher & James, Inc.** letters dated November 13, 2013, June 14, 2013; **Montgomery Township Planning Commission** comments dated June 20, 2013; **Montgomery County Planning Commission** comments dated June 19, 2013; **Traffic Planning and Design, Inc.** letters dated November 18, 2013, June 17, 2013; **Montgomery Township Fire Marshal's Office** comments dated December 11, 2013, November 12, 2013, June 14, 2013; **Montgomery Township Police Department** comments dated May 29, 2013; **Kenneth Amey's** letters dated November 19, 2013, June 14, 2013 and **Zoning Officers** review letter dated December 5, 2013.
2. The record plans and agreements cannot be recorded and no permits will be submitted for review until the Declaration of Covenants and Easements, dated January 26, 1989 and recorded in the Montgomery County Recorder of Deeds office at Book 4901, Page 831, expires on January 26, 2014 or has been extinguished by both parties at an earlier date.
3. The Applicant shall enter into a Land Development Agreement and post financial security for all improvements to the satisfaction of the Township Engineer and Township Solicitor.
4. The Applicant shall satisfy the requirements of all Montgomery Township Codes, the Montgomery Township Municipal Sewer Authority and North Wales Water Authority. A copy of the Authorities' permits and/or agreements from the above must be provided to the Township.
5. The Applicant shall be responsible for payment of all Township Consultant fees related to this project.
6. The Applicant shall be responsible for obtaining all other Regulatory Authority Permits having jurisdiction over this project.
7. All storm water inlets and outfall structures shall be identified in accordance with the PADEP Municipal Separate Storm Sewer Systems requirements.

8. The Applicant acknowledges that Section 205-116 of the SALDO provides for the payment of a fee in lieu of the dedication of parkland for park and recreation purposes.

The Applicant hereby agrees to accept the provisions of Section 205-116(A) (2) of the SALDO providing for the payment of \$.50 per square foot for nonresidential development or use up to 10,000 square feet and \$.25 per square foot over 10,000 square feet. This fee must be paid prior to the submission of an application for a building permit.

9. The applicant must comply with the Conditional Use Decision and Order dated April 8, 2013.
10. The Applicant shall execute the required Storm water Management Facilities Maintenance and Monitoring Agreement and Landscaping Declaration of Covenants and Restriction for its benefit and its successors and assigns.

**BE IT FURTHER RESOLVED** that the following **waivers are granted to the extent that they concur with the recommendation of the consultants:**

1. Section 205-10.H (2) - A waiver is requested from the requirement that angled parking not be permitted along public or private streets. *(The Applicant is proposing angular employee parking at the rear of the retail store in order to provide employee spaces and to define a one-way driveway around the rear of the store. The consultants have no objection to this waiver since the parking is proposed along a one-way driveway in the rear of the store.)*
2. Section 205-10.H(7)(b) - A waiver is requested from the requirement to provide 12 ft x 20 foot accessible parking spaces. *(The consultants have no objection to this waiver since the accessible parking spaces provided are in compliance with federal standards.)*
3. Section 205-18(1) (d) & Appendix B-C(2) - A partial waiver is requested from the requirement to consider the pre-development drainage from the driveway area tributary to Horsham Road (Point of Interest A) in the "meadow" condition. The Applicant is reducing the amount of impervious coverage on the site, whereas the impact of this waiver is minor in nature. *(The consultants have no objection to this waiver because the drainage area and the post-development run-off are reduced from the existing conditions.)*
4. Sections 205.17.D(2) & (4) - A waiver is requested to provide a 6 inch curb reveal rather than 8 inch required by the code. *(The consultants have no objection to this waiver)*
5. Section 205-52.B- A waiver is requested from the requirement to provide 46 shade trees and 93 shrubs in the softening buffers due to limited planting areas available and concerns of visibility. *(The consultants have no objection to this waiver provided a fee-in-lieu is provided for the missing plant material. The plan is missing 46 shade trees and 93 shrubs.)* **46 Shade Trees @ \$350 = \$16,100 and 93 Shrubs @ \$65 = \$6,045**

6. Section 205-52.C – A waiver is requested from providing a screen buffer for all truck loading areas. *(The applicant has provided 3 evergreen trees; 6 are required. The consultants have no objection to this waiver provided a fee-in-lieu is provided for the missing 3 trees.)* **3 Buffer Trees @ \$350 = \$1,050**
7. Section 205-52.D – A waiver is requested from the requirement to plant 2 shade trees and 28 shrubs within the parking areas due to concerns over long term maintenance and visibility. *(The consultants have no objection to this waive request provided a fee-in-lieu is provided for the missing plant material.)* **2 Shade Trees @ \$350 = \$700 and 28 Shrubs @ \$65 = \$1,820**
8. Section 205.D(1), Table 1 – A waiver is requested from providing one shade tree for each 290 feet of planting island. Four shade trees are required. None have been provided. *(The consultants have no objection to this waiver provided that a fee in lieu of the missing 4 shade trees is provided.)* **4 Shade Trees @ \$350 = \$1,400**
9. Section 205-53.C (1) – A waiver is requested to not provide 5 replacement trees, due to concerns over long-term maintenance and visibility. *(The consultants have no objection to this waiver provided that a fee-in-lieu of the missing plant material is provided.)* **5 Replacement Trees @ \$ 350 = \$1,750**
10. Section 205-75 – A waiver is requested from the requirement that a Preliminary Plan be submitted. The Applicant is requesting that the plans be reviewed as Preliminary/Final Land Development Plans. *(The consultants have no objection to this waiver.)*
11. Section 205-78.A (1) – A waiver is requested from the requirement to prepare plans at a scale of 100 feet to the inch. *(The consultants have no objection to this waiver.)*
12. Section 205-78.B (1) – A waiver is requested from the requirement to show existing features within 400 feet of the site. The applicant has provided an aerial photograph of the area. *(The consultants have no objection to this waiver.)*
13. Z.O. - Section 230-78.A – a waiver is requested based on the requirements of the Township Zoning Ordinance which allows the required planting area of 25 feet to be waived or reduced if deemed appropriate by the Board of Supervisors and as long as the side or rear boundary lines abut commercial or industrial uses or zoning districts. The parking area on the south side of the site encroaches into the landscape buffer area. *(The consultants have no objection to this waiver.)*

This Resolution shall become effective on the date upon which all of the above stated conditions are accepted by the Applicant in writing. If, for any reason, the Applicant fails to acknowledge the acceptance of the conditions contained in this Resolution within ten (10) days from the date of this Resolution, then the Preliminary/Final Plan approval granted herein shall become null and void, the waivers requested shall be deemed denied, and the plan shall be denied for failure to comply with Sections of the Township Zoning Ordinance and/or Township Subdivision and Land Development Ordinance for the reasons cited herein or as set forth in the letters referenced herein.

DULY PRESENTED AND ADOPTED by the Board of Supervisors of Montgomery Township, Montgomery County, Pennsylvania, at a public meeting held this 16<sup>th</sup> day of December, 2013.

MOTION BY:

SECOND BY:

VOTE:

The above conditions are agreed to by the applicant this \_\_\_\_\_  
day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
Applicant Signature

xc: Applicant, F. Bartle, R. Dunlevy, B. Shoupe, M. Stoerrle, K. Johnson, J. Stern-Goldstein,  
MCPC, Minute Book, Resolution File, File

EXHIBIT "A"

**PLANS-STUDIES**

<u>DESCRIPTION</u>	<u>ORIGINAL DATE</u>	<u>REVISED DATE</u>
1. Title	5/14/13	10/25/13
2. General Notes and other Specifications	5/14/13	10/25/13
3. Topographic and Boundary Survey Plan	5/14/13	10/25/13
4. Site Demolition Plan	5/14/13	10/25/13
5. Preliminary/Final Site Plan	5/14/13	10/25/13
6. Preliminary/Final Grading, Utilities Plan	5/14/13	10/25/13
7. Soil Erosion and Sedimentation Control Plan	5/14/13	10/25/13
8. Site Lighting and Photometrics Plan	5/14/13	10/25/13
9. Utilities Profiles and Details	5/14/13	10/25/13
10. Miscellaneous Details and Other Information	5/14/13	10/25/13
11. Miscellaneous Details and Other Information	5/14/13	10/25/13
12. Miscellaneous Details and Other Information	5/14/13	10/25/13
13. Miscellaneous Details and Other Information	5/14/13	10/25/13
14. Site Landscaping Plan	5/14/13	10/25/13
15. Site Landscaping Plan	5/14/13	10/25/13



**j. michael brill**  
**& ASSOCIATES, INC.**  
consulting engineers

CIVIL ENGINEERING  
LAND PLANNING  
SITE DEVELOPMENT  
SURVEYING SERVICES  
CONSTRUCTION SERVICES

HAND DELIVERED

October 29, 2013

Bruce S. Shoupe – Director of Planning and Zoning  
Montgomery Township  
1001 Stump Road  
Montgomeryville, PA 18936-9605  
Telephone: (215) 393-6920

RECEIVED

OCT 29 2013

MONTGOMERY TOWNSHIP

RE: Giant to Go @ Montgomeryville – **WAIVER REQUESTS**  
Montgomery Township, Montgomery County, PA  
JMB Project #1558-B  
LD/S #666

Dear Bruce:

J. Michael Brill & Associates, Inc. (JMB), on behalf of our client Giant Food Stores, LLC, (GIANT) has compiled a list of waivers which are hereby requested as a modification from the Montgomery Township Subdivision and Land Development Ordinance (SALDO) for the Preliminary / Final Land Development Plans (LDPs) last revised October 25, 2013 for the above referenced project. Below are list of modifications from the SALDO and subsequent justifications.

**§ 250-10. Streets and Roads**

- 205
1. §250-10.H.(2): Angular Parking – GIANT requests a waiver to install angular employee parking at the rear of the Giant to Go Facility in order to provide employee spaces and to define a one-way driveway around the rear of the facility. The angular spaces were presented and accepted by the Township during the Conditional Use approval for the project.
  2. §250-10.H.(7)(b): Handicapped Parking Spaces – GIANT requests a waiver to install ADA parking spaces at the dimensions required by the SALDO, as the ADA spaces indicated on plans meet federal standards.

**§250-18. Storm and Surface Drainage**

- 205
3. §205-18.D. (d).Appendix B.C. (2): Meadow Condition – GIANT requests a partial waiver for the requirement to consider "meadow" condition for the predevelopment drainage area to Point of Interest "A" which flows to Horsham Road. Based on meeting with the Township Engineer and PADOT's reviewer, since the corresponding postdevelopment drainage area to POI "A" is reduced in size, it would be acceptable to not use "meadow" condition in the predevelopment analysis due to the reduced runoff in the postdevelopment condition.

**§205-52 Planting Requirements**

4. §205-52.B: Softening Buffers – GIANT requests a waiver to NOT provide 46 shade trees and 93 shrubs in the softening buffers, due to limited planting areas available and concerns of visibility.
5. §205-52.C: Screen Buffers – GIANT requests a waiver to NOT provide 3 evergreen trees along the loading zone, due to the fact the loading zone is part of the rear building façade and delivery trucks will not be parked for extended periods of time.
6. §205-52.D: Parking Area Landscaping – GIANT requests a waiver to NOT provide 2 shade trees and 28 shrubs within the parking areas, due to concerns over long-term maintenance and visibility.



Bruce S. Shoupe – Director of Planning and Zoning  
October 29, 2013  
JMB Project #1558-B

Page 2 of 2

7. §205.a. Table 1: Minimum Planting Requirements (Parking Area Landscaping) – GIANT requests a waiver to NOT provide 4 shade trees in the parking lot islands over 290 square feet, due to concerns over long-term maintenance and visibility.

**§205-53 Preservation and Protection of Existing Trees**

8. §205-53: Preservation and Protection of Existing Trees – GIANT requests a waiver to NOT provide 5 replacement trees, due to concerns over long-term maintenance and visibility.

**§ 205-75 Preliminary Plan**

9. §205-75: Preliminary Plan - GIANT requests a waiver to submit a Preliminary Plan and requests the plan be reviewed as Preliminary/Final Land Development Plan; the submitted LDP has been designed to the Final Plan standards of the SALDO.

**§ 205-78 Preliminary Plan Contents**

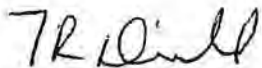
10. §205-78.A.(1): Drafting Standards - GIANT requests a waiver to prepare the Land Development Plans at 100 feet to the inch; the submitted LDP has been prepared at 30 feet to the inch to provide a more detailed plan.
11. §205-78.A.(1): Existing Features - GIANT requests a waiver to indicate all existing features within 400 feet of any part of the land being developed; as requested an Aerial Map of the subject property indicating the required features has been added to the plan set.

Additionally per the Montgomery Township Zoning Ordinance §230-78.A Development Standards and Regulations, GIANT requests a waiver to maintain a planting area 25 feet in width along all street frontages, side boundaries and rear boundaries. All the boundaries of the subject property abut Commercial uses, furthermore the Land Development Plan is consistent with the approved Conditional Use Plan whereon the 25-foot planting area was modified.

JMB believes that the above waiver requests are a complete list of modifications necessary to implement the plan as designed, but we request the right for additional waivers should they become necessary. Should you have any questions or require any additional information, please do not hesitate to contact me.

Sincerely,

**J. MICHAEL BRILL & ASSOCIATES, INC.**



Timothy R. Diehl, P.E.  
Project Manager

cc: Kerry Eck for Giant Food Stores, LLC – **VIA EMAIL**  
Jon Andrews for McNees, Wallace and Nurick – **VIA EMAIL**  
Patrick J. Stuart, R.L.A. for Orsatti Associates, Inc. – **VIA EMAIL**  
File

## Marita A. Stoerrle

---

**From:** Valerie Liggett [vliggett@bjengineers.com]  
**Sent:** Wednesday, November 13, 2013 9:03 AM  
**To:** Marita A. Stoerrle  
**Cc:** Bruce S. Shoupe; Judy Stern Goldstein  
**Subject:** Giant to Go Waiver Request Responses

Marita – here are our responses to the waiver requests from Giant to Go. Our letter will be coming to you shortly.

Val

### Giant to Go Waiver Request Responses

ZO Section 230-78.A: 25' planting area in front yard may be waived at the discretion of the Board of Supervisors. We have no objection.

SLDO Section 205-52.B Softening Buffers: "GIANT requests a waiver to not provide 46 shade trees and 93 shrubs in the softening buffers, due to limited planting areas available and concerns of visibility."

We have no objection to this waiver request provided a fee-in-lieu is provided for the missing plant material. The plan is missing forty-six (46) shade trees and ninety-three (93) shrubs.

SLDO Section 205-53.C Screen Buffers: "Giant requests a waiver to not provide 3 evergreen trees along the loading zone, due to the fact that the loading zone is part of the rear building façade and delivery trucks will not be parked for extended periods of time."

We have no objection to this waiver request provided a fee-in-lieu is provided for the missing plant material. The plan is missing three (3) evergreen trees.

SLDO Section 205-52.D Parking Area Landscaping: "Giant requests a waiver to not provide 2 shade trees and 28 shrubs within the parking areas, due to concerns over long-term maintenance and visibility.

We have no objection to this waiver requests provided a fee-in-lieu is provided for the missing plant material. The plan is missing two (2) shade trees and twenty-eight (28) shrubs.

SLDO Section 205.a Table 1, Minimum Planting Requirements (Parking Area Landscaping): "Giant requests a waiver to not provide 4 shade trees in the parking lot islands over 290 square feet, due to concerns over long-term maintenance and visibility."

We have no objection to this waiver requests provided a fee-in-lieu is provided for the missing plant material. The plan is missing four (4) shade trees.

SLDO Section 205-53.C Replacement Trees: "Giant requests a waiver to not provide 5 replacement trees, due to concerns over long-term maintenance and visibility."

We have no objection to this waiver request provided a fee-in-lieu is provided for the missing plant material. The plan is missing five (5) replacement trees.

### Total Missing Plant Material:

Fifty-two (52) Shade Trees @ \$375 = \$19,500

Three (3) Evergreen Trees @ \$250 = \$750

Twenty-eight (28) shrubs @ \$65 = \$1,820

Five (5) Replacement Trees @ \$275 = \$1,375

Total = \$23,445



**GILMORE & ASSOCIATES, INC.**  
ENGINEERING & CONSULTING SERVICES

November 20, 2013

File No. 12-07006

Bruce S. Shoupe, Director of Planning and Zoning  
Montgomery Township  
1001 Stump Road  
Montgomeryville, PA 18936-9605

Reference: Land Development - LD/S # 666 – Review #2  
Giant To Go @ Montgomeryville  
Parcel #46-00-00178-00-1, Block/Unit #012-005

Dear Bruce:

Pursuant to your request, Gilmore & Associates, Inc. has reviewed the land development plans for the above-referenced project and offers the following comments for consideration by the Montgomery Township Board of Supervisors:

**I. SUBMISSION**

- A. Preliminary/Final Land Development Plans for "Giant To Go @ Montgomeryville" prepared by J. Michael Brill & Associates, Inc., dated May 14, 2013, last revised October 25, 2013, consisting of sheets A, 1 to 14 of 14, and LP-1 & 2.
- B. Stormwater Management Narrative and Calculations for "Giant To Go @ Montgomeryville" prepared by J. Michael Brill & Associates, Inc., dated May 14, 2013, last revised October 25, 2013.
- C. Post Construction Stormwater Management Plan for "Giant To Go @ Montgomeryville" prepared by J. Michael Brill & Associates, Inc., dated May 14, 2013, last revised October 25, 2013.
- D. Soil Erosion and Sedimentation Control Narrative for "Giant To Go @ Montgomeryville" prepared by J. Michael Brill & Associates, Inc., dated May 14, 2013, last revised October 25, 2013.

**II. GENERAL**

The Applicant, Giant Food Stores, LLC, proposes to construct and operate a ±4,900 square foot Convenience Store with a five (5) double-sided pump (10 fueling positions) gasoline fueling station at 741 Bethlehem Pike in Montgomery Township, PA. The lot is within the Commercial (C) Zoning District. Retail Sales is a permitted use within the district, while a Gasoline Filling Station is permitted when approved as a conditional use by the Board of Supervisors. The existing parcel is currently fully developed with a ±18,750 square foot retail building with associated parking all of which is proposed to be removed as part of this application. The subject lot has frontage on Horsham Road (SR0463) and Bethlehem Pike (SR0202/SR0309). Current access to the site is via a shared access easement (B/U 012-004) at both frontages. The proposed plan incorporates expiration of the shared access easement, modifying the access available to the neighboring lot (B/U 012-004), and creation of new single lot access points for the subject lot on both frontages. Other site improvements include: associated parking, stormwater management facilities, landscaping, and lighting. The site will be serviced by public water and sewer.

**BUILDING ON A FOUNDATION OF EXCELLENCE**

65 E. Butler Avenue | Suite 100 | New Britain, PA 18901 Phone: 215-345-4330 | Fax: 215-345-8606

[www.gilmore-assoc.com](http://www.gilmore-assoc.com)

### III. REFERENCE DOCUMENTS

The Board of Supervisors Decision and Order for Conditional Use Application No. C-59 – The Board of Supervisors of Montgomery Township rendered approval of the written "Decision and Order" for the conditional use application on April 8, 2013. The Applicant was granted conditional use relief under Section 230-75.A.(1) of the Montgomery Township Zoning Ordinance in order to permit the use of a Gasoline Filling Station.

The above referenced conditional use relief was granted by the Board subject to the following conditions:

1. Applicant shall ensure that all review letters prepared in connection with its conditional use application are addressed to the satisfaction of the Township, with any land development issues being addressed during land development process to the satisfaction of the Township at the appropriate time.
2. The approved conditional use of the property shall be in strict conformance with the testimony and exhibits presented at the hearing.

### IV. REVIEW COMMENTS

#### A. Zoning Ordinance

Based on our review, the following items do not appear to comply with the Zoning Ordinance. Upon further development of the plans additional items may become apparent.

1. §230-78.A – If the side or rear boundary lines abut commercial or industrial uses or zoning districts, the required planting areas may be waived or reduced if deemed appropriate by the Board of Supervisors. The parking area on the south side of the site encroaches into the landscape buffer area. The applicant has indicated that a waiver has been requested and added to the updated Waiver Request Letter.
2. §230-131 – Sign locations are indicated on the plans for the purpose of land development application review. Signage will be reviewed and permitted by the Township Zoning Officer as part of a sign permit application.
3. §230-156.2.C(11) & (12) – Applicable documents such as a Spill Prevention, Control and Countermeasure (SPCC) Plan, a Preparedness, Prevention, and Contingency (PPC) Plan and/or a Spill Prevention Response (SPR) Plan should be submitted with any future land development application in order to confirm features and procedures are in place to prevent and protect against pollution discharges to the Townships storm sewer system.

#### B. Subdivision and Land Development Ordinance – Waiver Requests

The Applicant is requesting the following waivers from the Subdivision and Land Development Ordinance (SALDO). A 'List of Waivers' should be added to the Record Plan.

1. §205-10.H.(2) – A waiver is requested from the requirement that angled parking not be permitted along public or private streets. The Applicant is proposing angular employee parking at the rear of the retail store in order to provide employee spaces and to define a one-way driveway around the rear of the store. We recommend approval of this waiver since the parking is proposed along a one-way driveway in the rear of the store.

2. §205-10.H(7)(b) – A waiver is requested from the requirement to provide 12 ft x 20 ft accessible parking spaces. We support approval of this waiver since the accessible parking spaces provided are in compliance with federal standards.
3. §205-18(1)(d) & Appendix B-C(2) – A partial waiver is requested from the requirement to consider the pre-development drainage from the driveway area tributary to Horsham Road (Point of Interest A) in the "meadow" condition. We support approval of this waiver because the drainage area and the post-development run-off are reduced from the existing conditions.
4. §205-52.B. – A waiver is requested from the requirement to provide 46 shade trees and 93 shrubs in the softening buffers due to limited planting areas available and concerns of visibility. We defer comment on this waiver to the Township Landscape Consultant.
5. §205-52.C. – A waiver is requested from the requirement to provide 3 evergreen trees along the loading zone due to the fact that the loading zone is part of the rear building façade and delivery trucks will not be parked for extended periods of time. We defer comment on this waiver to the Township Landscape Consultant.
6. §205-52.D. – A waiver is requested from the requirement to 2 shade trees and 28 shrubs within the parking areas due to concerns over long term maintenance and visibility. We defer comment on this waiver to the Township Landscape Consultant.
7. §205a, Table 1 – A waiver is requested to provide three (3) of the required five (5) shade trees in the parking lot islands. We defer comment on this waiver to the Township Landscape Consultant.
8. §205-53 – A waiver is requested from the requirement to provide 5 replacement trees due to concerns over long term maintenance and visibility. We defer comment on this waiver to the Township Landscape Consultant.
9. §205-75 – A waiver is requested from the requirement that a Preliminary Plan be submitted. The Applicant is requesting that the plans be reviewed as Preliminary/Final Land Development Plans.
10. §205-78.A(1) – A waiver is requested from the requirement to prepare plans at a scale of 100 feet to the inch. We support approval of this waiver since the plans have been prepared at a scale that is more legible.
11. §205-78.B(1) – A waiver has been requested from the requirement to show all existing features within 400 feet of any part of the land being developed. We support approval of this waiver since an aerial photograph of the area has been provided.
12. The Applicant is requesting a waiver based on the requirements of §230-78.A of the Township Zoning Ordinance which allows the required planting area of 25 feet be waived or reduced if deemed appropriate by the Board of Supervisors and as long as the side or rear boundary lines abut commercial or industrial uses or zoning districts. We defer comment on this waiver to the Township Landscape Consultant.

C. Subdivision and Land Development Ordinance

Based on our review, the following items do not appear to comply with the Subdivision and Land Development Ordinance (SALDO). Upon further development of the plans additional items may become apparent.

1. §205-10.E(4) & §205-10.G(8) – Clear sight triangles (75 ft along centerline) should be provided where driveways intersect streets. The clear sight triangles should be shown on the Site Plan and Landscaping Plan.
2. §205-10.H.(7)(c) – Detailed grading information for the proposed curb ramps shall be provided for review and approval or documentation of PennDOT approval of the curb ramps shall be provided. Review of site accessibility will be provided under separate cover,
3. §205-18.1.C. & §205-29. – No permit shall be approved unless there has been a plan approved by the MCCD along with an NPDES permit. The Applicant has indicated that an Erosion and Sedimentation Control Plan and NPDES application have been submitted to the MCCD.
4. §205-20. – The Applicant has noted documentation from NWWA regarding water service will be forwarded to the Township upon receipt.
5. §205-21. – The applicant has noted that the Township Fire Marshal has reviewed the plans to verify access and circulation are maintained and that adequate fire suppression needs are met, including hydrants and/or sprinkler system. A copy of the review should be provided. Truck movement and fire truck movement templates are provided on sheet 11; however, emergency vehicle movement templates should be provided for the driveways on the adjacent parcel. It would appear that emergency vehicles may not be able to access the adjacent property from Bethlehem Pike.
6. §205-22.A. – Sidewalks have been added to the plan along the north sides of the driveways on both Bethlehem Pike and Horsham Road Consideration shall be given to installing sidewalk along the south side of the Bethlehem Pike entrance to shorten the distance across vehicle routes.
7. §205-22.B. – Curb reveal shall be 8 inches. The curb depicted in the two details on sheet 11 of 14 shall be made consistent (e.g. 1" top profile and weeps shown in sidewalk detail).
8. §205-29 – Compost filter sock or silt fence should be placed around the basin until the stone base is placed for paved areas. E&S controls should also be provided for the trench drain.
9. §205-78.E.2. –Township Engineer's printed name can be removed from the plan. The certification of the Township Supervisors only requires the signature of the Township Secretary.
10. §205-79.B.2.e. Evidence that the plans are in conformity with the Zoning and other applicable Township ordinances shall be indicated on the plans. Variances and waivers granted, as well as conditions associated with the relief, shall be listed on the plans along with the date granted by the respective entity.

D. Stormwater Management

Based on our review, the following items do not appear to comply with the Subdivision and Land Development Ordinance (SALDO) for the West Branch Neshaminy Creek Watershed. Upon further development of the plans additional items may become apparent.

1. §205-18.D.(3)(c) – The emergency spillway for the underground basin should be designed to convey the one-hundred-year peak flow. The emergency spillway calculations and designs have been performed with the 4" circular orifice being clogged but should be revised to include the 8"x12" rectangular orifice also being clogged, as the trash rack covers both.
2. §205-18.1.D.(1)(e) – The Applicant should enter into a maintenance agreement with the Township for the long-term operations and maintenance of all proposed BMPs.
3. The following comments pertain to the 'Storm Sewer Tabulation' sheets in the Stormwater Management Narrative.
  - a. The 'Total Flow' from the outlet structure (OS-1) should be updated to represent the total routed outflow from the subsurface basin (e.g. 9.31 cfs vs. 8.93 cfs).
  - b. The top of grate elevation of MH-1 does not appear to be consistent with finish grade (Sheets 6 & 12).
4. The PCSWM Operation and Maintenance notes (Sheet 8) should reference Montgomery Township. Note 2 should reference the subsurface basin and should specify the methods of maintenance, such as removal of sediment and debris.
5. The clay liner indicated on the Subsurface Basin Detail (Sheet 12) should be specified or performance criteria provided.

E. General

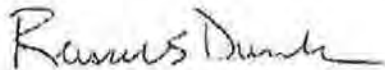
1. The parking spaces required in the Parking Data table (sheet 5) should be revised to be 32 spaces.
2. An impervious material coverage breakdown has been added to the Preliminary/Final Land Development Plan (Site), sheet 5 of 14; the building coverage percentage in the breakdown should be revised to be consistent with the table (e.g. 9.06% vs. 9.16%).
3. The applicant has indicated architectural renderings of the proposed canopy will be provided for review and consideration by the Board of Supervisors at an upcoming meeting.
4. The Applicant should obtain all required approvals, permits, declarations of restrictions and covenants, etc. (i.e., PaDEP, MCPC, MCD, Montgomery Township Municipal Sewer Authority, North Wales Water Authority, MCDH, DRBC, Fire Marshal, etc.). Copies of these approvals and permits should be submitted to the Township and our office with the final submission.

Please note that due to the nature and amount of revisions that will be made to the plans and calculations, additional comments may be forthcoming during future plan reviews.

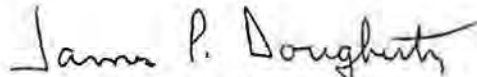
In order to help expedite the review process of the resubmission of the plan, the Applicant should submit a response letter which addresses each of the above comments. Changes that have been made to the application that are unrelated to the review comments should also be identified in the response letter.

If you have any questions regarding the above, please contact this office.

Sincerely,



Russell S. Dunlevy, P.E.  
Executive Vice President  
Gilmore & Associates, Inc.



James P. Dougherty, P.E.  
Project Manager  
Gilmore & Associates, Inc.

RSD/JPD/ sl

cc: Lawrence J. Grogan, Manager - Montgomery Township  
Marita A. Stoerle, Development Coordinator - Montgomery Township  
Frank R. Bartle, Esq., Solicitor - Dischell Bartle & Dooley, PC  
Kevin Johnson, P.E., Traffic Consultant - Traffic Planning & Design, Inc.  
Judith Stern Goldstein, ASLA, R.L.A., Landscape Consultant - Boucher & James, Inc.  
Thomas F. Zarko, P.E., Sewer Authority Engineer - CKS Engineers, Inc.  
Ken Amey, AICP, Land Planner - Montgomery Township  
Kerry Eck - Giant Food Stores, LLC  
Steven Muchnick - Horsham Realty Associates, LLC  
Charles M. Courtney - McNees, Wallace & Nurick, LLC  
Timothy R. Diehl, P.E. - J. Michael Brill & Associates, Inc.



**GILMORE & ASSOCIATES, INC.**  
ENGINEERING & CONSULTING SERVICES

June 12, 2013

File No. 12-07006

Bruce S. Shoupe, Director of Planning and Zoning  
Montgomery Township  
1001 Stump Road  
Montgomeryville, PA 18936-9605

Reference: Land Development - LD/S # 666  
Giant To Go @ Montgomeryville  
Parcel #46-00-00178-00-1, Block/Unit #012-005

Dear Bruce:

Pursuant to your request, Gilmore & Associates, Inc. has reviewed the land development plans for the above-referenced project and offers the following comments for consideration by the Montgomery Township Board of Supervisors:

**I. SUBMISSION**

- A. Preliminary/Final Land Development Plans for "Giant To Go @ Montgomeryville" prepared by J. Michael Brill & Associates, Inc., dated May 14, 2013, consisting of sheets A, 1 to 12 of 12, and LP-1 & 2.
- B. Stormwater Management Narrative and Calculations for "Giant To Go @ Montgomeryville" prepared by J. Michael Brill & Associates, Inc., dated May 14, 2013.
- C. Post Construction Stormwater Management Plan for "Giant To Go @ Montgomeryville" prepared by J. Michael Brill & Associates, Inc., dated May 14, 2013.
- D. Soil Erosion and Sedimentation Control Narrative for "Giant To Go @ Montgomeryville" prepared by J. Michael Brill & Associates, Inc., dated May 14, 2013.
- E. Geotechnical Engineering Report for "Giant Convenience Store and Fueling Facility #6265" prepared by Advantage Engineers, dated December 2012.
- F. Waiver Request Letter, as prepared by J. Michael Brill & Associates, Inc., dated May 14, 2013.
- G. Project Narrative for "Giant To Go @ Montgomeryville", prepared by J. Michael Brill & Associates, Inc., dated May 14, 2013.
- H. Application for Subdivision & Land Development.

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65 E. Butler Avenue | Suite 100 | New Britain, PA 18901 Phone: 215-345-4330 | Fax: 215-345-8606  
[www.gilmore-assoc.com](http://www.gilmore-assoc.com)

## II. GENERAL

The Applicant, Giant Food Stores, LLC, proposes to construct and operate a ±5,000 square foot Convenience Store with a five (5) double-sided pump (10 fueling positions) gasoline fueling station at 741 Bethlehem Pike in Montgomery Township, PA. The lot is within the Commercial (C) Zoning District. Retail Sales is a permitted use within the district, while a Gasoline Filling Station is permitted when approved as a conditional use by the Board of Supervisors. The existing parcel is currently fully developed with a ±18,750 square foot retail building with associated parking all of which is proposed to be removed as part of this application. The subject lot has frontage on Horsham Road (SR0463) and Bethlehem Pike (SR0202/SR0309). Current access to the site is via a shared access easement (B/U 012-004) at both frontages. The proposed plan incorporates expiration of the shared access easement, modifying the access available to the neighboring lot (B/U 012-004), and creation of new single lot access points for the subject lot on both frontages. Other site improvements include: associated parking, stormwater management facilities, landscaping, and lighting. The site will be serviced by public water and sewer.

## III. REFERENCE DOCUMENTS

The Board of Supervisors Decision and Order for Conditional Use Application No. C-59 – The Board of Supervisors of Montgomery Township rendered approval of the written "Decision and Order" for the conditional use application on April 8, 2013. The Applicant was granted conditional use relief under Section 230-75.A.(1) of the Montgomery Township Zoning Ordinance in order to permit the use of a Gasoline Filling Station.

The above referenced conditional use relief was granted by the Board subject to the following conditions:

1. Applicant shall ensure that all review letters prepared in connection with its conditional use application are addressed to the satisfaction of the Township, with any land development issues being addressed during land development process to the satisfaction of the Township at the appropriate time.
2. The approved conditional use of the property shall be in strict conformance with the testimony and exhibits presented at the hearing.

## IV. REVIEW COMMENTS

### A. Zoning Ordinance

Based on our review, the following items do not appear to comply with the Zoning Ordinance. Upon further development of the plans additional items may become apparent.

1. §230-76.A – The maximum height of any building erected or used in this District should be 35 feet. The applicant should provide architectural renderings of the proposed canopy for review and consideration by the Board of Supervisors. Also, the "Proposed Building Height" should be added to the 'Site Data' on the Preliminary/Final Land Development Plan (Site), sheet 4 of 12.
2. §230-77.A.(3) – For any commercial use, there should be a minimum lot width at the building line of not less than 75 feet. It appears that the proposed lot width at the building setback line along Bethlehem Pike is 255 feet. The 'Site Data' on the Preliminary/Final Land Development Plan (Site), sheet 4 of 12, should be revised accordingly.

3. §230-77.B, C, & D – The “Proposed Building Setbacks” should be added to the ‘Site Data’ and illustrated in plan view on the Preliminary/Final Land Development Plan (Site), sheet 4 of 12.
4. §230-77.E – The building coverage on any lot should not exceed 20%. Based on the definition of “Building Coverage”, outside areas used for retailing purposes should be included in the calculation and limitations which govern building coverage and building location. Therefore, the canopy of the proposed fueling facility should be included in the “Proposed Building Coverage” percentage in the ‘Site Data’ on the Preliminary/Final Land Development Plan (Site), sheet 4 of 12.
5. §230-77.F – The maximum impervious material coverage, including building and parking area, should not exceed 75% of the total lot area. An impervious material coverage breakdown should be added to the Preliminary/Final Land Development Plan (Site), sheet 4 of 12, in order to verify the percentages listed under ‘Site Data’.
6. §230-77.G – Item #10 under ‘Site Data’ on the Preliminary/Final Land Development Plan (Site), sheet 4 of 12, should be revised from “Impervious” to “Green”.
7. §230-78.A – If the side or rear boundary lines abut commercial or industrial uses or zoning districts, the required planting areas may be waived or reduced if deemed appropriate by the Board of Supervisors. The parking area on the south side of the site encroaches into the landscape buffer area. We defer this comment to the Township Landscape Consultant.
8. §230-78.C – The Township Planning Commission recommended during the conditional use approval that the Applicant continue discussions with the Pennsylvania Department of Transportation (PennDOT) to have the center median along Bethlehem Pike (SR0309) extended. It appears on the plans that the Applicant is planning on extending the median. The Township Traffic Consultant and PennDOT should review and approve this extension.
9. §230-121 to 125 & 127 – If the Applicant is planning on installing a business sign (pylon sign) on the site, whether along Bethlehem Pike or Horsham Road, the location of the sign(s) should be shown on the plans and designed based on the standards found in these sections of the Ordinance.
10. §230-136 – A note should be added to the plans which states: “GIANT shall cone-off blocked parking spaces prior to fuel deliveries, which shall be set-up for off-peak hours.”
11. §230-156.2.C(3), (4) & (5) – The proposed plan includes the removal of shared access points and the creation of new single lot access points at Horsham Road and Bethlehem Pike. Approval of a Highway Occupancy Permit from PennDOT should be required. Details regarding the existing shared access easement should be provided. Also, it is unclear as to whether curbing is being proposed along the property line with TMP #46-00-00181-00-7. The addition of curbing in this location would reduce the drive aisle on the adjoining property to less than an allowable for a one-way drive and the removal of the shared access points leaves the adjoining lot with only a one-way in off of Horsham Road and a one-way out onto Bethlehem Pike. Review of the TIA and any traffic related concerns are deferred to the Township Traffic Consultant.
12. §230-156.2.C(11) & (12) – In addition to the standard safety features associated with gasoline fueling stations, the applicant should incorporate stormwater features to address potential spills and pollution prevention. Applicable documents such as a Spill Prevention, Control and Countermeasure (SPCC) Plan, a Preparedness, Prevention, and Contingency (PPC) Plan and/or a Spill Prevention Response (SPR) Plan should be submitted with any future land

development application in order to confirm features and procedures are in place to prevent and protect against pollution discharges to the Townships storm sewer system.

13. §230-156.2.C(11) – In the event of spills or other emergency, line of sight should be maintained between the retail building and the fuel pumps. The Applicant has indicated in the Response Letter to the Conditional Use Review Letter dated February 18, 2013 that "No Truck Parking" striping will be added to parking spaces between the cashier area within the retail building and the fuel pumps. This striping should be illustrated on the plans.

B. Subdivision and Land Development Ordinance

The Applicant is requesting the following waivers from the Subdivision and Land Development Ordinance (SALDO). A 'List of Requested Waivers' should be added to the Record Plan.

1. §205-10.H.(2) – A waiver is requested from the requirement that angled parking not be permitted along public or private streets. The Applicant is proposing angular employee parking at the rear of the retail store in order to provide employee spaces and to define a one-way driveway around the rear of the store. We recommend approval of this waiver since the parking is proposed along a one-way driveway in the rear of the store.
2. §205-18.A.(3)(a) – A waiver is requested from the requirement that the minimum internal diameter of storm drains be 15 inches. The Applicant is proposing several storm pipes be installed at an internal diameter of 12 inches. We recommend approval of this waiver since the downstream facility accepting runoff from a portion of the site is an existing 12 inch storm pipe and the remaining proposed 12 inch storm pipes assist with rate control.
3. §205-18.D.(3)(d) – A waiver is requested from the requirement that detention basin side slopes not exceed 4:1. The Applicant is proposing a side slope of 2:1 for Rain Garden #2 with the remaining basin side slopes at either 3:1 or 4:1. We recommend approval of this waiver conditioned upon the installation of fall protection (i.e. guiderail) along the top of all 2:1 slopes.
4. §205-18.D.(3)(e) – A waiver is requested from the requirement that the bottom slopes of detention basins not be less than 2%. The Applicant is proposing flat bottom basins. We recommend approval of this waiver since the basins are designed with underdrains.
5. §205-18.D.(3)(f) – A waiver is requested from the requirement that a low-flow concrete channel be provided from each basin inflow pipe to the outflow structure. The Applicant is proposing flat bottom basins. We recommend approval of this waiver since the basins are designed to promote infiltration.
6. §205-18.D.(4)(d) – A waiver is requested from the requirement that a minimum four-foot-high fence be installed around the top of all basins. We recommend approval of this waiver conditioned upon the installation of fall protection (i.e. guiderail) along the top of all 2:1 slopes.
7. §205-52.B – A waiver is requested to install only 25% of the required landscape quantities and to exclude the road frontages from the calculations. We defer this waiver to the Township Landscape Consultant.
8. §205-52.B – A waiver is requested to not provide shade trees in parking islands over 290 square feet. We defer this waiver to the Township Landscape Consultant.
9. §205a, Table 1 – A waiver is requested to provide three (3) of the required five (5) shade trees in the parking lot islands. We defer this waiver to the Township Landscape Consultant.

10. §205-75 – A waiver is requested from the requirement that a Preliminary Plan be submitted. The Applicant is requesting that the plans be reviewed as Preliminary/Final Land Development Plans.
11. The Applicant is requesting a waiver based on the requirements of §230-78.A of the Township Zoning Ordinance which allows the required planting area of 25 feet be waived or reduced if deemed appropriate by the Board of Supervisors and as long as the side or rear boundary lines abut commercial or industrial uses or zoning districts. The parking area on the south side of the site encroaches into the landscape buffer area. We defer this waiver to the Township Landscape Consultant.

Based on our review, the following items do not appear to comply with the Subdivision and Land Development Ordinance (SALDO). Upon further development of the plans additional items may become apparent.

1. §205-10.G. – The requirements for driveways should be the standards of the Pennsylvania Department of Transportation (PennDOT) regarding access to and occupancy of highways by driveways (Pennsylvania Code, Title 67, Chapter 441, as amended). The Applicant should acquire a Highway Occupancy Permit from PennDOT. We defer to the Township Traffic Consultant with respect to necessary PennDOT approvals.
2. §205-10.G.(9) – The proposed air tower should be relocated to a parking stall in order to prevent congestion in the driveway and the driveways should be posted with signs reading "No parking by order of the Fire Marshal". Also, a detail of the sign should be added to the plans.
3. §205-10.H.(4) – All parking spaces should be marked with all-weather paint with double parallel lines to be a minimum of six (6) inches apart to separate each space. General Notes #18 on General Notes & Other Spec., sheet 1 of 12, as well as, the 'Typical Parking Space' detail on Misc. Details and Other Info., sheet 9 of 12, should be revised accordingly. Also, a detail should be added to the plans for the one-way and loading area pavement markings.
4. §205-10.H.(7)(c) – Ramps should be provided for convenient access from parking spaces to accessible entrances and to sidewalks. In order to ensure that convenient access or most accessible route has been provided, the accessible entrances should be identified on the plans. Also, the grading for the proposed curb ramp at the southwest corner of the retail building should be reanalyzed in order to ensure that the ramps flow in the direction of the pavement striping.
5. §205-11.A. – Clarification should be provided as to whether the existing shared access easement which has expired included the storm sewer system. The existing and proposed storm sewer system located on the Applicant's property discharges into the existing storm sewer conveyance and detention system on TMP #46-00-00181-00-7.
6. §205-17.D.(2) – The 'Concrete Curbing and Sidewalk Detail' and 'End Transition for Standard Curbing' on Misc. Details and Other Info., sheet 9 of 12, should be revised so that the concrete curb label equals the height of the other details (1'-8").
7. §205-17.D.(3) – A note should be added to the 'Concrete Curbing Detail' on Misc. Details and Other Info., sheet 9 of 12, which states: "Concrete shall be properly cured with white curing compound."

8. §205-18.1.C. & §205-29. – An Erosion and Sedimentation Control Plan should be submitted to the Montgomery County Conservation District (MCCD) for any earth disturbance activity of 5,000 square feet or more. In addition, a DEP NPDES Construction activities permit is required for any earth disturbance of one acre or more. The area of disturbance for the site equals 2.34 acres. Therefore, no permit shall be approved unless there has been a plan approved by the MCCD along with an NPDES permit.
9. §205-18.1.D.(1)(b)[1] – The receiving water classification (CWF) on the Soil Erosion and Sedimentation Control Plan, sheet 6 of 12, does not match the classification (TSF) given in the Stormwater Management Narrative. This discrepancy should be clarified.
10. §205-19. – The plans should be submitted and reviewed by the Montgomery Township Sewer Authority. A copy of the letter confirming available sewer capacity should be provided.
11. §205-20. – The Applicant should supply a letter from the water company stating that the proposed development can be served.
12. §205-21. – The Township Fire Marshal should review the plans to verify access and circulation are maintained and that adequate fire suppression needs are met, including hydrants and/or sprinkler system.
13. §205-22.A. – Due to the nature of the sales at the Retail Store, a sidewalk should be provided along the north side of the driveway on both Bethlehem Pike and Horsham Road in order to allow pedestrians using the sidewalk along both roads to walk to the store without walking into the driveways. The Board of Supervisors should consider access for pedestrians from both roads based on the location of existing developments.
14. §205-22.B. – A note should be added to the 'Concrete Curbing and Sidewalk Detail' on Misc. Details and Other Info., sheet 9 of 12, which includes the minimum specifications for sidewalks as stated in this section of the Ordinance.
15. §205-22.C. – A note should be added to both the 'Concrete Curbing and Sidewalk Detail' and 'Concrete Dumpster Pad Section' on Misc. Details and Other Info., sheet 9 of 12, which states: "Concrete shall be properly cured with white curing compound."
16. §205-22.D. – Sidewalk that does not comply with Township standards should be repaired or replaced. A note stating this should be included on the plans.
17. §205-24. – The Township Lighting Consultant should review the plans to verify that there is adequate lighting within the site.
18. §205-28.A. – The applicant will need to apply for a grading permit prior to construction.
19. §205-28.D.(2) – A note stating the following should be added to the 'General Notes' on General Notes & Other Spec., sheet 1 of 12: "After final grading there shall be a minimum of eight inches of topsoil on the entire site other than that portion of the site where there are buildings or other impervious surface coverage. There shall be no release of excess topsoil from the site until examination by the Township Engineer." Also, Trench Notes #4 should be revised to "8" of Topsoil".

20. §205-49. to §205-56. – The Landscape Architect responsible for preparing the plans should sign and seal the Site Landscape Plan and Site Landscape Details and Other Information. We defer the review of the plans with respect to the landscape requirements of the Ordinance to the Montgomery Township Landscape Consultant.
21. §205-78.A.(1) – The scale should be 100 feet to the inch. We recommend that the Applicant request a waiver from this section of the Ordinance since the plans are at a larger scale (1"=30') due to the amount of information provided.
22. §205-78.A.(4) – The description of Sheet LP-2 under 'Sheet Index' on the Cover Sheet should be revised in order to match the description on the actual sheet.
23. §205-78.B.(1) – All existing features within 400 feet of any part of the land being developed should be added to the plans. We recommend that the Applicant request a waiver from this section of the Ordinance conditioned upon an Aerial Photo being added to the plan set.
24. §205-78.E.(1) – The Applicant, Giant Food Stores, LLC, should have a signature block certifying his adoption of the plan and the date signed.
25. §205-78.E.(2) – The Township Engineer should have a separate signature block certifying that the plan conforms to these regulations and the date signed.
26. §205-100. to §205-102. – A Traffic Management Study is required. We defer the requirement for a traffic management study, as well as any issues related to site access, to the Montgomery Township Traffic Consultant.

C. Stormwater Management

Based on our review, the following items do not appear to comply with the Subdivision and Land Development Ordinance (SALDO). Upon further development of the plans additional items may become apparent.

1. §205-18.A.(8) – Stormwater roof drains for the retail store appear to connect to manhole 3 based on the storm sewer calculations in the Stormwater Management Narrative. However, the roof drain design should be added to the plan view.
2. §205-18.D.(3)(c) – The emergency spillway for each of the rain gardens should be designed to carry the one-hundred-year peak inflow to each rain garden. The emergency spillway calculations and designs should be revised accordingly. Also, the length of the spillway for rain garden #1 appears to be incorrect in the calculations and the calculations for rain garden #2 are missing from the Narrative.
3. §205-18.D.(4)(a) – A note should be added to the plans which specifies who is responsible for maintenance and ownership of the rain gardens.
4. §205-18.1.D.(1)(d)[1] – Based on the Geotechnical Engineering Report prepared by Advantage Engineers, it appears that the site is unsuitable for infiltration. However, the Applicant has reduced the impervious coverage on-site such that there is a decrease in runoff volume in the post-development condition.
5. §205-18.1.D.(1)(e) – The Applicant should enter into a maintenance agreement with the Township for the long-term operations and maintenance of all proposed BMPs.

6. In reference to the Stormwater Management Narrative, the weighted "CN" value for both 'Post Bypass to Horsham Road (P.O.I. A)' and 'Post Bypass to Bethlehem Pike (P.O.I. B)' on the 'Post-Development Conditions' page (page 2) appears to be incorrect and should be revised accordingly. Also, the 'Post-Development Drainage Area Data' on the Post-Development Drainage Area Plan, sheet 2 of 3, should be revised accordingly.
7. In reference to the Stormwater Management Narrative, the cleanout number and time-of-concentration for inlet 8 in the 'Rational "C" Values' chart appears to be incorrect and should be revised accordingly. Also, the label numbers for the manhole and cleanout in the 'Inlet Drainage Areas' chart appears to be incorrect on the Inlet Drainage Area Plan, sheet 3 of 3.
8. The bottom elevation included in the label for Rain Garden #1 on the Grading/Utilities Plan, sheet 5 of 12, appears to be incorrect.
9. The following comments pertain to the 'Storm Sewer Tabulation' sheets in the Stormwater Management Narrative. Once these sheets have been revised along with all the data on the plans, a more comprehensive review of the 'Storm Sewer Schedule' on the Grading/Utilities Plan, sheet 5 of 12, and all the storm sewer profiles will be performed.
  - a. The drainage area to inlets 5 and 6 do not match the areas indicated in the 'Rational "C" Values' chart. This discrepancy should be clarified.
  - b. The 'Total Flow' from outlet riser 2 and manhole 1 should represent the total routed outflow from rain garden #2.
  - c. It appears that the hydraulic grade elevation for trench drain 2 is higher than the grate elevation. The storm sewer system should be designed in order to contain the entire 100-year storm. This pipe run should be revised in order to ensure that the entire storm is contained within the system.
  - d. Storm sewer pipe should have a minimum cover of 1.5 feet for HDPE pipe in paved areas and 0.5 feet in the rain garden areas. There are several structures where there appears to be an issue with cover (i.e. TD-2, ES-3, I-7, I-8, and I-4).
10. The 'Storm Sewer Schedule' on the Grading/Utilities Plan, sheet 5 of 12, indicates that a Snout device will be installed within inlet 3. Because runoff from the fuel station is also directed towards inlet 2, a Snout device should also be installed in this inlet to prevent gas from entering the section of pipe between inlets 2 and 3.
11. The label for 'Trench Drain TD-1 to Manhole MH-2' on Utility Profiles and Details, sheet 8 of 12, should be revised to 'Trench Drain TD-1 to Section ES-3'.
12. The following comments pertain to Misc. Details and Other Info., sheet 10 of 12:
  - a. Rain Garden Impoundment #1 – the downstream structure should be revised to include the information for ES-2.
  - b. Rain Garden Impoundment #2 – the slope of the 15-inch pipe appears to be incorrect along with the invert "IN" to manhole MH-1.
  - c. Rain Garden Impoundment #3 – The size of the riser pipe should be revised to an 8-inch riser and the manhole label should be revised to MH-5.

13. The following storm details should be added to the plans: inlet box, bicycle safe grate, flared-end section, rip-rap apron, and emergency spillway.

D. General

1. A detail should be added to the plans for the following items: "No Left Turn" sign, "Do Not Enter" sign
2. A "Stop" sign should be proposed at the driveway to Horsham Road.
3. The existing mailboxes on-site which are also used by the adjoining lots should be shown on the Site Demolition Plan as being relocated and the proposed location should be shown on the proposed plans.
4. A note should be added to the Record Plan which states that recording of the Record Plan includes recording of all the plan sheets.
5. The Applicant should obtain all required approvals, permits, declarations of restrictions and covenants, etc. (i.e., PaDEP, MCPC, MCCD, Montgomery Township Municipal Sewer Authority, North Wales Water Authority, MCDH, DRBC, Fire Marshal, etc.). Copies of these approvals and permits should be submitted to the Township and our office with the final submission.

Please note that due to the nature and amount of revisions that will be made to the plans and calculations, additional comments may be forthcoming during future plan reviews.

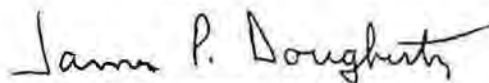
In order to help expedite the review process of the resubmission of the plan, the Applicant should submit a response letter which addresses each of the above comments. Changes that have been made to the application that are unrelated to the review comments should also be identified in the response letter.

If you have any questions regarding the above, please contact this office.

Sincerely,



Russell S. Dunlevy, P.E.  
Executive Vice President  
Gilmore & Associates, Inc.



James P. Dougherty, P.E.  
Project Manager  
Gilmore & Associates, Inc.

RSD/JPD/ sl

cc: Lawrence J. Gregan, Manager - Montgomery Township  
Marita A. Stoerle, Development Coordinator - Montgomery Township  
Frank R. Bartle, Esq., Solicitor – Dischell Bartle & Dooley, PC  
Kevin Johnson, P.E., Traffic Consultant - Traffic Planning & Design, Inc.  
Judith Stern Goldstein, ASLA, R.L.A., Landscape Consultant - Boucher & James, Inc.  
Thomas F. Zarko, P.E., Sewer Authority Engineer – CKS Engineers, Inc.  
Ken Amey, AICP, Land Planner – Montgomery Township  
Kerry Eck - Giant Food Stores, LLC  
Steven Muchnick - Horsham Realty Associates, LLC  
Charles M. Courtney - McNees, Wallace & Nurick, LLC  
Timothy R. Diehl, P.E. – J. Michael Brill & Associates, Inc.  
Douglas C. Rossino, P.E., Project Engineer - Gilmore & Associates, Inc.



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November 13, 2013

Lawrence Gegan, Township Manager  
Montgomery Township  
1001 Stump Road  
Montgomeryville, PA 18936

**SUBJECT: GIANT TO GO  
PRELIMINARY/FINAL LAND DEVELOPMENT PLANS  
TOWNSHIP LD/S NO. 666  
PROJECT NO. 1255263R**

Dear Mr. Gegan:

Please be advised that we have reviewed the Giant to Go Preliminary/Final Land Development Plans prepared by J. Michael Brill & Associates, Inc., dated May 14, 2013 and last revised October 25, 2013, with Landscape Plans by Orsatti & Associates, Inc. last revised October 28, 2013. The site has opposing frontage on both Horsham Road and Bethlehem Pike, and is located southeast of the Five Points intersection of Bethlehem Pike, Cowpath Road, Doylestown Road, and Horsham Road. The site is located within the C Commercial Zoning District.

The plans propose the demolition of the existing retail store and the construction of a five pump gas station with ten (10) associated fueling bays and underground fuel storage tanks, and a 4,900 SF+/- Giant to Go "pick-up" grocery/convenience store with associated parking and circulation facilities, loading zones, dumpster areas, and a subsurface detention basin.

At their regularly scheduled meeting on March 11, 2013 the Montgomery Township Board of Supervisors granted Conditional Use Approval for the Gasoline Filling Station use. The Retail Sales use is permitted by-right within the C Commercial Zoning District.

We offer the following comments for your consideration.

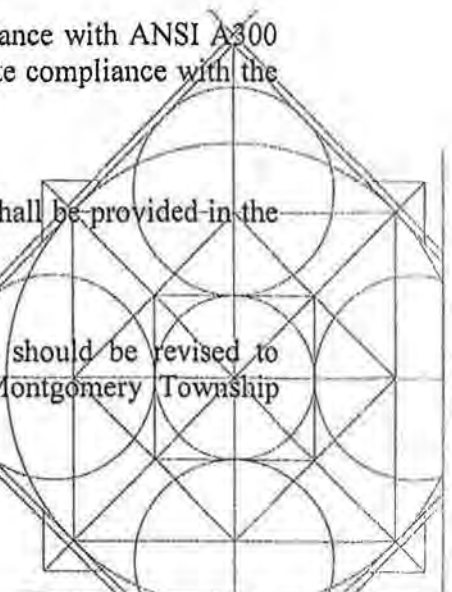
1. General Requirements

SLDO Section 205-49.F: plant material shall be pruned in accordance with ANSI A300 pruning standards. The plans should include a note to demonstrate compliance with the ordinance requirement.

2. Landscape Plan Requirements

SLDO Section 205-51.A requires that the following information shall be provided in the landscape plan, or a waiver would be required:

- A. Section 2: Setback lines and easements.
- B. Section 14: The Typical Evergreen Tree planting detail should be revised to comply with the requirements of Appendix C of the Montgomery Township SLDO and the Tree Planting Detail contained therein.



- C. SLDO Section 205-51.A(18): a detailed cost estimate shall be attached to the final landscape plan submission for the preparation of the land development agreement after the Board of Supervisors has ruled on any requested waivers.

3. Planting Requirements

- A. ZO Section 230-78.A: a planting area 25' in width is to be provided along all street frontages and all side and rear boundary lines. Planting areas abutting commercial or industrial uses or zoning districts may be waived or reduced if deemed appropriate by the Board of Supervisors. An existing nonconformity along the southeastern property line is proposed to be increased where the driveway to Horsham Road is to be shifted south. A waiver has been requested.
- B. ZO Section 230-127.A(8)(a): where freestanding signs are proposed within the C Commercial District, the applicant shall provide 2 SF of landscaped area for each SF of sign area. The plans should be revised to provide notes indicating compliance with the ordinance requirement.
- C. SLDO Section 205-52.A(2)(f): street trees are not to be planted beneath utility lines. Trees should be moved to a distance not less than 15' from overhead lines.
- D. SLDO Section 205-52.B(4)(a): in all Zoning Districts, 4 shade trees and 8 shrubs shall be included for each 100' of property perimeter. Fifty-six (56) shade trees and 113 shrubs are required. Ten (10) trees and Twenty (20) shrubs have been provided. Forty-six (46) shade trees and Ninety-Three (93) shrubs are missing. A waiver has been requested.
- E. SLDO Section 205-52.C(2)(b): requires the provision of a screen buffer for all truck loading areas. Three (3) evergreen trees have been provided. A waiver has been requested for Three (3) additional evergreen trees.
- F. SLDO Section 205-52.D(1), Table 1: One (1) shade tree is required per Ten (10) parking spaces within the entire lot and six shrubs are required for every 2 spaces around the entire parking lot perimeter. A total of Five (5) shade trees and 141 shrubs are required. Three (3) shade trees and 113 shrubs have been provided. Two (2) shade trees and Twenty-eight (28) shrubs are missing. A waiver has been requested.
- G. SLDO Section 205-52.D(1), Table 1: One shade tree is required per each 290 square feet of planting island. Four (4) shade trees are required within planting islands. None of these required shade trees have been provided. A waiver has been requested.

4. Preservation, Protection and Replacement of Trees

- A. SLDO Section 205-53.B(1) and (2): Existing trees whose root area (drip line) has been encroached upon by more than ¼ of the total area will not be considered to be preserved and must be replaced.

The Landscape Plan indicates that Two (2) Linden trees are to be preserved on the site. However, grading is shown in the vicinity of these trees, and no accurate canopy extent has been shown for these trees. The plans should be revised to

demonstrate compliance with these requirements, or the trees should be shown as to be removed and accounted for in the tree replacement calculations.

- B. SLDO Section 205-53.C(1): the planting requirements table indicates that Eight (8) replacement trees are required. Three (3) replacement trees have been provided. A waiver has been requested for the remaining Five (5) replacement trees.

5. General Landscape Comments

- A. It appears that some of the proposed trees and shrubs are to be located directly over top of existing or proposed utilities and the proposed subsurface detention basin. The plans should be revised to eliminate any conflicts between plant material and existing and proposed utilities.
- B. The tree protection fencing detail on Sheet LP-2 should be revised to state that tree protection fencing shall be located a minimum of 15' from the trunk of the tree or at the dripline, whichever is farther from the tree. Additionally, a note should be added to the detail requiring that the tree protection fencing shall be maintained until all work and construction have been completed. Any damages to tree protection fencing shall be repaired before construction may continue.

6. General Comments

A detailed response letter addressing the above noted comments and any other changes to the plans should be included with future submissions.

Sincerely,



Judith Stern Goldstein, ASLA, R.L.A.  
Managing Director



Valerie L. Liggett, ASLA, R.L.A.  
Planner/Landscape Architect

JSG/vll/kam

cc: Board of Supervisors  
Planning Commission  
Bruce Shoupe, Director of Planning and Zoning  
Marita Stoerrle, Development Coordinator  
Marianne McConnell, Deputy Zoning Officer  
Frank R. Bartle, Esq., Dischell Bartle & Dooley, PC  
James P. Dougherty, P.E., Gilmore & Associates, Inc.  
Kevin Johnson, P.E., Traffic Planning & Design  
Ken Amey, AICP  
Timothy R. Diehl, P.E., J. Michael Brill & Associates, Inc.  
Kerry Eck, Giant Food Stores, LLC  
Patrick J. Stuart, R.L.A., Orsatti & Associates, Inc.



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June 14, 2013

Lawrence Gregan, Township Manager  
Montgomery Township  
1001 Stump Road  
Montgomeryville, PA 18936

**SUBJECT: GIANT TO GO  
PRELIMINARY/FINAL LAND DEVELOPMENT PLANS  
TOWNSHIP LD/S NO. 666  
PROJECT NO. 1255263R**

Dear Mr. Gregan:

Please be advised that we have reviewed the Giant to Go Preliminary/Final Land Development Plans prepared by J. Michael Brill & Associates, Inc., dated May 14, 2013. The site has opposing frontage on both Horsham Road and Bethlehem Pike, and is located southeast of the Five Points intersection of Bethlehem Pike, Cowpath Road, Doylestown Road, and Horsham Road. The site is located within the C Commercial Zoning District.

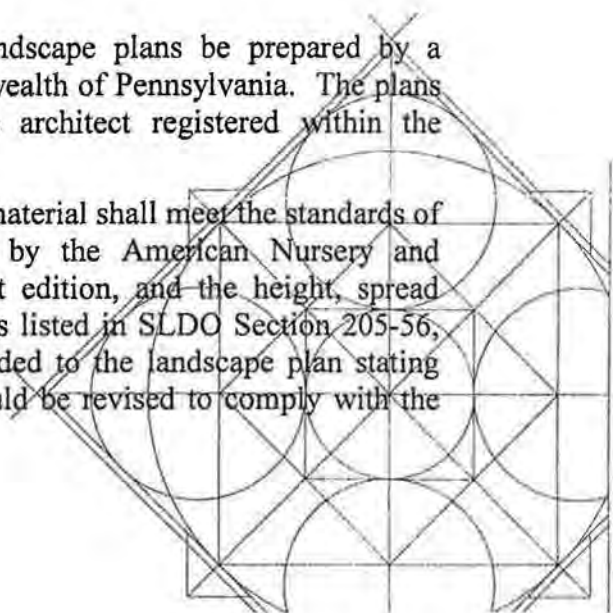
The plans propose the demolition of the existing retail store and the construction of a five pump gas station with ten (10) associated fueling bays and underground fuel storage tanks, and a 5,000 SF Giant to Go "pick-up" grocery store and convenience store with associated parking and circulation facilities, loading and unloading zones, dumpster areas, and stormwater management facilities.

At their regularly scheduled meeting on March 11, 2013 the Montgomery Township Board of Supervisors granted Conditional Use Approval for the Gasoline Filling Station use. The Retail Sales use is permitted by-right within the C Commercial Zoning District.

We offer the following comments for your consideration.

1. General Requirements

- A. SLDO Section 205-49.C requires that all landscape plans be prepared by a landscape architect registered by the Commonwealth of Pennsylvania. The plans must be signed and sealed by a landscape architect registered within the Commonwealth of Pennsylvania.
- B. SLDO Section 205-49.E requires that all plant material shall meet the standards of the American Standards for Nursery Stock by the American Nursery and Landscape Association (2004), or most recent edition, and the height, spread and/or caliper requirements for trees and shrubs listed in SLDO Section 205-56, Recommended Plant List. A note shall be added to the landscape plan stating this. Note no. 2 under the General Notes should be revised to comply with the wording of this ordinance section.



- C. SLDO Section 205-49.F requires that all plant material shall be installed in accordance with the standards outlined in Appendix C of this Chapter. Appropriate details must be included on the plans. All plant material shall be pruned in accordance with ANSI A300 pruning standards. Landscape installation notes and details have been provided. However, they do not meet all of the requirements of the notes and details shown in Appendix C. The plans should be revised to provide the required notes and to provide details that demonstrate compliance with all of the requirements of this ordinance.
- D. SLDO Section 205-49.G requires that all plant material shall be guaranteed for 18 months from the day of final approval of the landscape installation by the Township Landscape Architect, Township Shade Tree Commission, or the Township Engineer. Any plant material 25% or more of which is dead shall be considered dead. A tree shall be considered dead when the main leader has died or 25% of the crown is dead. Any dead plant material shall be replaced and installed according to the approved planting practices. The plans should be revised to provide a note demonstrating compliance with the requirements of this ordinance.
- E. SLDO Section 205-49.H requires that the developer shall contact the Township in writing to request a final inspection for acceptance at the end of the guaranty period. These inspections will be performed when plant materials are in full leaf only (May 1 through November 15). All guaranty escrow funds will be released upon acceptance at the end of the guaranty period. The guaranty will be extended until 30 days after receipt of the request letter following May 1. Should the end of the guaranty period occur after November 15, the guaranty period shall be extended to May 15. The plans should be revised to include a note demonstrating compliance with the requirements of this ordinance.
- F. SLDO Section 205-49.J requires that street trees shall be a minimum of three inches in caliper and shall be a species suggested in Section 205-56.A, Shade Trees. All main branches shall be pruned to a clearance height of eight (8) feet above the ground. Street trees shall have a single, straight trunk and a central leader and shall be free of disease and mechanical damage. The plans should be revised to include a note demonstrating compliance with the requirements of this ordinance.

2. Landscape Plan Requirements

- A. SLDO Section 205-51.A(1) requires the landscape plan to show a location map with zoning district designations for the site and adjacent properties. The required location map has been provided. However, the zoning district designations for adjacent properties have not been included. The location map should be revised to provide the required information in order to demonstrate compliance with the ordinance requirements.
- B. SLDO Section 205-51.A(4) requires the landscape plan to show the location of all existing and proposed roads, parking, service areas and other paved areas. While parking areas and curbing has been shown on the landscape plan, striping indicating the overall parking, loading and circulation layout has not been shown.

The plan should be revised to show the proposed circulation, parking and loading area layout in order to demonstrate compliance with the requirements of this ordinance.

- C. SLDO Section 205-51.A(6) requires the landscape plan to show the location of sidewalks, berms, fences, walls, freestanding signs and site lighting. The plan should be revised to provide the locations of any and all of these items, including freestanding site signage, in order to demonstrate compliance with the ordinance requirements.
- D. SLDO Section 205-51.A(7) requires the landscape plan to show the location of stormwater management facilities. The design of discharge structures, headwalls and wingwalls shall be shown and slopes shall be detailed enough so that it is clear that no slopes are greater than the 4 to 1 ratio permitted by SLDO Section 205-18D(3)(d). The plan should be revised to demonstrate compliance with the requirements of this ordinance.
- E. SLDO Section 205-51.A(8) requires the location of existing and proposed underground, surface and above-grade utilities such as utility lines, utility easements, transformers, hydrants, manholes, and mechanical equipment. The plan should be revised to demonstrate compliance with the requirements of this ordinance.
- F. SLDO Section 205-51.A(9) requires the landscape plan to show the location of existing individual trees with trunks eight inches in diameter or more, measured at four and one half feet at DBH above the ground. This information has been shown on the Topographic and Boundary Survey Plan. However, it appears that many of the trees shown on this plan have grown in size since they were last measured. Additionally, it appears that at least one tree has been missed on the Topographic and Boundary Survey Plan. The plans should be revised to accurately depict the tree quantities, sizes and locations as they currently exist on the site, and to demonstrate compliance with the ordinance requirements.
- G. SLDO Section 205-51.A(11) requires a replacement tree plant schedule showing the trees proposed for replacement of existing trees of eight-inch or greater caliper destroyed by development. The schedule shall indicate the botanical and common name, height, spread, caliper, quantity and special remarks for all proposed replacement trees. The plans should be revised to demonstrate compliance with the ordinance requirements.
- H. SLDO Section 205-51.A(13) requires that the Landscape Plans show all existing and proposed contours at a minimum of two-foot intervals. The plans should be revised to provide contour information to demonstrate compliance with the requirements of this ordinance, or a waiver would be required.
- I. SLDO Section 205-51.A(18) requires that a detailed cost estimate shall be attached to the final landscape plan submission for the preparation of the land development agreement. This estimate shall be provided after the Board of Supervisors has ruled on any requested waivers and shall show the value of all proposed landscaping. Unit costs for plant material shall include costs for labor, materials, and guaranty, and shall be so stated on the estimate.

- J. SLDO Section 205-51.A(19) requires the landscape plan to show the limits and details of temporary fencing to be used for the protection of existing trees and shrubs during construction. The plans should be revised to show the limits of temporary tree protection fencing and specifications regarding the protection of trees in order to demonstrate compliance with the ordinance requirements.

3. Planting Requirements

- A. ZO Section 230-78.A requires that a planting area no less than 25 feet in width of grass, lawns, shrubbery, evergreens and trees shall be planted in accordance with a landscaping and screening plan as provided in Article VI of Chapter 205, of the Montgomery Township Subdivision Ordinance, No. 18, and continuously maintained in a proper and attractive manner along all street frontages of property, exclusive of driveway and access areas, and along all sides and rear boundary lines. If the side or rear boundary lines abut commercial or industrial uses or zoning districts, the required planting areas may be waived or reduced if deemed appropriate by the Board of Supervisors. Not all of the buffer areas meet this 25' requirement. However, along the northwestern and southwestern property lines, the buffer areas are proposed to stay the same or increase. This would be permitted as an existing nonconformity. Along the southeastern property line where the driveway is to be shifted south, the nonconformity is proposed to increase or is being created. A waiver has been requested.
- B. ZO Section 230-127.A(8) requires that two (2) square feet of landscaped area be provided for each square foot of freestanding sign area. To the maximum extent practicable, landscaping shall be situated at or near the base of the site, but if such location is not practicable, the specific location of the required landscaping shall be subject to approval by the Township Zoning Officer. The location and dimensions of any freestanding signs to be located on the property should be shown on the Landscape Plan, and if freestanding signs are proposed, the required landscaping should be provided in accordance with the ordinance requirements or a variance would be required.
- C. SLDO Section 205-52.B(4) requires that in all Zoning Districts, four (4) shade trees and eight (8) shrubs shall be included for each 100 feet of property perimeter. Calculations have not been provided on the plans to indicate the amount of plant material required to meet the softening buffer requirements. A total of 1,008 linear feet of side yard and 404 linear feet of front yard exist on the property. The May 14, 2013 Waiver Request Letter from J. Michael Brill & Associates indicates that the Applicant has requested a waiver to only install 25% of the required landscape quantities and to exclude the road frontages from the calculations. The road frontages should still be included in the calculations in order to determine the full extent of the waiver requested.
- D. SLDO Section 205-52.B(5)(a) requires that not more than 20% of plants within softening buffers shall be evergreen. Currently, 40% of the plants proposed within the softening buffers on the site are evergreen. The plans should be revised to demonstrate compliance with the ordinance requirements or a waiver would be required.

- E. SLDO Section 205-52.C(2)(b) requires that all truck loading, outside storage areas, mechanical equipment and trash receptacles shall be screened from view from streets and abutting residential areas in accordance with the standards for screen buffer size and type [SLDO Section 205-52C(4)(a) and (b)]. The proposed dumpster, transformer pad, and loading zone are required to be screened from view of Horsham Road in accordance with the ordinance requirement, or a waiver would be required.
- F. SLDO Section 205-52.D(1)(a) requires that, in accordance with Table 1 in the Subdivision and Land Development Ordinance, the following parking area landscaping shall be provided: one (1) shade tree per 10 parking spaces within the entire lot and six (6) shrubs for every two (2) spaces around the entire parking lot perimeter facing streets or residential districts. Five (5) shade trees are required. However, only three (3) shade trees have been provided toward this requirement. A waiver has been requested for the shade tree requirement. Additionally, the parking lot shrub requirement has not been addressed. The plans should be revised to provide calculations to indicate the number of shrubs required along the perimeter of the parking lot and to provide the required amount of parking lot landscaping, or an additional waiver would be required.
- G. SLDO Section 205-52.D(1)(e) requires that one shade tree shall be placed in each 290 square feet of planting island. A waiver has been requested.
- H. SLDO Section 205-52.D(6) requires that stormwater management facilities shall be provided with a minimum of one shade tree and two shrubs for each 30 linear feet of stormwater management facility perimeter. To promote diversity, up to 50% of the shade trees may be substituted with an option of two flowering trees or two evergreen trees. No tree planting shall be placed on the fill area of the berm. The three (3) rain garden stormwater management facilities on the site have not been provided with the landscaping required in accordance with this section of the SLDO. The plans should be revised to provide calculations and to demonstrate compliance with the ordinance requirements, or a waiver would be required.
- I. SLDO Section 205-52.H outlines the requirements for landscaping on steep slope areas, which includes disturbed areas of the site with slopes in excess of one foot vertical to six feet, eight inches horizontal (6.67:1, 15% slope). Sodded lawn is required on slopes 15% or greater, except where ground cover plantings have been provided. Several areas, particularly along the northern property boundary, are proposed to have areas of steep slopes. The landscape plan should be revised to address the steep slope areas in accordance with the ordinance requirements, or a waiver would be required.

4. Preservation, Protection and Replacement of Trees

- A. SLDO Sections 205-53.B requires that during the construction of any site, trees and shrubs shall be protected by snow fencing or similar protection fencing to ensure that there is no encroachment within the area of their drip line by changing grade, trenching, stockpiling, of building materials or topsoil or the compaction of the soil and roots by any motor vehicle. No tree protection fencing details or

proposed locations for tree protection fencing have been provided. The plans should be revised to show the locations for the required tree protection fencing around trees to be preserved and to provide the required tree protection fencing details.

- B. SLDO Section 205-53.B(1) and (2) permits that the root area within the drip line of any tree or group of trees may be encroached upon to a maximum of  $\frac{1}{4}$  of the total root area. Existing trees whose root area (drip line) has been encroached upon by more than  $\frac{1}{4}$  of the total area will not be considered to be preserved and must be replaced.

The Landscape Plan indicates that three (3) 12" caliper trees are to be preserved on the site. However, the Grading Plan shows proposed contours coming within close proximity of the trunks of these trees, and roadway improvements occurring in close proximity of the trees on the other side. This indicates that more than  $\frac{1}{4}$  of the root area of these trees is likely to be disturbed.

The plans should be revised to accurately measure the trees (in accordance with comment 2G), and to show the extent of the canopy of these trees in order to ascertain whether more than  $\frac{1}{4}$  of the root area of the tree is to be disturbed. If more than  $\frac{1}{4}$  of the root area is to be disturbed, the tree cannot be counted as preserved, and must be counted as removed when calculating the tree replacement requirements outlined in SLDO Section 205-53.C.

- C. SLDO Section 205-53.B(3) states that at the direction of the Township Engineer, Township Shade Tree Commission or Township Landscape Architect, existing trees which have not been adequately protected are to be removed and replaced. The plans should be revised to provide a note demonstrating compliance with this ordinance requirement.
- D. SLDO Section 205-53.C(1) requires a 60% preservation rate for trees from 8 to 23" in caliper. SLDO Section 205-53.C(4)(a) requires that the total number of trees removed in excess of the required preservation rate for 8-23" trees shall be replaced at a rate of 1:1. Tree removal and replacement calculations have not been provided. The plans should be revised to provide the required calculations, and if replacement trees are needed, to provide the required number of replacement trees. The required replacement trees must be provided in addition to the other required landscaping on the site.

5. Recommended Plant List and Planting Standards and Guidelines

- A. SLDO Section 205-56 provides a list of recommended trees, shrubs and ground cover for use in Montgomery Township. However, the Board of Supervisors may permit other planting types if they are hardy to the area, not subject to blight or disease, and of the same general character and growth habit as those included in the recommended planting list. Three plants have been included in the Plant Schedule that are not included in the list of recommended trees, shrubs and ground covers. These are *Prunus laurocerasus* 'Otto Luyken', *Viburnum* 'Pragense,' and *Fothergilla gardenii* 'Mount Airy.' All appear to meet the requirements of this section to be permitted to be planted on site.

- B. SLDO Section 205-56.A requires that shade trees shall have a clear trunk to seven feet zero inches above the ground and full branching structure. The plant schedule does not indicate the required clear trunk height and spreads for the proposed shade trees. The plans should be revised to demonstrate compliance with the ordinance requirements.
- C. SLDO Section 205-56.B requires that evergreen trees shall have a single leader and must be symmetrically branching to the ground. These requirements are not indicated in the Plant Schedule. The plans should be revised to demonstrate compliance with the ordinance requirements.
- D. SLDO Section 205-56.F(2) requires that heavily rooted woody groundcover plants such as *Juniperus horizontalis* shall be provided with a minimum fifteen inch spread in two-gallon containers and shall be planted a maximum of 36" on-center. The Plant Schedule should be revised to demonstrate compliance with the ordinance requirements.
- E. SLDO Appendix C.A requires that plant material shall be shown on the plans in accordance with the standards provided in subsections (1) through (12) and the attached shrub and tree planting details. The plans should be revised to provide the notes listed in this appendix, and to ensure that the details provided in the plan set match those shown in this appendix, in order to demonstrate compliance with the ordinance requirements

6. General Landscape Comments

- A. Two (2) *Thuja occidentalis* Green Giant have been proposed to meet the softening buffer requirements within the side yards. However, the ordinance permits the use of shade trees, and deciduous and evergreen shrubs within softening buffers, but does not permit the substitution of evergreen trees. The Arborvitae should be replaced with shade trees in accordance with the ordinance requirements.
- B. Table 1 Minimum Planting Requirements has labeled the Street Tree requirement as Shade Trees. The plans should be revised to correct this discrepancy.
- C. The Plant Schedule indicates that fifty (50) *Prunus laurocerasus* 'Otto Luyken' are proposed to be planted. However, only twenty-six (26) are shown on the plan set. The plans should be revised to correct this discrepancy.
- D. The Plant Schedule indicates that five (5) *Clethra alnifolia* 'Hummingbird' are proposed to be planted. However, six (6) of these plants are shown on the plan set. The plans should be revised to correct this discrepancy.
- E. The Plant Schedule shows a stipple pattern for Seeded Lawn Areas. However, this pattern is not shown in the Landscape Plan. The plans should be revised to correct this discrepancy.
- F. The plans specify the use of ERNMX 180 at a coverage of 15 lbs per acre for the rain garden areas. However, the plans do not provide specifications for the continued maintenance and care of the rain garden areas upon establishment of the seed mix. The plans should be revised to provide a maintenance plan and mowing schedule for the rain garden areas.

- G. The Parking Lot Landscaping category in the Plant Schedule lists one hundred and fifty (150) *Juniperus horizontalis* 'Wiltonii' in this category. Groundcover plants are currently not permitted per ordinance to meet this landscaping requirement. These groundcover plants are acceptable to be planted within the areas shown, but due to their growth habit, may not be used to count toward the required parking lot landscaping category. The Landscape Schedule should be revised for the purposes of clarification. In addition, it is recommended that the Landscape Plan be revised to indicate the number of *Juniperus horizontalis* 'Wiltonii' to be planted in each location on the plan, for the purposes of clarity at planting time.
- H. It appears that the permanent seeding and mulching specifications provided in the E&S/General Notes and the seeding and mulching specifications provided in the Landscape Plan conflict with each other. The plans should be revised so that the seeding specifications match, or so that there is one set of seeding specifications, for the purposes of clarity.
- I. It is unclear if the term "Rain Garden" is appropriate for the stormwater management structures as they are currently proposed. The PA Stormwater Best Management Practices Manual describes a Rain Garden/Bioretention Facility as "a method of treating stormwater by pooling water on the surface and allowing filtering and settling of suspended solids and sediment at the mulch layer, prior to entering the plant/soil/microbe complex media for infiltration and pollutant removal." It appears that the inclusion of low-flow concrete channels may impede one of the primary functions of a Rain Garden by not permitting the desired filtering and settling of suspended solids. We defer further comment on this matter to the Township Engineer.
- J. The Rain Garden impoundment details call for the installation of approximately 3" of mulch. This appears to conflict with the Rain Garden Seed Mix installation specifications on sheet LP-2, which calls for the installation of seed on a bare soilbed. The plans should be revised to correct this discrepancy.

7. General Comments

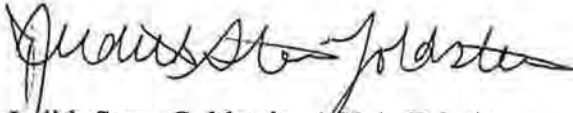
- A. SLDO Section 205-55.A requires that no building permit shall be issued unless a performance bond or other surety approved by the Township Solicitor has been filed with the Township. Such surety shall be in an amount equal to the cost of purchasing, planting, maintaining, and replacing all vegetative materials for a period of 18 months after written acceptance of the landscape installation by the Township. SLDO Section 205-55.B permits that this condition may be satisfied through a land development agreement with sufficient and appropriate financial guaranties suitable to the Board of Supervisors.
- B. The plans should be revised to provide a note indicating that substantial changes to the approved Landscape Plans must be approved by the Township through plan resubmission. If substantial changes to the landscaping are made without prior approval from the Township, the changes will be rejected upon inspection.
- C. The plans should be revised to provide a note indicating that if a plant species or other substitution is made without receiving prior substitution request approval

Mr. Lawrence Gregan, Township Manager  
Giant-to-Go  
June 14, 2013  
Page 9

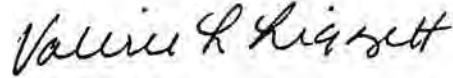
from the Township, the unapproved plants will be rejected upon inspection. All plant substitution requests should be forwarded in writing to this office for review.

- D. A detailed response letter addressing the above noted comments and any other changes to the plans should be included with future submissions.

Sincerely,



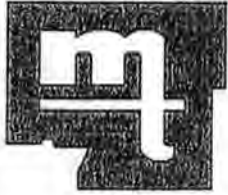
Judith Stern Goldstein, ASLA, R.L.A.  
Managing Director



Valerie L. Liggett, ASLA, R.L.A.  
Planner/Landscape Architect

JSG/vll/kam

ec: Board of Supervisors  
Planning Commission  
Bruce Shoupe, Director of Planning and Zoning  
Marita Stoerrle, Development Coordinator  
Marianne McConnell, Deputy Zoning Officer  
Frank R. Bartle, Esq., Dischell Bartle & Dooley, PC  
Douglas C. Rossino, P.E., Gilmore & Associates, Inc.  
Kevin Johnson, P.E., Traffic Planning & Design  
Ken Amey, AICP  
Timothy R. Diehl, P.E., J. Michael Brill & Associates, Inc.  
Kerry Eck, Giant Food Stores, LLC  
Steven Muchnik – Horsham Realty Associates, LLC  
Charles M. Courtney, McNees, Wallace and Nurick  
Patrick J. Stuart, R.L.A., Orsatti & Associates, Inc.



## ***MEMORANDUM***

TO: Board of Supervisors

FROM: Planning Commission  
Jonathan Trump, Chairman

DATE: June 20, 2013

RE: Giant To Go  
LDS #666

The Planning Commission has reviewed the plan for the Giant To Go and would like to recommend to the Board of Supervisors that the plan be approved, subject to satisfactory compliance with all comments of the Township's review agencies.

The motion further recommended that the applicant explore a possible interconnection with the adjoining property. The motion carried unanimously.

**MONTGOMERY COUNTY  
BOARD OF COMMISSIONERS**

JOSHUA D. SHAPIRO, CHAIR

LESLIE S. RICHARDS, VICE CHAIR

BRUCE L. CASTOR, JR., COMMISSIONER



**MONTGOMERY COUNTY  
PLANNING COMMISSION**

MONTGOMERY COUNTY COURTHOUSE • PO Box 311

NORRISTOWN, PA 19404-0311

610-278-3722

FAX: 610-278-3941 • TDD: 610-631-1211

[WWW.MONTCOPA.ORG/PLANNING](http://WWW.MONTCOPA.ORG/PLANNING)

JODY HOLTON, AICP  
EXECUTIVE DIRECTOR

June 19, 2013

Mr. Larry Gregan, Manager  
Montgomery Township  
1001 Stump Road  
Montgomeryville, Pennsylvania 18936

Re: MCPC# 12-0192-002  
Plan Name: Giant To Go @Montgomeryville  
(1 lot/ 5,000 sq. ft. comprising 3.31 acres)  
Situates: Bethlehem Pike (N)/Horsham Road (S)  
Montgomery Township

Applicant's Name and Address

Giant Food Stores, LLC  
1149 Harrisburg Pike  
Carlisle, PA 17013

Contact: Timothy Diehl, P.E.  
Phone: 717-691-0200

Dear Mr. Gregan:

We have reviewed the above-referenced subdivision and land development application in accordance with Section 502 of Act 247, "the Pennsylvania Municipalities Planning Code", as requested by the township in a letter received in this office on May 21, 2013. We forward this letter as a report of our review and recommendations.

**Background**

The application is a new proposal to construct a 5,000 sq. ft. convenience store and gasoline fueling facility on a 2.24 acre (97,401 sq. ft.) development tract (tax parcel #46-00-00178-00-1), located in the C-Commercial Zoning District. The parcel has frontage on both Horsham Road and Bethlehem Pike (US. Rt. 202). An existing one-story masonry building on the site will be demolished. The proposed use of the property for a convenience store is permitted by right in the C-Commercial District and the proposed gasoline fueling facility is permitted by Conditional Use pursuant to §230-75 (A)(1) of the Township's Zoning Ordinance.

According to the site plan notes, the applicant received Conditional Use approval for the proposed facility in a decision by the Township on April 8, 2013. Related to this issue, the county planning commission in a letter dated January 17, 2013 provided review comments to the township for the Conditional Use (CU) approval application. We did not support CU approval citing the incompatibility between the proposed land use and the Township's future land use vision for this area as a "Town Center" -- as recommended in the *2008 Montgomery Township Comprehensive Plan Update*.

**Comments**Driveway and Parcel Connection with the Adjacent Property

The site plan proposes eliminating two shared vehicular access points and driveways that currently serve both this tract and the neighboring adjacent property (north), tax parcel # 46-00-00181-00-7, Provco Pineville, 309 Partners. This area of shared access is being replaced in part by stormwater management facilities. Both of these driveways, at Bethlehem Pike and Horsham Road are restricted movement with each property sharing a portion of the right-in/right-out movements. The proposed configuration, if approved, will create larger individual driveways and curb cuts along a busy roadway and cause additional congestion and potentially unsafe vehicular movements than the current restricted movements of right-in/right-out. Eliminating the shared driveways will cause Provco Pineville, 309 Partners to reconfigure their curb cut and access points in order to provide safe and effective traffic movement to their property.

We believe the development of individual driveways for both of these properties will result in additional unnecessary curb cuts and traffic conflicts, and is not an effective way to manage access and traffic along these busy roadways. We recommend in this development the township restrict the added curb cuts and individual driveways on the adjacent parcels and require the abutting commercial properties to interconnect their properties and maintain shared driveways to the busy roadways. We recommend the township consider establishing a permanent access easement area between the two abutting commercial properties as a condition of land development in order to ensure shared access in perpetuity.

Landscape Plan – Rain Gardens

The landscape plan shows an extensive area devoted to rain gardens which comprise a large area of approximately 7,275 sq. ft. The proposed rain garden areas are shown to be planted entirely with an "Ernst Conservation Seed Mix" (Ernst #180), which consists of selected grasses and perennials. We recommend the applicant modify the plan to incorporate trees and shrubs into the rain garden to diversify the planting. This will help create a more effective, resilient, and environmentally beneficial rain garden/bio-retention area. The Pennsylvania Stormwater Best Management Practices (BMPs) Manual recommends that trees and shrubs be included in rain garden design and installation. Their recommended planting density, arrangement and suggested species can be found in Chapter 6: Rain Garden/Bioretenction of the Penna. BMP manual. We suggest the township consider the Commonwealth's BMP recommendations in its review of the rain garden design and recommend the applicant modify their design to incorporate trees and shrubs into appropriate locations to ensure an effective outcome for the proposed rain garden /bio-retention area.

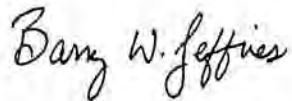
**Recommendation**

We recommend approval of this proposal provided that the above-mentioned review comments are addressed to the satisfaction of the township and the proposed plan complies with your municipal land use regulations and all other appropriate regulations.

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.

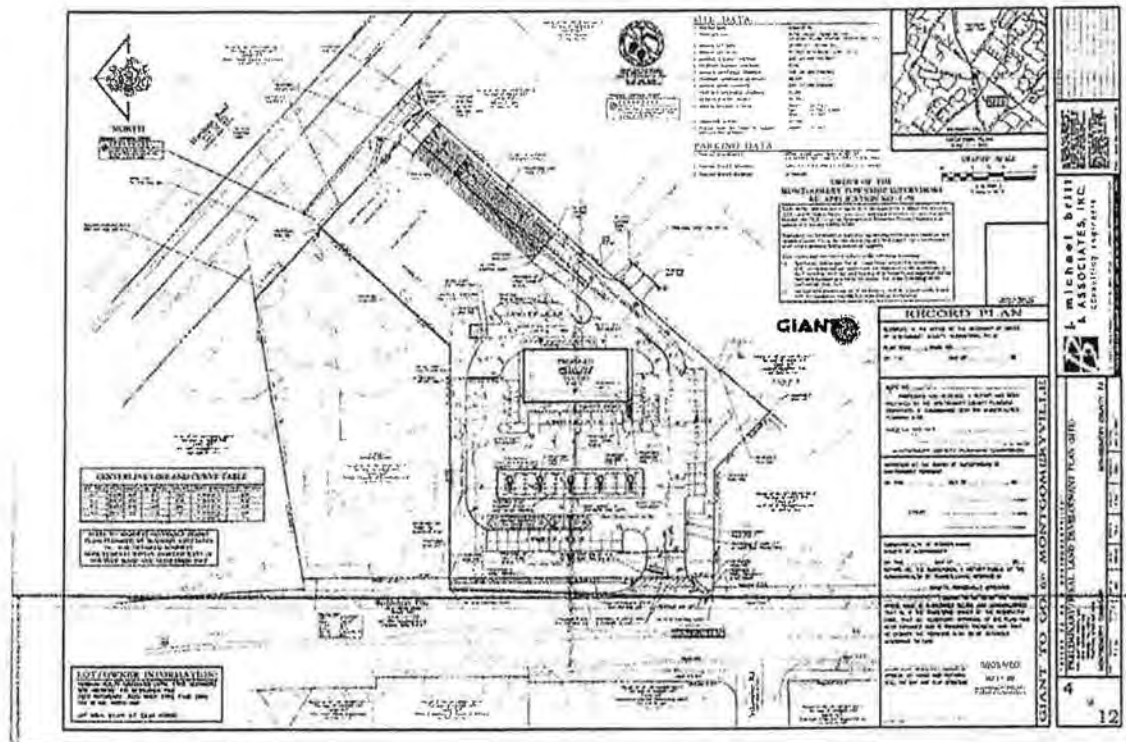
Sincerely,

A handwritten signature in cursive script that reads "Barry W. Jeffries".

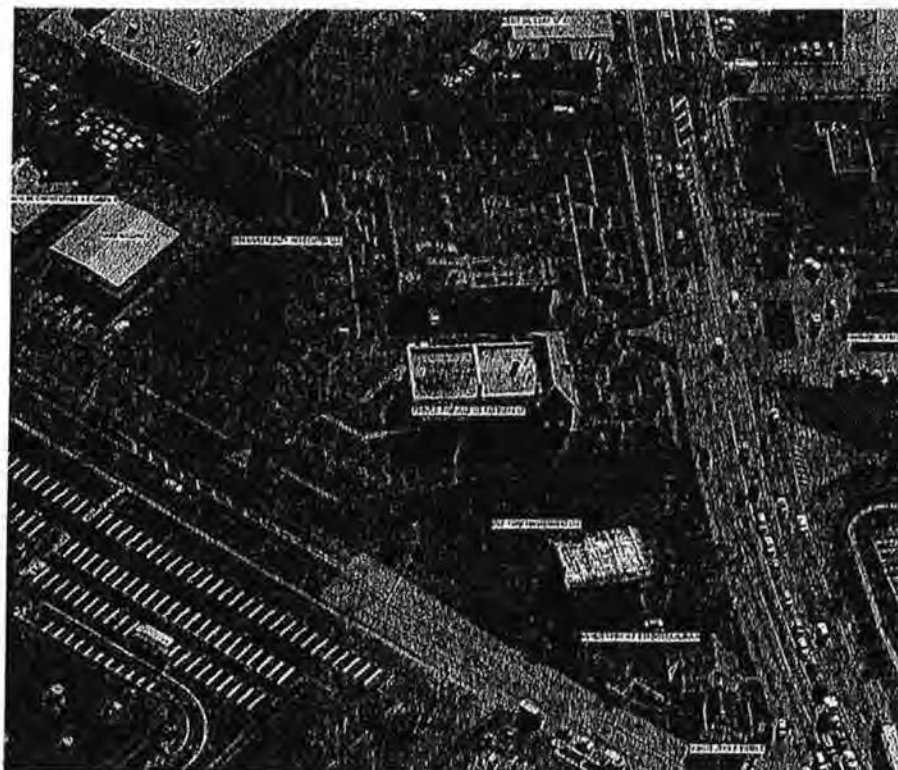
Barry W. Jeffries, Senior Design Planner  
610-278-3444 – [bjeffrie@montcopa.org](mailto:bjeffrie@montcopa.org)

- c: Giant Food Stores, LLC, Applicant
- Timothy Diehl, Applicant's Engineer, J. Michael Brill, & Assoc.
- Marita Stoerrle, Township Development Coordinator
- Jonathan Trump, Chr. Township Planning Commission
- Bruce Shoupe, Township Zoning Officer
- Frank A. Bartle, Township Solicitor
- Kenneth Amey, AICP, Township Planning Consultant

### Reduction of Applicant's Proposed Plan



### Aerial view of applicant's development tract (2008 view to the east)



# TRAFFIC PLANNING AND DESIGN, INC.



2500 E. High Street | Suite 650 | Pottstown, PA | 19464  
610.326.3100 | TPD@TrafficPD.com

November 18, 2013

Mr. Bruce S. Shoupe  
Township Director of Planning and Zoning  
Montgomery Township  
1001 Stump Road  
Montgomeryville, PA 18936-9605

**Re: Giant Food Stores, LLC/Horsham Realty Associates  
Preliminary/Final Land Development Review – #LD/S 666  
TPD# MOTO-A-00067**

Dear Bruce:

In our role as Township Traffic/Street Lighting Engineer, Traffic Planning and Design, Inc. (TPD) has reviewed the Preliminary/Final Land Development submission for the above referenced project prepared by J. Michael Brill & Associates, Inc. and last revised October 25, 2013. Additionally, Highway Occupancy Permit (HOP) Plans, prepared by McMahon Associates, Inc., and last revised November 1, 2013 and were also reviewed.

Currently the access to this site is via right-in/right-out driveways to Bethlehem Pike and Horsham Road. These access points are currently shared with the adjacent land owner (Provco Pineville 309 Partners L.P.). It is TPD's understanding that the shared access is part of a private access easement between the property owners and is set to expire in early 2014. The site also has access to Horsham Road via an additional full-access driveway.

As part of this application, in conjunction with eliminating the existing right turn ingress from Bethlehem Pike and the existing right out egress to Horsham Road on their property, the Applicant intends to construct a new right-in/right-out driveway to Bethlehem Pike at the southern end of the property. The Applicant also proposes to improve the existing full-access driveway to Horsham Road.

Based on our review, we offer the following comments, using the same numbering system as our June 17, 2013 review letter for those comments not yet addressed. Any expansion on the previous comments is shown in bold:

## **Previous Traffic Engineering Comments**

2. The submitted plans were reviewed under the assumption that the access easement between this property and Provco Pineville 309 Partners, L.P. has expired. The plans do not indicate any provisions for access prior to the expiration of the access easement.
3. A Highway Occupancy Permit (HOP) will be required from PennDOT for the access modifications along Bethlehem Pike and Horsham Road. The Township and TPD should continue to be copied on all correspondence and provided copies of all review letters.

## **Previous Street Lighting Comments**

12. Please indicate the method of control of the lighting and hours of operation (e.g. usage of a photocell, etc.) on the included lighting plan.

Per the Montgomery Township Street Lighting Specifications, lighting proposed for use after 10 P.M., or after normal hours of operation of a business, whichever is earlier, for commercial industrial, institutional, or municipal application, shall be reduced by at least 50% from then until dawn, unless supporting a specific purpose and approved by the appropriate officers or agents of the Municipality. A note containing this information shall be provided on the Lighting Plan. The Township would prefer a dimming situation in lieu of an individual light extinguishment to achieve a minimum 50% reduction.

**New Traffic Engineering Comments**

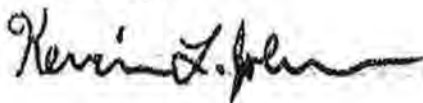
14. It appears that several stormwater facilities are located within the PennDOT Right-of-Way. As such, the Township should be aware that PennDOT may require Montgomery Township to be a co-Applicant on the highway occupancy permit, for purposes of maintaining the proposed stormwater system.
15. The truck circulation details on Sheet 11 should be updated to reflect the revised lane configurations of the Horsham Road access (e.g. – single lane egress)

**New Street Lighting Comments**

16. Revise the plans (Sheet 5) to ensure the proposed lighting fixture locations are accurately depicted to match the Lighting Plan (Sheet 9).
17. Per the Montgomery Township Street Lighting Specifications, poles supporting lighting fixtures for the illumination of parking areas and located directly behind parking spaces, shall be placed a minimum of five (5) feet outside paved area, curbing or tire stops, or on concrete pedestals at least thirty (30) inches high above the pavement, or suitably protected by other approved means. The provided "Site Lighting Concrete Pole Base" detail provided on the lighting plan indicates a concrete base height of 24 inches. Revise the height to comply with the 30 inch minimum to ensure the poles are located a minimum of 5 feet outside areas indicated.
18. All outside lighting, including sign lighting, shall be arranged, designed and shielded or directed so as to protect the abutting streets and highways and adjoining property from the glare of lights. Please verify that the proposed lighting is shielded from adjacent properties to prevent light spillover, specifically areas behind the Type "D" fixtures.

We reserve the right to make additional comments as additional information is submitted.

Sincerely,



Kevin L. Johnson, P.E.  
President

cc: Larry Gegan, Township Manager  
Marita Stoerrle, Township Development Coordinator  
Kevin Costello, Township Public Works Director  
Russ Dunlevy, P.E., Township Engineer  
Kerry Eck, Applicant  
Charles Courtney, Esq., Applicant's Attorney  
Timothy R. Diehl, P.E., Applicant's Engineer  
James J. Kouch, P.E. Applicant's Traffic Engineer  
Joseph Platt, P.E., TPD



# TRAFFIC PLANNING AND DESIGN, INC.

2500 EAST HIGH STREET, STE 650  
POTTSTOWN, PA 19464

PHONE: 610.326.3100  
FAX: 610.326.9410

TPD@TRAFFICPD.COM  
WWW.TRAFFICPD.COM

June 17, 2013

Mr. Bruce S. Shoupe  
Township Director of Planning and Zoning  
Montgomery Township  
1001 Stump Road  
Montgomeryville, PA 18936-9605

Re: Giant Food Stores, LLC/Horsham Realty Associates  
Preliminary/Final Land Development Review - #LD/S 666  
TPD# MOTO-A-00067

Dear Bruce:

In our role as Township Traffic/Street Lighting Engineer, Traffic Planning and Design, Inc. (TPD) has reviewed the Preliminary/Final Land Development submission for the above referenced project prepared by J. Michael Brill & Associates, Inc. and dated May 14, 2013. Additionally, a Transportation Impact Assessment (TIA) and Highway Occupancy Permit (HOP) Plans, dated May 22, 2013 and prepared by McMahon Associates, Inc., were also reviewed.

Currently the access to this site is via right-in/right-out driveways to Bethlehem Pike and Horsham Road. These access points are currently shared with the adjacent land owner (Provco Pineville 309 Partners L.P.). It is TPD's understanding that the shared access is part of a private access easement between the property owners and is set to expire in early 2014. The site also has access to Horsham Road via an additional full-access driveway.

As part of this application, in conjunction with eliminating the existing right turn ingress from Bethlehem Pike and the existing right out egress to Horsham Road on their property, the Applicant intends to construct a new right-in/right-out driveway to Bethlehem Pike at the southern end of the property. The Applicant also proposes to improve the existing full-access driveway to Horsham Road.

Based on this review, we offer the following comments:

## Transportation Impact Assessment (TIA) Comments

1. The revised traffic impact study has addressed all outstanding comments from TPD's January 15, 2013 and February 4, 2013 review letters. Additionally, the recommended improvements have been shown on the submitted land development plans and PennDOT HOP plans.

## Traffic Engineering Comments

2. The submitted plans were reviewed under the assumption that the access easement between this property and Provco Pineville 309 Partners, L.P. has expired. The plans do not indicate any provisions for access prior to the expiration of the access easement.
3. A Highway Occupancy Permit (HOP) will be required from PennDOT for the access modifications along Bethlehem Pike and Horsham Road. The Township and TPD should be copied on all correspondence and provided copies of all review letters.
4. There is an inconsistency between the Highway Occupancy Permit plans and Land Development plans with respect to the new access to Bethlehem Pike. The HOP plans call for a 2.5" depressed curb across the driveway. This depressed curb should be removed.



5. Per Section 205-10.H (7) (b), the handicapped parking spaces must be increased to 12 feet (from the proposed 8 feet) or a waiver requested. TPD would support a waiver of this requirement, as an 8-foot parking stall for handicapped parking meets the applicable federal standards.

#### Street Lighting Comments

6. Please verify the lighting design utilizing the applicable Light Loss Factors (LLF) for each luminaire. The usage of LLF = 1.00 in the Luminaire Schedule does not take into account real life conditions with degradation of the system over time.
7. Please revise the included lighting plan to indicate or delineate the limits of each calculation area within the "Calculation Summary".
8. Please revise the "Calculation Summary" to include a calculation area for the road entering the site from Horsham Road.
9. The "Recommended Maintained Illuminance Values for Parking Lots," according to the *IESNA Lighting Handbook* (Figure 22-21), indicates a Minimum Horizontal Illuminance of 0.2 fc and a Uniformity (Max:Min) Ratio of 20:1. The provided values for the "Parking Summary" indicate a Uniformity Ratio that exceeds the recommended ratio. Please verify the calculation area and/or reconfigure lighting locations to achieve a 20:1 ratio or less.
10. The recommended "Service Station or Gas Pump Area Average Illuminance Levels," according to the *IESNA Lighting Handbook* (Figure 17-20), indicates an Average Illuminance of 10 fc for Pump Island Areas with Light. The provided values for the "Canopy Summary" indicate an average illuminance level that exceeds the recommended. Please verify the calculation area and/or reconfigure lighting locations/type to achieve a minimum average closer to the recommended minimum average level of 10 fc.
11. Verify that the proposed lighting locations are situated such that interference from the proposed landscaping does not result in an inefficient design.
12. Please indicate the method of control of the lighting and hours of operation (e.g. usage of a photocell, etc.) on the included lighting plan.
13. Revise the lighting plan to include the following note, "The Developer shall be responsible for contacting the Lighting Consultant/Inspector for Montgomery Township at least 48 hours prior to the start of any site electric work. The Township's Lighting Consultant/Inspector must be contacted during both "rough" and "final" stages of construction. The Township's Consultant/Inspector must be given the opportunity to observe open trench and conduit prior to backfill. The Township's Consultant/Inspector shall also be contacted again at completion of site electrical construction (i.e. Final). The Developer shall make arrangements for the necessary electrical inspections at both phases of construction and provide evidence of same to Township."

We reserve the right to make additional comments as additional information is submitted.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kevin L. Johnson', is written over a horizontal line.

Kevin L. Johnson, P.E.  
President



**MONTGOMERY TOWNSHIP  
FIRE SERVICES DEPARTMENT**  
1001 STUMP ROAD  
MONTGOMERYVILLE, PA 18936-9605  
Telephone: 215-393-6935 • Fax: 215-699-8892  
www.montgomerytwp.org

**Rick Lesniak**  
DIRECTOR OF FIRE SERVICES  
CHIEF FIRE MARSHAL  
EMERGENCY PREPAREDNESS  
DIRECTOR

**FIRE MARSHAL OFFICE:**  
215-393-6936

**TO:** Bruce Shoupe, Director of Planning and Zoning

**FROM:** Rick Lesniak, Chief Fire Marshal

**REVIEW DATE:** 12-11-13

---

<b>DEVELOPMENT NAME:</b>	<b>Giant to Go</b>	<b>LOT AMOUNT(S):</b>	<b>1</b>
<b>LD/S#:</b>	<b>666</b>	<b>PLANS DATE:</b>	<b>5/14/13</b>
<b>LOCATION:</b>	<b>Horsham Rd</b>	<b>REVISION DATE:</b>	<b>10-25-13</b>

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In the interest of **Public Safety** and **Hazard Mitigation**, the following requirements shall be evaluated. All requirements listed below are to be referenced to the plan named above.

All requirements shall meet the 2006 International Building and Fire Codes as well as Township Ordinance(s).

1. Any gas services that are accessible/vulnerable to vehicular traffic SHALL have approved vehicle impact protection installed.
2. Fire lanes SHALL be established at buildings as directed by the Fire Marshal's Office. Marking of fire lanes shall include 4" YELLOW traffic striping and pavement lettering "NO PARKING FIRE LANE". "NO PARKING FIRE LANE" signage SHALL be provided at all fire lanes at intervals of not more than 50 ft. or as otherwise directed by the Fire Marshal's Office.
3. Fire lanes SHALL be established at all Fire Department Connections (FDC). Markings SHALL meet the fire lanes criteria.
4. Fire Department Access Roads (including fire lanes) shall be constructed in a manner that will allow fire department apparatus access to ALL sides of the building or within 150 ft. of all portions of the building. The roadway shall have an unobstructed width of at least 20 feet and an unobstructed vertical clearance of not less than 13 feet 6 inches. The surface of the roadway shall be designed and maintained to support the imposed loads of fire apparatus and shall be surfaced so as to provide all-weather driving capabilities.
5. All buildings of Truss Construction SHALL comply with the Montgomery Township Truss Ordinance #04-188. Truss emblems can be obtained through the Fire Marshal's Office or Code Enforcement Office. The Fire Marshal's Office SHALL be contacted in regards to placement of truss placard.
6. All buildings that are 5,000 square feet or more shall be fully sprinklered.

7. Street address numbers shall be provided on each building as directed by the Fire Marshal's Office.
8. Fire department key boxes (Knox Box) SHALL be provided on each building at an approved location. Knox box forms are available through the Fire Marshal's Office or Code Enforcement Office.
9. ALL revisions of the above named plan SHALL be reviewed by the Fire Marshal's Office for approval.
10. All applicants are to contact the Code Enforcement Office when underground piping is being hydrostatically tested on site. Applicants are also reminded that flushing of the underground piping SHALL be witnessed by a township official prior to final riser connections per NFPA 13.

---

**Conclusion:**

The current plans are **APPROVED** as submitted based on the notes on page 11 of the revised submitted plans dated 10-25-13.

If there are any questions regarding the review notes, please contact the Fire Marshal's Office at 215-393-6936 or 215-393-6935

*Richard Lesniak*

Thank You,  
Richard Lesniak, Chief Fire Marshal

Reviewed by  
Frank J. Colelli Assistant Fire Marshal

TO FILE



**MONTGOMERY TOWNSHIP  
FIRE SERVICES DEPARTMENT**  
1001 STUMP ROAD  
MONTGOMERYVILLE, PA 18936-9605  
Telephone: 215-393-6935 • Fax: 215-699-8892  
www.montgomerytp.org

**Rick Lesniak**  
DIRECTOR OF FIRE SERVICES  
CHIEF FIRE MARSHAL  
EMERGENCY PREPAREDNESS  
DIRECTOR

**FIRE MARSHAL OFFICE:**  
215-393-6936

**TO:** Bruce Shoupe, Director of Planning and Zoning

**FROM:** Rick Lesniak, Chief Fire Marshal

**REVIEW DATE:** 11-12-13

---

<b>DEVELOPMENT NAME:</b>	<b>Giant to Go</b>	<b>LOT AMOUNT(S):</b>	<b>1</b>
<b>LD/S#:</b>	<b>666</b>	<b>PLANS DATE:</b>	<b>5/14/13</b>
<b>LOCATION:</b>	<b>Horsham Rd</b>	<b>REVISION DATE:</b>	<b>10-25-13</b>

---

In the interest of **Public Safety** and **Hazard Mitigation**, the following requirements shall be evaluated. All requirements listed below are to be referenced to the plan named above.

All requirements shall meet the 2006 International Building and Fire Codes as well as Township Ordinance(s).

1. Any gas services that are accessible/vulnerable to vehicular traffic SHALL have approved vehicle impact protection installed.
2. Fire lanes SHALL be established at buildings as directed by the Fire Marshal's Office. Marking of fire lanes shall include 4" YELLOW traffic striping and pavement lettering "NO PARKING FIRE LANE". "NO PARKING FIRE LANE" signage SHALL be provided at all fire lanes at intervals of not more than 50 ft. or as otherwise directed by the Fire Marshal's Office.
3. Fire lanes SHALL be established at all Fire Department Connections (FDC). Markings SHALL meet the fire lanes criteria.
4. Fire Department Access Roads (including fire lanes) shall be constructed in a manner that will allow fire department apparatus access to ALL sides of the building or within 150 ft. of all portions of the building. The roadway shall have an unobstructed width of at least 20 feet and an unobstructed vertical clearance of not less than 13 feet 6 inches. The surface of the roadway shall be designed and maintained to support the imposed loads of fire apparatus and shall be surfaced so as to provide all-weather driving capabilities
5. All buildings of Truss Construction SHALL comply with the Montgomery Township Truss Ordinance #04-188. Truss emblems can be obtained through the Fire Marshals Office or Code Enforcement Office. The Fire Marshals Office SHALL be contacted in regards to placement of truss placard.
6. All buildings that are 5,000 square feet or more shall be fully sprinklered.

7. Street address numbers shall be provided on each building as directed by the Fire Marshal's Office.
8. Fire department key boxes (Knox Box) SHALL be provided on each building at an approved location. Knox box forms are available through the Fire Marshals Office or Code Enforcement Office.
9. ALL revisions of the above named plan SHALL be reviewed by the fire marshals office for approval.
10. All applicants are to contact the Code Enforcement Office when underground piping is being hydrostatically tested on site. Applicants are also reminded that flushing of the underground piping SHALL be witnessed by a township official prior to final riser connections per NFPA 13.
11. The plans shall be revised to show Montgomery Township fire truck turn path plan. Dimensions can be obtained by the Township Planning and Zoning Office.

---

**Conclusion:**

The current plans are **APPROVED** as submitted based on the notes on page 11 of the revised submitted plans dated 10-25-13.

If there are any questions regarding the review notes, please contact the Fire Marshal's Office at 215-393-6936 or 215-393-6935

Thank You,  
Rick Lesniak, Chief Fire Marshal

Reviewed by  
Frank J. Colelli Assistant Fire Marshal

TO FILE



**MONTGOMERY TOWNSHIP  
FIRE SERVICES DEPARTMENT**  
1001 STUMP ROAD  
MONTGOMERYVILLE, PA 18936-9605  
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**Rick Lesniak**  
DIRECTOR OF FIRE SERVICES  
CHIEF FIRE MARSHAL  
EMERGENCY PREPAREDNESS  
DIRECTOR

**FIRE MARSHAL OFFICE:**  
215-393-6936

**TO:** Bruce Shoupe, Director of Planning and Zoning

**FROM:** Rick Lesniak, Chief Fire Marshal

**REVIEW DATE:** 6-14-13

---

<b>DEVELOPMENT NAME:</b>	<b>Giant to Go</b>	<b>LOT AMOUNT(S):</b>	<b>1</b>
<b>LD/S#:</b>	<b>666</b>	<b>PLANS DATE:</b>	<b>5/14/13</b>
<b>LOCATION:</b>	<b>Horsham Rd</b>	<b>REVISION DATE:</b>	

---

In the interest of **Public Safety** and **Hazard Mitigation**, the following requirements shall be evaluated. All requirements listed below are to be referenced to the plan named above.

All requirements shall meet the 2009 International Building and Fire Codes as well as Township Ordinance(s).

1. Any gas services that are accessible/vulnerable to vehicular traffic SHALL have approved vehicle impact protection installed.
2. Fire lanes SHALL be established at buildings as directed by the Fire Marshal's Office. Marking of fire lanes shall include 4" YELLOW traffic striping and pavement lettering "NO PARKING FIRE LANE". "NO PARKING FIRE LANE" signage SHALL be provided at all fire lanes at intervals of not more than 50 ft. or as otherwise directed by the Fire Marshal's Office.
3. Fire lanes SHALL be established at all Fire Department Connections (FDC). Markings SHALL meet the fire lanes criteria.
4. Fire Department Access Roads (including fire lanes) shall be constructed in a manner that will allow fire department apparatus access to *ALL* sides of the building or within 150 ft of all portions of the building. The roadway shall have an unobstructed width of at least 20 feet and an unobstructed vertical clearance of not less than 13 feet 6 inches. The surface of the roadway shall be designed and maintained to support the imposed loads of fire apparatus and shall be surfaced so as to provide all-weather driving capabilities
5. All buildings of Truss Construction SHALL comply with the Montgomery Township Truss Ordinance #04-188. Truss emblems can be obtained through the Fire Marshal's Office or Code Enforcement Office. The Fire Marshal's Office SHALL be contacted in regards to placement of truss placard.
6. All buildings that are 5,000 square feet or more shall be fully sprinklered.

7. Street address numbers shall be provided on each building as directed by the Fire Marshal's Office.
8. Fire Department key boxes (Knox Box) SHALL be provided on each building at an approved location. Knox box forms are available through the Fire Marshal's Office or Code Enforcement Office.
9. All applicants are to contact the Code Enforcement Office when underground piping is being hydrostatically tested on site. Applicants are also reminded that flushing of the underground piping SHALL be witnessed by a township official prior to final riser connections per NFPA 13.
10. The plans shall be revised to show Montgomery Township fire truck turn path plan. Dimensions can be obtained by the Township Planning and Zoning Office.

---

**Conclusion:**

A written response or revised plan must be submitted to the Fire Marshal's Office and must satisfactorily address each plan review note listed above.

ALL revisions of the above named plan SHALL be reviewed by the Fire Marshal's Office for approval.

If there are any questions regarding the review notes, please contact the Fire Marshal's Office at 215-393-6936 or 215-393-6935

Thank You,  
Rick Lesniak, Chief Fire Marshal

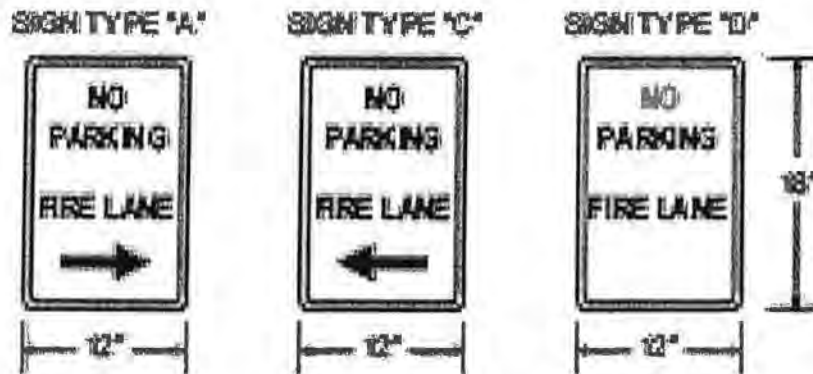
Reviewed by  
Frank J. Colelli Assistant Fire Marshal

TO FILE

## Signage Attachment

### Fire Lanes

**D103.6**—Where required by the fire code official, fire apparatus access roads shall be marked with permanent NO PARKING—FIRE LANE signs complying with Figure D103.6. Signs shall have a minimum dimension of 12 inches (305mm) wide by 18 inches (457mm) high and have red letters on a white reflective background. Signs shall be posted on one or both sides of the fire apparatus road as required by Section D103.6.1 or D103.6.2.



**D103.6.1 Roads 20 to 26 feet in width.** Fire apparatus access roads 20 to 26 feet wide (6096 to 7925 mm) shall be posted on both sides as a fire lane.

**D103.6.2 Roads more than 26 feet in width.** Fire apparatus access roads more than 26 feet wide (7925 mm) to 32 feet wide (9754 mm) shall be posted on one side of the road as a fire lane.

### Truss Emblem

**72-5. Identification emblems on certain properties, buildings or structures containing truss construction.**  
[Added 3-28-2005 by Ord. No. 04-188 Editor's Note: This ordinance also renumbered former § 72-5, Violations and penalties, as § 72-6, which follows this section. ]

A. Definitions. The following definitions shall apply for the section:

**TRUSS CONSTRUCTION** — A combination of members, such as beams, bars and ties, usually arranged in triangular units to form a rigid framework for supporting loads over a span of structural members that connect together to span the space between the walls of the building to support a vertical load.

**TRUSS EMBLEM** — A sign consisting of an isosceles triangle not less than 12 inches horizontally by six inches vertically made of reflective material with white as the background and red lettering containing the following: "F" to signify a building or structure having a floor with truss construction; "R" to signify a building or structure having a roof with truss construction; or "FR" to signify a building or structure having both a floor and roof with truss construction.

B. Identification of truss construction:

- (1) Except as provided in Subsection C below, the owner of a building or a structure containing truss construction in any form or manner shall install and maintain a truss emblem to the left of the main entrance and at a height of not less than five feet above the floor level. The truss emblem required under this section may be purchased from the Township at a cost determined from time to time by resolution of the Board of Supervisors.

- (2) The owner, developer, and/or homeowners' association of a residential subdivision, residential condominium, or apartment complex shall install and maintain a truss emblem within the public right-of-way or upon the common element/area (in the case of a private street or condominium) at each entrance to such subdivision or condominium.
- C. Exemption. Except for a nonresidential building or structure, the owner of a building or a structure within a residential subdivision, residential condominium, or apartment complex referred to in Subsection B(2) above shall be exempt from installing and maintaining a truss emblem. The owner of any other single-family dwelling unit or semidetached dwelling containing not more than two dwelling units shall also be exempt from installing and maintaining a truss emblem.
- D. Fire Marshal approval. The owner and/or developer of any building or structure required to have a truss emblem under this section shall submit a plan for such truss emblem as to design and location for the prior written approval of the Township Fire Marshal.
- E. Retroactive compliance required. The provisions of this section shall apply to the owners of existing buildings or structures having truss construction, but such owners shall have one year from the effective date of this section to comply.



## MONTGOMERY TOWNSHIP POLICE DEPARTMENT

J. Scott Bendig  
Chief of Police

1001 Stump Road • P.O. Box 68 • Montgomeryville, PA 18936  
215-362-2301 • Fax 215-362-6383

**To:** Montgomery Township Board of Supervisors  
Marita Stoerrle, Development Coordinator

**From:** Scott Bendig, Chief of Police

**Date:** May 29, 2013

**Re:** LD/S #: 666  
Giant To Go  
Horsham Road  
Date of Plan: May 14, 2013

---

A review of the above referenced subdivision/land development has been conducted on this date. There are no major areas of concern to the police department at this time.

Thank you for the opportunity to review this subdivision/land development. Please contact me if you have any issues or concerns.

**KENNETH AMEY, AICP**  
professional land planner

November 19, 2013

(via e-mail)

Lawrence J. Gregan, Township Manager  
MONTGOMERY TOWNSHIP  
1001 Stump Road  
Montgomeryville, PA 18936

Re: Giant-To-Go – Second Review  
741 Bethlehem Pike  
Township File #LD/S 666

Dear Mr. Gregan:

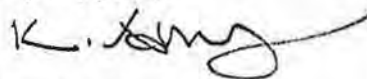
I am in receipt of revised land development plans for the redevelopment of 741 Bethlehem Pike, prepared by J. Michael Brill & Associates, Inc., dated May 14, 2013, last revised October 25, 2013, consisting of 14 sheets, along with landscape plans prepared by Orsatti and Associates, Inc., dated May 14, 2013, last revised October 28, 2013 and consisting of 2 sheets. The property is zoned C-Commercial, is 2.24 acres in area with approximately 254 feet of frontage on Bethlehem Pike and approximately 150 feet of frontage on Horsham Road, and is presently improved with a one story masonry building.

The applicant proposes to demolish the existing improvements and develop the tract for use as a convenience store and gasoline fueling station. On April 8, 2013 the Board of Supervisors granted conditional use approval to allow the gasoline fueling station, subject to conditions. My comments follow:

1. The revised plans adequately address comments #1, 4, and 5 in my original review letter.
2. Comments #2 and 3 in my June 14, 2013 letter refer to the existing cross easement between this property and the property immediately to the north. Although it would be preferable to maintain this easement, I understand that neither the applicant nor the adjoining property is interested in doing so.

Please let me know if there are any questions.

Very truly yours,



Kenneth Amey

cc: Bruce S. Shoupe, Township Director of Planning and Zoning  
Marita Stoerle, Development Coordinator  
Marianne McConnell, Deputy Zoning Officer  
Russell Dunlevy, PE, Township Engineer  
Frank Bartle, Esq., Township Solicitor  
Kevin Johnson, PE, Township Traffic Engineer  
Judith Stern Goldstein, ASLA, Township Landscape Architect  
Kerry Eck, Giant Food Stores, LLC  
Timothy Diehl, PE, J. Michael Brill & Associates, Inc  
Charles Courtney, Esq., McNees, Wallace & Nurick, LLC

1122 Old Bethlehem Pike  
Lower Gwynedd, PA 19002



phone: 215.283.9619  
fax: 215.646.3458  
kenamey@aol.com

**KENNETH AMEY, AICP**  
professional land planner

June 14, 2013

(via e-mail)

Lawrence J. Gregan, Township Manager  
MONTGOMERY TOWNSHIP  
1001 Stump Road  
Montgomeryville, PA 18936

Re: Giant-To-Go  
741 Bethlehem Pike  
Township File #LD/S 666

Dear Mr. Gregan:

I am in receipt of a land development application dated May 14, 2013 for the redevelopment of 741 Bethlehem Pike, along with plans prepared by J. Michael Brill & Associates, Inc., dated May 14, 2013, consisting of 12 sheets, and landscape plans prepared by Orsatti and Associates, Inc., dated May 14, 2013, consisting of 2 sheets. The property is zoned C-Commercial, is 2.24 acres in area with approximately 254 feet of frontage on Bethlehem Pike and approximately 150 feet of frontage on Horsham Road. and is presently improved with a one story masonry building.

The applicant proposes to demolish the existing improvements and develop the tract for use as a convenience store and gasoline fueling station. On April 8, 2013 the Board of Supervisors granted conditional use approval to allow the gasoline fueling station, subject to conditions. My comments follow:

1. The Site Data table on sheet 4 should be revised to include separate columns for 'required' and 'proposed' standards. At this point, the information is not complete and is not clearly presented. Also, #10 on this table incorrectly references impervious coverage rather than green coverage.
2. This property currently shares ingress and egress with the property to the north through a cross-easement. It is our understanding that the easement will expire shortly and, therefore, this development plan shows no connection between the properties. Montgomery Township has been advocating internal connections and cross easements for

1122 Old Bethlehem Pike  
Lower Gwynedd, PA 19002



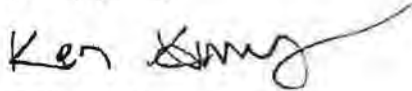
phone: 215.283.9619  
fax: 215.646.3458  
kenamey@aol.com

years, and we would encourage the developer to provide for a future connection to the northern property (block 012, unit 004).

3. Related to #2 above, a note satisfactory to the Township Solicitor should be added to the plan ensuring unobstructed access over the existing easement until such time that it expires.
4. The Bethlehem Pike sidewalk is directly adjacent to one of the raingardens. The applicant should consider installation of a fence to separate the pedestrian walk from the stormwater management area.
5. We will defer detailed comments on the landscape plans to the township landscape architect, but it is worth noting that the applicant has requested significant reductions in required landscaping with no real explanation as to why those reductions are warranted.

Please let me know if there are any questions

Very truly yours,



Kenneth Amey

cc: Bruce S. Shoupe, Township Director of Planning and Zoning  
Marita Stoerrle, Development Coordinator  
Marianne McConnell, Deputy Zoning Officer  
Russell Dunlevy, PE, Township Engineer  
Frank Bartle, Esq., Township Solicitor  
Kevin Johnson, PE, Township Traffic Engineer  
Judith Stern Goldstein, ASLA, Township Landscape Architect  
Kerry Eck, Giant Food Stores, LLC  
Timothy Diehl, PE, J. Michael Brill & Associates, Inc  
Charles Courtney, Esq., McNees, Wallace & Nurick, LLC

## ZONING ORDINANCE PLAN REVIEW

DATE: December 5, 2013

PLAN REVIEW – Giant To Go

LD/S # 666

---

DEVELOPMENT NAME: Giant Food Store LLC

LOCATION: 741 Bethlehem Pike

LOT NUMBER & SUBDIVISION:

ZONING DISTRICT: C-Commercial

PROPOSED USE: Retail Sales – Gasoline Sales

ZONING HEARING BOARD APPROVAL REQUIRED? NO

CONDITIONAL USE APPROVAL REQUIRED? YES

	APPROVED	NOT APPROVED	NOT APPLICABLE
USE	X		
HEIGHT	X		
LOT SIZE	X		
SETBACKS: FRONT	X		
SIDE	X		
BACK	X		
BUILDING COVERAGE	X		
IMPERVIOUS / GREEN SPACE	X		
VARIANCE / SPECIAL EXCEPTION			X
NONCONFORMITY	East side buffer		
OTHER: See comments			

### COMMENTS

The property is subject to Conditional Use approval granted April 8, 2013.

The property shares a joint access on Bethlehem Pike with the property to the north. This joint access easement is proposed to expire in early 2014. The recording of the record plan and agreements can not be performed until such time that the easement has been extinguished.

  
ZONING OFFICER

12.5.13  
DATE

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# **MONTGOMERY TOWNSHIP BOARD OF SUPERVISORS**

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**IN RE: GIANT FOOD STORES LLC &  
HORSHAM REALTY ASSOCIATES  
CONDITIONAL USE APPLICATION**

**PREMISES: 741-751 BETHLEHEM PIKE  
PARCEL NO.: 46-00-00178-00-1**

**APPLICATION NO.: C-59**

## **DECISION AND ORDER**

### **NATURE OF THE APPLICATION**

Applicants Giant Food Stores, LLC, and Horsham Realty Associates propose to demolish an existing building and construct and operate a Giant-To-Go facility on the property. This facility will consist of a 5,000 square-foot convenience store with a gasoline filling station. The proposed convenience store is permitted by right in the C-Commercial District and the proposed gasoline filling station is permitted by conditional use pursuant to Section 230-75(A)(1) of the Montgomery Township Zoning Ordinance, as amended.

In order to facilitate the proposed use and improvement of the property, Applicants seek conditional use relief under Section 230-75(A)(1) of the Montgomery Township Zoning Ordinance, as amended to permit the proposed gasoline filling station.

## **FINDINGS OF FACT**

1. Applicants are Giant Food Stores, LLC, and Horsham Realty Associates.
2. Horsham Realty Associates, is the legal owner of property located at 741 Bethlehem Pike within the Township's C-Commercial District, further identified as Tax Parcel 46-00-00178-00-1.
3. Applicants filed an application with this Board requesting a Conditional Use pursuant to Section 230-75(A)(1) of the Montgomery Township Zoning Ordinance, as amended.
4. A duly advertised Hearing was held before this Board on March 11, 2013. At the Hearing, Applicants were represented by Charles M. Courtney, Esquire.
5. No parties entered their appearances in opposition to the Application.
6. At the Hearing, the exhibits listed on Appendix 1 were entered into the record.
7. Tim Diehl (Applicants' engineer), Kerry Eck (Giant's Real Estate Manager), and John Yurick (Applicants' traffic engineer) testified in support of the application. Their respective testimony is incorporated by reference as though fully set forth herein as findings of fact.
8. Applicants propose to demolish an existing building and construct and operate a Giant-To-Go facility on the property.
9. This facility will consist of a 5,000 square-foot convenience store with a gasoline filling station.
10. The proposed convenience store is permitted by right in the C-Commercial District and the proposed gasoline filling station is permitted by conditional use pursuant to Section 230-75(A)(1) of the Montgomery Township Zoning Ordinance, as amended.
11. In order to facilitate the proposed use and improvement of the property, Applicant seeks conditional use relief under Section 230-75(A)(1) of the Montgomery Township Zoning Ordinance, as amended to permit a gasoline filling station on the property located at 741 Bethlehem Pike within the Township's C-Commercial District.
12. This Board found that the testimony of Applicants' witnesses to be credible.

13. At the conclusion of the Hearing, this Board granted Applicants' requested conditional use. This decision and order shall serve as the formal, written approval memorializing the oral approval granted at the Hearing.

### **CONCLUSION OF LAW**

1. It is well-settled that once an applicant for conditional use bears the initial burden of proving compliance with the specific requirements of the zoning ordinance relative to that conditional use, the governing body is obligated to approve the conditional use unless objectors (neighbors) present sufficient evidence to such a high risk of probability that the Applicants' use will cause a substantial threat to the community.<sup>1</sup>
2. Here, conditional use relief is sought under Section 230-75(A)(1) of the Ordinance, as amended, to permit the proposed gasoline filling station on the property within the C-Commercial District.
3. In considering this requested relief, Section 230-156.2 of the Ordinance sets forth the following criteria that this Board should be guided by when considering a conditional use application:
  - The proposed use is permitted by conditional use, and it will conform to the applicable regulations of the district in which it is located or any district regulations which may relate to or apply to the use, including but not limited to setbacks, building coverage, open space and buffering.
  - The proposed use will conform to the regulations applicable according to use and/or district, including but not limited to regulations contained in Article XVIII, Signs, Article XIX, Off-Street Parking and Loading, Article XX, Nonconforming Uses and Article XXI, Miscellaneous Provisions.
  - Points of vehicular access to the lot are provided at a distance from the intersections and other points of access and in number sufficient to prevent undue traffic hazards and obstruction to the movement of traffic.
  - The location of the site with respect to the existing public roads giving access to it is such that the safe capacity of the public roads is not exceeded by the estimated traffic attracted or generated by the proposed

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<sup>1</sup> See e.g., *Borough of Perkasi v. Moulton Builders, Inc.*, 850 A.2d 778 (Pa. Commw. Ct. 2004)

use, and the traffic generated or attracted is not out of character with the normal traffic using said public roads.

- A determination that the proposed use will not have an unwarranted impact on traffic in the area, either creating significant additional congestion in an area of existing congestion or posing a threat of significant additional congestion where there is a high probability of future congestion. In addition, the Board shall consider whether the proposed use will create any traffic hazard dangerous to the public safety.
  - Screening of the proposed use from adjacent uses is sufficient to prevent the deleterious impact of the uses upon each other, considering the type, dimension and character of the screening.
  - The proposed use does not adversely affect or contradict Montgomery Township's Comprehensive Plan.
  - The proposed use meets the purpose of the Ordinance, as set forth in Article I.
  - The proposed use is suitable for the character of the neighborhood and the uses of the surrounding properties.
  - The proposed use will not impair an adequate supply of light and air to adjacent property.
  - The proposed use will not adversely affect the public health, safety or general welfare.
  - The proposed use will not adversely affect transportation or unduly burden water, sewer, school, park or other public facilities.
  - The proposed use shall not overcrowd land or create undue concentration of population or undue intensity of use.<sup>2</sup>
4. Having considered the credible testimony and exhibits presented at the Hearing in support of the Application, which demonstrates compliance with the applicable conditional use criteria above; and with no opposition from neighboring property owners, this Board concludes that Applicant has met his requisite burden of establishing an entitlement to the requested conditional use.
5. Specifically, this Board finds that Applicant satisfactorily established compliance with the specific conditional use requirements under Section

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<sup>2</sup> See Article XXI, Section 230-156 [Standards and criteria].

230-156.2 of the Ordinance, and as such is permitted to operate a gasoline filling station on the property.

[ORDER ON NEXT PAGE]

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# **MONTGOMERY TOWNSHIP BOARD OF SUPERVISORS**

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**IN RE: GIANT FOOD STORES LLC &  
HORSHAM REALITY ASSOCIATES  
CONDITIONAL USE APPLICATION**

**PREMISES: 741-751 BETHLEHEM PIKE  
PARCEL NO.: 46-00-00178-00-1**

**APPLICATION NO.: C-59**

## **ORDER**

AND NOW, this 8<sup>th</sup> day of April 2013, the application of Giant Food Stores, LLC, and Horsham Reality Associates seeking conditional use approval under Section 230-75(A)(1) of the Montgomery Township Zoning Ordinance, as amended, is hereby **APPROVED**.

Applicants are permitted to demolish the existing building and construct and operate a Giant-To-Go facility consisting of a 5000 square-foot convenience store with a gasoline filling station on the property.

This conditional use relief is subject to the following conditions:

- (1) Applicants shall ensure that all review letters prepared in connection with its conditional use application are addressed to the satisfaction of the Township, with any land development issues being addressed during land development process to the satisfaction of the Township at the appropriate time; and

- (2) the approved conditional use of the property shall be in strict conformance with the testimony and exhibits presented at the hearing

**MONTGOMERY TOWNSHIP  
BOARD OF SUPERVISORS**

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JOSEPH P. WALSH, *Chairman*

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JEFFREY W. MCDONNELL, *Vice-Chairman*

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ROBERT J. BIRCH, *Member*

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CANDYCE FLUEHR CHIMERA, *Member*

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MICHAEL J. FOX , *Member*

APPENDIX 1

## **HEARING EXHIBITS**

### **Board Exhibits**

- B-1 Application
- B-2 Proof of Publication
- B-3 Notice
- B-4 Posting
- B-5 Application Review Letters

### **Applicant Exhibits**

- A-1 Aerial Photograph
- A-2 Site Concept Plan
- A-3 Truck Turning Plan
- A-4 Gilmore & Associates Review Letter (2/11/13)
- A-5 J Michael Briel & Associates Response Letter (1/18/13)
- A-6 Memorandum of Lease
- A-7 TPD Comment Letter (1/15/13)
- A-8 Vehicle Queue Plan
- A-9 Renderings
- A-10 Transportation Impact Assessment (revised 2/11/13)
- A-11 PennDot Review Letter (1/03/13)
- A-12 McMahon Response Letter (2/15/13)
- A-13 TPD Supplemental Letter (2/11/13)
- A-14 MaMahon Concept Plan (1/17/13)