

**AGENDA**  
**MONTGOMERY TOWNSHIP**  
**BOARD OF SUPERVISORS**  
**AUGUST 23, 2021**  
**7:00 PM**

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

Tanya C. Bamford  
Candyce Fluehr Chimera  
Annette M. Long  
Matthew W. Quigg  
Beth A. Staab

Carolyn McCreary  
Township Manager

1. Call Meeting to Order
2. Pledge of Allegiance
3. Announcements
4. Public Comment
5. Announcement of Executive Session
6. Consent Agenda:

Consider Approval of Minutes of August 9, 2021 Meeting and Payment of the Bills

7. Presentations:
  - a. Recognition of Katie Farrell, Jefferson Lansdale Hospital
  - b. Swearing-In of Police Officers Rardin and Hernandez
8. Solicitor's Report

**Planning & Zoning:**

9. Public Hearing: Proposed Text Amendment for Residential Development, W.B. Homes
10. Consider Approval Krispy Kreme Land Development – LDS 714
11. Consider Authorization to Advertise Landscape Ordinance Amendment
12. Consider Board's Position for Newly Submitted Zoning Hearing Board Applications

**Public Safety:**

13. Consider Adoption of "No Parking" Ordinance Amendment for Bridle Path Road

**Recreation:**

14. Consider Approval of 2021 Fall Recreation Programs and Fees
15. Consider Authorization to Purchase Solar Parking Lot Lights with EPA Grant Funding

**Administration & Finance:**

16. Consider Proposal for Energy Assessment Development of the Ready for 100 Plan
17. Consider Proposal to Amend Wireless Facilities Ordinance (Act 50)
18. Consider Adoption of Ordinance for Issuance of \$15 Million General Obligation Note

**Other Business:**

19. Department Reports
20. Committee Liaison Reports
21. Adjournment

MONTGOMERY TOWNSHIP BOARD OF SUPERVISORS

**BOARD ACTION SUMMARY**

Item # 3

---

SUBJECT: Announcements  
MEETING DATE: August 23, 2021  
BOARD LIAISON:  
INITIATED BY: Tanya C. Bamford, Chair

---

- Montgomery Township Day community event is scheduled for Saturday, October 9, 2021 from 1pm to 6pm at the William F. Maule Park at Windlestrae. At this time, festivities are still happening and information will be forthcoming as the event draws closer. Township officials are monitoring current events regarding the surge in COVID cases locally and a decision will be made with regard to continuing the event as the date approaches.
- Thank you to everyone who donated to the Build-a-Bag Backpack and School Supply Drive. We were so happy to be able to help provide much needed supplies to North Penn students in need. Stay tuned for additional opportunities to engage and support our local community in the near future!

MONTGOMERY TOWNSHIP BOARD OF SUPERVISORS  
BOARD ACTION SUMMARY

Item # 4

---

SUBJECT: Public Comment  
MEETING DATE: August 23, 2021  
BOARD LIAISON:  
INITIATED BY:

---

BACKGROUND:

Persons wishing to make public comment during this meeting on any items not listed on the agenda may do so at this time.

Please come forward to the microphone and state your name and address for the record.

MONTGOMERY TOWNSHIP BOARD OF SUPERVISORS

**BOARD ACTION SUMMARY**

Item # 5

---

SUBJECT:                   Announcement of Executive Session  
MEETING DATE:         August 23, 2021  
BOARD LIAISON:  
INITIATED BY:           Tanya C. Bamford, Chair

---

**BACKGROUND:**

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

**The Board of Supervisors met in Executive Session at 6:30 PM prior to this meeting to discuss one litigation matter and one personnel matter.**

**The topics discussed were legitimate subjects of an Executive Session pursuant to the Commonwealth of Pennsylvania's Sunshine Law.**

MONTGOMERY TOWNSHIP BOARD OF SUPERVISORS

**BOARD ACTION SUMMARY**

Item # 6

---

SUBJECT: Consent Agenda:  
Approval of Minutes of August 9, 2021 Meeting and Payment of Bills  
MEETING DATE: August 23, 2021  
BOARD LIAISON:  
INITIATED BY:

---

BACKGROUND:

**MOTION TO APPROVE THE CONSENT AGENDA AS PRESENTED for the following:**

- Minutes of the August 9, 2021 Board meeting;
- Payment of Bills for August 23, 2021

**MINUTES OF MEETING  
MONTGOMERY TOWNSHIP BOARD OF SUPERVISORS  
AUGUST 9, 2021**

**1. Call to Order:** The August 9, 2021 public meeting of the Montgomery Township Board of Supervisors was held at the Montgomery Township Municipal Building, 1001 Stump Road, Montgomeryville, PA. Chair Tanya C. Bamford called the meeting to order at 7:05 p.m.

**IN ATTENDANCE:**

Chair Tanya C. Bamford  
Vice Chair Matthew W. Quigg  
Supervisor Candyce Fluehr Chimera  
Supervisor Annette M. Long  
Supervisor Beth A. Staab  
Township Manager, Carolyn McCreary  
Township Solicitor, Sean Kilkenny, Esq.

**ALSO IN ATTENDANCE:**

Police Chief, J. Scott Bendig  
Director of Fire Services, William Wiegman  
Director of Finance, Brian Shapiro  
Director of Administration & HR, Ann Shade  
Director of Rec & Community Ctr, Floyd Shaffer  
Director of IT, Rich Grier  
Recording Secretary, Deborah A. Rivas

**2. & 3. Pledge of Allegiance and Announcements:** Following the Pledge of Allegiance, the following announcements were made by Ms. Bamford:

- The Township is currently a donation site for the Build-A-Bag Backpack & School Supply Drive. Please consider purchasing and donating some supplies for local school children. The deadline for donations is August 16, 2021.
- The Township is proud to host our first ever Battle of the Badges blood drive with the American Red Cross on August 24, 2021 from 9:00 a.m. to 7:00 p.m. at the Community and Recreation Center. The Police and Fire will square off to see who can drum up more support and blood donations. Donors will cast their votes and receive a free T-Shirt and mug.

**4. Public Comment** – Under public comment, Audrey Moore of 941 Horsham Road stated that she lives across the street from and is concerned about the proposed development for a 55+ community, restaurant and medical buildings. Specifically, Ms. Moore is concerned about the impact on her well water, the sewer line that is planned to run across the road and down Horsham Road, and the entrance and exit of the new development onto Horsham Road resulting in an increase in traffic. Ms. Moore is concerned about the wildlife in the area and losing their habitat. Chair Bamford thanked Ms. Moore for bringing her concerns to the Board and asked staff to provide a follow-up.

**5. Announcement of Executive Session** – Township Solicitor Sean Kilkenny, Esquire, announced that the Board of Supervisors met in an Executive Session prior to this public meeting at 6:30 p.m. to discuss one litigation matter. Mr. Kilkenny stated that the topic discussed is a legitimate subject of an Executive Session pursuant to the Commonwealth of Pennsylvania’s Sunshine Law.

**6. Consent Agenda:**

**MOTION: Upon motion by Ms. Chimera, seconded by Ms. Staab and unanimously carried, the minutes of the July 26, 2021 meeting and the Bills List dated August 9, 2021 were approved as presented.**

**7. Presentation: CRC Incentive Program for Volunteer Firefighters:** Rachel Gibson, President of the Fire Department of Montgomery Township (FDMT) reported on the recent successful recruitment efforts of the FDMT. Ms. Gibson was pleased to announce that the FDMT has several new members and in an effort to retain the membership, various incentive programs had been implemented. Ms. Gibson requested that the Board consider offering a reduced fee for active FDMT members to utilize the Community and Recreation Center fitness facility. If the Board would consider reducing the fee by half, the FDMT Relief Association would pay the difference, thereby providing a free membership to active members and supporting the Department's continued efforts with health and safety programming.

**MOTION: Upon motion by Ms. Bamford, seconded by Ms. Staab and unanimously carried, the Board approved the Community and Recreation Center Incentive Program for the Volunteers of the Fire Department of Montgomery Township.**

**8. Solicitor's Report:** Mr. Kilkenny reported on current zoning matters and provided a brief explanation of the zoning process, including the steps involved with the submission of a plan and what occurs once an application is sent to the Zoning Hearing Board.

**Planning & Zoning:**

**9. Approval of Sewer Planning Module – Village of Windsor:** Ms. McCreary reported that the Act 537 Plan is the Township's plan for sewer service and the sewer authority is responsible for the implementation of this plan. Occasionally, the plan must be changed due to development, and a planning module must be submitted to DEP. The application is for the Village of Windsor land development, which is located on the vacant lot behind Airport Square Shopping Center.

**MOTION: Upon motion by Ms. Chimera, seconded by Mr. Quigg and unanimously carried, the Board adopted Resolution 2021-33, approving the DEP Sewage Facilities Planning Module for Village at Windsor.**

**10. Appointment of Building Code of Appeals Board Member:**

**MOTION: Upon motion by Ms. Bamford, seconded by Ms. Chimera and unanimously carried, the Board appointed David Fetzer to the Building Code of Appeals Board for a four-year term ending on January 1, 2025.**

**11. Appointment and Swearing in of FDMT Special Fire Police Officer:**

**MOTION:** Upon motion by Ms. Bamford, seconded by Ms. Long and unanimously carried, the Board appointed John Fulford to the position of Special Fire Police Officer, effective August 9, 2021 and welcomed him to Montgomery Township.

**12. Fire Records Management System:** Mr. Wiegman reported that the fire department was made aware that the current Fire Record Management System, Firehouse Software, would no longer be supported in 2022. The department began exploring options for the replacement of this software and conducted meetings with two companies, EOS Solutions, Inc. and Emergency Reporting. In July of 2021, ESO Solutions, Inc. acquired Emergency Reporting. The department is seeking the Board's approval to work with the IT Department and ESO Solutions, Inc. to transfer the Department's extensive collection of data from Firehouse Software to ESO Solutions, Inc. as well as purchase the new Fire Record Management System from ESO Solutions, Inc. Discussion followed.

**MOTION:** Upon motion by Mr. Quigg, seconded by Ms. Chimera and unanimously carried, the Board approved the purchase of ESO Solutions, Inc. Fire Records Management System in the amount of \$9,716.50.

**13. Utilize Muncibid for Sale of Ladder 18:** Mr. Wiegman reported that the current Ladder 18, which will be replaced by the new Spartan/Smeal 100' Mid Mount Platform Tower Ladder, has been offered for sale for several months by two brokers with no offers received. Staff is recommending that Ladder 18 be offered for sale through the Muncibid online auction as well. Ms. Long recommended that the listing include a reserve.

**MOTION:** Upon motion by Ms. Chimera, seconded by Ms. Long and unanimously carried, the Board authorized the sale of Ladder 18 via online auction through Muncibid with a reserve price.

**Administration & Finance:**

**14. Acceptance of Audit Engagement for the Year Ending 12/31/2021:**

**MOTION:** Upon motion by Ms. Bamford, seconded by Ms. Chimera and unanimously carried, the Board approved the engagement letter from Maillie LLP for the audit of the Township's financial statements and activities for the period ending 12/31/21.

**15. Adoption of Investment Policy for Police Pension Fund:**

**MOTION:** Upon motion by Ms. Bamford, seconded by Mr. Quigg and unanimously carried, the Board adopted the Investment Policy for the Montgomery Township Police Pension Fund.

**16. Amendment to Police Pension Committee Bylaws:** Ms. McCreary reported that staff reviewed the bylaws for the Police Pension Committee to determine if any modifications needed to be made or should be made with the transition to a new investment advisor.

**MOTION: Upon motion by Ms. Chimera, seconded by Mr. Quigg and unanimously carried, the Board approved the amendment to the bylaws for the Police Pension Advisory Committee as presented.**

**17. Township Employee Handbook Revised Policy for 401a Participation:** Ms. McCreary reported that the Township transitioned to a new Third Party Administrator for the 401a and 457b employee pension plans. During the transition, staff reviewed the plan documents to ensure compliance with applicable laws. At this time, the Employee Handbook will need to be revised to reflect this compliance.

**MOTION: Upon motion by Ms. Bamford, seconded by Ms. Chimera and unanimously carried, the Board approved the revision of the Montgomery Township Employee Handbook to ensure compliance with all applicable laws.**

**Other Business:**

Ms. Bamford provided an update of the July 30<sup>th</sup> Biobot study report from the Sewer Authority which showed that the COVID concentration in Montgomery Township has jumped significantly since the last report in June. Ms. Bamford encouraged residents to get vaccinated.

**18. Adjournment:** Upon motion by Ms. Bamford and seconded by Ms. Staab, the meeting was adjourned at 7:55 p.m.

Respectfully submitted,

Deborah A. Rivas, Recording Secretary

Check Date	Bank	Check	Vendor	Vendor Name	Amount
Bank 01 UNIVEST CHECKING					
08/18/2021	01	89265	100001673	ANDY ALDINGER HUNTER PARTS & SERVIC	1,506.95
08/18/2021	01	89266	00905000	BS&A SOFTWARE	33,027.00
08/18/2021	01	89267	00000161	EUREKA STONE QUARRY, INC.	1,235.00
08/18/2021	01	89268	100000039	PA TURNPIKE TOLL BY PLATE	80.50
08/18/2021	01	89269	100001753	WHITE ROSE SAFETY, LLC	2,975.00
08/18/2021	01	89270	00000621	A & A SALES ASSOCIATES, LLC	606.16
08/18/2021	01	89271	00000723	A TO Z PARTY RENTAL	1,522.31
08/18/2021	01	89272	00000006	ACME UNIFORMS FOR INDUSTRY	138.23
08/18/2021	01	89273	100000892	ADAM ZWISLEWSKI	90.00
08/18/2021	01	89274	100000372	ADRIANNA CILIBERTO	34.33
08/18/2021	01	89275	00001202	AIRGAS, INC.	275.41
08/18/2021	01	89276	00002032	ALBURTIS AUTO INC.	108.00
08/18/2021	01	89277	100001705	ANDREW BACKLUND	150.00
08/18/2021	01	89278	100000888	ANDREW WEINER	95.00
08/18/2021	01	89279	100001805	BEN ARBIZO	125.00
08/18/2021	01	89280	00902946	BETTE'S BOUNCES, LLC	359.10
08/18/2021	01	89281	100001781	BFO, LLC	1,600.00
08/18/2021	01	89282	100001806	BLAKE KIM	210.00
08/18/2021	01	89283	100001244	BRANDI BLUSIEWICZ	75.00
08/18/2021	01	89284	100000979	BRANDON UZDZIENSKI	70.00
08/18/2021	01	89285	100001807	BRIAN MAURER	348.00
08/18/2021	01	89286	100001762	BRITTON INDUSTRIES, INC.	359.00
08/18/2021	01	89287	100000405	C.E.S.	827.96
08/18/2021	01	89288	100000878	CARL HERR	40.00
08/18/2021	01	89289	00000118	DEL-VAL INTERNATIONAL TRUCKS, INC.	17.31
08/18/2021	01	89290	00905026	DON LEN INC.	781.00
08/18/2021	01	89291	100000893	DONALD TUCKER	80.00
08/18/2021	01	89292	00001332	EAGLE POWER & EQUIPMENT CORP	129.62
08/18/2021	01	89293	03214663	ELITE 3 FACILITIES MAINTNEANCE, LLC	4,240.00
08/18/2021	01	89294	00903110	ESTABLISHED TRAFFIC CONTROL	1,708.46
08/18/2021	01	89295	00000161	EUREKA STONE QUARRY, INC.	3,064.47
08/18/2021	01	89296	100001602	FRANK BLUSIEWICZ	75.00
08/18/2021	01	89297	100001744	FUNDAMENTAL TENNIS	1,120.00
08/18/2021	01	89298	00001852	G.L. SAYRE, INC.	4,960.50
08/18/2021	01	89299	00000193	GEORGE ALLEN PORTABLE TOILETS, INC.	784.00
08/18/2021	01	89300	00000198	GLASGOW, INC.	5,080.31
08/18/2021	01	89301	00000229	GRAINGER	20.78
08/18/2021	01	89302	00000903	HOME DEPOT CREDIT SERVICES	270.50
08/18/2021	01	89303	100000881	JOHN H. MOGENSEN	105.00
08/18/2021	01	89304	100001290	JOSEPH SCHOTT	671.38
08/18/2021	01	89305	100000554	KEITH GRIERSON	15.00
08/18/2021	01	89306	00000264	KENCO HYDRAULICS, INC.	145.05
08/18/2021	01	89307	100001661	KYLE STUMP	60.00
08/18/2021	01	89308	00001706	LOWE'S COMPANIES INC.	25.53
08/18/2021	01	89309	100001765	MARVIN MOSEBY	30.00
08/18/2021	01	89310	100000875	MICHAEL BEAN	45.00
08/18/2021	01	89311	100000885	MICHAEL SHEARER	15.00
08/18/2021	01	89312	100001804	MOUMITA CHAKRABORTY	100.00
08/18/2021	01	89313	00000597	PATRICIA A. GALLAGHER	518.26
08/18/2021	01	89314	100000890	PAUL MOGENSEN	30.00
08/18/2021	01	89315	100000100	PERFORMANCE TIRE INC.	98.84
08/18/2021	01	89316	100001010	RACHEL GIBSON	130.00
08/18/2021	01	89317	00000117	RIGGINS INC	2,131.33
08/18/2021	01	89318	00000115	RIGGINS, INC	2,371.70
08/18/2021	01	89319	100000873	RYAN ALLISON	45.00
08/18/2021	01	89320	100000884	RYAN RUDELL	15.00
08/18/2021	01	89321	00000015	SPRINT	139.28
08/18/2021	01	89322	00001394	STANDARD INSURANCE COMPANY	8,063.02
08/18/2021	01	89323	100000701	STAPLES BUSINESS CREDIT	133.35
08/18/2021	01	89324	00001666	THE FENCE GUYS	0.00 V
08/18/2021	01	89325	100000897	TREVOR DALTON	15.00
08/18/2021	01	89326	00000077	TRISTATE ENVIRONMENTAL	1,524.00
08/18/2021	01	89327	100000854	VINAY SETTY	270.00
08/18/2021	01	89328	100000891	VINCENT ZIRPOLI	30.00
08/20/2021	01	89329	00000496	21ST CENTURY MEDIA NEWSPAPERS LLC	115.71
08/20/2021	01	89330	00000842	911 SAFETY EQUIPMENT	743.00
08/20/2021	01	89331	00000006	ACME UNIFORMS FOR INDUSTRY	138.23
08/20/2021	01	89332	100000814	AMAZON.COM SERVICES, INC	20.98
08/20/2021	01	89333	00000043	BERGEY'S	1,591.69
08/20/2021	01	89334	100000319	CANDORIS	2,514.20
08/20/2021	01	89335	00000072	CANON FINANCIAL SERVICES, INC	1,860.00
08/20/2021	01	89336	00001601	CDW GOVERNMENT, INC.	590.50
08/20/2021	01	89337	100000221	COLMAR VETERINARY HOSPITAL	250.87
08/20/2021	01	89338	00000363	COMCAST	747.18
08/20/2021	01	89339	00000335	COMCAST CORPORATION	1,016.47
08/20/2021	01	89340	00000335	COMCAST CORPORATION	477.41
08/20/2021	01	89341	00000161	EUREKA STONE QUARRY, INC.	29.01
08/20/2021	01	89342	100000129	EUROFINS QC, INC.	135.00

Check Date	Bank	Check	Vendor	Vendor Name	Amount
08/20/2021	01	89343	00000174	FISHER & SON COMPANY, INC.	8,206.31
08/20/2021	01	89344	100000408	FSSOLUTIONS	27.55
08/20/2021	01	89345	03214568	FULTON CARDMEMBER SERVICES	4,099.57
08/20/2021	01	89346	00000188	GALLS, AN ARAMARK CO., LLC	1,414.26
08/20/2021	01	89347	00000817	GILMORE & ASSOCIATES, INC.	27,484.96
08/20/2021	01	89348	00000817	VOID	0.00 V
08/20/2021	01	89349	00000817	VOID	0.00 V
08/20/2021	01	89350	00000219	GLOBAL EQUIPMENT COMPANY	306.14
08/20/2021	01	89351	00000903	HOME DEPOT CREDIT SERVICES	116.64
08/20/2021	01	89352	00441122	HORSHAM CAR WASH	163.00
08/20/2021	01	89353	100001808	IAFC LOCKBOX #791544	340.00
08/20/2021	01	89354	100001763	JOHN W. KEPLINGER & SON	1,847.00
08/20/2021	01	89355	100001254	KILCOYNE & KELM, LLC	270.00
08/20/2021	01	89356	100001592	KILKENNY LAW, LLC	1,008.00
08/20/2021	01	89357	03214593	KISSELL FIRE PROTECTION ENGINEERING	150.00
08/20/2021	01	89358	MISC	KOCSI KEVIN & NICOLE	280.25
08/20/2021	01	89359	MISC	KOCSI KEVIN & NICOLE	626.75
08/20/2021	01	89360	00001277	LARRY KNECHEL	100.00
08/20/2021	01	89361	00000284	LIZELL OFFICE FURNITURE	360.00
08/20/2021	01	89362	00001706	LOWE'S COMPANIES INC.	11.34
08/20/2021	01	89363	00001330	MCCALLION STAFFING SPECIALISTS	299.88
08/20/2021	01	89364	00000324	MOYER INDOOR / OUTDOOR	155.35
08/20/2021	01	89365	00000356	NORTH WALES WATER AUTHORITY	238.44
08/20/2021	01	89366	00001134	OFFICE DEPOT, INC	352.69
08/20/2021	01	89367	100000039	PA TURNPIKE TOLL BY PLATE	95.00
08/20/2021	01	89368	00000388	PENNSYLVANIA ONE CALL SYSTEM, INC.	367.35
08/20/2021	01	89369	00000564	PERSONAL PROTECTION CONSULTANTS,	859.45
08/20/2021	01	89370	00000009	PETTY CASH	81.83
08/20/2021	01	89371	00000945	PIPERSVILLE GARDEN CENTER, INC.	597.50
08/20/2021	01	89372	00001158	PITNEY BOWES	710.37
08/20/2021	01	89373	00000345	PRINTWORKS & COMPANY, INC.	301.23
08/20/2021	01	89374	00906102	READY REFRESH	170.99
08/20/2021	01	89375	100000780	RHYTHM ENGINEERING	112.50
08/20/2021	01	89376	00000741	ROBERT E. LITTLE, INC.	16.75
08/20/2021	01	89377	00000653	SCATTON'S HEATING & COOLING, INC.	253.00
08/20/2021	01	89378	00000465	SHAPIRO FIRE PROTECTION COMPANY	336.90
08/20/2021	01	89379	100001614	ST. JUDE'S CHILDREN'S RESEARCH	100.00
08/20/2021	01	89380	100000701	STAPLES BUSINESS CREDIT	293.00
08/20/2021	01	89381	100001172	STREET COP TRAINING	149.00
08/20/2021	01	89382	00000485	SYRENA COLLISION CENTER, INC.	75.00
08/20/2021	01	89383	00001666	THE FENCE GUYS	7,828.26
08/20/2021	01	89384	MISC	THE JOHN HARDY GROUP INC	2,155.50
08/20/2021	01	89385	00906111	THE PROTECTION BUREAU	1,957.15
08/20/2021	01	89386	00001273	TIM KUREK	383.75
08/20/2021	01	89387	00000506	TRANS UNION LLC	84.80
08/20/2021	01	89388	100000210	UNIFIRST	95.96
08/20/2021	01	89389	00000040	VERIZON	269.00
08/20/2021	01	89390	00001329	WELDON AUTO PARTS	13.76
08/20/2021	01	89391	00000632	WEST GENERATOR SERVICES INC.	226.75
08/20/2021	01	89392	00001084	WITMER ASSOCIATES, INC.	261.90
08/20/2021	01	89393	00000550	ZEP MANUFACTURING COMPANY	356.20

01 TOTALS:

(3 Checks Voided)

Total of 126 Disbursements:

161,157.92

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

Item # 7a

---

**SUBJECT:** Recognition of Katie Farrell, Chief Administrative Officer of Abington-Lansdale Hospital  
**MEETING DATE:** August 23, 2021  
**BOARD LIAISON:** Annette M. Long  
**INITIATED BY:** William Wiegman, Director of Fire Services

---

**BACKGROUND:**

The Department of Fire Services, Montgomery Township Office of Emergency Management, and the Montgomery Township Board of Supervisors would like to recognize Katie Farrell, Chief Administrative Officer of Abington-Lansdale Hospital for her efforts in providing COVID-19 vaccinations for Montgomery Township's first responders.

Mrs. Farrell and Abington-Lansdale Hospital were able to provide COVID-19 vaccinations for township first responders and employees at a time when vaccinations were difficult to acquire in Montgomery County. Mrs. Farrell continually communicated with Township Staff to ensure that all eligible employees and volunteers were provided the opportunity to receive the COVID-19 vaccination. Mrs. Farrell also assisted in the scheduling of COVID-19 vaccinations well beyond the initial first and second dose appointments. Mrs. Farrell was directly responsible for assisting in sustaining the Township's emergency response and operations by providing COVID-19 vaccinations to the township's volunteers and employees.

**RECOMMENDATION:**

It is the recommendation of Staff that the Board of Supervisors recognize Katie Farrell, Chief Administrative Officer of Abington-Lansdale Hospital for her efforts in providing COVID-19 vaccinations for Montgomery Township's volunteers and employees.

**MOTION:**

**Motion** that we hereby recognize Katie Farrell, Chief Administrative Officer of Abington-Lansdale Hospital for her efforts in providing COVID-19 vaccinations for Montgomery Township's first responders.

- 1) Motion by: \_\_\_\_\_ Second by: \_\_\_\_\_
- 2) Chair will ask for public comment.
- 3) Chair to call for vote.

MONTGOMERY TOWNSHIP BOARD OF SUPERVISORS

BOARD ACTION SUMMARY

Item # 7b

---

SUBJECT: Introduction/Swearing-In of New Police Officers  
MEETING DATE: August 23, 2021  
BOARD LIAISON: Tanya C. Bamford, Chair  
INITIATED BY: J. Scott Bendig, Chief of Police

---

BACKGROUND:

In 2021, Detective Taylor Jones and Officer Johnny Saada resigned their positions as officers to pursue other professional opportunities. As a result of these separations, two vacancies occurred within the Police Department. A recruit testing process was initiated in February of 2021, with eighty-five (85) applications received for the position of Recruit Police Officer.

The police department's hiring process consisted of a written examination, a physical agility test, a police oral review board, background investigation (including a polygraph examination, neighborhood interviews, and employer interviews), and an interview with the Public Safety Committee.

Before the Board this evening for consideration for appointment to the positions of Recruit Police Officers are the top two candidates, Michael Rardin and Eric Hernandez.

BUDGET IMPACT:

Funding to fill these positions was included in the 2021 adopted budget.

RECOMMENDATION:

It is recommended that Michael Rardin and Eric Hernandez be sworn in as Recruit Police Officers with an effective hire date of August 24, 2021.

MOTION:

**Motion** to appoint Michael Rardin and Eric Hernandez to the position of Recruit Police Officers in the Montgomery Township Police Department, effective August 24, 2021.

- 1) Motion by: \_\_\_\_\_ Second by: \_\_\_\_\_
- 2) Chair will call for Public Comment.
- 3) Chair will call for a vote.

# Montgomery Township Police Department

## New Police Officer Biographies

August 23, 2021

**Michael Rardin:**

Michael Rardin was born and raised in Fullerton, California, graduating from Norte Vista High School. Michael served in the United States Army from 2009 until 2014 as an Explosive Ordnance Disposal Technician, serving in Afghanistan. Michael holds a Bachelor of Arts degree in Criminal Justice from American Military University. In 2015 Michael was hired by the Riverside Police Department, where he worked until relocating with his family to Pennsylvania earlier this year.

**Eric Hernandez:**

Eric Hernandez was born in Brooklyn, New York. At a young age, Eric relocated to the Poconos, graduating from Pocono Mountain West High School. He attended Lackawanna College, where he obtained an Associate in Science degree in Criminal Justice. Eric completed his Act 120 Certification through the Lackawanna County Community College Municipal Police Academy, graduating in October of 2015. Eric started his police career working for the Wilkes-Barre Township Police Department part-time, transitioning to full-time employment with the University of Scranton Police Department, then his most recent employment with the Hazleton City Police Department.

MONTGOMERY TOWNSHIP BOARD OF SUPERVISORS  
**BOARD ACTION SUMMARY**  
Item # 8

---

SUBJECT: Solicitor's Report  
MEETING DATE: August 23, 2021  
BOARD LIAISON:  
INITIATED BY: Sean Kilkenny, Esq., Township Solicitor

---

The Solicitor will update the Board on any matter he deems appropriate for the meeting including, but not limited to pending or new legislation affecting the Township.

MONTGOMERY TOWNSHIP BOARD OF SUPERVISORS  
**BOARD INFORMATION SUMMARY**  
Item # 9

---

**SUBJECT:** Consider Adoption of Ordinance # 2021-320Z - Text Amendment HLI - Zoning District - Proposed Residential Use at Higher Rock Mixed Use Development  
**MEETING DATE:** April 26, 2021  
**BOARD LIAISON:** Tanya C. Bamford, Chair  
**INITIATED BY:** Bruce Shoupe, Director of Planning & Zoning

---

**BACKGROUND:**

Jim Kahn, one of the principals involved with the Higher Rock project spoke to the Board concerning the potential for residential construction of townhomes on the four acres vacant parcel behind the Wawa, on top of the wall. Chris Canavan, W.B. Homes is partnering on this concept with 36 Townhomes proposed on this site.

**ZONING, SUBDIVISION OR LAND DEVELOPMENT IMPACT:** Staff and consultants met with the proposed Developer and assisted in developing an ordinance addressing the concerns raised during the initial presentation to the Board of Supervisors in April of this year.

A public hearing had been authorized for the Applicant to provide the Board with information on this proposed development and request that the Zoning Code be amended to allow this use in the HLI-Industrial zoning district. A packet of the review information of this proposed use is attached and contain:

- Print outs of the online advertisement in the Reporter of the Public Hearing on August 6 and 13, 2021
- Copies of the Zoning Text Amendment application submitted
- Proposed Ordinance #2021-320
- Montgomery County Planning Commission letter dated August 17, 2021
- Sketch Plan and rendering of the proposed project

**MOTION/RESOLUTION:**

**MOTION** to adopt Ordinance #21-320Z for the proposed Zoning Text Amendment HLI – Zoning District - Proposed Residential Use at the Higher Rock Mixed Use Development.

- 1) Motion by: \_\_\_\_\_ Second by: \_\_\_\_\_
- 2) Chair will ask for public comment.
- 3) Chair will call for vote.

**Reporter, The**

PUBLIC NOTICE PA  
TOWNSHIP, 40700

Publication Name:

**Reporter, The**

Publication URL:

Publication City and State:

**Lansdale, PA**

Publication County:

**Montgomery**

Notice Popular Keyword Category:

Notice Keywords:

Notice Authentication Number:

**202108161424206455795****387451020**

Notice URL:

[Back](#)

Notice Publish Date:

Friday, August 13, 2021

**Notice Content**

MONTGOMERY TOWNSHIP LEGAL NOTICE On Monday, August 23, 2021, at 7:00 p.m. the Montgomery Township Board of Supervisors, during its regularly scheduled meeting at the Township Building located at 1001 Stump Rd., Montgomeryville, PA 18936, will hold a hearing to consider amending the Township Zoning Code to allow for limited residential uses where pedestrian connectivity is available to existing commercial and retail locations, the title and summary of which appears below: AN ORDINANCE OF MONTGOMERY TOWNSHIP, MONTGOMERY COUNTY, PENNSYLVANIA, AMENDING THE MONTGOMERY TOWNSHIP ZONING CODE TO ALLOW LIMITED RESIDENTIAL OPPORTUNITIES ONLY WHERE PEDESTRIAN CONNECTIVITY IS AVAILABLE TO EXISTING COMMERCIAL AND RETAIL LOCATIONS IN THE HLI HIGHWAY LIMITED INDUSTRIAL OVERLAY DISTRICT; AND PROVIDING A SEVERABILITY CLAUSE, A REPEALER CLAUSE AND AN EFFECTIVE DATE The amendment will allow residential opportunities within the HLI Highway Limited Industrial District and will allow for the introduction of a mix of uses that will result in less traffic impact along the highway commuter corridor. Residential opportunities within the HLI Highway Limited Industrial District will provide greater diversity of use types along the highway commuter corridor. A copy of the full text of the proposed ordinance is available for inspection and copying by the public by appointment at the Township Building, located at 1001 Stump Rd., Montgomeryville, PA 18936, the offices of this newspaper, and the Montgomery County law library. The public is invited to attend and will be given an opportunity to provide comments regarding this proposed ordinance. Persons with disabilities, wishing to attend the public meeting and requiring auxiliary aid, service or other accommodations to participate, should contact the Montgomery Township Director of Administration & Human Resources at 215-393-6900. CAROLYN MCCREARY TOWNSHIP MANAGER LAN: Aug. 6, 13. a-1

[Back](#)

**Reporter, The**

Publication Name:

**Reporter, The**

Publication URL:

Publication City and State:

**Lansdale, PA**

Publication County:

**Montgomery**

Notice Popular Keyword Category:

Notice Keywords:

Notice Authentication Number:

**202108110751300901748****387451020**

Notice URL:

[Back](#)

Notice Publish Date:

Friday, August 06, 2021

**Notice Content**

MONTGOMERY TOWNSHIP LEGAL NOTICE On Monday, August 23, 2021, at 7:00 p.m. the Montgomery Township Board of Supervisors, during its regularly scheduled meeting at the Township Building located at 1001 Stump Rd., Montgomeryville, PA 18936, will hold a hearing to consider amending the Township Zoning Code to allow for limited residential uses where pedestrian connectivity is available to existing commercial and retail locations, the title and summary of which appears below: AN ORDINANCE OF MONTGOMERY TOWNSHIP, MONTGOMERY COUNTY, PENNSYLVANIA, AMENDING THE MONTGOMERY TOWNSHIP ZONING CODE TO ALLOW LIMITED RESIDENTIAL OPPORTUNITIES ONLY WHERE PEDESTRIAN CONNECTIVITY IS AVAILABLE TO EXISTING COMMERCIAL AND RETAIL LOCATIONS IN THE HLI HIGHWAY LIMITED INDUSTRIAL OVERLAY DISTRICT; AND PROVIDING A SEVERABILITY CLAUSE, A REPEALER CLAUSE AND AN EFFECTIVE DATE The amendment will allow residential opportunities within the HLI Highway Limited Industrial District and will allow for the introduction of a mix of uses that will result in less traffic impact along the highway commuter corridor. Residential opportunities within the HLI Highway Limited Industrial District will provide greater diversity of use types along the highway commuter corridor. A copy of the full text of the proposed ordinance is available for inspection and copying by the public by appointment at the Township Building, located at 1001 Stump Rd., Montgomeryville, PA 18936, the offices of this newspaper, and the Montgomery County law library. The public is invited to attend and will be given an opportunity to provide comments regarding this proposed ordinance. Persons with disabilities, wishing to attend the public meeting and requiring auxiliary aid, service or other accommodations to participate, should contact the Montgomery Township Director of Administration & Human Resources at 215-393-6900. CAROLYN MCCREARY TOWNSHIP MANAGER LAN: Aug. 6, 13. a-1

[Back](#)

# Application for Change of Zoning/Text Amendment

REC-101

JUL 08 2021

MONTGOMERY TOWNSHIP



Montgomery Township  
1001 Stump Road  
Montgomeryville, PA 18936-9605

Telephone: 215-393-6920  
Fax: 215-855-1498  
[www.montgomerytwp.org](http://www.montgomerytwp.org)

6-2021

# Application for Change in Zoning/Text Amendment

Montgomery Township, Montgomery County, Pennsylvania

Date of Application: \_\_\_\_\_

Application is hereby made for an amendment to the Code of the Township of Montgomery, Chapter 230 and/or the Montgomery Township Zoning Map.

Applicant's name: (Corporation) Higher Rock Partners, LP

Person making application: Jim Kahn

Applicant's address: 580 Virginia Drive, Suite 100  
Fort Washington, PA 19034

Phone # 215-654-7557 Fax # \_\_\_\_\_

E-Mail jimkahn@kahnandco.com

Owner's name (title holder) Higher Rock Partners, LP  
- Attach copy of Deed

Owner's Address 580 Virginia Drive, Suite 100  
Fort Washington, PA 19034

Phone # 215-654-0500 Fax # \_\_\_\_\_

E-Mail jimkahn@kahnandco.com

Equitable owner: \_\_\_\_\_  
- Attach copy of Deed and Agreement of Sale

Applicant's Attorney \_\_\_\_\_

Attorney's Address \_\_\_\_\_

Phone # \_\_\_\_\_ Fax # \_\_\_\_\_

E-Mail \_\_\_\_\_

**Description of Property Involved:**

**Location** 1008 Bethlehem Pike  
**Block & Unit #** 46-00-00298-00-7 Block 019; Unit 003  
**Present Zoning Classification** HLI Highway Limited Industrial Overlay District  
**Parcel Size** 10.52 acres

**Applicant's Reasons for Rezoning/Text Amendment Request:**

Applicant is requesting a text amendment to the HLI Highway Limited Industrial Overlay District to allow for limited residential uses where pedestrian connectivity is available to existing commercial and retail locations. This use will allow for the introduction of a mix of uses that will result in less traffic impact and greater diversity of use types along the highway commuter corridor. A copy of the proposed text amendment is attached.

Applicant requests that above referenced tract be changed in zoning classification from a \_\_\_\_\_ district to a \_\_\_\_\_ district.

**Montgomery Township Rezoning/Text Amendment Application Checklist:**

1. Plans attached to Petitions shall contain the following information:
  - a) Plans to be prepared by a Registered Land Surveyor or Professional Engineer.
  - b) Name, date, address of the Surveyor or Engineer preparing the plans and description.
  - c) Complete scaled dimensions of property involved (all bearings and distances).
  - d) Block and unit number of property involved
  - e) Owners of record of all adjoining properties, including deed book and page number. Attach a separate list to petition.
  - f) Zoning classification of all adjoining properties.

- g) Existing use of all adjoining properties regardless of zoning classification.
- h) Existing use of subject property involved regardless of zoning classification.
- i) Description using the dimensions as shown on this plan.
- j) Area of property involved to be shown in acreage and square feet.
- k) If owner of tract, include a copy of the Deed with the application. If equitable owner, include a copy of the Deed and latest Agreement of Sale.
- l) Width of abutting roadway (right-of-way, cartway, improved or unimproved).
- m) If lot is in subdivision, show lot number(s), section number, name and recording information of the subdivision.
- n) A detailed description of the proposed change(s) to the zoning code.

2. Any other information as may be required by the Zoning Officer of Montgomery Township.
3. Six (6) paper sets of plans and descriptions, attached to the Rezoning/Text Amendment Petition, and folded to no larger than 8.5" x 11" and one plan set in electronic pdf format.
4. One (1) paper copy and one (1) pdf version of a traffic study for the site (see Chapter 205, Article XVI for details) for rezoning request.
5. All information must be provided to Montgomery Township in a pdf format.
6. FEES: Two (2) checks made payable to "Montgomery Township".

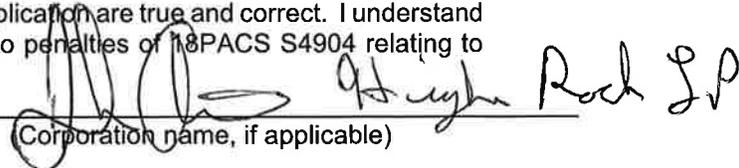
Filing Fee	\$2,000.00
Initial Escrow Deposit	\$5,000.00

- Administrative fee of 7.5% of charges incurred in conjunction therewith; if none incurred, minimum administrative fee of \$50.00.

All application filing fees paid are non-refundable and intended to cover all overhead, administrative and miscellaneous expenses of the Township. Escrow deposits will be returned to the applicant, without interest, after the proceedings are complete and after all appropriate charges have been made to the escrow account. In the event that the review costs exceed the deposited escrow amount, I hereby agree to make additional deposits to the escrow account. Should this balance fall below the minimum required amount, the Township has the authority to stop all reviews or take any other action it deems necessary.

The Township will forward your MCPC application to the County and they will bill your separately.

I verify that the statements made in the above application are true and correct. I understand that false statements herein are made subject to penalties of 18PACS S4904 relating to unsworn falsification to authorities.

  
 \_\_\_\_\_  
 (Corporation name, if applicable)

\_\_\_\_\_  
 (Applicant's or Corporation  
 Official's signature and title)

Article 230: HLI Highway Limited Industrial Overlay District

§230-214 Declaration of Legislative Intent Permitted uses.

Amend the following:

G. Allow limited residential opportunities only where pedestrian connectivity is available to existing commercial and retail locations.

§230-215 Use Regulations.

Amend the following:

- I. Townhouse dwellings on no greater than 30% of the total tract area for a Property in an overall development plan, subject to the area, height and bulk regulations under §230-217 J

§2301-217

Amend or add the following:

C. Minimum yard areas.

- (4) Abutting residential district or use, except for those residential uses specifically allowed under this ordinance: 100 feet

J. Special Standards for Townhouse use

- (1) Minimum tract area: 4 acres.
- (2) Maximum density: 9 dwelling units per gross acre.
- (3) Maximum building height: 35 feet
- (4) Setback from:

Main distribution Road: 60 feet

Overall Development Plan Tract boundary: 40 feet

Front yard building setback to Internal Road: 26 feet

Driveway length from face of building to sidewalk: 22 feet

Side yard setback to property line: 10 feet

Side yard building setback to Internal Road:

For buildings with no windows or doors on side elevation of first floor: 12 feet

For buildings with windows and doors on side elevation of first floor: 20 feet

Front building elevation to Front building elevation: 60 feet

Front building elevation to Back building elevation: 60 feet

- Back building elevation to Back building elevation: 50 feet
- Side building elevation to Side building elevation: 20 feet
- Side building elevation to Front/Back building elevation: 40 feet
- (5) Number of Units per building (maximum): 6 units
- (6) Parking spaces per dwelling unit (minimum): 2 spaces
- (7) Building Coverage: 35% of gross site area
- (8) Impervious Coverage: 50% of gross site area
- (9) Accessory Structures:

(a) Unenclosed decks, porches and patios may encroach no greater than 10 feet into a required yard area setback.

(b) Bay windows and Box Bay windows may project no greater than 2 feet into a required yard area setback for a length of no greater than 10 feet.

**MONTGOMERY TOWNSHIP  
MONTGOMERY COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 2021 – 320**

**AN ORDINANCE OF MONTGOMERY TOWNSHIP,  
MONTGOMERY COUNTY, PENNSYLVANIA, AMENDING THE  
MONTGOMERY TOWNSHIP ZONING CODE TO ALLOW  
LIMITED RESIDENTIAL OPPORTUNITIES ONLY WHERE  
PEDESTRIAN CONNECTIVITY IS AVAILABLE TO EXISTING  
COMMERCIAL AND RETAIL LOCATIONS IN THE HLI  
HIGHWAY LIMITED INDUSTRIAL OVERLAY DISTRICT; AND  
PROVIDING A SEVERABILITY CLAUSE, A REPEALER CLAUSE  
AND AN EFFECTIVE DATE;**

**WHEREAS**, Section 230-187 of the Montgomery Township Zoning Code and Section 609 of the Pennsylvania Municipalities Planning Code, 53 P.S. § 10609, authorize the Board of Supervisors of Montgomery Township to enact amendments to the Montgomery Township Zoning Code; and

**WHEREAS**, residential opportunities within the HLI Highway Limited Industrial District will allow for the introduction of a mix of uses that will result in less traffic impact along the highway commuter corridor, and

**WHEREAS**, residential opportunities within the HLI Highway Limited Industrial District will provide greater diversity of use types along the highway commuter corridor, and

**WHEREAS**, a public hearing was held, following public notice, for the purpose of considering this amendment to the Montgomery Township Zoning Code; and

**WHEREAS**, the Board of Supervisors of Montgomery Township, after public hearing, pursuant to public notice, and after receipt of recommendations from the Montgomery Township Planning Commission and the Montgomery County Planning Commission, deems it appropriate and proper that the Zoning Code be amended as set forth herein and that such amendment is in accordance with the spirit and intent of the Montgomery Township Zoning Code.

**NOW, THEREFORE**, be it, and it is hereby **ORDAINED** by the Montgomery Township Board of Supervisors, and it is hereby **ENACTED** and **ORDAINED** by authority of the same as follows:

**SECTION 1.** The Zoning Code of Montgomery Township, Section 230-214, shall be amended by adding a new declaration of legislative intent, as follows:

G. Allow limited residential opportunities only where pedestrian connectivity is available to existing commercial and retail locations.

**SECTION 2.** The Zoning Code of Montgomery Township, Section 230-215 shall be amended by adding a new use regulation, as follows:

- I. Townhouse dwellings on no greater than 30% of the total tract area for a property in an overall development plan, subject to the area, height and bulk regulations under §230-217J.

**SECTION 3.** The Zoning Code of Montgomery Township, Section 230-217 shall be amended, as follows:

- C. Minimum yard areas.

(4) Abutting residential district or use: 100 feet (except for those residential uses specifically allowed under §230-217J Special Standards for Townhouse Use).

- J. Special Standards for Townhouse use.

- (1) Minimum tract area: 4 acres
- (2) Maximum density: 9 dwelling units per gross acre.
- (3) Maximum building height: 35 feet
- (4) Setback from:
  - Main distribution road: 60 feet
  - Overall development plan tract boundary: 40 feet
  - Front yard building setback to internal road: 26 feet
  - Driveway length from face of building to sidewalk: 22 feet
  - Side yard setback to property line: 10 feet
  - Side yard building setback to internal road:
    - For buildings with no windows or door on side elevation of first floor: 12 feet
    - For buildings with windows and doors on side elevation of first floor: 20 feet
  - Front building elevation to front building elevation: 60 feet
  - Front building elevation to back building elevation: 60 feet
  - Back building elevation to back building elevation: 50 feet
  - Side building elevation to side building elevation: 20 feet
  - Side building elevation to front/back building elevation: 40 feet
- (5) Number of units per building (maximum): 6 units
- (6) Parking spaces per dwelling unit (minimum): 2 spaces
- (7) Building coverage: 35% of gross site area
- (8) Impervious coverage: 50% of gross site area
- (9) Accessory Structures:
  - (a) Unenclosed decks, porches and patios may encroach no greater than 10 feet into required yard area setback.
  - (b) Bay windows and box bay windows may project no greater than 2 feet into a required yard area setback for a length of no greater than 10 feet.

**SECTION 4. Severability.** If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality or invalidity shall not affect or

impair any of the remaining provisions, sentences, or parts of the Ordinance. It is hereby declared to be the express intent of the Board of Supervisors that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section or parts thereof not been included herein.

**SECTION 5. Repealer.** All Resolutions, Ordinances, or parts of Ordinances conflicting or inconsistent herewith are hereby repealed to the extent of the conflict or inconsistency.

**SECTION 6. Effective Date:** This Ordinance shall become effective immediately after adoption by the Board of Supervisors for Montgomery Township, Montgomery County, Pennsylvania.

Enacted and ordained by the Board of Supervisors for Montgomery Township, Montgomery County, Pennsylvania this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

MONTGOMERY TOWNSHIP

BOARD OF SUPERVISORS

Attest: \_\_\_\_\_

\_\_\_\_\_

**MONTGOMERY COUNTY  
BOARD OF COMMISSIONERS**

VALERIE A. ARKOOSH, MD, MPH, CHAIR  
KENNETH E. LAWRENCE, JR., VICE CHAIR  
JOSEPH C. GALE, 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

SCOTT FRANCE, AICP  
EXECUTIVE DIRECTOR

August 17, 2021

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

Re: MCPC #17-0242-003  
Plan Name: Higher Rock Partners Zoning Text Amendment Ordinance  
(1 lot, approx. 18.70 acres)  
Situate: Witchwood Drive, near Stump Road  
Montgomery Township

Dear Mr. Shoupe:

We have reviewed the above-referenced zoning ordinance text amendment proposal in accordance with Section 609 of Act 247, "The Pennsylvania Municipalities Planning Code," as you requested on July 29, 2021. We forward this letter as a report of our review.

## BACKGROUND

The applicant, Montgomery Township, is submitting a zoning ordinance amendment proposal on behalf of Higher Rock Partners, LP to "allow limited residential opportunities only where pedestrian connectivity is available to existing commercial and retail locations" in the HLI – Highway Limited Industrial zoning district by permitting townhomes on no greater than 30% of the total area of a property. The zoning ordinance text amendment includes provisions for minimum tract and yard areas, maximum unit density, units per building, and building height, minimum setbacks, minimum parking spaces, building and impervious coverage, and accessory structures. The submission included a preliminary sketch plan for a proposal by Higher Rock Partners, LP to construct 36 townhomes in 7 buildings on the undeveloped section of the larger Higher Rock development at the corner of Bethlehem Pike and Witchwood Drive. Since the development proposal would need to proceed through the normal land development process once this zoning amendment is in place, this review letter will only concern the proposed zoning text amendment.



## COMPREHENSIVE PLAN COMPLIANCE

Montgomery Township's *2008 Comprehensive Plan Update Vision Plan* identifies a Special Area C, bordered by southbound PA 309, Stump Road, the Gwynedd Crossing Shopping Center, and the Bethlehem and Welsh Valley Industrial Parks to the west. The "special conditions and issues" note for Special Area B is as follows: "For most people, this is the "entry driveway" into Montgomery Township. The older buildings in this area should be improved or replaced and the streetscape significantly improved." Previous MCPC letters for this area noted that the streetscape along Bethlehem Pike should be improved with a complete sidewalk installation. While sidewalk was installed in front of the Citadel bank building along Bethlehem Pike, as well as along Witchwood Drive mostly along one side adjacent to the proposed townhouse development, the sidewalk does not continue further along Bethlehem Pike, meaning that all "pedestrian connectivity" would be focused along Witchwood Road. The MCPC recognizes that Montgomery Township faces significant challenges to achieving pedestrian connectivity across the six-lane divided highway/"entry driveway" of Bethlehem Pike, but in order for the full potential of this zoning change (and the associated proposed development) to be realized, additional pedestrian connectivity of sidewalk networks will be required.

Montgomery County's comprehensive plan, *Montco 2040: A Shared Vision* identifies the entire area along Bethlehem Pike between Stump Road and Hartman Road as part of a "business area" on the future land use map, as updated in 2020. While not outright rejecting the possibility of residential developments through this area, the designation reflects the overall character of this section of the township, meaning that any changes to the existing landscape should be designed and installed carefully. In addition, the plan calls for "flexibly adapt[ing] to market conditions and demographics" by encouraging "walkable, mixed use...and entertainment-supportive employment centers, towns, and destinations to attract young workers and other key demographic groups". Much like a similar zoning ordinance text amendment proposal made recently, we applaud the township for its willingness to consider broadening zoning classifications in previously restricted areas, as long as the ramifications of the adjustment of the zoning text amendment are understood and the resulting developments are well-designed and well-built.

## RECOMMENDATION

The Montgomery County Planning Commission (MCPC) generally supports the proposed zoning text amendment, however, in the course of our review we have identified the following issues that the municipality may wish to consider prior to final plan approval. Our comments are as follows.

## REVIEW COMMENTS

### ZONING CHANGE - SPECIFIC TEXT COMMENTS

1. The declaration of legislative intent for this zoning code text amendment refers to "allowing residential opportunities only where pedestrian connectivity is available to existing commercial and retail locations". We feel that the definition of "pedestrian connectivity" as used to justify

the location of this development is flimsy if not entirely absent. Is the presence of any sidewalk enough to justify residential development? If sidewalk is added to connect to existing retail opportunities as part of a townhouse development and construction process, is that enough to create a "residential opportunity"? While we are certainly supportive of efforts to construct additional housing units in as many suitable areas as possible, we feel that the ramifications of this legislative intent statement should be further considered and potentially reworked to better achieve the Township's ultimate goals.

2. If the proposed "Special Standards for Townhouse use" section is adopted, Montgomery Township will have three separate sets of area, height, and bulk regulations for townhomes in the R-3, R-3A, and HLI zoning districts. We would recommend that townhouse development design standards be consolidated into one set that can be cross-referenced in each zoning section or altered only as necessary. Consolidating code language would also allow for additional standards to be added, such as minimum townhome width, across all zoning classifications.
3. While building and impervious coverage provisions are included in the zoning ordinance, it is not clear that these are "maximum" requirements. The township should strongly consider labeling 230-217.J.7 and J.8 as "maximums" to match J.2 and J.3.
4. There are no standards listed in this zoning ordinance, or other townhome regulation sections of Montgomery Township's code, specifically addressing the use of common green space and street trees. We believe the Township should consider adding further provisions to ensure that townhouse developments are designed and constructed with appropriate environmental features.

## **ZONING CHANGE – BROAD BASED COMMENT**

As with all zoning text amendments, changes made to the zoning code apply uniformly across the entire township, as opposed to zoning map amendments where specific parcels are rezoned. Has Montgomery Township considered whether all highway light industrial zones throughout the township would be suitable for other types of residential dwellings, such as multi-family developments or mixed use areas? The MCPC encourages zoning codes to be written as broadly as possible without attempting specific carve-outs for individual development proposals, as well-intentioned as the code changes may seem. The township may want to consider a map amendment to this particular area to rezone the proposed development area to a residential classification.

## **CONCLUSION**

We wish to reiterate that MCPC generally supports the zoning code text amendment, but we believe that our suggested revisions will better achieve Montgomery Township's broad-based planning objectives.

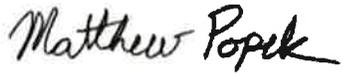
Please note that the review comments and recommendations contained in this report are advisory to the municipality and final disposition for the approval of any proposal will be made by the municipality.

Mr. Bruce Shoupe

August 17, 2021

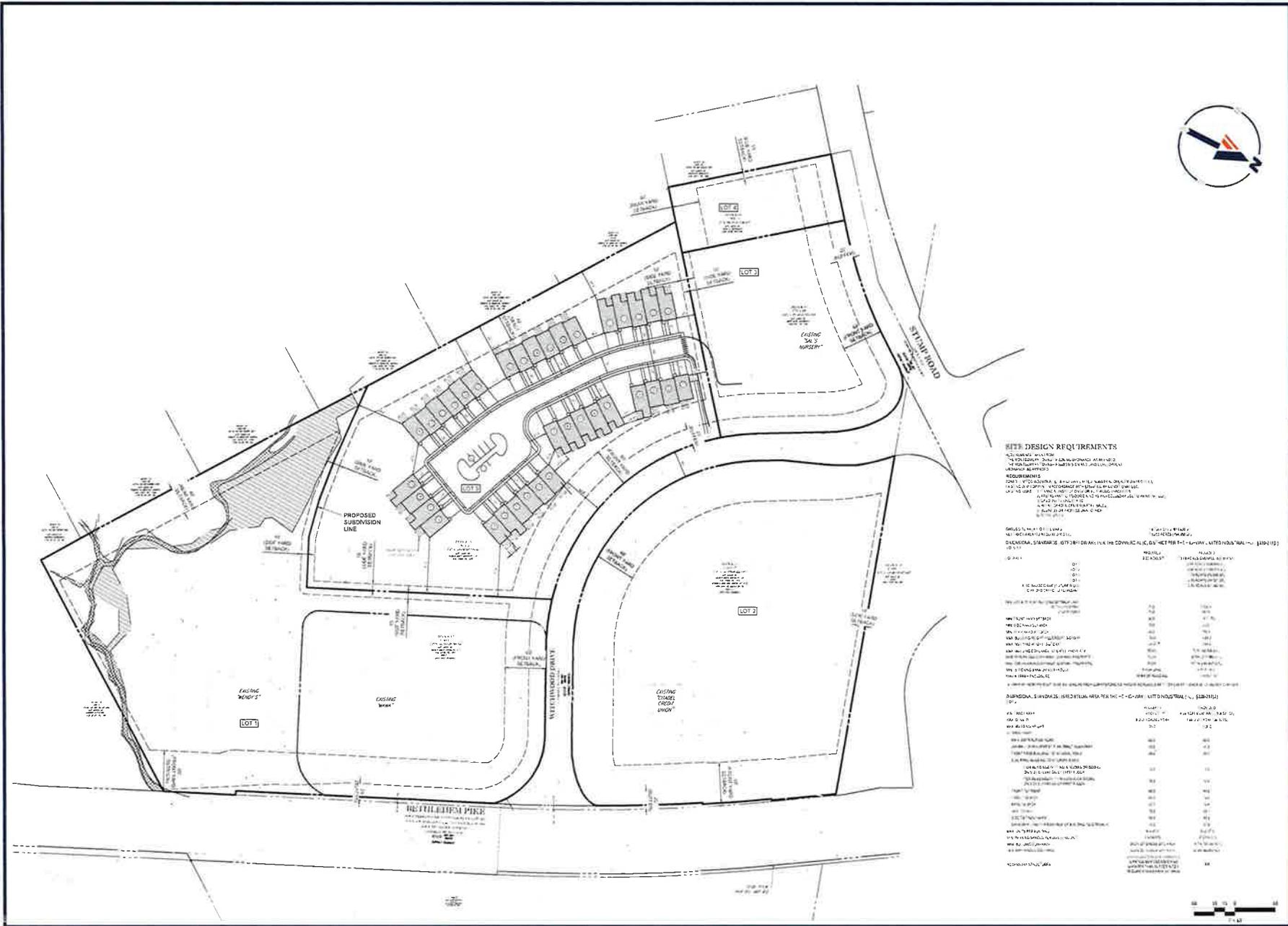
Should the governing body adopt this proposed zoning ordinance amendment, Section 609 of the Municipalities Planning Code requires that we be sent an official copy within 30 days.

Sincerely,

A handwritten signature in black ink that reads "Matthew Popek". The signature is written in a cursive, slightly slanted style.

Matthew Popek, AICP  
Transportation Planning Assistant Manager  
[mpopek@montcopa.org](mailto:mpopek@montcopa.org) - 610-278-3730

c: Jim Kahn, Applicant's Representative  
Carolyn McCreary, Twp. Manager  
Jim Rall, Chrm., Twp. Planning Commission



**SITE DESIGN REQUIREMENTS**

ALL PROPOSED IMPROVEMENTS SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE PENNSYLVANIA DEPARTMENT OF TRANSPORTATION (DOT) STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION, LATEST EDITIONS OF THE PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL PROTECTION (DEP) REGULATIONS, AND THE PENNSYLVANIA DEPARTMENT OF REVENUE (DR) REGULATIONS.

**REQUIREMENTS**

1. THE PROPOSED SUBDIVISION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE PENNSYLVANIA DEPARTMENT OF REVENUE (DR) REGULATIONS, AND THE PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL PROTECTION (DEP) REGULATIONS.

2. THE PROPOSED SUBDIVISION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE PENNSYLVANIA DEPARTMENT OF TRANSPORTATION (DOT) STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION, LATEST EDITIONS OF THE PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL PROTECTION (DEP) REGULATIONS, AND THE PENNSYLVANIA DEPARTMENT OF REVENUE (DR) REGULATIONS.

ITEM	DESCRIPTION	QUANTITY	UNIT	PRICE	TOTAL
1	GRAVEL	1000	CU YD	12.00	12000.00
2	ASPHALT	500	CU YD	18.00	9000.00
3	CONCRETE	200	CU YD	25.00	5000.00
4	STEEL	100	TON	100.00	10000.00
5	WOOD	500	CU YD	8.00	4000.00
6	PAINT	100	QUART	10.00	1000.00
7	LABOR	1000	HOUR	15.00	15000.00
8	EQUIPMENT	100	HOUR	50.00	5000.00
9	PERMITS	1	SET	5000.00	5000.00
10	INSURANCE	1	YEAR	1000.00	1000.00
11	UTILITIES	100	LINEAL FOOT	10.00	1000.00
12	LANDSCAPING	100	SQ YD	10.00	1000.00
13	EROSION CONTROL	100	LINEAL FOOT	10.00	1000.00
14	WATER TREATMENT	100	LINEAL FOOT	10.00	1000.00
15	SEWER TREATMENT	100	LINEAL FOOT	10.00	1000.00
16	STORM SEWER	100	LINEAL FOOT	10.00	1000.00
17	WATER MAIN	100	LINEAL FOOT	10.00	1000.00
18	SEWER MAIN	100	LINEAL FOOT	10.00	1000.00
19	STORM SEWER	100	LINEAL FOOT	10.00	1000.00
20	WATER MAIN	100	LINEAL FOOT	10.00	1000.00
21	SEWER MAIN	100	LINEAL FOOT	10.00	1000.00
22	STORM SEWER	100	LINEAL FOOT	10.00	1000.00
23	WATER MAIN	100	LINEAL FOOT	10.00	1000.00
24	SEWER MAIN	100	LINEAL FOOT	10.00	1000.00
25	STORM SEWER	100	LINEAL FOOT	10.00	1000.00
26	WATER MAIN	100	LINEAL FOOT	10.00	1000.00
27	SEWER MAIN	100	LINEAL FOOT	10.00	1000.00
28	STORM SEWER	100	LINEAL FOOT	10.00	1000.00
29	WATER MAIN	100	LINEAL FOOT	10.00	1000.00
30	SEWER MAIN	100	LINEAL FOOT	10.00	1000.00
31	STORM SEWER	100	LINEAL FOOT	10.00	1000.00
32	WATER MAIN	100	LINEAL FOOT	10.00	1000.00
33	SEWER MAIN	100	LINEAL FOOT	10.00	1000.00
34	STORM SEWER	100	LINEAL FOOT	10.00	1000.00
35	WATER MAIN	100	LINEAL FOOT	10.00	1000.00
36	SEWER MAIN	100	LINEAL FOOT	10.00	1000.00
37	STORM SEWER	100	LINEAL FOOT	10.00	1000.00
38	WATER MAIN	100	LINEAL FOOT	10.00	1000.00
39	SEWER MAIN	100	LINEAL FOOT	10.00	1000.00
40	STORM SEWER	100	LINEAL FOOT	10.00	1000.00
41	WATER MAIN	100	LINEAL FOOT	10.00	1000.00
42	SEWER MAIN	100	LINEAL FOOT	10.00	1000.00
43	STORM SEWER	100	LINEAL FOOT	10.00	1000.00
44	WATER MAIN	100	LINEAL FOOT	10.00	1000.00
45	SEWER MAIN	100	LINEAL FOOT	10.00	1000.00
46	STORM SEWER	100	LINEAL FOOT	10.00	1000.00
47	WATER MAIN	100	LINEAL FOOT	10.00	1000.00
48	SEWER MAIN	100	LINEAL FOOT	10.00	1000.00
49	STORM SEWER	100	LINEAL FOOT	10.00	1000.00
50	WATER MAIN	100	LINEAL FOOT	10.00	1000.00
51	SEWER MAIN	100	LINEAL FOOT	10.00	1000.00
52	STORM SEWER	100	LINEAL FOOT	10.00	1000.00
53	WATER MAIN	100	LINEAL FOOT	10.00	1000.00
54	SEWER MAIN	100	LINEAL FOOT	10.00	1000.00
55	STORM SEWER	100	LINEAL FOOT	10.00	1000.00
56	WATER MAIN	100	LINEAL FOOT	10.00	1000.00
57	SEWER MAIN	100	LINEAL FOOT	10.00	1000.00
58	STORM SEWER	100	LINEAL FOOT	10.00	1000.00
59	WATER MAIN	100	LINEAL FOOT	10.00	1000.00
60	SEWER MAIN	100	LINEAL FOOT	10.00	1000.00
61	STORM SEWER	100	LINEAL FOOT	10.00	1000.00
62	WATER MAIN	100	LINEAL FOOT	10.00	1000.00
63	SEWER MAIN	100	LINEAL FOOT	10.00	1000.00
64	STORM SEWER	100	LINEAL FOOT	10.00	1000.00
65	WATER MAIN	100	LINEAL FOOT	10.00	1000.00
66	SEWER MAIN	100	LINEAL FOOT	10.00	1000.00
67	STORM SEWER	100	LINEAL FOOT	10.00	1000.00
68	WATER MAIN	100	LINEAL FOOT	10.00	1000.00
69	SEWER MAIN	100	LINEAL FOOT	10.00	1000.00
70	STORM SEWER	100	LINEAL FOOT	10.00	1000.00
71	WATER MAIN	100	LINEAL FOOT	10.00	1000.00
72	SEWER MAIN	100	LINEAL FOOT	10.00	1000.00
73	STORM SEWER	100	LINEAL FOOT	10.00	1000.00
74	WATER MAIN	100	LINEAL FOOT	10.00	1000.00
75	SEWER MAIN	100	LINEAL FOOT	10.00	1000.00
76	STORM SEWER	100	LINEAL FOOT	10.00	1000.00
77	WATER MAIN	100	LINEAL FOOT	10.00	1000.00
78	SEWER MAIN	100	LINEAL FOOT	10.00	1000.00
79	STORM SEWER	100	LINEAL FOOT	10.00	1000.00
80	WATER MAIN	100	LINEAL FOOT	10.00	1000.00
81	SEWER MAIN	100	LINEAL FOOT	10.00	1000.00
82	STORM SEWER	100	LINEAL FOOT	10.00	1000.00
83	WATER MAIN	100	LINEAL FOOT	10.00	1000.00
84	SEWER MAIN	100	LINEAL FOOT	10.00	1000.00
85	STORM SEWER	100	LINEAL FOOT	10.00	1000.00
86	WATER MAIN	100	LINEAL FOOT	10.00	1000.00
87	SEWER MAIN	100	LINEAL FOOT	10.00	1000.00
88	STORM SEWER	100	LINEAL FOOT	10.00	1000.00
89	WATER MAIN	100	LINEAL FOOT	10.00	1000.00
90	SEWER MAIN	100	LINEAL FOOT	10.00	1000.00
91	STORM SEWER	100	LINEAL FOOT	10.00	1000.00
92	WATER MAIN	100	LINEAL FOOT	10.00	1000.00
93	SEWER MAIN	100	LINEAL FOOT	10.00	1000.00
94	STORM SEWER	100	LINEAL FOOT	10.00	1000.00
95	WATER MAIN	100	LINEAL FOOT	10.00	1000.00
96	SEWER MAIN	100	LINEAL FOOT	10.00	1000.00
97	STORM SEWER	100	LINEAL FOOT	10.00	1000.00
98	WATER MAIN	100	LINEAL FOOT	10.00	1000.00
99	SEWER MAIN	100	LINEAL FOOT	10.00	1000.00
100	STORM SEWER	100	LINEAL FOOT	10.00	1000.00

**BOHLER**  
 CIVIL AND ENVIRONMENTAL ENGINEERING  
 LAND SURVEYING  
 PROFESSIONAL ARCHITECTURE  
 LANDSCAPE ARCHITECTURE  
 PRINTING SERVICES  
 TRANSPORTATION SERVICES

**REVISIONS**

REV	DATE	COMMENT



**FOR CONCEPT PURPOSES ONLY**

**PROPOSED RESIDENTIAL DEVELOPMENT**

HIGHER ROCK PARTNERS, LP

1004 & 1016 BETHLEHEM PIKE AND 216 STUMP ROAD  
 MONTGOMERY TOWNSHIP  
 MONTGOMERY COUNTY  
 PENNSYLVANIA, 19383

**BOHLER**  
 1838 HANCOCK DRIVE, SUITE 200  
 CHILFORD, PA 19318  
 Phone: (610) 898-9700  
 Fax: (610) 898-9701  
 www.BohlerEngineering.com

**G.J. HARTMAN**  
 PROFESSIONAL ENGINEER

**SKETCH PLAN**

SHEET NUMBER: **1**  
 DRG. DATE: 06/28/2021



MONTGOMERY TOWNSHIP BOARD OF SUPERVISORS

BOARD ACTION SUMMARY

Item # 10

---

SUBJECT: Consider Granting Krispy Kreme Preliminary/Final Land Development  
Plan Approval – LDS 714  
MEETING DATE: August 23, 2021  
BOARD LIAISON: Tanya C. Bamford, Chair  
INITIATED BY: Bruce S. Shoupe, Director of Planning and Zoning

---

BACKGROUND:

Attached are the Township Staff and Consultants' reviews for the consideration of the plan for the Krispy Kreme land development plan located at the Montgomery Square Shopping Center at the former Applebee's Restaurant pad site.

ALTERNATIVES/OPTIONS:

Approve or deny this plan with the conditions as outlined in the attached resolution.

BUDGET IMPACT:

None

RECOMMENDATION:

Consider the attached resolution for adoption.

MOTION/RESOLUTION:

The Resolution is attached.

- 1) Motion by: \_\_\_\_\_ Second by: \_\_\_\_\_
- 2) Chair will ask for public comment.
- 3) Chair will call for a vote.

RESOLUTION #2021-34

MONTGOMERY TOWNSHIP

MONTGOMERY COUNTY, PENNSYLVANIA

A RESOLUTION GRANTING CONDITIONAL PRELIMINARY/FINAL APPROVAL OF THE APPLICATION FOR THE LAND DEVELOPMENT LOCATED AT MONTGOMERY SQUARE SHOPPING CENTER ON BETHLEHEM PIKE – KRISPY KREME - LDS 714.

The Board of Supervisors of Montgomery Township, Montgomery County, Pennsylvania, hereby resolves to grant conditional, preliminary/final approval of the subdivision land development plan for **Krispy Kreme Land Development** located at Montgomery Square Shopping Center, 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 March 22, 2021 (engineering and *accessibility review*), May 14, 2021 (engineering and *accessibility review*), August 13, 2021 (engineering and *accessibility review*); **Montgomery Township Fire Services** comments dated March 15, 2021, May 10, 2021 (email), June 16, 2021 (email); July 13, 2021 (email), July 14, 2021; **Montgomery Township Police Department** comments dated February 22, 2021, April 26, 2021; **Montgomery County Planning Commission** comments dated March 15, 2021; **Montgomery Township Planning Commission** recommendation dated April 15, 2021; **Montgomery Township Zoning Officer's** review dated August 14, 2021.
2. At the time of development of the owner/successor or assigned shall enter into a Land Development Agreement with the Township and posting financial security in the amount of 110% of the total cost for all public improvements to the satisfaction of the Township Engineer and Township Solicitor for each lot of this subdivision if required. As used herein, the term "public improvements" shall include, but shall not be limited to, streets, parking areas, drive aisles, curbs, water mains, sanitary sewer pipes, manholes and appurtenances thereto, storm water facilities, rain gardens (best management practice) and appurtenances, grading, erosion and sediment control, lighting, required trees, shrubs and landscape buffering, monuments, pins and sidewalks. The record plan shall indicate phasing if required. Public improvements shall require financial security be posted in the amount of 15% of the total public improvement cost, regardless of whether such public improvements are dedicated to the Township, for a period not less than 18 months after Township Engineer approval. If the end of maintenance period for trees and other plantings ends outside the time period specified in **205-49**, the maintenance period shall be extended to comply with this requirement and the appropriate financial security shall be provided to the satisfaction of the Township Solicitor.

3. Developer agrees it will pay the Township all reasonable cost of the Township for the preparation of the required Agreements, deed of dedication, and any easements, or releases and recording charges required to carry out the terms of this approval, as well as all engineering, inspection, and legal fees required by the Township in the approval of the Final Plan and its execution and administration during the building process. Such fees shall not exceed those charged to the Township by the engineering firm and attorney rendering the applicable service. In order to effect these reimbursements, Developer shall post a Cash Escrow as set forth by the Township Engineer. The Township shall provide monthly invoices for such costs. A seven and one-half (7.5%) charge will be applied to each monthly invoice to cover Township administration charges and costs. The fee will be deducted from the Developers Cash Escrow.
4. Executing, to the satisfaction of the Township Solicitor, the required Storm Water Management Facilities Maintenance and Monitoring Agreement and the required Landscaping Declaration of Covenants and Restrictions, with the Township.
5. Paying all outstanding Township Administrative, Consultant and Solicitors fees related to this project before plans and agreements are executed and recorded.
6. 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.
7. The Applicant shall be responsible for payment of all Township Consultant fees related to this project.
8. The Applicant shall be responsible for obtaining all other Regulatory Authority Permits having jurisdiction over this project.
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 \$0.50 per square foot for the first 10,000 sf and \$0.25 per square for each square foot thereafter for nonresidential development. This fee must be paid prior to the submission of an application for a building permit.
10. All storm water inlets and outfall structures shall be identified in accordance with the PADEP Municipal Separate Storm Sewer Systems requirements if required.
11. A note shall be placed on the plan listing any relief granted by the Zoning Hearing Board or waivers granted by the Board of Supervisors.
12. The Applicant must meet the requirements of the Zoning Hearing Board Opinion and Order #20100003, dated November 18, 2020, regarding this development

13. The PADEP Sewage Planning Module approval must be granted prior to recording of plan and agreements if required.
14. The Queuing for the drive-thru must be further evaluated and addressed. The site plan indicates availability for only eight (8) queued vehicles from the pickup point. Additional vehicles would extend into and could block the shopping center traffic way and adjacent concrete walkway. We recommend that Applicant demonstrate to the satisfaction of the Township Traffic Engineer and Police Chief that vehicles stacked in the drive aisle will not impede vehicle circulation within the parking areas or emergency services responses.
15. Section 205-25 of the Montgomery Twp. Code, the applicant is building a new facility. Thus, the facilities along the site frontage should be ADA compliant as any other new facility. The curb ramp on the Krispy Kreme corner should be updated to meet current ADA compliance (The Americans with Disabilities Act Accessibility Standards - Section 406 Curb Ramps. <https://www.access-board.gov/ada/#ada-406> All new construction and modifications to public accommodations and commercial facilities must be built in compliance with the ADA's requirements for accessible design. As per Title III, (42 U.S.C. Section 12182iv) failure to remove barriers .... where such removal is readily achievable... may be considered discrimination.
16. Please See Section 205-22 of the Montgomery Township Code, Where required. Sidewalks shall be required at any location where the Supervisors shall determine that sidewalks are necessary for public safety or convenience.

**BE IT FURTHER RESOLVED that the following five (5) waivers have been requested by the applicant and are granted to the extent that they concur with the comments of the consultants:**

1. §205-10.H (4) & 205-25. A (3)
  - ★ Requirement: The proposed drive aisles are required to be a minimum of 22 feet wide
  - ★ Applicant is proposing an 11-foot wide drive-through lane and a 15-foot wide by-pass lane for a total of 26-feet wide and 20-foot wide loading zone driveway. All drive aisles less than 22feet wide are intended to be one-way and are to be utilized as a drive-thru lane, one-way drive aisle, and loading zone area, respectively. The 26-foot wide total width is as requested, reviewed and approved by the Fire Marshal.

*The Consultants offer the follow comments: §205-10.H (4) - No objection to the 9 ft wide parking spaces. This will be consistent with the overall shopping center and is permitted in the RC zoning district. The double white lines separated by 6 inches are shown on Detail 6, sheet C-150, and §205-25. A (3) - No objection. The aisle widths appear to be adequate.*

Granted                       Denied

2. 205-10.H(7)(b)

- ★ Requirement: Accessible parking spaces are required to be 12 feet wide.
- ★ Applicant is proposing a 9-foot-wide parking space with adjacent 8-foot-wide striped access aisle. The proposed widths exceed the 96" parking space width and meets the 96" aisle width noted in the 2010 ADA Standards for Accessible Design Section 502.2 (exception).

*The Consultants offer the follow comments: §205-10.H(7)(b) – No objection. The accessible parking spaces will be compliant with federal requirements.*

Granted                       Denied

3. §205-78. B (1) & (2)

- ★ Requirement: 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. Within 400 feet of any part of the land being subdivided or developed, a plan shall show the location and size of all watercourses and the boundaries of floodplain areas (not limited to the established flood level and regulatory flood elevation, where applicable) utilizing base flood elevation data available from federal, state and other sources.
- ★ Applicant is proposing to provide the applicable information mentioned above in the vicinity of the subject lease area and has provided a supplemental Aerial Overlay Exhibit per the recommended condition in the 3/22/2021 review letter, comment 64.

*The Consultants offer the follow comments: §205-78. B (1) & (2) – No objection. The existing features and aerial mapping provided are adequate. The applicant shall provide any additional information determined to be necessary for review by the Township.*

Granted                       Denied

4. §205-78. B (2)

- ★ Requirement: The names, locations, widths and other dimensions, including center-line courses, distances, and curve data, paving widths and curb lines, right-of-way and curb line radii at intersections and street location tie-ins by courses and distances to the nearest intersection of existing and planned streets and alleys, and the location and size of existing sanitary sewers and storm drains, watercourses and drainage flows and recreational areas within the land to be subdivided. Within the land to be subdivided or developed, the plan shall show the location and size of all watercourses and boundaries of floodplain areas (not limited to the established flood level and regulatory flood elevation, where applicable). Supporting hydrologic and hydraulic data will be required to substantiate the one-hundred-year floodplain location utilizing base flood elevation data from federal, state and other sources. Applicant is proposing to provide the applicable information mentioned above in the vicinity of the subject lease area and has provided a supplemental Aerial Overlay Exhibit per the recommended condition in the 3/22/2021 review letter, comment 64.

*The Consultants offer the follow comments: §205-78. B (1) & (2) – No objection. The existing features and aerial mapping provided are adequate. The applicant shall provide any additional information determined to be necessary for review by the Township.*

- Granted                       Denied

5. §205-81 & 205-82

- ★ A waiver is being requested to permit the simultaneous processing of the preliminary and final plans.
- ★ Applicant is proposing simultaneous processing of the preliminary and final plans.

*The Consultants offer the follow comments: §205-81 & 205-82 – No objection to concurrent preliminary and final plan processing.*

- Granted                       Denied

This Resolution for LDS 714 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 23rd day of August 2021.

MOTION BY: \_\_\_\_\_

SECOND BY: \_\_\_\_\_ VOTE: \_\_\_\_\_

The above conditions are agreed to by \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Applicant(s)

\_\_\_\_\_  
Applicant(s) Print

## PLANS-STUDIES

<u>DESCRIPTION</u>	<u>ORIGINAL DATE</u>	<u>REVISED</u>
1. Cover Sheet	4/26/21	7/27/21
2. Aerial Overlay	4/26/21	7/27/21
3. Existing Condition and Demo	4/26/21	7/27/21
4. Site Plan	4/26/21	7/27/21
5. Truck Plan	4/26/21	7/27/21
6. Site Details 1	4/26/21	7/27/21
7. Site Details 2	4/26/21	7/27/21
8. Grading Plan	4/26/21	7/27/21
9. Grading Blowups	4/26/21	7/27/21
10. Grading Blowups	4/26/21	7/27/21
11. Drainage Plan	4/26/21	7/27/21
12. Drainage Profiles	4/26/21	7/27/21
13. Drainage Details 1	4/26/21	7/27/21
14. Drainage Details 2	4/26/21	7/27/21
15. Utility Plan	4/26/21	7/27/21
16. Utility Profiles	4/26/21	7/27/21
17. Utility Details 1	4/26/21	7/27/21
18. E&S Control Plan	4/26/21	7/27/21
19. E&S Notes and Details	4/26/21	7/27/21
20. Landscape Plan	4/26/21	7/27/21
21. Landscape Notes and Details	4/26/21	7/27/21
22. Lighting Plan	4/26/21	7/27/21
23. Light Pole Base Design/Details	4/26/21	7/27/21

The Applicant has submitted the following in support of the Land Development Application:

- Preliminary / Final Land Development Plans prepared by Kimley-Horn (dated 01/13/2021 last revised July 27, 2021), consisting of plan sheets 1 to 23
- ALTA/NSPS Land Title & Partial Location / Topography Survey prepared by Valley Land Services (dated 07/28/2020)
- Stormwater Management Report prepared by Kimley-Horn (dated 01/08/2021, last revised 04/23/2021, rev #1)
- Trip Generation Statement prepared by Kimley-Horn (dated 12/08/2020)
- Site Details / Enlarged Patio Plan prepared by George Sarfatty, AIA (dated 12/11/2020)
- Line of Sight Diagrams prepared by George Sarfatty, AIA (dated 04/19/2021)
- Exterior Elevations prepared by George Sarfatty, AIA (dated 12/11/2020)
- Opinion of Probable Cost for Landscape Improvements prepared by Kimley-Horn
- Transportation Impact Assessment prepared by Kimley-Horn (July 2021)
- Email from Director of Fire Services dated 06/16/2021
- Building Elevations prepared by George Sarfatty, AIA (dated 07/15/2021)
- Lease Letter from Krispy Kreme (dated 07/08/2021)
- Waiver Request Letter prepared by Kimley-Horn (07/13/2021)
- Synchro files
- Kimley-Horn response letter to Township Staff reviews #1 (04/26/2021)
- Kimley-Horn response letter to Township Staff reviews #2 (07/27/2021)



August 13, 2021

File No. 2021-02095

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

Reference: Preliminary/Final Land Development Application – LDS#714  
Krispy Kreme Donut Corp at 1201 – 1281 Knapp Rd, Montgomery Square Shopping Center  
KIR Montgomery 049 LLC c/o Kimco Realty Corporation  
Tax Map Parcel Number: 46-00-00316-02-5; Block 011C, Unit 001

Dear Bruce:

As requested, Gilmore & Associates, Inc. has reviewed the information listed below with regard to the preliminary/final land development application referenced above and offers the following comments for consideration by the Montgomery Township Board of Supervisors:

- A. Preliminary/Final Land Development Plans for Krispy Kreme – Montgomery Township (21 sheets) for Krispy Kreme Donut Corporation, prepared by Kimley-Horn and Associates, Inc., dated January 13, 2021, last revised July 27, 2021;
- B. Comment Response Letter, prepared by Kimley-Horn and Associates, Inc., dated July 27, 2021;
- C. Traffic Impact Assessment, prepared by Kimley-Horn and Associates, Inc., dated July 2021;
- D. Email from Director of Fire Services dated June 16, 2021.
- E. Exterior Elevation Exhibit (1 sheet) prepared by George Sarfatty, AIA, dated December 11, 2020, last revised July 15, 2021;
- F. Waiver Request Letter, prepared by Kimley-Horn and Associates, Inc., dated July 13, 2021;
- G. Opinion of Probable Costs – Landscaping, prepared by Kimley-Horn and Associates, Inc., dated July 13, 2021.

The site is within the LI Limited Industrial Zoning District and the ECPOD Expressway Corridor Preservation Overlay District and is bounded by Bethlehem Pike (S.R. 309), Knapp Road and the Route 202 Bypass. The project area consists of an existing 6,535 square foot Lease Area within the 24.4193 acre Montgomery Square Shopping Center parcel. The Lease Area currently contains a 5,762 square foot Applebee's restaurant and 14 associated parking spaces.

The Applicant, Krispy Kreme Donut Corporation, proposes to demolish the existing building and parking to construct a new 4,011 square foot drive-through and fast-food facility, 480 square feet of outdoor dining, and 8 parking spaces. The use is permitted by right within the ECPOD; however, the proposed outdoor dining area is permitted by special exception. Also proposed are appurtenant utility modifications, an underground storm water management facility, and landscaping. No changes are proposed to the Shopping Center's access or circulation. The Applicant has requested waivers based on comments from the first and second review letters and the changes in the design.

The Applicant was previously granted a special exception to allow outdoor dining as well as a variance to allow a driveway within the required 20-foot setback from the ultimate ROW. Refer to the ZHB Order and Opinion dated November 18, 2020 for details.

---

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

We offer the following comments for consideration by the Montgomery Township Board of Supervisors. Our review includes consistency with the Township Comprehensive Plan, Township Zoning Ordinance (Chapter 230), Township Land Subdivision Ordinance (Chapter 205), Township Stormwater Management Ordinance (Chapter 206), and the Township Street Lighting Requirements (Chapter A237).

### **PLANNING REVIEW**

1. Use
  - a. As per ZO Section 230-199(2)(a)[4], the proposed fast-food restaurant with drive-thru use is permitted within the ECPOD Expressway Corridor Preservation Overlay Zoning District.
  - b. As per ZO Section 230-156.4, an outdoor dining area is permitted by special exception for a restaurant use in the ECPOD Overlay District. The applicant was granted a special exception by the Zoning Hearing Board on November 18, 2020.
2. Existing Conditions and Surrounding Land Uses
  - a. As noted above, the site is part of the existing Montgomery Square Shopping Center. The site is surrounded by commercial/retail uses to the south and west. Industrial uses are located to the east across Bethlehem Pike. Open space is located to the north.
  - b. The site is located in the LI Limited Industrial District and has frontage along Bethlehem Pike and Knapp Road.
3. Consistency with the Comprehensive Plan
  - a. As per the 2008 Comprehensive Plan Update the property is identified as Retail. The Vision Plan identifies the property as commercial. The proposed development is generally consistent with the Montgomery Township Comprehensive Plan.
4. Traffic and Pedestrian Circulation Patterns
  - a. The property has one access drive from Bethlehem Pike and two access drives from Knapp Road. No new access drives are proposed as part of this development.
  - b. There is an existing concrete walk along the frontage of Bethlehem Pike and Knapp Road. Additionally, there are existing concrete walk connections from the walkway along Bethlehem Pike and from the walkway along Knapp Road to the site which are proposed to remain.
  - c. The plans show a drive-thru stacking lane for eight vehicles. It should be noted that if vehicles are stacked in excess of eight vehicles, the line of vehicles will extend into the parking lot drive aisle. Vehicles stacked in the drive aisle may impede vehicle circulation within the parking area. In a response letter dated July 27, 2021, it was indicated a lease to accommodate additional stacking along the drive aisle was agreed upon between the applicant and the property owner. However, it should be noted this does not address the issue of impediments to vehicle circulation within the parking area. Additionally, Exhibit A attached as part of the Lease Letter shows the drive aisle stacking area extending south of the proposed site. Additional information should be provided regarding how the applicant intends to ensure that will be the traffic flow for the vehicle stacking and that vehicles will not stack in the drive aisle coming from the north of the site.
  - d. In an effort to promote pedestrian connectivity and in accordance with the Montgomery Township Open Space Plan, pedestrian crossing facilities should be provided at the intersection of Bethlehem Pike and Knapp Road. We recommend the plans be revised to provide adequate, ADA compliant curb cut ramps at the intersection of Bethlehem Pike and Knapp Road. In a response letter dated April 26, 2021, it was indicated that the applicant will provide financial contribution to cover the cost of reconstruction of the ADA curb ramp located at the northwest corner of Knapp Road and Bethlehem Pike. In addition, the applicant should consult with the Township regarding their participation in overall improvements to provide pedestrian accommodations at the intersection. In a second response letter dated July 27, 2021, it was noted that details regarding necessary contributions will be discussed with the Township as a component of the Land Development process.

5. General Planning Comments

- a. The layout of the proposed dumpster pad will require trash collection vehicles to access the dumpsters via the "secondary entrance" access drive. This may impede vehicle circulation and cause safety concerns. In a response letter dated July 27, 2021, it is noted that trash collection is anticipated to occur during off-peak hours.

**LANDSCAPE REVIEW**

All previous comments to date have been addressed.

**LIGHTING REVIEW**

Street Lighting (Chapter A237)

6. §A237 - Montgomery Township Street Lighting Specification as referenced by §A237-1:

- a. Section 1: Lighting Criteria – 3 (Control of Nuisance and Disabling Glare) k:

Light fixtures shall not exceed a mounting height of 20 feet. Mounting heights on Lighting Plan, Sheet LP-100 have been revised to indicate a total mounting height of 20 feet, however Table 1 in the Light Pole Foundation Detail on Sheet LP-110 indicates a Total Light Pole Height of 23 feet. Information shall be revised/coordinated to be consistent.

General Site Lighting Plan Comments

7. Sheet C-050, Existing Features and Demolition Plan. Existing lights to be removed are now identified on Sheet C-050 as requested, however proposed light fixtures are also visible. Proposed fixtures shall be removed from the existing conditions plan.
8. Sheet C-300 – Drainage Plan. Sheet C-300 & Sheet C-400 now depict the location of the proposed light fixtures, however the proposed light fixture adjacent to the eastern-most parking space appears to remain within the footprint of the seepage bed. Location of the light/seepage bed shall be coordinated such that it does not pose a conflict with the constructability/functionality of the seepage bed.
9. Sheet LP-100 – Lighting Plan. Light Pole Foundation Detail has been provided on Sheet LP-110, however the detail indicates "see civil" for the setback from curb dimension. Civil plans do not appear to provide a setback dimension, but appear to be depicted directly behind the proposed concrete curb. Additional information shall be provided and adequate setback shall be provided, where space allows.
10. Sheet LP-100 – Lighting Plan. Building mounted light fixtures are now shown on Lighting Plan, Sheet LP-100, however the additional fixtures are not identified within the Light Fixture Schedule and Cut-Sheets are not provided. Additional information shall be provided for review.

**TRAFFIC REVIEW**

Zoning Ordinance (Chapter 230)

All previous comments have been addressed to date.

Subdivision and Land Development Ordinance (Chapter 205)

11. §205-102 – Traffic Management Study:

- a. Existing conditions
  - i. Revise the cycle length in the capacity analysis at the intersection of Bethlehem Pike and Knapp Road to match the system for all three peak hours. Adjust the cycle length for all scenarios.
  - ii. Include a copy of the system plan in the report.
  - iii. Address if any traffic volume adjustments are needed due to Covid-19 and traffic volumes being typically lower than pre-covid conditions in the region.

- b. Trip Generation
  - i. As stated previously in the scoping application review, provide additional details on the method and size used to calculate the retail trip generation used to determine the internal trips. It is unclear how this was calculated based on the documents provided.
  - ii. Revise the appendix to include trip generation calculations including rates or equations used for the proposed use.
  - iii. The distribution description from the north and south differ from figure 5 and the scoping application. Revise for consistency.
  - iv. Figure 6, the trips external to the site need to be revised to include the pass-by traffic. Provide figures to clearly show the pass-by trips and "new" trips.
- c. Build Analysis
  - i. The Build volumes and analysis will need to be revised to include all external trips including pass-by traffic.
- d. Queueing
  - i. The site plan indicates availability for only three (3) queued vehicles at the order point and eight (8) vehicles total in the drive-thru. However, we note there is approximately 150 feet from the service window to the end of the queue. 150 feet is typically adequate to accommodate six vehicles assuming 25 feet per queued vehicle.
  - ii. The plan indicates the vehicles (17 feet) are shorter in length than the typical AASHTO passenger vehicle and are shown basically bumper to bumper without room in between. The typical standard vehicle length provided by AASHTO is 19 feet and room is assumed between the vehicles for safety purposes; thus the standard 25 feet should be used for queueing.
  - iii. The queueing calculations should be revised.
  - iv. From the ordering point there is approximately 50 feet to the crosswalk at the aisle, enough area for two queued vehicles.
  - v. Based on current calculations provided, the drive-thru queue analysis indicates that during the AM peak and Saturday peak hours, there is a 23% and 20% probability that vehicles will extend beyond the capacity, respectively. Vehicles may block the drive aisle during these times and we note this is anticipated to increase with updated calculations.
  - vi. The design of the facilities must be revised to adequately accommodate the proposed drive-thru facility. If the drive-thru operation is to remain as currently shown, consider making the existing parking aisle adjacent to the site into one-way operation heading southbound. This will allow queued vehicles to extend down the drive aisle if needed and not block the adjacent parking aisles in the shopping center. The applicant shall coordinate with the property owner regarding the one-way operation.
- e. Conclusions and recommendation
  - i. The report should be revised to address the comments above. Based on the information reviewed, we cannot currently concur with the conclusion that there will be minimal impact and no improvements are recommended.

#### General

12. The existing curb ramp located at the northwest corner of Knapp Road and Bethlehem Pike is not built to current ADA standards. Although we note the intersection is currently signed for no pedestrians, a signalized crossing of Knapp Road is being considered as it provides a connection to the existing sidewalk per the township's Bicycle/Pedestrian Prioritized Implementation Plan. The Applicant has offered to provide financial contribution for the reconstruction of the ADA ramp as a condition of the Land Development approval. The Board will need to determine if a financial contribution will be acceptable to the Township or if they would like the improvement constructed as part of this project.

13. Crosswalks should be a minimum width of six (6) feet. Revise the plans and associated detail accordingly.
14. Revise the sign details to clearly indicate the intended size of the proposed signs (i.e. 30"x30").
15. Provide the R6-1(L/R) One Way signs in lieu of the R6-2 currently shown. The R6-2 signs shall only be used when lateral space is limited.
16. The R1-5L Yield Here to Pedestrians sign is inconsistent with the label provided on the plans. Sheet 4 identifies signs W11-2 and W16-7P at the crossing of the drive-thru aisle. Revise the detail and the plans for consistency.
17. Determine if a trash truck will partially block the drive aisle during pickup. If so, a note must be added to the plans stating the trash pickup will be limited to outside the hours of the shopping center operations hours.
18. Verify the size for the delivery truck. A SU-30 is provided on the plan. If a larger vehicle is anticipated for deliveries, provide a turning template for the vehicle. If an SU-30 is the largest vehicle to be used, a note should be added to the plan indicating such. It is unclear if a larger vehicle can maneuver safely into the loading area.
19. We have the following comments regarding pavement marking details on sheet C-150:
  - a. Revise the stop bar detail to eliminate the centerline. There are no centerlines proposed on the plans.
  - b. Revise the drive thru legend for consistency with the legend shown on the plans. In addition, the One-Way legend should also be provided.
  - c. Indicate the color of the do not enter bar detail.

## **ENGINEERING REVIEW**

### Zoning Ordinance (Chapter 230)

All previous Zoning comments have been addressed to date.

### Subdivision and Land Development Ordinance (Chapter 205)

20. §205-29 – We offer the following comments related to the proposed erosion and sediment controls and the Erosion and Sediment Control Plan, Sheet 12:
  - a. The Applicant shall obtain an adequacy review from the Montgomery County Conservation District.

### Stormwater Management Ordinance (Chapter 206)

21. §§206-33 & 206-35 – We offer the following comments related to the operation and maintenance of the stormwater management facilities:
  - a. The property owner(s) shall enter into a stormwater facilities and BMP operations and maintenance agreement to the satisfaction of the Township Solicitor.
  - b. If not already provided under existing easements, a minimum twenty-foot-wide access easement around all stormwater facilities and BMPs with ingress to and egress from a public right-of-way shall be provided. The location shall be added to the plan which is to be recorded with the stormwater operations and maintenance agreement.

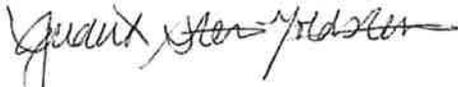
### General

22. The Applicant shall provide a legal description for the proposed lease area for Township review and approval prior to recording the final plan. The Applicant will provide prior to final approval.
23. Site Accessibility review will be provided under separate cover.

In order to help expedite review of the plan resubmission, we request that the Applicant 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. Please note that revision and/or modification of the plans may require review and additional comment.

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

Sincerely,



Judith Stern Goldstein, R.L.A., ASLA  
Senior Project Manager  
Gilmore & Associates, Inc.



Valerie L. Liggett, R.L.A., ASLA, ISA Certified Arborist  
Senior Landscape Architect  
Gilmore & Associates, Inc.



Damon A. Drummond, P.E., PTOE  
Senior Transportation Engineer  
Gilmore & Associates, Inc.



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

JSG/VLL/DAD/JPD/GJA/sl

cc: Carolyn McCreary, Manager – Montgomery Township  
Marianne McConnell, Deputy Zoning Officer – Montgomery Township  
Mary Gambino, Project Coordinator – Montgomery Township  
Montgomery Township Department of Fire Services  
Sean Kilkenny, Esq., Solicitor – Kilkenny Law  
Hilary J. O'Connor – KIR Montgomery 049 LLC c/o Kimco Realty Corporation  
Sara Craven – Krispy Kreme Donut Corporation  
Lissette Gonzalez – Krispy Kreme Donut Corporation  
Paul Hughes, P.E. – Kimley-Horn and Associates, Inc.  
Matthew Shinton, P.E. – Kimley-Horn and Associates, Inc.



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

August 13, 2021

File No. 21-02095

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

Reference: Preliminary/Final Land Development Application – LD/S#714  
Krispy Kreme Doughnut Corporation  
1281 Knapp Road (TMP #46-00-00316-02-5)

Dear Bruce:

Pursuant to your request, Gilmore & Associates, Inc. has reviewed the Land Development Plan submission for the above-referenced project for accessibility. The review was completed in accordance with the requirements of the current Pennsylvania Uniform Construction Code for the site only and did not include doors, doorways, means of egress, outdoor recreational areas, or any interior elements, which we defer to the Building Code Official for review.

Based upon our review, we offer no further comments with respect to the accessibility provisions of the Pennsylvania Uniform Construction Code, specifically the 2018 International Building Code (IBC), 2015 International Existing Building Code (IEBC), and/or the ICC/ANSI A117.1-2009 Accessible and Usable Buildings and Facilities (ICC) standards.

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

Sincerely,

Vincent J. Esposito, P.E.  
Accessibility Inspector/Plans Examiner, Certification #06133  
Gilmore & Associates, Inc.

VJE/sl

cc: Carolyn McCreary, Manager – Montgomery Township  
Marianne McConnel, Deputy Zoning Officer – Montgomery Township  
Mary Gambino, Project Coordinator – Montgomery Township  
Montgomery Township Department of Fire Services  
Sean Kilkenny, Esq., Solicitor – Kilkenny Law  
Hilary J. O'Connor – KIR Montgomery 049 LLC c/o Kimco Realty Corporation  
Sara Craven – Krispy Kreme Donut Corporation  
Lissette Gonzalez – Krispy Kreme Donut Corporation  
Paul Hughes, P.E. – Kimley-Horn and Associates, Inc.  
Matthew Shinton, P.E. – Kimley-Horn and Associates, Inc.  
James P. Dougherty, P.E. – Gilmore & Associates, inc.



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

May 14, 2021

File No. 2021-02095

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

Reference: Preliminary/Final Land Development Application – LDS#714  
Krispy Kreme Donut Corp at 1201 – 1281 Knapp Rd, Montgomery Square Shopping Center  
KIR Montgomery 049 LLC c/o Kimco Realty Corporation  
Tax Map Parcel Number: 46-00-00316-02-5; Block 011C, Unit 001

Dear Bruce:

As requested, Gilmore & Associates, Inc. has reviewed the information listed below with regard to the preliminary/final land development application referenced above and offers the following comments for consideration by the Montgomery Township Board of Supervisors:

- A. Preliminary/Final Land Development Plans for Krispy Kreme – Montgomery Township (21 sheets) for Krispy Kreme Donut Corporation, prepared by Kimley-Horn and Associates, Inc., dated January 13, 2021, last revised April 26, 2021;
- B. Stormwater Management Report for Krispy Kreme Doughnut Corporation, prepared by Kimley-Horn and Associates, Inc., dated January 8, 2021, last revised April 23, 2021;
- C. Comment Response Letter, prepared by Kimley-Horn and Associates, Inc., dated April 26, 2021;
- D. Enlarged Patio Exhibit (1 sheet) prepared by George Sarfatty, AIA, dated December 11, 2020;
- E. Exterior Elevation Exhibit (1 sheet) prepared by George Sarfatty, AIA, dated December 11, 2020;
- F. Line of Sight Diagrams Exhibit (1 sheet) prepared by George Sarfatty, AIA, dated April 19, 2021.

The site is within the LI Limited Industrial Zoning District and the ECPD Expressway Corridor Preservation Overlay District and is bounded by Bethlehem Pike (S.R. 309), Knapp Road and the Route 202 Bypass. The project area consists of an existing 6,535 square foot Lease Area within the 24.4193 acre Montgomery Square Shopping Center parcel. The Lease Area currently contains a 5,762 square foot Applebee's restaurant and 14 associated parking spaces.

The Applicant, Krispy Kreme Donut Corporation, proposes to demolish the existing building and parking to construct a new 4,011 square foot drive-through and fast food facility, 480 square feet of outdoor dining, and 8 parking spaces. The use is permitted by right within the ECPD; however, the proposed outdoor dining area is permitted by special exception. Also proposed are appurtenant utility modifications, an underground storm water management facility, and landscaping. No changes are proposed to the Shopping Center's access or circulation. The Applicant has requested waivers based on comments from the first review letter and the changes in the design. The Applicant has not supplied a waiver request letter with this submission.

The Applicant was previously granted a special exception to allow outdoor dining as well as a variance to allow a driveway within the required 20-foot setback from the ultimate ROW. Refer to the ZHB Order and Opinion dated November 18, 2020 for details.

We offer the following comments for consideration by the Montgomery Township Board of Supervisors. Our review includes consistency with the Township Comprehensive Plan, Township Zoning Ordinance (Chapter 230), Township Land Subdivision Ordinance (Chapter 205), Township Stormwater Management Ordinance (Chapter 206), and the Township Street Lighting Requirements (Chapter A237).

---

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

## **PLANNING REVIEW**

1. Use
  - a. As per ZO Section 230-199(2)(a)[4], the proposed fast food restaurant with drive-thru use is permitted within the ECPOD Expressway Corridor Preservation Overlay Zoning District.
  - b. As per ZO Section 230-156.4, an outdoor dining area is permitted by special exception for a restaurant use in the ECPOD Overlay District. The applicant was granted a special exception by the Zoning Hearing Board on November 18, 2020.
2. Existing Conditions and Surrounding Land Uses
  - a. As noted above, the site is part of the existing Montgomery Square Shopping Center. The site is surrounded by commercial/retail uses to the south and west. Industrial uses are located to the east across Bethlehem Pike. Open space is located to the north.
  - b. The site is located in the LI Limited Industrial District and has frontage along Bethlehem Pike and Knapp Road.
3. Consistency with the Comprehensive Plan
  - a. As per the 2008 Comprehensive Plan Update the property is identified as Retail. The Vision Plan identifies the property as commercial. The proposed development is generally consistent with the Montgomery Township Comprehensive Plan.
4. Traffic and Pedestrian Circulation Patterns
  - a. The property has one access drive from Bethlehem Pike and two access drives from Knapp Road. No new access drives are proposed as part of this development.
  - b. There is an existing concrete walk along the frontage of Bethlehem Pike and Knapp Road. Additionally, there are existing concrete walk connections from the walkway along Bethlehem Pike and from the walkway along Knapp Road to the site which are proposed to remain.
  - c. The plans show a drive-thru stacking lane for eight vehicles. It should be noted that if vehicles are stacked in excess of eight vehicles, the line of vehicles will extend into the parking lot drive aisle. Vehicles stacked in the drive aisle may impede vehicle circulation within the parking area.
  - d. In an effort to promote pedestrian connectivity and in accordance with the Montgomery Township Open Space Plan, pedestrian crossing facilities should be provided at the intersection of Bethlehem Pike and Knapp Road. We recommend the plans be revised to provide adequate, ADA compliant curb cut ramps at the intersection of Bethlehem Pike and Knapp Road. In a response letter dated April 26, 2021 it was indicated that the applicant will provide financial contribution to cover the cost of reconstruction of the ADA curb ramp located at the northwest corner of Knapp Road and Bethlehem Pike. In addition, the applicant should consult with the Township regarding their participation in overall improvements to provide pedestrian accommodations at the intersection.
5. General Planning Comments
  - a. The layout of the proposed dumpster pad will require trash collection vehicles to access the dumpsters via the "secondary entrance" access drive. This may impede vehicle circulation and cause safety concerns.

## **LANDSCAPE REVIEW**

### Subdivision and Land Development Ordinance (Chapter 205)

6. §205-49.F – Notes shall be provided on the plan demonstrating compliance with the planting notes provided in Appendix C. In addition, the planting details shall be revised to demonstrate compliance with those shown in Appendix C. The required information shall be provided, or a waiver would be required.
7. §205-49.F and G – The landscape notes shall be revised to demonstrate compliance with the guaranty and final inspection requirements outlined in these sections, or a waiver would be required.
8. §205-51.A – This section requires the provision of specific information on the landscape plan. The landscape plan shall be revised to provide the following required information, or waivers would be required.

- a. §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.
  - b. §205-51.A(19) – Limits of temporary fencing to be used for protection of existing trees and shrubs during construction.
9. §205-53.(B) – The plan shall be revised to show locations for tree protection fencing sufficient to protect the trees and shrubs proposed to remain on the site or a waiver would be required.

## LIGHTING REVIEW

### Street Lighting (Chapter A237)

10. §A237 - Montgomery Township Street Lighting Specification as referenced by §A237-1:

- a. Section 1: Lighting Criteria – 3 (Control of Nuisance and Disabling Glare) d, e, f, g:

Lighting and illuminated signage shall be extinguished or dimmed after 10:00PM. Proposed hours of operation and method of lighting control does not appear to be provided on Lighting Plan – Sheet LP-100. Notes shall be included on the plans regarding the hours of operations. It is our understanding that lighting control and hours of operation information will be submitted under separate cover.

- b. Section 1: Lighting Criteria – 3 (Control of Nuisance and Disabling Glare) d, e, f, g:

Information regarding the wall mounted light fixtures shall be provided on the Lighting Plan – Sheet LP-101.

- c. Section 1: Lighting Criteria – 3 (Control of Nuisance and Disabling Glare) k:

Light fixtures shall not exceed a mounting height of twenty (20) feet. Proposed pole mounted fixtures (P1) are proposed at a mounting height of twenty-three (23) feet. Mounting heights on Lighting Plan, Sheet LP-100 have been revised to indicate a total mounting height of twenty feet (20'), however Table 1 in the Light Pole Foundation Detail on Sheet LP-110 indicates a Total Light Pole Height of twenty-three feet (23'). Information shall be revised/coordinated to be consistent.

### General Site Lighting Plan Comments

11. Sheet C-050, Existing Features and Demolition Plan, identifies one (1) "Existing light pole to be removed". There are several additional existing site lights shown on the plan which are not identified as "to be removed". Sheet C-050 should be revised to indicate the intent for all existing site lights. Existing lights to be removed are now identified as requested, however proposed light fixtures are also visible. Proposed fixtures shall be removed from the existing conditions plan.
12. Sheet C-300 – Drainage Plan – does not include the location of the proposed Site Lighting. It appears that there may be conflicts between light pole bases, seepage beds and seepage bed outlet control structures. Proposed lighting shall be shown and coordinated with other site features. Sheet C-300 & Sheet C-400 now depict the location of the proposed light fixtures, however the proposed light fixture adjacent to the eastern-most parking space appears to remain within the footprint of the seepage bed. Location of the light/seepage bed shall be coordinated such that it does not pose a conflict with the constructability/functionality of the seepage bed.
13. Sheet LP-100 – Lighting Plan – indicates that the lights will be installed on a 36" high foundation. The proposed lights appear to be placed directly behind the curb. Detail should be provided to show the proposed light pole/base setback from curb to ensure adequate protection from vehicles. Light Pole Foundation Detail has been provided on Sheet LP-110, however the detail indicates "see civil" for the setback from curb dimension. Civil plans do not appear to provide a setback dimension, but appear to be depicted directly behind the proposed concrete curb. Additional information shall be provided and adequate setback shall be provided, where space allows.
14. Sheet LP-100 – Lighting Plan – indicates that the plan and calculations provided do not include any architectural/building mounted lights. The applicant shall confirm that there will not be any building mounted lights, or provide information on the proposed lights and incorporate into the overall lighting plan. Additional building mounted light fixtures appear to be shown on Lighting Plan, Sheet LP-100, however the additional fixtures are not identified within the Light Fixture Schedule and Cut-Sheets are not provided. Additional information shall be provided for review.

## TRAFFIC REVIEW

### Zoning Ordinance (Chapter 230)

15. §230-138 – All parking spaces are to be a minimum of 10 feet in width by 20 feet in depth as per requirements in the zoning LI district. We note the existing spaces are 9 feet wide by 20 feet deep (as allowed in the RC district). A variance may be required to match the existing non-conforming width for the new proposed spaces. **The applicant notes the existing nonconformity is not being increased as a result of the proposed reconfiguration of stalls.** We defer to the Township Code Officer if the proposed stalls non-conforming widths are permitted to continue. The angled parking closest to route 309 should be revised to provide a 20-foot shelter from the front of the spot to the edgeline of the drive-thru.

### Subdivision and Land Development Ordinance (Chapter 205)

16. §205-10.H(4) - Revise the "Parking Striping Detail" per the requirements of this section. 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.
17. §205-25(3)(c) – The minimum width for parking aisle driveways shall be 22 feet. Revise the plans to label the parking aisle width.
18. §205-102 – Traffic Management Study:

- a. A traffic management study shall be submitted for all land developments of nonresidential uses requiring subdivision or land development approval.

**The Applicant indicated they are preparing traffic study scoping documentation for review and approval by the Township Traffic Engineer and will be forwarded under separate cover.**

- b. Land Use Code 934, Fast-Food Restaurant with Drive Through Window was used in the calculations for the proposed facility; however, Land Use Code 937 Coffee/Donut Shop with Drive Through Window has a higher trip generation and is more applicable to the proposed use. The proposed use will generate an increase over 100 trips within a peak period. Update the anticipated trip generation.
- c. As previously stated, the previous restaurant did not have operation hours during the AM peak. Credit for previous AM peak hour trips should not be included in the traffic study.
- d. As previously stated, include a Saturday peak hour analysis in the Traffic Study.

**The applicant indicated the site peak for a coffee shop (7-9am) and the site peak for the adjacent retail center (11am-2pm) do not align; therefore, a Saturday analysis is not proposed as is consistent with coffee shop traffic impact studies.**

We note the trip generation for Saturday peak hour generator for the coffee shop is significantly (7 times+) higher than the peak hour generator for the previous use. In addition, the ITE manual does not indicate the peak time period for the Saturday peak which may be later than typical weekday 7-9am peak. For the purposes of the study, assume the Saturday peak occurs during brunch and coincides with the adjacent retail center (11am-2pm) peak period.

Queuing for the drive-thru must be further evaluated and addressed. The site plan indicates availability for only three (3) queued vehicles at the order point. Additional vehicles would extend into and could block the drive aisle. We recommend moving the order point further into the site to car number 4 to allow for the queuing of five (5) vehicles from the order point.

### General

19. In accordance with PROWAG (Public Rights-of-Way Accessibility Guidelines), section R302.4, where the clear width of pedestrian access routes is less than 5', passing spaces shall be provided at intervals of 200' maximum. Passing areas shall be 5' by 5' minimum. The existing sidewalk along the site frontage is 4' wide. The plans should be revised to provide passing areas along the site frontage.

**The existing pedestrian path along Route 309 is not proposed to be altered under this application and are contained within the Right-of-Way. PROWAG (R101.2) states that the recommendations within the PROWAG guidelines do not address existing facilities unless the facilities are included within the scope of alteration to which this sidewalk is not inclusive. No change to the plan has been**

made. We note the existing sidewalk is being altered as one existing connection is being removed which could be considered a passing area.

As most pedestrians will take the shortest path, revise the proposed sidewalk connection to Route 309 to be a direct path. Eliminate the unneeded turning movements.

20. The existing curb ramp located at the northwest corner of Knapp Road and Bethlehem Pike is not built to current ADA standards. Although we note the intersection is currently signed for no pedestrians, a signalized crossing of Knapp Road is being considered as it provides a connection to the existing sidewalk per the township's Bicycle/Pedestrian Prioritized Implementation Plan. **The Applicant has offered to provide financial contribution for the reconstruction of the ADA ramp as a condition of the Land Development approval.** The Board will need to determine if a financial contribution will be acceptable to the Township or if they would like the improvement constructed as part of this project.
21. Verify the ramp type identified for the ramps crossing the drive-thru from the 309 sidewalk. Include a ramp detail for all ramp types proposed on the plan. The ramps shown appear to be Type 4A ramps.
22. Provide details and dimensions of all proposed signage. Stop, Do Not Enter, Loading Zone and Pedestrian sign details are not provided on the plans.
23. Ramp 3: We recommend increasing the slope across the DWS in order to raise the level landing area. A constant slope less than 5% can then be provided from the landing area connecting to the Route 309 Sidewalk down to Ramp 3. The additional landing area and 8% slope can then be eliminated.
24. Ramp 5: Revise the ramp to provide flush curb only across the length of the DWS and taper back to full height curb along the curb radius.
25. Ramp 6: Adjust the landing area to eliminate the low point on the triangular landing area and provide positive drainage away from the ramp.
26. Provide loading signs at both ends of the loading zone.
27. Provide details including color and size for all proposed pavement markings (i.e., one way legend, drive thru legend, do not enter legend and crosswalks.)
28. If crosswalks are proposed to be installed, they should be clearly identified on the plans.

## **ENGINEERING REVIEW**

### Zoning Ordinance (Chapter 230)

29. §230-208 – Information shall be provided to confirm that the 13 required parking spaces not proposed within the lease parcel are available for use under the existing shared parking easements. The Applicant has shown the surplus in parking within the shopping center. We defer to the Township Solicitor whether an updated lease agreement may be required.
30. §230-210.B & C – Building materials, including brick, stone, decorative block and wood, are encouraged. Side and rear building facades shall be constructed of materials that reflect the character, color scheme, and architectural features of the building's front facades. The Applicant has supplied an Exterior Elevations Plan with this submission. We recommend colored renderings of the proposed lease area be provided to confirm these requirements will be met.

### Subdivision and Land Development Ordinance (Chapter 205)

31. §205-10.G(9) & H.(5) – Driveways and drive aisles where illegal parking is possible shall be posted with signs reading "No Parking by Order of the Fire Marshal." The Applicant shall coordinate with the Township Fire Marshal to discuss any appropriate sign locations.
32. §205-10.H(4) – All parking spaces shall be 10 feet wide and shall be marked with all-weather paint with double parallel lines a minimum of six inches apart separating each space. The width of spaces is to be measured to the center of the double parallel lines. The Applicant has requested a waiver from this section based on existing nonconformity that is not being increased with the reconfiguration of the parking stalls.

33. §205-10.H(4) & 205-25.A(3) – The proposed drive aisles are required to be a minimum of 22 feet wide. A waiver would be required to permit the variable 11-14-foot-wide drive aisle proposed within the lease area and 18-foot-wide loading zone driveway. The Applicant has requested a waiver from these sections to allow for a drive aisle width of less than 22 feet.
34. §205-10.H(7)(b) – Accessible parking spaces are required to be 12 feet wide. The Applicant has requested a waiver from this section to permit the proposed 9-foot-wide parking space with adjacent 8-foot-wide striped access aisle. It is noted that the proposed parking and loading space dimensions are compliant with Federal requirements.
35. §§205-19 & 20 – The Applicant shall provide documentation of approval for the proposed public sewer and water services.
36. §205-29 – We offer the following comments related to the proposed erosion and sediment controls and the Erosion and Sediment Control Plan, Sheet 12:
  - a. The Applicant shall obtain an adequacy review from the Montgomery County Conservation District.
37. §205-78.A(3) – Each sheet shall be numbered to show its relation to the total number of sheets in the plan set (e.g. Sheet 1 of 21, Sheet 2 of 21). The Applicant has added consecutive sheet numbering to the plan sheets. However, the Sheet List Table on the Cover Sheet lists 1 of 20 for the Cover Sheet. This shall be revised to of 21. In this same table Sheet 3 of 20, CC-050, is listed as Site Plan when it is actually the Existing Conditions and Demolition Plan and should also be Sheet 3 of 21. It is also asterisked for inclusion in plan recording when it most likely should be the Site Plan which is Sheet 4 of 21. Sheet 9 of 20 should be 9 of 21 as well. Sheet 9 of 21 is the Grading Blowups plan not the Drainage Plan as in the table. The Grading Blowup plans should be 1 and 2 like the Drainage Details Plans. Revise the plans accordingly.
38. §205-78.B(1) & (2) – The plans are required to 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; the location of watercourses, sanitary sewers, storm drains and similar features within 400 feet of any part of the land to be subdivided. The Applicant has requested a waiver from this section to permit less information beyond the project boundary. An Aerial Overlay Plan, Sheet C-010, has been added to the plan set.
39. §205-78.C(1)(b) – The proposed courses and distances of the lot and lease area shall be provided. We defer to the Township Solicitor as to whether a drawing showing the entire property boundary should be included with the record plan. The Applicant has included courses and distances for all portions of the leased area with the exception of the eastern most side of the leased area. This should be added to the plans.
40. §§205-79.A(1) & 205-79.A.(2)(b)[4] – The proposed rim elevations for the cleanouts shall be included on the plans.
41. §205-81 & 82 – The Applicant has requested a waiver to permit the simultaneous processing of the preliminary and final plans.

Stormwater Management Ordinance (Chapter 206)

42. §206-13.D.(2) – A note shall be added to Sequence of Construction item 6 indicating that the proposed infiltration BMPs shall not receive runoff until the entire drainage area contributory to the infiltration BMP has achieved final stabilization. The Applicant has added the language to Note 7 and not Note 6 as identified in the comment response letter. Revise as necessary.
43. §§206-33 & 206-35 – We offer the following comments related to the operation and maintenance of the stormwater management facilities:
  - a. The property owner(s) shall enter into a stormwater facilities and BMP operations and maintenance agreement to the satisfaction of the Township Solicitor.
  - b. If not already provided under existing easements, a minimum twenty-foot-wide access easement around all stormwater facilities and BMPs with ingress to and egress from a public right-of-way shall be provided. The location shall be added to the plan which is to be recorded with the stormwater operations and maintenance agreement.

44. The proposed ground cover between the pick-up window, curb ramp, building, and drive-through lane shall be clarified. This approximately 61 square foot area is included as pervious coverage in the stormwater analysis but no sod or plantings are proposed on the Landscape Plan, Sheet 14. Still no landscaping shown in this area as stated in the Applicant's response letter. Revise the plan accordingly.
45. We recommend the plans be revised such that the water service and roof drain are not proposed at the same point along the east side of the building to minimize conflicts.

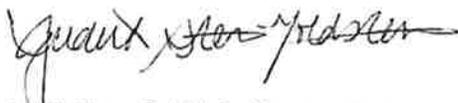
General

46. The Applicant shall provide a legal description for the proposed lease area for Township review and approval prior to recording the final plan.
47. The Applicant should provide the Township a waiver request letter for any requested waivers. Any waiver requests shall be listed on the record plan.
48. Site Accessibility review will be provided under separate cover.

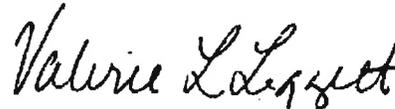
In order to help expedite review of the plan resubmission, we request that the Applicant submit a response letter which addresses each of the above comments. Changes that have been made to the application that are unrelated to the review comments should also be identified in the response letter. Please note that revision and/or modification of the plans may require review and additional comment.

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

Sincerely,



Judith Stern Goldstein, R.L.A., ASLA  
Senior Project Manager  
Gilmore & Associates, Inc.



Valerie L. Liggett, R.L.A., ASLA, ISA Certified Arborist  
Senior Landscape Architect  
Gilmore & Associates, Inc.



Damon A. Drummond, P.E., PTOE  
Senior Transportation Engineer  
Gilmore & Associates, Inc.



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

JSG/VLL/DAD/JPD/si

cc: Carolyn McCreary, Manager – Montgomery Township  
Marianne McConnell, Deputy Zoning Officer – Montgomery Township  
Mary Gambino, Project Coordinator – Montgomery Township  
Montgomery Township Department of Fire Services  
Sean Kilkenny, Esq., Solicitor – Kilkenny Law  
Hilary J. O'Connor – KIR Montgomery 049 LLC c/o Kimco Realty Corporation  
Sara Craven – Krispy Kreme Donut Corporation  
Lissette Gonzalez – Krispy Kreme Donut Corporation  
Paul Hughes, P.E. – Kimley-Horn and Associates, Inc.  
Matthew Shinton, P.E. – Kimley-Horn and Associates, Inc.



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

May 14, 2021

File No. 21-02095

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

Reference: Preliminary/Final Land Development Application – LD/S#714  
Krispy Kreme Doughnut Corporation  
1281 Knapp Road (TMP #46-00-00316-02-5)

Dear Bruce:

Pursuant to your request, Gilmore & Associates, Inc. has reviewed the Land Development Plan submission for the above-referenced project for accessibility. The review was completed in accordance with the requirements of the current Pennsylvania Uniform Construction Code for the site only and did not include doors, doorways, means of egress, outdoor recreational areas, or any interior elements, which we defer to the Building Code Official for review. We offer the following comments for consideration:

I. SUBMISSION

- A. Preliminary/Final Subdivision & Land Development Plans for Krispy Kreme (21 sheets), prepared by Kimley-Horn & Associates, Inc., dated January 13, 2021, last revised April 26, 2021.

II. ACCESSIBILITY REVIEW COMMENTS

Based on our review, the following items do not appear to comply with the accessibility provisions of Pennsylvania's Uniform Construction Code, specifically the 2018 International Building Code (IBC), 2015 International Existing Building Code (IEBC), and/or the ICC A117.1-2009 Accessible and Usable Buildings and Facilities (ICC):

1. IBC §1104.1 & §1104.2 – The delineated accessible route, as shown on the Grading Plan, Sheet 7, should be revised to include accessible routes to all accessible features, including the accessible parking spaces and accessible curb ramps.
2. ICC §403 & §406 – Information shall be provided to confirm that the slopes of all accessible routes comply with the walking surface and curb ramp requirements. We offer the following comments with respect to the accessible features shown on the Grading Plans, Sheet C-200, C-210, & C-211:
  - a. Curb Ramp 1 should be revised to extend the eastern curb edge straight, as opposed to a radius, to be colinear with the crosswalk edge, and in accordance with the Type 1A curb ramp detail located on the Site Details, Sheet 6. The provided spot elevation should be revised accordingly.
  - b. Curb Ramp 5 should be revised to extend the detectable warning surface the full width of the curb ramp landing. In addition, we recommend the flush curbing be squared off.
3. ICC §705.5 – The provided Detectable Warning Surface (DWS) detail located on the Site Details, Sheet 6, should be revised to include a note for dimension 'C', in accordance with the requirements of this section.

---

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

Gilmore & Associates, Inc.  
Building on a Foundation of Excellence  
www.gilmore-assoc.com

Please note that due to the nature of revisions that will be made to the plans, additional comments may be forthcoming during future plan reviews. Also, in order to help expedite the review process of the plan resubmission, 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,



Vincent J. Esposito, P.E.  
Accessibility Inspector/Plans Examiner, Certification #06133  
Gilmore & Associates, Inc.

VJE/sl

cc: Carolyn McCreary, Manager – Montgomery Township  
Marianne McConnell, Deputy Zoning Officer – Montgomery Township  
Mary Gambino, Project Coordinator – Montgomery Township  
Montgomery Township Department of Fire Services  
Sean Kilkenny, Esq., Solicitor – Kilkenny Law  
Hilary J. O'Connor – KIR Montgomery 049 LLC c/o Kimco Realty Corporation  
Sara Craven – Krispy Kreme Donut Corporation  
Lissette Gonzalez – Krispy Kreme Donut Corporation  
Paul Hughes, P.E. – Kimley-Horn and Associates, Inc.  
Matthew Shinton, P.E. – Kimley-Horn and Associates, Inc.  
James P. Dougherty, P.E. – Gilmore & Associates, inc.



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

March 22, 2021

File No. 2021-02095

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

Reference: Preliminary/Final Land Development Application – LDS#714  
Krispy Kreme Donut Corp at 1201 – 1281 Knapp Rd, Montgomery Square Shopping Center  
KIR Montgomery 049 LLC c/o Kimco Realty Corporation  
Tax Map Parcel Number: 46-00-00316-02-5; Block 011C, Unit 001

Dear Bruce:

As requested, Gilmore & Associates, Inc. has reviewed the information listed below with regard to the preliminary/final land development application referenced above and offers the following comments for consideration by the Montgomery Township Board of Supervisors:

- A. Submission letter for Land Development Application for Krispy Kreme Donut Corporation prepared by Kimley-Horn and Associates, Inc., dated February 12, 2021.
- B. Owner Authorization letter for Krispy Kreme – Montgomery Township dated January 25, 2021.
- C. Preliminary/Final Land Development Plans for Krispy Kreme – Montgomery Township (16 sheets) for Krispy Kreme Donut Corporation, prepared by Kimley-Horn and Associates, Inc., dated January 13, 2021.
- D. Survey plans (2 sheets) for Kimley-Horn, prepared by Valley Land Services, LLC dated July 28, 2020.
- E. Stormwater Management Report for Krispy Kreme Doughnut Corporation, prepared by Kimley-Horn and Associates, Inc., dated January 8, 2021.
- F. Trip Generation Statement letter for 1281 Knapp Road – Proposed Fast Food Facility to Mr. Fran Hanney, PennDOT, prepared by Kimley-Horn and Associates, Inc., dated December 8, 2020.
- G. Krispy Kreme Site Photo Exhibit (1 sheet) prepared by Kimley-Horn and Associates, Inc., undated.

The site is within the LI Limited Industrial Zoning District and the ECPOD Expressway Corridor Preservation Overlay District and is bounded by Bethlehem Pike (S.R. 309), Knapp Road and the Route 202 Bypass. The project area consists of an existing 6,535 square foot Lease Area within the 24.4193 acre Montgomery Square Shopping Center parcel. The Lease Area currently contains a 5,762 square foot Applebee's restaurant and 14 associated parking spaces.

The Applicant, Krispy Kreme Donut Corporation, proposes to demolish the existing building and parking to construct a new 4,011 square foot drive-through and fast food facility, 480 square feet of outdoor dining, and 8 parking spaces. The use is permitted by right within the ECPOD; however, the proposed outdoor dining area is permitted by special exception. Also proposed are appurtenant utility modifications, an underground storm water management facility, and landscaping. No changes are proposed to the Shopping Center's access or circulation. The Applicant has not requested any waivers though several waivers that would be required based on the proposed improvements are identified in the comments below.

We offer the following comments for consideration by the Montgomery Township Board of Supervisors. Our review includes consistency with the Township Comprehensive Plan, Township Zoning Ordinance (Chapter 230), Township Land Subdivision Ordinance (Chpt. 205), Township Stormwater Management Ordinance (Chpt. 206), and the Township Street Lighting Requirements (Chpt. A237).

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

## **PLANNING REVIEW**

1. Use
  - a. As per ZO Section 230-199(2)(a)[4], the proposed fast food restaurant with drive-thru use is permitted within the ECPOD Expressway Corridor Preservation Overlay Zoning District.
  - b. As per ZO Section 230-156.4, an outdoor dining area is permitted by special exception for a restaurant use in the ECPOD Overlay District. Future plan submissions should be revised to demonstrate compliance with the requirements of this ordinance. Additionally, the applicant is required to submit an application for a special exception.
2. Existing Conditions and Surrounding Land Uses
  - a. As noted above, the site is part of the existing Montgomery Square Shopping Center. The site is surrounded by commercial/retail uses to the south and west. Industrial uses are located to the east across Bethlehem Pike. Open space is located to the north.
  - b. The site is located in the LI Limited Industrial District and has frontage along Bethlehem Pike and Knapp Road.
3. Consistency with the Comprehensive Plan
  - a. As per the 2008 Comprehensive Plan Update the property is identified as Retail. The Vision Plan identifies the property as commercial. The proposed development is generally consistent with the Montgomery Township Comprehensive Plan.
4. Traffic and Pedestrian Circulation Patterns
  - a. The property has one access drive from Bethlehem Pike and two access drives from Knapp Road. No new access drives are proposed as part of this development.
  - b. There is an existing concrete walk along the frontage of Bethlehem Pike and Knapp Road. Additionally, there are existing concrete walk connections from the walkway along Bethlehem Pike and from the walkway along Knapp Road to the site which are proposed to remain.
  - c. The plans show a drive-thru stacking lane for eight vehicles. It should be noted that if vehicles are stacked in excess of eight vehicles, the line of vehicles will extend into the parking lot drive aisle. Vehicles stacked in the drive aisle may impede vehicle circulation within the parking area.
  - d. In an effort to promote pedestrian connectivity and in accordance with the Montgomery Township Open Space Plan, pedestrian crossing facilities should be provided at the intersection of Bethlehem Pike and Knapp Road. We recommend the plans be revised to provide adequate, ADA compliant curb cut ramps at the intersection of Bethlehem Pike and Knapp Road. In addition, the applicant should consult with the Township regarding their participation in overall improvements to provide pedestrian accommodations at the intersection.
5. General Planning Comments
  - a. The layout of the proposed dumpster pad will require trash collection vehicles to access the dumpsters via the "secondary entrance" access drive. This may impede vehicle circulation and cause safety concerns. Additional information should be provided.

## **LANDSCAPE REVIEW**

### Zoning Ordinance (Chapter 230)

6. §230-127.A(8)(a) – Two (2) square feet of landscaped areas are required for each square foot of sign area for freestanding signs. It appears that proposed landscape plantings may meet this requirement for the monument sign. However, the landscape plan shall be revised to provide calculations demonstrating compliance with this requirement and to demonstrate compliance with these requirements for the menu board sign.

7. §230-156.4(D) – Outdoor dining areas shall be physically separated from public sidewalks, required green space, and parking areas by any combination of railing, fence, deck, planting boxes or natural vegetation. A row of ornamental grasses is proposed between the outdoor dining area and the adjacent sidewalk and ADA parking spaces. However, as these grasses will be cut annually it does not appear that they will provide adequate physical separation year-round. In addition, we recommend that additional separation in the form of fencing, railings, or landscaping be provided between the outdoor dining area and the drive-through lane. The plans shall be revised to demonstrate compliance with the ordinance requirement.

Subdivision and Land Development Ordinance (Chapter 205)

8. §205-49.C – The plans shall be revised to indicate name and license number of the landscape architect responsible for preparation of the landscape plan or a waiver would be required.
9. §205-49.F – The landscape notes and details shall be revised to demonstrate compliance with the planting standards, guidelines and details provided in Appendix C, or a waiver would be required.
10. §205-49.F - A note shall be added to the landscape notes requiring that all plant material shall be pruned in accordance with ANSI A300 pruning standards or a waiver would be required.
11. §205-49.F and G – The landscape notes shall be revised to demonstrate compliance with the guaranty and final inspection requirements outlined in these sections, or a waiver would be required.
12. §205-51.A – This section requires the provision of specific information on the landscape plan. The landscape plan shall be revised to provide the following required information, or waivers would be required.
  - a. §205-51.A(7) – Locations of stormwater management facilities, including underground facilities.
  - b. §205-51.A(8) – Locations of existing and proposed underground, surface and above grade utilities including stormwater pipes and inlets.
  - c. §205-51.A(13) – Existing and proposed contours at a minimum of two-foot intervals.
  - d. §205-51.A(14) – Notes and details in conformance with the requirements of Appendix C.
  - e. §205-51.A(15) – Steep slopes in excess of 15%.
  - f. §205-51.A(17) – Information in the form of notes and specifications regarding quality and materials for sodding and ground cover.
  - g. §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.
  - h. §205-51.A(19) – Limits and details of temporary fencing to be used for protection of existing trees and shrubs during construction.
13. §205-52.B(4)(a) – Approximately 370 LF of property line is located between the lease area and Bethlehem Pike and Knapp Road, requiring a total of 15 shade trees and 30 shrubs to meet softening buffer requirements. The plans propose the use of 9 existing and 3 proposed trees, as well as 40 proposed shrubs. An additional 3 shade trees shall be provided to meet the softening buffer requirements or a waiver would be required.
14. §205-52.D(1)(f) – Thirty-five (35) Karl Foerster Feather Reed Grass plants are proposed to meet the parking lot perimeter landscape requirement. However, these grasses will be cut annually as part of the site's landscape maintenance and do not constitute a hedge. The proposed grasses shall be replaced with shrubs to demonstrate compliance with the ordinance requirement or a waiver would be required.
15. §205-52.G(b) – Table 1 requires that within the LI zoning district, one (1) shade tree shall be provided for each 5,000 SF of gross floor area. With a proposed area of 4,011 SF, one (1) individual lot shade tree is required for the restaurant. The plan shall be revised to demonstrate compliance with this requirement, or a waiver would be required.
16. §205-53.(B) – The plan shall be revised to provide a tree protection fencing detail and to show tree protection fencing sufficient to protect the trees and shrubs proposed to remain on the site or a waiver would be required.
17. §205-53.B(2) – All trees proposed to be disturbed by greater than ¼ of the total dripline area must be shown as to be removed on the demolition plan, or a waiver would be required.
18. §205-53.C – The plans shall be revised to demonstrate compliance with the tree preservation requirements outlined in this section, or a waiver would be required.

19. The symbol for existing trees to be used to meet landscape requirements shall be included in the plan legend for the purposes of clarity.
20. Thuja occidentalis 'Green Giant' shall be shown in the plant schedule under the evergreen tree category.
21. The arborvitaes proposed to replace the existing evergreens around the transformer shall be labeled with the plant code and quantity.
22. The plans shall be revised to demonstrate that the shrubs proposed at the intersection of Knapp Road and Bethlehem Pike will not conflict with the clear sight triangle at this intersection.
23. A note shall be added to the landscape plan requiring that all proposed plant substitutions be reviewed and approved by the Township Landscape Consultant prior to installation.

## LIGHTING REVIEW

### Street Lighting (Chapter A237)

24. §A237 - Montgomery Township Street Lighting Specification as referenced by §A237-1:
  - a. Section 1: Lighting Criteria – 3 (Control of Nuisance and Disabling Glare) a:  
All outdoor lighting shall be designed as to not present a hazard to drivers or pedestrians. Light level grid that is provided is limited to the interior of proposed curb lines and does not depict the light levels proposed at the right-of way line. Information shall be provided to verify that proposed lighting does not create excessive light spill onto adjacent rights-of-way.
  - b. Section 1: Lighting Criteria – 3 (Control of Nuisance and Disabling Glare) d, e, f, g:  
Lighting and illuminated signage shall be extinguished or dimmed after 10:00PM. Proposed hours of operation and method of lighting control does not appear to be provided on Lighting Plan – Sheet LP-100.
  - c. Section 1: Lighting Criteria – 3 (Control of Nuisance and Disabling Glare) k:  
Light fixtures shall not exceed a mounting height of twenty (20) feet. Proposed pole mounted fixtures (P1) are proposed at a mounting height of twenty-three (23) feet.

### General Site Lighting Plan Comments

25. Sheet C-050, Existing Features and Demolition Plan, identifies one (1) "Existing light pole to be removed". There are several addition existing site lights shown on the plan which are not identified as "to be removed". Sheet C-050 should be revised to indicate the intent for all existing site lights.
26. Sheet C-100 – Site Plan – appears to show that the existing light fixtures are to remain. In addition, the Site Plan does not depict the location of the proposed Site Lighting. Proposed lighting shall be shown and coordinated with other site features.
27. Sheet C-300 – Drainage Plan – does not include the location of the proposed Site Lighting. It appears that there may be conflicts between light pole bases, seepage beds and seepage bed outlet control structures. Proposed lighting shall be shown and coordinated with other site features.
28. Sheet L-100 – Landscape Plan - does not include the location of the proposed Site Lighting. It appears that there may be conflicts between light pole bases and proposed landscape material. Proposed lighting shall be shown and coordinated with proposed landscape.
29. Sheet LP-100 – Lighting Plan – does not include any information regarding the proposed site light footing construction details. A detail shall be provided.
30. Sheet LP-100 – Lighting Plan – indicates that the lights will be installed on a 36" high foundation. The proposed lights appear to be placed directly behind the curb. Detail should be provided to show the proposed light pole/base setback from curb to ensure adequate protection from vehicles.
31. Sheet LP-100 – Lighting Plan – indicates that the plan and calculations provided do not include any architectural/building mounted lights. The applicant shall confirm that there will not be any building mounted lights, or provide information on the proposed lights and incorporate into the overall lighting plan.
32. A detail for the proposed light foundations shall be added to the plans.

## TRAFFIC REVIEW

### Zoning Ordinance (Chapter 230)

33. §230-120.A - Fire lanes, as required by the Fire Marshal, and areas for loading and unloading of delivery trucks and other vehicles and for the servicing of refuse collection, fuel and other services shall be provided and shall be adequate in size and shall be so arranged that they may be used without blockage or interference with the use of accessways or automobile parking facilities. Provide truck turning templates demonstrating firetrucks, garbage trucks and delivery trucks navigating and accessing the site.
34. §230-138 – All parking spaces are to be a minimum of 10 feet in width by 20 feet in depth as per requirements in the zoning LI district. We note the existing spaces are 9 feet wide by 20 feet deep (as allowed in the RC district). A variance may be required to match the existing non-conforming width for the new proposed spaces. We defer to the Solicitor.
35. §230-205 – The applicant is reducing the available amount of shared parking. The applicant should provide calculations and determine if the shared parking requirements will continue to be met.

### Subdivision and Land Development Ordinance (Chapter 205)

36. §205-11.A - Revise the "Parking Striping Detail" per the requirements of this section. 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.
37. §205-25(3)(c) – The minimum width for parking aisle driveways shall be 22 feet. Revise the plans to label the parking aisle width.
38. §205-102 – Traffic Management Study:
  - a. A traffic management study shall be submitted for all land developments of nonresidential uses requiring subdivision or land development approval.
  - b. Land Use Code 934, Fast-Food Restaurant with Drive Through Window was used in the calculations for the proposed facility; however, Land Use Code 937 Coffee/Donut Shop with Drive Through Window has a higher trip generation and is more applicable to the proposed use. The proposed use will generate an increase over 100 trips within a peak period. Update the anticipated trip generation.
  - c. The previous restaurant did not have operation hours during the AM peak hours. Credit for previous AM peak hour trips should not be included in the traffic study.
  - d. Include a Saturday peak hour analysis in the Traffic Study.
  - e. Queuing for the drive-thru must be further evaluated and addressed. The site plan indicates only availability for two (2) queued vehicles at the order point. Additional vehicles would extend into and could block the drive aisle. The order point should be moved further into the site to provide adequate queuing. If needed, consider moving the pick-up window to the current loading area vicinity to better accommodate the queuing.

### General

39. In accordance with PROWAG (Public Rights-of-Way Accessibility Guidelines), section R302.4, where the clear width of pedestrian access routes is less than 5 feet, passing spaces shall be provided at intervals of 200 feet maximum. Passing areas shall be a minimum of 5 feet by 5 feet. The existing sidewalk along the site frontage is 4 feet wide. The plans should be revised to provide passing areas along the site frontage.
40. The existing curb ramp located at the northwest corner of Knapp Road and Bethlehem Pike is not built to current ADA standards. Although we note the intersection is currently signed for no pedestrians, a signalized crossing of Knapp Road is being considered as it provides a connection to the existing sidewalk per the township's Bicycle/Pedestrian Prioritized Implementation Plan. Update the curb ramp on the northwest corner of Knapp Road and Bethlehem Pike to be ADA compliant.
41. Revise the plans to include 5-scale details for the proposed ADA curb ramps. Spot elevations slopes and dimensions at all critical points should be provided to verify compliance and constructability. Curb tapers should also be clearly identified.
42. Verify the ramp type identified for the ramps crossing the drive-thru from the 309 sidewalk. Include a ramp detail for all ramp types proposed on the plan.

43. Revise the plans to label the dimensions of the handicapped parking spaces.
44. Considering installing signage and striping at the loading area to prohibit vehicles from entering and exiting this area.
45. Provide details for all proposed striping including parking, gore areas, stop bars, crosswalks and legends.
46. Provide details and dimensions of all proposed signage.

### **ENGINEERING REVIEW**

#### Zoning Ordinance (Chapter 230)

47. §230-156.4.A – The proposed outdoor dining area would require a special exception as an accessory use within the ECPD Overlay District.
48. §230-156.4.D – The outdoor dining area shall be identified on the plan. The outdoor dining area 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, planting boxes, or natural vegetation.
49. §§230-199.B(1) & 230-207 – The Zoning District Requirements table and related plan view information on the Site Plan, Sheet 3, shall be revised to reference the RC Retail Center Regulations.
50. §230-208 – Information shall be provided to confirm that the 13 required parking spaces not proposed within the lease parcel are available for use under the existing shared parking easements. The total spaces required and provided for the overall retail center shall be documented on the plans. We defer to the Borough Solicitor whether an updated lease agreement may be required.
51. §230-210.B & C – Building materials, including brick, stone, decorative block and wood, are encouraged. Side and rear building facades shall be constructed of materials that reflect the character, color scheme, and architectural features of the building's front facades. We recommend renderings of the proposed lease area be provided to confirm these requirements will be met.
52. §230-211.E - Mechanical and site utility equipment projecting from the tops of buildings shall be screened from public view to the extent reasonable and practicable. Information shall be provided to confirm this requirement will be met.

#### Subdivision and Land Development Ordinance (Chapter 205)

53. §205-10.G(9) & H.(5) – Driveways and drive aisles where illegal parking is possible shall be posted with signs reading "No Parking by Order of the Fire Marshal." The Applicant shall coordinate with the Township Fire Marshal to discuss any appropriate sign locations.
54. §205-10.H(4) – All parking spaces shall be 10 feet wide and shall be marked with all-weather paint with double parallel lines a minimum of six inches apart separating each space. The width of spaces is to be measured to the center of the double parallel lines. The plan view proposed 9-foot-wide parking spaces and the 90° Parking Stall Striping Detail on the Site Details plan, Sheet 4, shall be revised or a waiver would be required.
55. §205-10.H(4) & 205-25.A(3) – The proposed drive aisles are required to be a minimum of 22 feet wide. A waiver would be required to permit the variable 11-14-foot-wide drive aisle proposed within the lease area and 18-foot-wide loading zone driveway.
56. §205-10.H(6) – Turning diagrams shall be provided to confirm the location and size of the proposed loading area is adequate for maneuvering into and out of the space.
57. §205-10.H(7)(b) – Accessible parking spaces are required to be 12 feet wide. A waiver would be required to permit the proposed 9-foot-wide parking space with adjacent 8-foot-wide striped access aisle. Accessible parking spaces meeting Federal standards will be provided.
58. §205-17.A(3) & (4) – The Standard Light Duty Pavement (On-Site Only) detail on the Site Details plan, Sheet 4, shall be revised to propose a 25mm base course in lieu of the identified 19mm material.
59. §§205-19 & 20 – The Applicant shall provide documentation of approval for the proposed public sewer and water services.
60. §205-22 – We recommend signs for the proposed pedestrian crossing (i.e. W11-2 and W16-7P) be placed along the drive through/ bypass lanes in advance of the crosswalk to alert drivers to the possibility of pedestrians.

61. §205-29 – We offer the following comments related to the proposed erosion and sediment controls and the Erosion and Sediment Control Plan, Sheet 12:
  - a. The Applicant shall obtain an adequacy review from the Montgomery County Conservation District.
  - b. Information shall be provided to identify where construction equipment and materials will be staged and how the construction and any lay down area will be blocked off from public access while maintaining safe site circulation.
  - c. The numbering in the Sequence of Construction shall be revised to be sequential.
  - d. We recommend tree protection fence be shown around the 12-inch tree which is to remain by the proposed trash dumpster pad.
  - e. We recommend the limit of disturbance be extended to include the southwestern curb ramp which is proposed to be replaced and the southeastern sidewalk removal to where it meets the sidewalk running along Bethlehem Pike (S.R. 309).
62. §205-29.C – All lots shall be graded to provide proper drainage and dispose of surface water without ponding. Based on the proposed 409-foot contour and 409.01 foot bottom of curb elevation, additional information shall be provided within the dumpster pad to confirm positive drainage is provided.
63. §205-78.A(3) – Each sheet shall be numbered to show its relation to the total number of sheets in the plan set (e.g. Sheet 1 of 16, Sheet 2 of 16).
64. §205-78.B(1) & (2) – The plans are required to 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; the location of watercourses, sanitary sewers, storm drains and similar features within 400 feet of any part of the land to be subdivided. A waiver is required to permit less information beyond the project boundary. We recommend any waiver of this requirement be conditioned upon a sheet-size aerial plan being added to the plan set since the Location Map on the Cover Sheet, Sheet 1, is not large enough to provide the required level of detailed information.
65. §205-78.C(1)(b) – The proposed courses and distances of the lot and lease area shall be provided. We defer to the Township Solicitor as to whether a drawing showing the entire property boundary should be included with the record plan.
66. §205-78.C(1)(h) – The building setback lines shall be revised to match the RC Retail Center Regulations.
67. §§205-79.A(1) & 205-79.A.(2)(b)[4] – We offer the following comments on the Drainage Profiles plan, Sheet 7:
  - a. The profiles provided on the Drainage Profiles plan, Sheet 7, shall be revised to be to scale.
  - b. It appears the proposed Rim elevation of storm structure A0 would be above grade, including the adjacent sidewalk. Additional information shall be provided to indicate the proposed depth of the structure to be exposed adjacent to the curb ramp and confirm the structure will not serve as a tripping hazard.
  - c. The proposed Rim elevations indicated in the profiles for A1, B0, C0, C1, and C4 are below grade and shall be clarified.
68. §205-81 & 82 – A waiver would be required to permit the simultaneous processing of the preliminary and final plans.
69. The limit of disturbance shall be added to the Existing Conditions and Demolition Plan, Sheet 2.
70. The proposed lease area outlined in plan view does not match the proposed lease area identified in the Zoning District Requirements table on the Site Plan, Sheet 3. The proposed lease area shall be confirmed and the table updated accordingly, including the building, impervious, and green area coverages proposed within the lease area.
71. The Reserved Parking Sign Details on the Site Details plan, Sheet 4, shall be revised to indicate the bottom of the Van Accessible sign must be placed a minimum of 60 inches above the floor of the parking space.
72. The dimensions provided in the Fence for Dumpster Corral detail on the Site Details plan, Sheet 4, do not match those in plan view. The proposed dimensions shall be clarified.
73. Based on the proposed 18-foot width of the loading zone, we recommend it be signed for one-way traffic.

74. The plans label an existing manhole, located east of the existing restaurant parking and along the existing storm sewer line, as a sanitary manhole. The utility associated with the manhole shall be clarified.

Stormwater Management Ordinance (Chapter 206)

75. §206-11.K – Information shall be provided to confirm the storage facility can drain the rate control capacity over a period of time not less than 24 hours or more than 72 hours from the end of the design storm.
76. §206-13.D.(1) – Areas proposed for infiltration BMPs shall be protected from sedimentation and compaction during the construction phase to maintain maximum infiltration capacity. Information shall be provided on the plans indicating how this requirement will be met, such as orange construction fencing.
77. §206-13.D.(2) – A note shall be added to Sequence of Construction item 6 indicating that the proposed infiltration BMPs shall not receive runoff until the entire drainage area contributory to the infiltration BMP has achieved final stabilization.
78. §206-14.C.(5) & (6) – The required soils evaluation shall be completed by a qualified design professional to confirm the design infiltration rate and a minimum 24 inch separation between the bottom of the infiltration facility and any bedrock or seasonally high water table.
79. §206-15 – Information shall be provided in the Stormwater Management Report showing how the outlet structure is modeled in the peak rate control analysis calculations. Also, a seepage bed hydrograph shall be provided for each of the modeled design storms.
80. §206-19.A.(2) – The pre-development drainage area calculations shall be revised to model the 20% of the impervious surface area as meadow, rather than lawn.
81. §§206-33 & 206-35 – We offer the following comments related to the operation and maintenance of the stormwater management facilities:
- The property owner(s) shall enter into a stormwater facilities and BMP operations and maintenance agreement to the satisfaction of the Township Solicitor.
  - A minimum twenty-foot-wide access easement around all stormwater facilities and BMPs with ingress to and egress from a public right-of-way shall be provided. The location shall be added to the plan which is to be recorded with the stormwater operations and maintenance agreement.
  - A statement, signed by the facility owner, acknowledging that the stormwater facilities and BMPs are fixtures that can be altered or removed only after approval by the Township shall be added to the plan which is to be recorded with the stormwater operations and maintenance agreement.
  - Information shall be provided indicating how the proposed underground seepage bed, storm sewer piping, and storm structures will be operated and maintained, and the identity and contact information associated with the person(s) responsible for its operation and maintenance. This shall be added to the plan which is to be recorded with the stormwater operations and maintenance agreement.
  - We recommend clean outs or other means of access be provided at each corner of the proposed seepage bed for maintenance and inspection purposes.
82. The dimensions, including piping information, provided in plan view on the Drainage Plan, Sheet 6, the Cross Section Underground Seepage Bed Detail on the Drainage Details 2 plan, Sheet 9, and the Pond data in the Stormwater Management Report for the proposed seepage bed do not match. The proposed dimensions shall be clarified.
83. Storm sewer manhole details are provided on the Drainage Details 1 plan, Sheet 8, but no storm manholes are proposed. The purpose of including these details shall be clarified.
84. We recommend the Cross Section Underground Seepage Bed Detail on the Drainage Details 2 plan, Sheet 9, be revised to indicate that a separate and drainage rated geotextile will also be placed on the bottom of the seepage bed and remove reference to Amoco 4547 since it is no longer manufactured.
85. Based on the proposed 24-inch-wide weir and weir orientation indicated in the Outlet Control Structure Detail on the Drainage Details 2 plan, Sheet 9, the weir would be the entire width of the interior inlet and there would be no top of weir elevation “K.” This shall be confirmed.

86. The proposed ground cover between the pick-up window, curb ramp, building, and drive-through lane shall be clarified. This approximately 61 square foot area is included as pervious coverage in the stormwater analysis but no sod or plantings are proposed on the Landscape Plan, Sheet 14.
87. We recommend the plans be revised such that the water service and roof drain are not proposed at the same point along the east side of the building to minimize conflicts.

General

88. The plan(s) to be recorded shall be identified in the Sheet List Table on the Cover Sheet, Sheet 1.
89. The Applicant shall provide a legal description for the proposed lease area for Township review and approval prior to recording the final plan.
90. The Applicant should provide the Township a waiver request letter for any requested waivers. Any waiver requests shall be listed on the record plan.
91. The language of the record plan certifications on the cover sheet shall be revised to be consistent with the enclosure.
92. Site Accessibility review will be provided under separate cover.

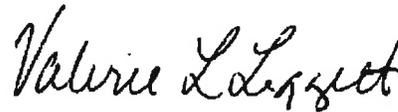
In order to help expedite review of the plan resubmission, we request that the Applicant submit a response letter which addresses each of the above comments. Changes that have been made to the application that are unrelated to the review comments should also be identified in the response letter. Please note that revision and/or modification of the plans may require review and additional comment.

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

Sincerely,



Judith Stern Goldstein, R.L.A., ASLA  
Senior Project Manager  
Gilmore & Associates, Inc.



Valerie L. Liggett, R.L.A., ASLA, ISA Certified Arborist  
Senior Landscape Architect  
Gilmore & Associates, Inc.



Damon A. Drummond, P.E., PTOE  
Senior Transportation Engineer  
Gilmore & Associates, Inc.



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

JSG/VLL/DAD/JPD/sl

Enclosure: Record Plan Information

cc: Carolyn McCreary, Manager – Montgomery Township  
Marianne McConnell, Deputy Zoning Officer – Montgomery Township  
Mary Gambino, Project Coordinator – Montgomery Township  
Montgomery Township Department of Fire Services  
Sean Kilkenny, Esq., Solicitor – Kilkenny Law  
Hilary J. O'Connor – KIR Montgomery 049 LLC c/o Kimco Realty Corporation  
Sara Craven – Krispy Kreme Donut Corporation  
Lissette Gonzalez – Krispy Kreme Donut Corporation  
Paul Hughes, P.E. – Kimley-Horn and Associates, Inc.  
Matthew Shinton, P.E. – Kimley-Horn and Associates, Inc.

## Plan Recording Information

### Plan Recording Requirements Checklist

- Montgomery County Planning Commission Approval
- Parcel Sticker from Registry Office in Board of Assessments Office  
All Parcel Numbers must be CLEARLY written on document
- Ownership must be noted
- Equitable Owner or Owner of Record must sign off and be acknowledged
  - Ownership Line should be separate from the acknowledgment,
  - Corporations and Limited Partnerships MUST state the Company Name PLUS have the person sign with TITLE on Ownership Line
- Full Notary acknowledgment MUST match the information on the Ownership Line:
  - Person's name if individual, **or**
  - Person's name, title and name of company if corporation or partnership
- MUST have township/borough approval:
  - Within 90 days of date noted, **or**
  - Original 90-day letter, stating past 90 days with approval to record, MUST be attached
- Plans must be SCANNABLE and LEGIBLE throughout and CANNOT be folded
- Plans should be submitted on paper
- Plans must be 24 inches x 36 inches

## Montgomery County Planning Commission Review

<https://www.montcopa.org/740/Subdivision-Land-Development-Reviews>

<https://www.montcopa.org/DocumentCenter/View/2152>

To facilitate the stamp and seal process, the plan should contain MCPC File Number (i.e., MCPC 10-056-1). This number is found on all correspondence from MCPC office regarding your plan. The plan may have either MCPC standard signature box (below) printed on it or a blank space that measures 3½" wide by 2½" high located along the right-hand edge of the plan for the commission's stamp and seal.

<p>MCPC No. _____</p> <p><b>PROCESSED and REVIEWED.</b> Report prepared by Montgomery County Planning Commission In accordance with the Municipalities Planning Code</p> <p>Certified on this date _____</p> <p>_____</p> <p>For the Director</p> <p><b>Montgomery County Planning Commission</b></p>
---

# Owner, Subdivider, Developer, or Builder Certification

The signature of the owner, subdivider, developer or builder, certifying his adoption of the plan.

## OWNER CERTIFICATION

\_\_\_\_\_, undersigned, has laid out upon his/her/its land situate in Montgomery Township, Montgomery County, Pennsylvania certain lots and street according to the accompanying plan which is intended to be recorded.

By:

\_\_\_\_\_  
Name, Title

\_\_\_\_\_  
Date

## Notary Acknowledgements

The notary seal must be in the appropriate format depending upon whether the signatory will be signing as an individual or as a representative/member of a corporation. The appropriate formats are as follows:

### For an individual

COMMONWEALTH OF PENNSYLVANIA

) SS:

COUNTY OF \_\_\_\_\_

On the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, the undersigned Officer, personally appeared \_\_\_\_\_ known to me or satisfactorily proven to be the person(s) whose name is/are subscribed to the within Instrument, and acknowledged that he/she/they executed the same for the purposes therein contained.

Witness my hand and notarial seal, the day and year aforesaid.

Notary Print Name and Signature: \_\_\_\_\_

### For a corporation

(full name, title, and name of corporation MUST be included:

COMMONWEALTH OF PENNSYLVANIA

) SS:

COUNTY OF \_\_\_\_\_

On the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, the undersigned Officer, personally appeared \_\_\_\_\_, who acknowledged him/herself to be the \_\_\_\_\_ of \_\_\_\_\_, a corporation, and that he/she as such \_\_\_\_\_, being authorized to so do, executed the foregoing instrument for the purposes therein contained by signing the name of the corporation by him/herself as \_\_\_\_\_.

In Witness Whereof, I have hereunto set my hand and Seal.

Notary Print Name and Signature: \_\_\_\_\_

### Other Common Issues

**Venue:** It is not uncommon for the venue information to be missing completely from the notary acknowledgment. If the plans are mistakenly prepared without the venue, the notary should hand print the venue information where appropriate. Failure to include the venue will result in a rejected filing.

**Owner Certification:** The full name and title of the signatory must be set forth not only in the notary acknowledgment but also in the owner's certification.

**Partnerships:** If a corporate entity is a partnership, the signatory must be a partner and both the owner certification and the notary acknowledgment must state that the individual signing is a partner (i.e., not manager, president, etc.)

**Same last name:** When acknowledging individuals with the same last name, as with a husband and wife, the full name of each individual must be written out completely. For example, if the Notary is acknowledging the signatures of both Mr. and Mrs. Jones, the notarial language should state, "... personally appeared Mr. Robert A. Jones and Mrs. Mary M. Jones..." If, on the other hand, the language states "Mr. Robert A. and Mrs. Mary M. Jones", the filing will be rejected.

**Notary Stamp:** Notary stamp may not cover the Notary's signature, and the venue information and commission expiration date for the Notary must be clearly legible (not stamped over top of a line or other print). Also, if signature is being acknowledged out of state, be sure venue information for the notarial act is correctly reflected. (The out-of-state notary may cross out the incorrect venue and hand print the correct information.)

**Ownership Information:** The name of the owner as noted on the Plan must exactly match the name on the deed records. If ownership has changed whereby the original owner is noted on the Plan at the time of printing and the new owner later acknowledges the Plan, then the new owner's name and contact information needs to be handwritten under the previous owner's contact information as the equitable owner. To clarify: there must be a way to "tie in" the owner's acknowledgement with the ownership information provided in the Tax Parcel Information section.

**Notary Acknowledgment Separate from Owner Certification:** Note that the venue information is part of the notarial act and should, therefore, always immediately precede the paragraph acknowledging the signatory. Plans have occasionally been submitted with the paragraph for the owner's certification/signature falling between the venue information and the notary's acknowledgment – this is incorrect.

## Registered Engineer and/or Surveyor Certification

The signature of the registered engineer or surveyor, certifying that the plan represents a survey made by him, that the monuments shown thereon exist as located and that all dimensional and geodetic details are correct.

### REGISTERED ENGINEER CERTIFICATION

I, \_\_\_\_\_, on this date \_\_\_\_\_, hereby certify that the plan of improvements meets all design standards and criteria of Montgomery Township.

\_\_\_\_\_  
Name  
License No. \_\_\_\_\_

### REGISTERED SURVEYOR CERTIFICATION

I hereby certify that this plan represents a survey made by me or under my direction and that all monuments shown thereon exists as located and that all dimensional and geodetic details are correct.

\_\_\_\_\_  
Name  
Professional Land Surveyor  
License No. \_\_\_\_\_

## Township Secretary

The signature of the Township Secretary, certifying that the Board of Supervisors approved the plan on the date shown.

### MONTGOMERY TOWNSHIP BOARD OF SUPERVISORS APPROVAL

This Plan was approved by the Montgomery Township Board of Supervisors at a duly advertised public meeting held on \_\_\_\_\_, 20\_\_\_\_ subject to certain conditions required to be completed prior to Plan recording and said conditions imposed for such approval have been fully completed and satisfied and the said Plan approval made effective this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Township Secretary

\_\_\_\_\_  
Township Board of Supervisors Chairperson

## Township Engineer

The signature of the Township Engineer, certifying review of the plan.

TOWNSHIP ENGINEER REVIEW

Reviewed by the Montgomery Township Engineer:

\_\_\_\_\_  
Township Engineer

\_\_\_\_\_  
Date

## Plan Recording

Submit 5 copies of the signed record plans and 2 complete sets of signed plans to the Township. The Township will sign and record the plans.



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

March 22, 2021

File No. 21-02095

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

Reference: Preliminary/Final Land Development Application – LD/S#714  
Krispy Kreme Doughnut Corporation  
1281 Knapp Road (TMP #46-00-00316-02-5)

Dear Bruce:

Pursuant to your request, Gilmore & Associates, Inc. has reviewed the Land Development Plan submission for the above-referenced project for accessibility. The review was completed in accordance with the requirements of the current Pennsylvania Uniform Construction Code for the site only and did not include doors, doorways, means of egress, outdoor recreational areas, or any interior elements, which we defer to the Building Code Official for review. We offer the following comments for consideration:

I. SUBMISSION

- A. Preliminary/Final Subdivision & Land Development Plans for Krispy Kreme (16 sheets), prepared by Kimley-Horn & Associates, Inc., dated January 13, 2021.

II. ACCESSIBILITY REVIEW COMMENTS

Based on our review, the following items do not appear to comply with the accessibility provisions of Pennsylvania's Uniform Construction Code, specifically the 2018 International Building Code (IBC), 2015 International Existing Building Code (IEBC), and/or the ICC A117.1-2009 Accessible and Usable Buildings and Facilities (ICC):

1. IBC §1104.1 & §1104.2 – An accessible route shall connect the subject property to the public right-of-way. In addition, at least one accessible route shall connect all accessible elements, including between accessible building entrances and parking spaces. We recommend all accessible routes be delineated on the plan in order to determine if the requirements of these sections are satisfied.
2. IBC §1105.1 – At least 60 percent of all public entrances shall be accessible. The plans should identify all public and accessible entrances in order to determine if the requirements of this section are satisfied. Employee-only entrances are considered public entrances.
3. IBC §1105.1.5 – For clarity, the service entrance near the loading/unloading zone should be labeled. We note service entrances are not required to be accessible unless they are the only entrance to the building.
4. ICC §304 – Spot elevations should be added at all four corners of turning areas along accessible routes to confirm the requirements of this section are met. This includes along sidewalks, at building entrances, etc.
5. ICC §403 & §406 – Information shall be provided to confirm that the slopes of all accessible routes comply with the walking surface and curb ramp requirements. We offer the following comments with respect to the accessible features shown on the Grading Plan, Sheet C-200:

---

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

Gilmore & Associates, Inc.  
Building on a Foundation of Excellence  
[www.gilmore-assoc.com](http://www.gilmore-assoc.com)

- a. A level landing area should be provided at the top of the curb ramp leading to the public sidewalk along Bethlehem Pike. The provided spot elevations (409.06 & 408.73) propose slopes that exceed 2%. The grading should be revised accordingly.
  - b. Additional spot elevations should be provided where the proposed sidewalk connects with the existing sidewalk leading to Bethlehem Pike to confirm a level turning area is proposed.
  - c. The curb ramp located near the drive-thru kiosk should be revised to a Type 2 curb ramp, as opposed to a Type 1A, so that the detectable warning surface (DWS) points in the direction of pedestrian travel.
  - d. Spot elevations should be added to the top corners of all curb ramps, including the curb ramps adjacent to the accessible parking space and near the southeast corner of the building, to confirm the requirements of these sections are met.
6. ICC §502.5 – A spot elevation should be added to the northwest corner of the proposed accessible parking space to confirm the surface slopes are not steeper than 1:48.
  7. ICC §502.7 – The Reserve Parking Sign detail located on the Site Details, Sheet 4, should be revised to indicate the van accessible sign will be set a minimum of 60 inches from the bottom of the sign to finished grade of the parking space.
  8. ICC §705.5 – The plan proposes the use of DWSs at the proposed curb ramps. A detail for the proposed DWSs should be added to the plan in accordance with the requirements of this section.
  9. We recommend the curb ramps be numbered for identification purposes.
  10. We recommend a crosswalk be provided across the drive-thru lane between the curb ramps located at the southern end of the site.
  11. A note should be added to the plan stating all improvements will comply with PA UCC Standards.

Please note that due to the nature of revisions that will be made to the plans, additional comments may be forthcoming during future plan reviews. Also, in order to help expedite the review process of the plan resubmission, 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.

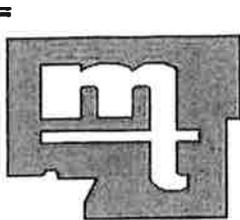
Sincerely,



Vincent J. Esposito, P.E.  
Accessibility Inspector/Plans Examiner, Certification #06133  
Gilmore & Associates, Inc.

VJE/sl

cc: Carolyn McCreary, Manager – Montgomery Township  
Marianne McConnell, Deputy Zoning Officer – Montgomery Township  
Mary Gambino, Project Coordinator – Montgomery Township  
Montgomery Township Department of Fire Services  
Sean Kilkenny, Esq., Solicitor – Kilkenny Law  
Hilary J. O'Connor – KIR Montgomery 049 LLC c/o Kimco Realty Corporation  
Sara Craven – Krispy Kreme Donut Corporation  
Lissette Gonzalez – Krispy Kreme Donut Corporation  
Paul Hughes, P.E. – Kimley-Horn and Associates, Inc.  
Matthew Shinton, P.E. – Kimley-Horn and Associates, Inc.  
James P. Dougherty, P.E. – Gilmore & Associates, inc.



**MONTGOMERY TOWNSHIP**  
**DEPARTMENT OF FIRE SERVICES**  
1001 STUMP ROAD  
MONTGOMERYVILLE, PA 1 18936-9605  
Telephone: 215-393-6935 • Fax: 215-699-1560  
email: rlesniak@montgomerytp.org  
www.montgomerytp.org

**William Wiegman**  
DIRECTOR OF FIRE SERVICES  
FIRE MARSHAL  
EMERGENCY MANAGEMENT  
COORDINATOR

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

March 15, 2021

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

Re: Krispy Kreme Donut Corporation

Dear Bruce:

Thank you for allowing the Fire Marshal's Office to comment on the proposed land development plans of the: Krispy Kreme Donut Corporation.

Using the 2015 edition of the International Fire Code for guidance, the Fire Marshal's Office offers the following comments:

1. **503.2.3 Surface.** Fire apparatus access roads 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.  
**Comment: The applicant proposes to install a seepage bed. The bed should be designed to support the imposed loads of our fire apparatus. Design calculations shall be submitted to the Township Engineer for review and approval.**
2. **503.2.4 Turning radius.** The required turning radius of a fire apparatus access road shall be determined by the *fire code official*. **Comment: Shall provide truck turning template of MTFD ladder truck maneuvering around building.**
3. **503.2.2 Authority.** The *fire code official* shall have the authority to require or permit modifications to the required access widths where they are inadequate for fire or rescue operations or where necessary to meet the public safety objectives of the jurisdiction. **Comment: Shall provide a minimum of 26 feet around building for emergency access.**
4. **503.3 Marking.** Where required by the *fire code official*, *approved* signs or other *approved* notices or markings that include the words NO PARKING – FIRE LANE shall be provided for fire apparatus access roads to identify such roads or prohibit the obstruction thereof. The means by which fire lanes are designated shall be maintained in a clean and legible condition at all times and be replaced or repaired when necessary to provide adequate visibility. "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.
  - Fire apparatus roads 20 to 26 feet wide (6096 to 7925 mm) shall be posted on both sides as a *fire lane*.

- 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*.
5. **505.1 Address identification.** New and existing buildings shall have *approved* address numbers, building numbers or *approved* building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall be a minimum of 4 inches (101.6 mm) high with a minimum stroke width of 05. Inch (12.7 mm). Where access is by means of a private road and the building cannot be viewed from the *public way*, a monument, pole or other sign or means shall be used to identify the structure.
  6. **C101.1 Scope.** In addition to the requirements of Section 507.5.1 of the International Fire Code, fire hydrants shall be provided in accordance with this appendix for the protection of buildings, or portions of buildings, hereafter constructed or moved into the jurisdiction. **Comment: 1 Fire hydrant shall be provided in the location on attached document.**
  7. **C103.1 Fire hydrants available.** The minimum number of hydrants available to a building shall not be less than that listed in Table C105.1. The number of fire hydrants available to a complex or subdivision shall not be less than that determined by spacing requirements listed in Table C105.1 when applied to fire apparatus access roads and perimeter public streets from which fire operations could be conducted.

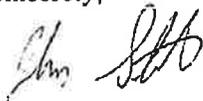
#### GENERAL COMMENTS

8. Any gas services that are accessible/vulnerable to vehicular traffic SHALL have approved vehicle impact protection installed.
9. 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.
10. Fire Department key boxes (Knox Box) SHALL be provided on buildings at an approved location. Knox Box forms are available through the Fire Marshals or Code Enforcement Office.
11. 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.

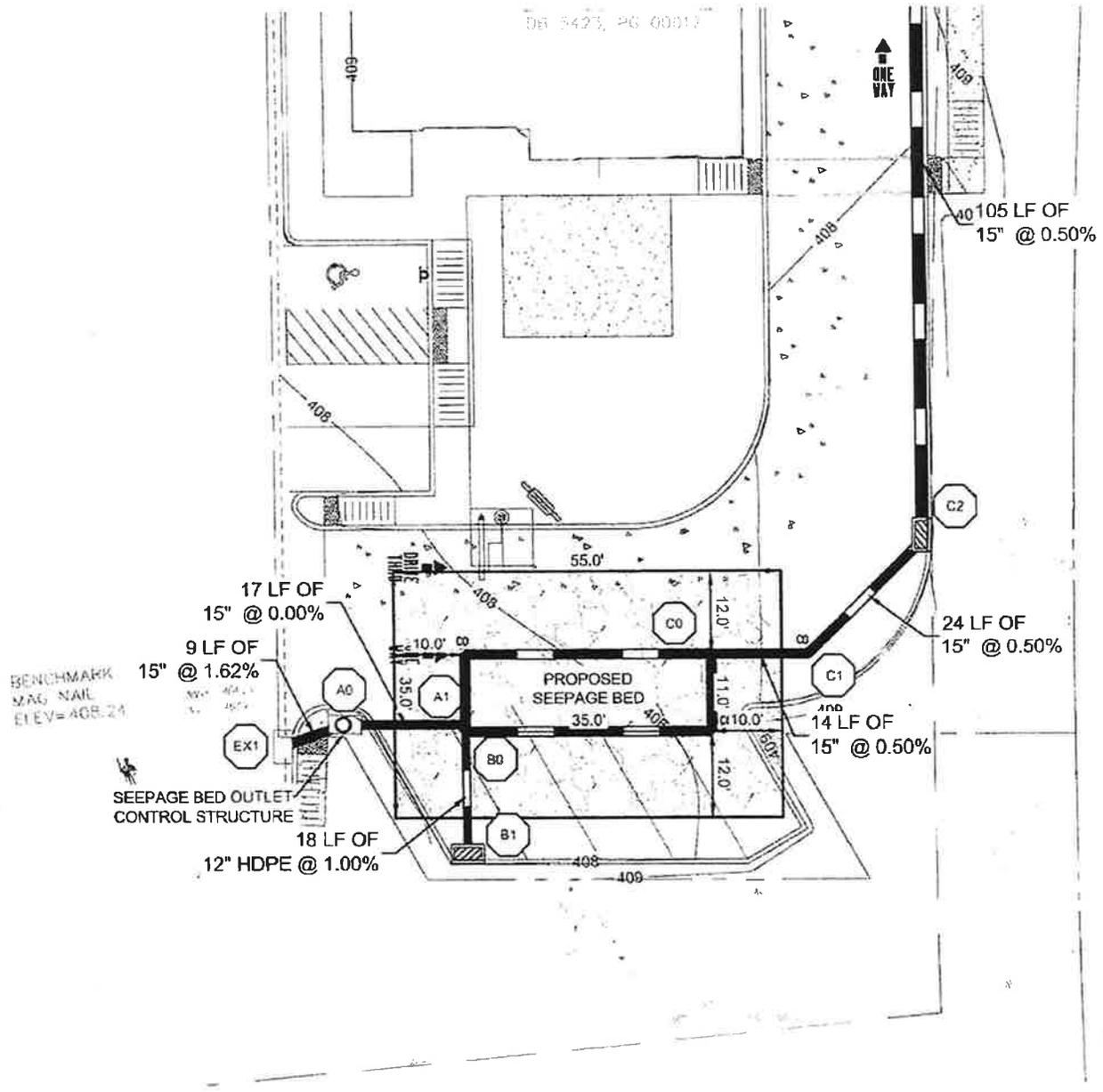
The Fire Marshal's Office recommends that the proposed plans need to be revised and reviewed by the Fire Marshal prior to the development being approved.

Should you have any questions or need additional information, please do not hesitate to contact me.

Sincerely,



John Scheiter  
Captain/Asst. Fire Marshal





=



**MONTGOMERY TOWNSHIP  
DEPARTMENT OF FIRE SERVICES  
1001 STUMP ROAD  
MONTGOMERYVILLE, PA 1 18936-9605**  
Telephone: 215-393-6935 • Fax: 215-699-1560  
email: rlesniak@montgomerytp.org  
www.montgomerytp.org

**William Wiegman**  
DIRECTOR OF FIRE SERVICES  
FIRE MARSHAL  
EMERGENCY MANAGEMENT  
COORDINATOR

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

July 14, 2021

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

Re: Krispy Kreme Donut Corporation

Dear Bruce:

Thank you for allowing the Fire Marshal's Office to comment on the proposed construction of: Krispy Kreme Donut Corporation.

The Fire Marshal's Office recommends that the proposed land development be approved as submitted.

Should you have any questions or need additional information, please do not hesitate to contact me.

Sincerely,

Reviewed by:  
Captain/Asst. Fire Marshal John Scheiter



## 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: Bruce S. Shoupe  
Director of Planning and Code Enforcement

From: J. Scott Bendig, Chief of Police 

Date: April 26, 2021

Re: Land Development #714  
Krispy Kreme Donuts

---

A review of the above-referenced land development was conducted on this date. An issue of concern still exists surrounding the proximity between the traffic way and the proposed menu and order point. Should there be a delay in a customer's ability to order at the menu and order point, a potential exists for additional customers to queue behind the waiting vehicle, blocking the shopping center traffic way and adjacent concrete walkway. Thank you for the opportunity to review this subdivision/land development. Please contact me if you have any issues\_or concerns.

**MONTGOMERY COUNTY  
BOARD OF COMMISSIONERS**

VALERIE A. ARKOOSH, MD, MPH, CHAIR  
KENNETH E. LAWRENCE, JR., VICE CHAIR  
JOSEPH C. GALE, 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

SCOTT FRANCE, AICP  
EXECUTIVE DIRECTOR

March 15, 2021

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

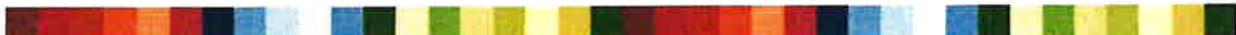
Re: MCPC #21-0057-001  
Plan Name: Krispy Kreme Donut Corporation  
(1 lot, approx. 0.62 acres)  
Situate: 1281 Knapp Road, near Bethlehem Pike  
Montgomery Township

Dear Mr. Shoupe:

We have reviewed the above-referenced land development plan in accordance with Section 502 of Act 247, "The Pennsylvania Municipalities Planning Code," as you requested on February 22, 2021. We forward this letter as a report of our review.

## BACKGROUND

The applicant, Krispy Kreme Donut Corporation, proposes to demolish an existing 5,762 square foot full-service restaurant building and construct a new 4,011 square foot fast food restaurant with associated drive-through service, outdoor patio, and parking on a pad site in the eastern corner of the Montgomery Square Shopping Center at the intersection of Bethlehem Pike (PA Route 309) and Knapp Road. Additional utilities, landscape, and stormwater management facilities will also be installed; the stormwater management facilities are stated to comply with Montgomery Township code. This site is in the ECPOD (Expressway Corridor Preservation Overlay District), which permits fast-food restaurant uses in buildings under 5,000 square feet by right. A trip generation statement performed by Kimley-Horn, the applicant's engineer, dated December 8, 2020, acknowledges that more traffic will be generated by the proposed drive-through restaurant than the sit-down restaurant it is replacing, though not by enough in a peak hour or over an entire day to merit a complete traffic study. In addition, the statement says that if additional queuing space was needed for the restaurant beyond the eight drive-through spaces provided, it would occur within the larger shopping center and not on public roadways. A special exception permitting outdoor dining and a variance for a driveway within a yard setback were previously granted by the Township.



## COMPREHENSIVE PLAN COMPLIANCE

Montgomery Township's ECPOD covers three different zoning classifications: predominantly LI and R2, with a small sliver of C land area included near Welsh Road. Montgomery Township's *2008 Comprehensive Plan Update Vision Plan* identifies Montgomery Square Shopping Center as a commercial area, and notes that Special Area B on the other side of Route 309 from this development should limit driveway connections to Route 309. We believe that this proposal is generally compatible with the township's vision plan.

It should be noted that Montgomery Township's 2015 Bicycle/Pedestrian Network Prioritized Implementation Plan map indicates that sidewalk is present along the southbound side of Bethlehem Pike, including across Knapp Road.

Montgomery County's comprehensive plan, *Montco 2040: A Shared Vision*, identifies this area as part of the Montgomeryville mixed-use center around the Route 202 and Route 309 intersection. This project is compatible with *Montco 2040*.

## RECOMMENDATION

The Montgomery County Planning Commission (MCPC) generally supports the applicant's proposal, however, in the course of our review we have identified the following issues that the applicant and municipality may wish to consider prior to final plan approval. Our comments are as follows.

## REVIEW COMMENTS

### VEHICULAR FLOW

It is unclear from the site plan how vehicles should exit the site after visiting the drive-through window; whether they should make a left at the edge of the building and proceed back out to the shopping center parking lot, or continue straight into the secondary drive aisle leading out to Route 309. The applicant should consider a sign post in the grass area near the trash enclosure to direct drivers in proper egress of the site.

### PEDESTRIAN FLOW

We commend the applicant for re-installing a pedestrian connection from the sidewalk along Bethlehem Pike across the drive-through aisle (with appropriate ramps) to the restaurant building. While this sidewalk covers the frontage of the Montgomery Square Shopping Center, and while an existing curb ramp is located at the corner of Knapp Road and Bethlehem Pike, the curb ramp is not built to current ADA standards, and there are "no pedestrian crossing" signs posted along Knapp Road, which is counter to the township's published 2015 Bicycle/Pedestrian Network map. The Township should consider this opportunity of site work taking place on the Krispy Kreme site to work with the applicant to install updated ADA curb ramps at the corner of Bethlehem Pike and Knapp Road as part of larger efforts to improve pedestrian connectivity. The Township may have to discuss the eventual installation of pedestrian crossing signal infrastructure along Bethlehem Pike across Knapp Road, but the updated ADA ramp should be installed first.

## CONCLUSION

We wish to reiterate that MCPC generally supports the applicant's proposal, but we believe that our suggested revisions will better achieve Montgomery Township's planning objectives for this property.

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. Please print the assigned MCPC number (#21-0057-001) on any plans submitted for final recording.

Sincerely,



Matthew Popek, AICP  
Assistant Section Chief - Transportation Planning  
[mpopek@montcopa.org](mailto:mpopek@montcopa.org) - 610-278-3730

c: Krispy Kreme Donut Corporation, Applicant  
Paul Hughes of Kimley-Horn, Applicant's Representative  
Carolyn McCreary, Twp. Manager  
Jay Glickman, Chrm., Twp. Planning Commission

Attachments: (1) Site Plan  
(2) Aerial



*Aerial – Krispy Kreme Donuts, Montgomery Township*



**Krispy Kreme Donut Corporation**  
MCPC #210057001

Montgomery  
County  
Planning

Commission

Montgomery County Planning Commission - 11 North Third Street, Suite 100  
P.O. Box 217 • Harrisburg, PA 17104-0217  
p: 717.261.2122 • f: 717.261.2124  
www.montgomeryplanning.com

Aerial photo created by Google Earth Pro



## Planning Commission Meeting Minutes – June 17, 2021

---

**In attendance:** Jim Rall, Frank Davey, Rutuke Patel, Leon McGuire, Dave Fetzer, and Steve Kremenecker. Also in attendance; Rebecca Geiser, Twp Solicitor; Bruce Shoupe and Marianne McConnell.

**Call to Order:** 7:30pm

**Approval of Minutes:** On a motion made by Frank and seconded by Leon, the minutes from the May 2021 meeting were approved as submitted.

On a motion made by Tom Borghetti and seconded by Frank Davey, the Planning Commission recommends the Board of Supervisors approve the Minor Subdivision application as presented subject to compliance with the Township Staff recommendations and Consultant Review letters. All members were in favor.

***Krispy Kreme Donut Corp. / 1201-1281 Knapp Road LDS #714*** – Amy Farrell, applicant's attorney, presented the proposed project to the Planning Commission members. The applicant, Krispy Kreme Donut Corp., proposes to demolish the existing 5,762 square foot building (former Applebee's) and 14 existing parking spaces to construct a new 4,011 square foot drive-through fast food facility, 480 square foot outdoor dining area, and 8 parking spaces within the 6,535 square foot lease area. The applicant indicated that the current plans will be revised to per the comments noted in the May 14, 2021 letter from the Township Engineer. The Fire Marshall has confirmed that the plan conforms with the access requirements for the Township's fire truck. The applicant discussed the proposed crosswalk for parking spaces placed on other side of drive-through lane, the trash enclosure area, and the tree replacements. Buffering will be added along the Bethlehem Pike and Knapp Road sides of the lease area.

The applicant presented a Waiver list letter dated May 18, 2021 to the Planning Commission, however, the letter was not updated to reflect changes to items 1 and 2 in regards to parking space sizes and drive aisle widths.

The Commission questioned the drive-through stacking. After 8 cars are in the queue, where do they go? The applicant discussed utilizing the former bank's lane, adding striping, and signage for the overflow, but needed to contact the landlord Kimco).

On a motion made by Frank Davey and seconded by Steve Kremenecker, the Planning Commission recommends the Board of Supervisors approve the Land Development application as presented subject to compliance with the Township Staff recommendations and Consultant Review letters. All members were in favor.

**Adjournment:** There being no further business to come before the Commission and on a motion made by Jim Rall and seconded by Leon McGuire, the meeting adjourned at 8:00 pm. The next meeting will be held at 7:30 pm on July 15, 2021 at the Montgomery Township Building.

**ZONING ORDINANCE  
PLAN REVIEW  
Krispy Kreme – LDS 714**

DATE: August 12, 2021

DEVELOPMENT NAME: Krispy Kreme  
 LOCATION: Bethlehem Pike and Knapp Road  
 LOT NUMBER & SUBDIVISION: Proposed new building  
 ZONING DISTRICT: ECPOD  
 PROPOSED USE: Non-Residential - Restaurant  
 ZONING HEARING BOARD APPROVAL REQUIRED? YES  
 CONDITIONAL USE APPROVAL REQUIRED? NO

	Required	New Building	Conforms	
USE				
HEIGHT	Max 45 ft.	<45	Y	
LOT SIZE	1 AC min.	24.42Ac	Y	
SETBACKS				
Building	100 ft. UROW 35 ft otherwise	124.2 ft 35.8 ft	Y	
BUILDING COVERAGE	Max 40%	18.7% entire lot 16.6% lease area%	Y	
IMPERVIOUS COVERAGE	Max 75%	69.2 Entire Lot 65.8 leased area	Y	
GREEN AREA	Min 25%	30.8% entire lot 34.2% leased area	Y	

ADDITIONAL COMMENTS

  
 ZONING OFFICER  
Zoning Plan Review file

8.12.21  
 DATE

**IN AND BEFORE THE ZONING HEARD BOARD OF  
MONTGOMERY TOWNSHIP  
MONTGOMERY TOWNSHIP, PENNSYLVANIA**

**APPEAL NO. 20100003**

**APPLICATION OF KRISPY KREME DOUGHNUT CORPORATION FOR SPECIAL  
EXCEPTION PURSUANT TO MONTGOMERY TOWNSHIP ZONING ORDINANCE  
§230-156.4 FOR OUTDOOR DINING AND VARIANCE FROM CODE SECTIONS 230-  
205.I (4) AND 230-207.C FOR DRIVEWAY SETBACK RELIEF  
IN THE LI- LIMITED INDUSTRIAL DISTRICT AND ECPOD OVERLAY**

**OPINION AND ORDER**

Pursuant to proper legal advertisement in Montgomery Newspapers on November 4, 2020 and November 10, 2020, a public hearing was held on November 18, 2020 commencing at 8:30 p.m. at the Montgomery Township Administration Building, 1001 Stump Road, Montgomeryville, Pennsylvania.

Present for the Zoning Hearing Board at the hearing were Deborah Grasso, Chairwoman, Larry Poli, Alternate Member, and John Frazzette, Alternate Member. Mary Kay Kelm, Esquire was present as the Solicitor for the Zoning Hearing Board. Amee S. Farrell, Esquire was present as counsel for the applicant. Also present at the hearing were Bruce S. Shoupe, Director of Planning and Zoning for Montgomery Township, and Marianne McConnell, Assistant Director. At the hearing, the Notes of Testimony were taken and transcribed by Tim Kurek, an Official Court Reporter.

**EXHIBITS**

The following documents were marked for admission into evidence as follows:

- A-1 Zoning Application
- A-2 CV of Anthony Caponigro
- A-3 Existing conditions images
- A-4 Site plan

A-5 Zoning plan

B-1 Proof of Publication dated November 4, 2020 and November 10, 2020

B-2 Posting of Hearing Notice dated November 6, 2020

B-3 Notification to Residents dated November 2, 2020

**FINDINGS OF FACT**

1. The subject property is located at 1201-1281 Knapp Road, Montgomery Township, Pennsylvania (the "property"). It is an approximately 24.42 acre parcel developed as the Montgomery Square shopping center, with parking and internal access driveways. It is located in the LI-Limited Industrial District and is subject to the ECPOD overlay. (N.T. p. 5 & *Application*).

2. The applicant is Krispy Kreme Doughnut Corporation, with a business address of 2116 Hawkins Street, Charlotte, NC. The owner is Kimco Realty Corporation of 3333 New Hyde Park Road, New Hyde Park, NY. Applicant is expressly authorized by the owner to proceed with this application. (N.T., p. 4).

3. The portion of the property subject to this application was formerly an Applebee's restaurant. Applicant proposes to demolish the building that housed the Applebee's restaurant and construct a Krispy Kreme Doughnut facility with a drive through and outdoor seating area in its place. (N.T., p. 5).

4. The drive through use is permitted in the limited industrial zoning district provided that the total square footage of the restaurant, including the outdoor seating area, is less than five thousand square feet. (N.T., p. 6, 9).

5. The applicant presented the testimony of Anthony Caponigro in support of the requested relief. Mr. Caponigro was qualified as an expert in civil engineering. (N.T., p. 7).

6. Applicant proposes to construct a 4,101 square foot restaurant with a 480 square foot outdoor dining patio. (N.T., p. 9).

7. Applicant does not propose changes to the exits or entrances to the site not to the overall circulation to and through the site. (N.T., p. 8).

8. Applicant requests a special exception pursuant to Section 230-156.4 of the Code of Montgomery Township to permit outdoor dining. (N.T., p. 6).

9. The outdoor dining space is located in a manner that does not impede sidewalks, green areas, or parking areas. It has been counted towards the parking requirements. (N.T., p. 9-10).

10. The applicant's expert witness opined that the requested relief satisfied all of the criteria necessary for the grant of a special exception for outdoor dining. (N.T., p. 10).

11. Along the eastern portion of the site, which is bounded by Route 309 (Bethlehem Pike), the curb line will be set back 25 feet from the right of way, where 35 feet is required by the ECPOD overlay district and 30 feet is required by the retail provisions under that overlay. (N.T., p. 10, 12).

12. The existing parking lot that had serviced the Applebee's restaurant was alleged to be nonconforming in that it was 16.2 feet from the right of way. (N.T., p.13).

13. The applicant proposes to extend the curbing on the eastern side of the site back further to connect to a secondary right in/right out drive to Route 309. *Id.*

14. The applicant's expert witness opined that the existing pad site did not allow complying with the 30 or 35 foot setback and still provide safe, efficient circulation for traffic. (N.T., p. 14).

15. Applicant did not propose expanding the size of the building on the site, in fact, it diminished the size by approximately 1,700 square feet. (N.T., p. 15).

16. Applicant offered the testimony of Mr. Matthew Sweeney from Krispy Kreme Doughnut Corporation who testified that the facility was expected to be operational in January of 2022. (N.T., p. 18).

17. No members of the public appeared to question the witnesses or offer public comment on the application. (N.T., p. 20).

### CONCLUSIONS OF LAW

18. The Applicant requested that the ZHB provide the outdoor dining by special exception, and the drive aisle relief by variance.

19. The Zoning Hearing Board has the authority to grant special exceptions and pursuant to §230-185 of the Montgomery Township Zoning Ordinance shall be guided by the following standards:

A. The proposed use is one permitted by special exception.

B. The proposed use is permitted, 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.

C. The proposed use will conform to the regulations applicable according to use and/or district, including but not limited to regulations contained in Article XIX, off-Street Parking and Loading; Article XX, Nonconforming Uses; and Article XXI, Miscellaneous Provisions.

D. Points of vehicular access to the lot are provided at a distance from intersections and other points of access and in number sufficient to prevent undue traffic hazards and obstruction to the movement of traffic.

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

F. 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.

G. 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.

H. The suitability of the property for the proposed use.

I. The proposed use not adversely affect or contradict the Comprehensive Plan of the municipality.

J. The general purpose and intent of this chapter.

K. The Board will be guided by sound subdivision practice, sound land use planning and the preservation and conservation of natural resources.

L. The suitability of the proposed use to the character of the neighborhood and the uses of the surrounding properties.

M. The proposed use will not impair an adequate supply of light and air to adjacent property .

N. The proposed use will not adversely affect the public health, safety or general welfare.

O. The proposed use will not adversely affect transportation or unduly burden water, sewer, school, park or other public facilities.

P. The presence or absence of protestants against the proposed use shall not be dispositive, but the Board may weigh such presence or absence of protestants as evidence of the effect that the proposed use may be deemed to have.

Q. The proposed use shall not overcrowd land or create undue concentration of population or undue intensity of use.

20. Section 910.2 of the Pennsylvania Municipalities Planning Code states that the ZHB shall hear and decide requests for Variances where it is alleged that the provisions of the Zoning Ordinance inflict unnecessary hardship upon the Applicant. 53 P.S. §910.2.

21. In order to grant the Variances, the ZHB must make the following findings where relevant:

(1) that there are unique physical circumstances or conditions, including irregularity ... and that the unnecessary hardship is due to such conditions;

(2) because of such physical circumstances or conditions there is no possibility that the property can be developed in strict conformity with the provisions of the 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 will not alter the essential character of the neighborhood ... nor substantially or permanently impair the appropriate use or development of the property nor be detrimental to the public welfare; and

(5) that the variance will represent the minimum variance that will afford relief.

#### DETERMINATION

22. The Board finds that the proposed special exception for outdoor dining is reasonable, pertains to only a small amount of area of the overall project, and complies with the special exception standards.

23. The Board is persuaded that the applicant did not create the hardship associated with the eastern side of the site, did not enlarge or expand its proposed project from the dimensions of what previously existed, and configured the site in accordance with the safety of the public in mind.

20. The Zoning Hearing Board finds that the parking variance is *de minimis* in nature, and will not hamper the public safety or welfare.

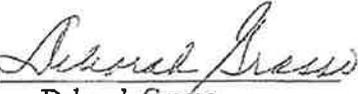
## **ORDER**

AND NOW, this 18<sup>th</sup> day of November, 2020, the Zoning Hearing Board of Montgomery Township grants the following relief to Krispy Kreme Doughnut Corporation as relates to 1201-1281 Knapp Road, Montgomery Township:

1. Special exception pursuant to Montgomery Township Zoning Ordinance Section 230-156.4 to permit outdoor dining; and
2. Variance from Ordinance Sections 230-205.I(4) and 230-207.C to permit a driveway service area with a twenty (20) foot setback from the ultimate right of way where a minimum of 35 feet is required in the ECPOD overlay district and a minimum of 30 feet is required by the Retail Center regulations.

The Special Exception and Variance are granted subject to Applicant's strict compliance with the testimony and evidence offered at the hearing and contained in the Application.

**MONTGOMERY TOWNSHIP  
ZONING HEARING BOARD**

By:   
Deborah Grasso  
Chairwoman

By:   
Larry Poli  
Member

By:   
John Frazzette  
Member

MONTGOMERY TOWNSHIP BOARD OF SUPERVISORS  
**BOARD ACTION SUMMARY**  
Item # 11

---

SUBJECT: Authorization to Advertise Proposed Landscape Ordinance Amendment  
MEETING DATE: August 23, 2021  
BOARD LIAISON: Tanya C. Bamford, Chair  
INITIATED BY: Carolyn McCreary, Township Manager

---

BACKGROUND:

Recent discussions with Township staff and our professionals pointed to the need to update the Township's landscape ordinance. This is due in part to better reflect the current conditions within the Township, provide more flexibility, and meet the Township's performance goals. Staff at Gilmore & Associates worked on the proposed revisions and circulated them to staff to review in advance of tonight's meeting. They have also prepared revisions to the technical specifications used for the Shade Tree Commission and other landscape projects within the township.

Tonight, Judy Stern Goldstein, the Township's Planning Consultant, and a Landscape Architect is here to answer any questions the Board may have concerning the proposed amendment to the ordinance.

RECOMMENDATION:

Staff recommends the Board authorize the advertisement of the proposed ordinance amendment. Once advertised as a pending ordinance intending to be adopted by the Board this will be shared with any applicant considering making a subdivision or land development application.

MOTION/RESOLUTION:

**Motion** to authorize the advertisement of the proposed amendment to the Township's landscape ordinance.

- 1) Motion by: \_\_\_\_\_ Second by: \_\_\_\_\_
- 2) Chair will ask for public comment.
- 3) Chair will call for a vote.



## MEMORANDUM

---

**Date:** June 8, 2021  
REVISED August 17, 2021

**To:** Carolyn McCreary, Township Manager

**From:** Emily Paskewicz, R.L.A., ASLA & Valerie Liggett, R.L.A., ASLA

**Reference:** Landscape Ordinance Draft Revisions

**Attachments:** 01 Definitions DRAFT, 02 Article IV Landscaping DRAFT, 03 Appendix C DRAFT, 04 Table 1 Buffer Requirements DRAFT  
G&A Project No. 20-11063PLN

---

After reviewing and discussing the Township's current landscaping ordinance, we have developed the attached proposed draft landscaping ordinance documents. These proposed revisions are intended to better reflect the current Township conditions that applicants are likely to be facing when they propose developments. The revisions shift the landscaping requirements away from prescriptive calculations for required plantings, to a more performance-based approach. This new approach focuses on the goals of specific types of plantings and encourages good landscape design principles for the site as a whole. It offers more flexibility to combine and double-count certain requirements so that performance goals are met without needlessly overplanting a site. Provided below is a summary of what is proposed to be removed from the landscape ordinance documents and the major revisions for specific documents and sections. Proposed additions to the original ordinance have been highlighted in the attached draft documents.

### Chapter 230 Zoning

#### 01. Chart 1 Accessory Use Setbacks

This section was revised to reference the correct Subdivision and Landscape Ordinance section for screen buffer requirements.

### Chapter 205 Subdivision and Land Development

#### 02. Definitions:

The primary change to the definitions section was the addition of a definition of "Naturalized" to help define this particular type of existing vegetation, particularly for existing tree protection and replacement purposes.

- **Removed "Screen Buffer", "Softening Buffer" and "Open Buffer" Definitions**
  - Reasoning – Buffer requirements have been revised and the types are now defined in the body of the ordinance, these definitions are no longer needed.

#### 03. Article IV Landscaping

- **Table 2 – Screen Buffer Requirements – has been revised to show where both screening and softening buffers are required based on proposed and adjacent land use. This table is now called "Table 1 Softening and Screen Buffer Requirements"**
  - Reasoning – Revisions to this table will allow softening buffers to be used in more locations where a screening buffer would be unnecessary. Requiring buffer types by land use instead of zoning district will better reflect the site-specific needs for buffering without overplanting and reducing visibility.

- **Table 1 – Minimum Planting Requirements – Table has been removed entirely**
  - Reasoning – Because buffers are now proposed to be required by land use instead of zoning district, a table listing minimum planting requirements by zoning district no longer makes sense. Furthermore, the proposed shift to a performance-based standard for landscaping no longer necessitates calculations for minimum planting amounts, as listed in the original table.
- **§205-49.F – Removed references to ANSI A300 Pruning Standards**
  - This reference has been moved to Appendix C: Planting Standards and Guidelines.
- **§205-51. – Removed references to “additional landscaping for shopping centers”, and “individual lot landscaping”**
  - Reasoning – These requirements have been removed as they were often found to cause overplanting and rarely installed as written. Good overall landscape site design can meet these goals without this requirement.
- **§205-52. – Planting Requirements – Removed reference to “individual lot landscaping”**
  - Reasoning – These requirements have been removed as they were often found to cause overplanting and rarely installed as written. Good overall landscape site design can meet these goals without this requirement.
- **§205-52.A. Street Trees**

A section under Street Trees titled “Street Tree Types and Spacing” has been added to reflect the distinction between shade street trees and small street trees. Information from (3) Location has been rearranged to reflect this change. (5) has been added to allow for the combining and double counting of street trees where they overlap with space that is needed to fulfill other planting requirements.
- **§205-52.B. Softening Buffers**

This section has been re-written and expanded upon through the additions of an intent paragraph and performance standards. Locations where softening buffers are required are now clarified in the revised Table 1, which covers softening and screening buffers. Language has been added to allow for the combining and double counting of softening buffer plantings where they overlap with space that is needed to fulfill other planting requirements.
- **§205-52.C. Screen Buffer**

The screen buffer section has been revised to add an intent section and “(4) Screen Buffer size and Type” has been replaced with a performance standard section requiring an 100% visual screen within 8 years of planting. Locations where screen buffers are required are clarified in the revised Table 1, which also covers softening buffers. Language has been added to allow for the combining and double counting of screen buffer plantings where they overlap with space that is needed to fulfill planting requirements.
- **§205-52.C.(3)(c ) Removed “ a screen buffer may be required adjacent to the front yard or street right-of-way if a residential district is the adjacent land use.”**
  - Reasoning – In practice, screen buffers often caused these locations to be overplanted and to limit visibility. Furthermore, the revised table 1 spells out screen buffer requirements and the Board of Supervisors is able to require screen buffers in these locations, if they deem it necessary.
- **§205-52. D. Parking Area Landscaping**

The parking area landscaping section has been revised along with the removal of the original “Table 1” and all references to “Table 1” in this section to reflect a less prescriptive approach to the requirements. Definition and intent sections have been added to describe the goals of parking area landscaping. Language has been added to allow for the combining and double counting of parking area plantings where they overlap with space that is needed to fulfill planting requirements. Language has been added to require that parking area trees provide some degree of shade to every space in the lot within 5 years of planting; the new performance standard also alters the requirements for a “continuous low hedge” around parking areas to require shrubs that will fully screen headlight glare within two years of planting, in areas where parking is within 100’ of a street or adjacent to a residential area.

- **§205-52. D.(1)(d). Removed the requirement for curbing around all planted islands from this requirement**
  - Reasoning – To allow for more flexibility when designing parking lots to accommodate stormwater management BMPs. This was also the only place in the ordinance that required curbing for parking islands.
- **§205-52. D.(1)(e). Removed the requirement to provide one shade tree for every 290 sq. feet of planting island**
  - Reasoning – Removed to allow for a less prescriptive and more flexible, performance-based approach to parking area landscaping.
- **§205-52. D.(1)(g). Removed the requirement to provide 4 shade trees and 8 shrubs per 100 linear feet of landscape island**
  - Reasoning – Removed to allow for a less prescriptive and more flexible, performance-based approach to parking area landscaping.
- **§205-52. D.(1)(i). Removed this requirement (“providing one large landscaped area for every 250 proposed parking spaces”) in its entirety**
  - Reasoning – This requirement was rarely installed as written in the ordinance requirements. Removed to allow for a less prescriptive and more flexible, performance-based approach to parking area landscaping.
- **§205-52. E. Additional landscaping for Shopping Centers has been removed in its entirety**
  - Reasoning – This requirement was rarely installed as written on commercial shopping sites that are often already overcrowded. The proposed ordinance instead aims to promote good design through the performance standards and the goals found in other planting requirements.
- **§205-52. F.(4)(a)[1] Reference to “seeded or sodded lawn” removed**
  - Reasoning – To encourage basin naturalization and limit the options for creating a basin with shorter lawn grasses that will require routine mowing.
- **§205-52. F.(6) Stormwater Management Facility Perimeter Plantings**

This section has been expanded and revised to reflect the performance-based standards found in the revised ordinance. Requirements have been re-structured to provide definition, intent, location and planting requirements. In place of the original requirements, which specified 1 shade tree and 2 shrubs for each 30 linear feet of stormwater management area, the new requirements ask that applicants use trees and shrubs in naturalized arrangements that will provide coverage for a minimum of half of the stormwater management facility. Language has been added to allow for the combining and double counting of stormwater management facility perimeter plantings where they overlap with space that is needed to fulfill other planting requirements.
- **§205-52. G. Individual Lot Landscaping section has been removed in its entirety**
  - Reasoning – On top of all the other required landscaping, individual lot landscaping was often squeezed in and caused overplanting, if the plants were installed at all. The original “table 1” is also proposed to be removed from the ordinance, removing this requirement.
- **§205-53. B. Tree Protection Fencing**

This section has been revised to expand the definition of which trees should be protected and who can designate, on the Township’s behalf, which trees should be protected.
- **§205-53. C. Tree Preservation Requirements**

This section has been revised and combined with some of the original requirements from §205-54 to make the replacement calculations more straightforward and to better reflect the current existing vegetation conditions within the Township. Existing trees have been separated into naturalized trees and trees that were planted as part of any previous land development requirements. Naturalized trees have stricter replacement requirements which take effect when an applicant removes more than 50% of those that are between 6-48” cal. Replacement requirements are also proposed to take effect if an applicant removes any naturalized trees that are 48” in caliper or larger. All trees that

were planted as part of a previous land development are required to be replaced individually if removed or destroyed.

- **§205-54 This section has been revised to cover calculating replacement for trees destroyed by development.**
  - Reasoning: Replacement requirements are now proposed to be explained in **§205-53**. This calculation for replacement has been revised to reflect the new size categories for existing trees.

#### 04. Appendix C Planting Standards and Guidelines

- **Appendix C §A(1)**
  - This section has been revised to remove the outdated reference to the American Committee on Horticulture Nomenclature and to update ANSI Z60.1 references.
- **Appendix C §A(2)**
  - This section has been revised to include quality standards for balled and burlapped and containerized plant material. Nursery-grown plant requirement moved to §A(4).
- **Appendix C §A(3)**
  - This section has been revised to update the American Standard for Nursery Stock reference. Average of minimum sizes requirement moved to §A(1).
- **Appendix C §A(4)**
  - This section has been revised to move precautions to §A(7). Nursery-grown plant requirement moved to this section.
- **Appendix C §A(5)**
  - Soil excavation note removed; this information is now included on the tree planting detail.
  - Pruning requirements moved to this section.
- **Appendix C §A(6)**
  - Planting depth requirement removed; this information is now included on the tree planting detail.
  - Substitution request requirement added to this section.
- **Appendix C §A(7)**
  - Pruning requirements moved to §A(5); preparation of plants moved to this section.
- **Appendix C §A(8)**
  - Revised to specify that undyed mulch is to be used.
- **Appendix C §A(9)**
  - Revised to indicate that tree staking is not required and recommended only where site or tree conditions are such that the tree could be unstable.
- **Appendix C §A(11)**
  - Revised to specify that the guarantee period begins upon acceptance by the Board of Supervisors. Subsections condensed to one section.
- **Appendix C §A(12)**
  - Revised to permit the use of tree wrap for the prevention of sun scald and frost cracks. Requires tree wrap to be biodegradable and to be removed by the end of the maintenance period.
- **Appendix C – Planting Details**
  - Revised to update tree and shrub planting details.

## Zoning Ordinance Chapter 230

### CHART 1 ACCESSORY USE SETBACKS

#### Note 2:

These setbacks apply to in-ground and aboveground pools only which are screened by a screen buffer, as outlined in § 205-52.C of Chapter 205, of the Township's Subdivision Ordinance, or by a five- to six-foot opaque fence. See § 230-149B(1)(b) of the Township's Zoning Ordinance for details and regulations for in-ground pools which do not meet these requirements and for aboveground pools.

## ARTICLE II DEFINITIONS

### **BUFFER**

An area designed and functioning to separate the elements and uses of land which abut it and to ease the transition between them. Unless otherwise specified, buffers may be included as part of the required setbacks and yard areas.

### **NATURALIZED**

Naturalized refers to trees or shrubs that are naturally occurring on a site or that were not planted as part of any previous land development requirements.

## **ARTICLE VI LANDSCAPING**

### **§205-48. Intent.**

The intent of these regulations is to promote practical community development by reducing erosion and sedimentation and stimulating groundwater recharge, to reduce glare and heat pollution, to stimulate air purification and oxygen regeneration, to provide for noise abatement, to assist in vehicular and pedestrian control, to maintain the Township's natural amenities, and to provide for the harmonious development of contiguous properties in different zoning districts by providing certain minimum landscaping requirements for all future subdivisions and land developments.

### **§205-49. General Requirements.**

- A. The standards of design of this article should be used to evaluate the adequacy of subdivision or land development proposals. Where, in the opinion of the Township Landscape Architect, the literal application of these standards in certain cases would cause undue hardship or be plainly unreasonable, the Township Landscape Architect, Township Shade Tree Commission, or Township Engineer may recommend to the Board of Supervisors such reasonable exceptions as will not be contrary to the public interest. The Board of Supervisors may modify or adjust the standards to permit reasonable utilization of property while securing substantial conformance with the objectives of the regulations.
- B. The standards included in these regulations are minimum design requirements. The Board of Supervisors reserve the right, in any case, to request that the requirements listed herein exceed these standards if conditions so warrant.
- C. It is required that all landscape plans be prepared by a landscape architect registered by the Commonwealth of Pennsylvania and familiar with this Landscape Article in order to promote the proper use and arrangement of plant materials. These plans shall be reviewed by appropriate Township staff members and consultants and approved by the Township Board of Supervisors.
- D. (Reserved)
- E. All plant material shall conform to the latest version of the American Standard for Nursery Stock (ANSI Z60.1), and the height, spread and/or caliper requirements for trees and shrubs listed in § 205-56, Recommended Plant List. A note shall be added to the landscape plan stating this.
- F. All plant material shall be installed in accordance with the standards outlined in Appendix C of this chapter. Notes and details demonstrating compliance with the requirements of Appendix C must be included on the plans.
- G. Guaranty. All plant material shall be guaranteed for 18 months from the day of final approval of the landscape installation by the Board of Supervisors. 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.
- H. 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.
- I. Nonconforming uses. Whenever there is a nonconforming use, the nonconforming use must comply with the most restrictive landscape requirements for either the land use or the zoning district in which it is located or the zoning district which would normally permit the nonconforming use.

### **§205-50. (Reserved)**

### §205-51. Landscape Plan Requirements

- A. The landscape plan will show the following information:
- (1) Plan scale, date, North arrow and location map with zoning district designations for the site and adjacent properties.
  - (2) Property lines, setback lines, easements and the adjacent zoning district(s).
  - (3) Location of all existing and proposed buildings.
  - (4) Location of all existing and proposed roads, parking, service areas and other paved areas.
  - (5) Location of all outside storage and trash receptacle areas.
  - (6) Location of sidewalks, berms, fences, walls, freestanding signs and the site lighting.
  - (7) 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 four-to-one ratio permitted by § 205-18D(3)(d).
  - (8) Location of existing and proposed underground, surface and above-grade utilities such as utility lines, utility easements, transformers, hydrants, manholes and mechanical equipment.
  - (9) Location, caliper, and common name of existing naturalized individual trees with trunks eight inches in diameter or more, measured at 4 1/2 feet (diameter at breast height - DBH) above the ground. Naturalized trees are those that are naturally occurring on a site or that were not planted as part of any previous land development requirements. Naturalized trees in groves and woodlands with trunk diameters of eight inches in diameter or more may be shown indicating the outer canopy or dripline of the tree grouping. Existing naturalized trees shown as masses must be labeled with an approximate quantity and caliper (refer to § 205-53) as calculated. This information may be shown on the existing features plan.
  - (10) Location, caliper and common name of all trees that were planted as part of a previous land development plan. This information may be shown on the existing features plan.
  - (11) Replacement tree plant schedules using the trees proposed for replacement of existing naturalized trees and/or trees planted for previous land development requirements that were destroyed by development. The schedules shall indicate the botanical and common name, height, spread, caliper, quantity and special remarks for all proposed replacement trees. These schedules may be made a part of the general plant schedule.
  - (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 subject subdivision and/or land development project to meet the minimum article requirements as noted herein shall be included in this schedule. Supplemental plantings proposed in addition to the required plantings are not required to be included. Any plantings not included in the plant schedule shall not be used to meet article requirements for street trees, softening buffers, screen buffers, parking area landscaping, stormwater management facility landscaping, steep slope landscaping, and/or replacement trees.
  - (13) Plans will be drawn to a scale of not less than one inch equals 50 feet and show all existing and proposed contours at a minimum of two-foot intervals.
  - (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 article, including those outlined in Appendix C.
  - (15) Existing natural features such as water bodies, floodplain, wetlands, rock outcroppings, and slopes in excess of 15%.

- (16) Location of all proposed plant species to include trees, shrubs, ground cover, perennials and lawn. All plant material proposed as a part of the subject subdivision and/or land development project to meet the minimum article requirements as noted herein shall be included in this plan. Supplemental plantings that are proposed in addition to the required plantings are not required to be included. Any plantings not included as a part of the landscape plan shall not be used to meet article requirements for street trees, softening buffers, screen buffers, parking area landscaping, stormwater management facility landscaping, steep slope landscaping, and/or replacement trees.
- (17) Information, in the form of notes or specifications, concerning planting and lawn areas. Such information shall specify the quality requirements and material for planting, seeding, sodding, ground cover, mulching and the like.
- (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.
- (19) Limits and details of temporary fencing to be used for protection of existing trees and shrubs during construction.

**§205-52. Planting Requirements.**

Street trees, softening buffers, screen buffers, parking area landscaping, stormwater management facility landscaping, and other landscaping shall be provided according to the standards listed under § 205-49, General requirements, and the following specific planting requirements:

A. Street Trees.

- (1) When required. Street trees shall be required for any subdivision or land development where suitable street trees do not exist as part of the design and construction of:
  - (a) New streets.
  - (b) Existing streets when they abut or lie within the subdivision or land development.
  - (c) Access and/or private driveways to residential developments serving four or more dwelling units.
- (2) **Street Tree Types and Spacing.**
  - a. Street tree types shall be selected and coordinated to provide adequate separation from overhead and underground utilities, to provide a cohesive street tree frontage that does not interfere with proposed or existing features, to provide adequate visibility to the site, and to fit well spatially.
  - b. **Shade Street Trees**
    - [1] Shade street trees shall be provided in accordance with the requirements of SLDO § 205-56.A.
    - [2] Shade street trees shall be spaced to permit the healthy growth of each tree, but shall not be spaced closer than 40 feet on center nor farther than 60 feet on center for each side of the street.
  - c. **Small Street Trees**
    - [1] Small street trees shall be used where overhead utility lines are present and where site layout, site density or good design practice necessitates the use of small street trees, in accordance with the requirements of SLDO 205-56.B.
    - [2] Small street trees shall be located at a distance where the mature size of the proposed tree species will not interfere with the overhead utility lines.

[3] Small street trees shall be provided at a ratio of two (2) small street trees for each required Shade Street Tree, at a minimum spacing of 30' on center.

d. Existing Trees

Where existing trees over 2 1/2 inches in caliper as measured at DBH (or 4 1/2 feet above ground level) are located within 10 feet of the legal or ultimate right-of-way, whichever is greater, they may be counted toward the street tree requirement.

e. Informal Street Tree Arrangements

Where appropriate, street trees may be planted in informal groupings. If this method of street tree arrangement is selected, the distance between tree groupings or other street trees may not exceed 80 feet and shall be provided in the required quantities for Shade and Small Street Trees as specified above.

(3) Location.

(a) Street trees shall be planted no closer than one foot outside the legal or ultimate street right-of-way, whichever is greater.

(b) Shade street trees shall be planted no closer than six feet to any public sidewalk or roadway, or 10 to 12 feet from any public sidewalk or roadway, as specified by species in SLDO § 205-56.A(1) and (2). Where Small Street Trees are to be planted in accordance with this section, they shall be planted no closer than five feet to any public sidewalk or roadway.

(c) At intersections, trees shall be located no closer than 50 feet to the intersection of the curb.

(4) Street trees shall be a species listed in § 205-56.A or § 205-56.B.

(5) Where the location of required street trees overlaps with the locations for required softening buffer, parking lot or stormwater management facility landscaping, the required street trees may be used to count toward those landscape requirements.

B. Softening Buffers

(1) Definition. A "softening buffer" is a mixed perimeter landscape planting intended to provide an informal separation between neighboring developments. It is not intended to be an impenetrable screen.

(2) Intent. Softening buffers shall be landscaped to "soften" and aesthetically enhance the boundary between dissimilar land uses. They shall be designed to provide light visual screening as well as light and noise abatement between dissimilar land uses. A softening buffer should work in tandem with any street trees, parking area landscaping, and stormwater management facility landscaping that may be required adjacent to the buffer. A softening buffer and any adjacent planting requirements should be designed together to maximize plant health, aesthetic appeal, and functional requirements without reducing visibility to the site or overplanting the site.

(a) The buffer area shall be used for no purpose other than the planting of trees, shrubs and lawn to meet planting requirements and shall be maintained and kept clean of debris, rubbish, noxious weeds and invasive species.

(3) Location. Softening buffers shall be aligned adjacent and parallel to the property perimeter adjacent to dissimilar land uses as indicated in Table 1, including rights-of-way, but may be sited on any position of the property if permitted by the Board of Supervisors. Plant material used in the softening buffer shall be located within 20 feet of the property line or within 20 feet of the legal or ultimate right-of-way lines, whichever is farther from the street center line, and may be grouped informally.

- (a) A softening buffer is not required where a screen buffer is provided.
- (b) Softening Buffers may be required in locations and along land uses that are not listed at Table 1 at the discretion of the Board of Supervisors.
- (c) Where softening buffer landscaping is located adjacent to parking area plantings or stormwater facility perimeter plantings, trees and shrubs for one requirement may be used, where appropriate, to count towards multiple requirements so long as the design and functionality of the plantings meet the intent of all landscape requirements.
- (d) Where softening buffers are required along an existing or proposed street right-of-way where street trees exist or are proposed, only softening buffer shrubs shall be required.

(4) Performance Standards

- (a) Existing vegetation should be maintained in buffer and yard areas and may be used to meet, or partially meet, softening buffer requirements. However, any existing vegetation proposed to be used to meet or partially meet buffer requirements shall be free of noxious weeds and invasive species. If the existing vegetation contains noxious weeds and/or invasive species, these plants shall be removed and eradicated prior to the acceptance of such areas for the start of maintenance.
- (b) Within the buffer area, no slopes shall be steeper than one foot in height for each four feet in width (slope of 25%).
- (c) Softening buffers may include a wall or fence that meets the standards outlined in §230-148, Fences and walls, of the Montgomery Township Zoning Code. Any wall or fence shall be constructed in such a manner that it will not conflict with sight lines or conflict with the character of the abutting land use.
- (d) Softening buffers should be planted with a mix of shade trees, ornamental trees and shrubs with evergreen trees added into planting arrangements as deemed necessary or desired. Softening buffers shall be landscaped to provide visual screening, light and noise abatement, and safety barriers between dissimilar land uses and zoning districts.
- (e) All softening buffer landscaping shall be planted in such a way to create a 50% visual screen within 5 years of planting.
- (f) Plant materials used in softening buffers shall meet the minimum size requirements for plant material as provided in SLDO § 205-56 Recommended Plant List.
- (g) Not more than 20% of plants shall be evergreen.
- (h) (Reserved)
- (i) Refer to § 205-56 for recommended plant material.

C. Screen Buffers.

- (1) Definition. A "screen buffer" is a predominantly evergreen perimeter landscape planting intended to provide a formal visual separation between neighboring developments.
- (2) Intent. A "screen buffer" is intended to be an impenetrable visual screen. However, it is not intended to be a monocultural planting. A variety of evergreen tree species in conjunction with deciduous and/or evergreen shrubs should be utilized to provide complete screening and aesthetic variety and appeal. Screen buffer landscaping should work in tandem with any street trees, parking area landscaping, and stormwater management facility perimeter landscaping that may be required adjacent to the buffer. Screen buffers and any adjacent planting requirements should be designed together to

maximize screening, shade, plant health, aesthetic appeal, and functional requirements without overplanting.

- (3) When required.
    - (a) Refer to Table 1 for requirements for each land use.
    - (b) Screening Buffers may be required in locations and along land uses that are not listed at Table 1 at the discretion of the Board of Supervisors.
    - (c) In addition, 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 [§ 205-52C(4)(a) and (b)below].
  - (4) Location.
    - (a) The screen buffer is to provide a visual barrier between adjacent land uses. The screen buffer shall be aligned adjacent and parallel to side and rear property lines and/or may be sited in any position on the property if permitted by the Board of Supervisors.
    - (b) Screen buffers shall be located within 20 feet of the property lines or within 20 feet of the legal or ultimate right-of-way lines, whichever is farther from the street center line.
    - (c) The screen buffer shall be arranged to provide clear-sight triangles at street intersections and shall not obstruct sight distance requirements of the Township. The screen planting shall be continuous and shall be broken only at points of vehicular or pedestrian access.
  - (5) Performance Standards
    - (a) Trees used for screen buffers shall be composed of 100% evergreen varieties. Shrubs may be a combination of evergreen and deciduous varieties. The required plant material shall be so arranged as to provide a 100% visual screen within 8 years of planting. Where the screen buffer planting requires more than 50 trees, no more than 1/3 of these trees will be of a single variety.
    - (b) Where space is limited or there are other site constraints, walls, fences and/or earth berms may be used in combination with plant material subject to the approval of the Board of Supervisors and in conformance with § 230-148, Fences and Walls, of the Zoning Ordinance.
    - (c) Where screen buffers are required adjacent to parking areas or stormwater management facility landscaping, plantings from the other requirements may be used to count towards the screen buffer requirements as long they meet the intent of both requirements.
- D. Parking Area Landscaping.
- (1) **Definition:** Parking area landscaping includes shade and ornamental trees and shrubs installed around and within off-street parking areas including planting islands, divider islands, and around the parking lot perimeter.
  - (2) **Intent:** The primary goal of parking area landscaping is to provide shade and mitigate heat within parking areas through the planting of shade and ornamental trees. The secondary goal of parking area landscaping is to provide shrub groupings to soften, beautify, and visually break up parking area paving, while providing screening and protection from headlight glare, where needed. Parking area landscaping should work in tandem with any street trees, softening buffers, parking area landscaping, and stormwater management facility perimeter landscaping that may be required adjacent to the parking area. Parking area landscaping and any adjacent planting requirements should be designed together to

maximize shade, plant health, aesthetic appeal, and functional requirements without reducing visibility, or overplanting.

**(3) Location & Plantings:**

- (a) A maximum of 15 parking spaces shall be permitted in a row without a landscape island of 15 feet in width. If required, this island shall contain not less than 290 square feet of planting area.
- (b) Planter islands shall be placed at the end of each row of parking spaces beginning and/or terminating at an internal circulation drive.
- (c) 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. This is four rows of parking at a total width of 80 feet and two aisles at a total width of 44 feet. These divider islands shall be a minimum of 20 feet wide. Entrance driveways shall be 20 feet wide. Snow storage areas shall be provided and planting design shall consider pedestrian circulation.
- (d) (Reserved)
- (e) All aforementioned islands and the perimeter areas surrounding parking lots shall be landscaped with a mix of shade trees, ornamental trees, and shrubs.
- (f) Shade trees should be the primary planting type within parking areas with a goal of providing some degree of shade to every space in the parking area within 5 years of planting.
- (g) Ornamental trees may be used to supplement shade trees in locations where space is limited or where desired for aesthetic affect, so long as they do not account for more than 30% of the total trees provided in the parking area. Ornamental tree shade may be used to count towards the requirement of providing some degree of shade to every space within the parking area within 5 years of planting.
- (h) Shrubs or shrub groupings should be provided within islands and along parking perimeter areas with the intent of softening, beautifying, and visually breaking up the parking areas.
- (i) When parking areas are located within 100 feet of a public street or anytime a parking area for a non-residential use is located adjacent to a residential use, the perimeter of the parking area that is adjacent to the public street or residential use shall be softened by a continuous low hedge around the outside perimeter. The shrubs that create this low hedge shall fully screen the glare from vehicle headlights within two (2) years of planting. Required softening or screening buffer shrubs may be used to meet this requirement if the species are selected and planted in such a manner as to provide full screening from headlight glare, within two (2) years of planting.
- (j) Where parking areas are located adjacent to required street trees, softening or screening buffers, or stormwater management perimeter plantings, the trees used to meet the other requirements may be used to count towards parking area tree requirements as long as the shade requirement is still met.
- (k) Where parking areas are located adjacent to required softening buffers or stormwater management perimeter plantings the shrubs used to meet either of the other requirements may be used to count towards the parking area shrub requirements.

E. Stormwater Management Facility Landscaping.

- (1) Whenever a detention basin or retention pond is provided, such facility shall conform to the requirements set forth in § 205-18.D, Stormwater retention and detention, the standard specifications on file with the Township, and the landscaping requirements of this section.
- (2) The facility shall be so designed that the planting in and adjacent to it shall not have a negative effect on the hydrological function of the facility.
- (3) Drainage ways, detention basins and retention ponds should be aesthetically pleasing and compatible with adjacent land uses. Stormwater Management Best Management Practices (BMPs), creative grading, and innovative stormwater management facility forms are encouraged. Where stormwater management facilities adjoin existing woodlands, it is recommended that plantings be selected to blend with the natural surroundings.
- (4) Basin floors.
  - (a) Floors dry most of the year shall be landscaped in one or a combination of the following:
    - [1] Seeded in low-maintenance wildflowers and meadow grasses.
    - [2] Wildflower sod.
    - [3] All-season ground cover.
  - (b) Basin floors, portions of a floor or channels which are wet most of the year shall be landscaped in one or a combination of the following:
    - [1] Wet habitat grasses and ground covers.
    - [2] Seeded in wildflower mix for wet areas.
- (5) Stormwater management facility slopes. Slopes shall be seeded in PennDOT Formula "L" modified seed mix or an appropriate naturalized seed mix.
- (6) Stormwater management facility perimeter plantings.
  - (a) Definition: Plantings placed around stormwater management facilities such as retention ponds, detention basins, rain gardens or drainage ways which provide naturalization and aesthetic enhancement without impeding the function of the facility.
  - (b) Intent: Stormwater Management Facility perimeter landscaping is not intended to screen a proposed stormwater management facility. Rather, it is intended to fulfill stormwater management BMP functional requirements while allowing the facility to blend with its natural surroundings and providing aesthetic, habitat, and stormwater benefits to the site. Plantings should be placed around all above ground stormwater facilities with the goals of naturalization, providing aesthetic enhancement, and enhancing wildlife habitat without impeding hydrological function of the facility in any way. Stormwater management facility perimeter landscaping should work in tandem with any required street trees, softening buffers, and/or parking area landscaping that may be required adjacent to the stormwater facility. Stormwater management facility landscaping and any adjacent planting requirements should be designed together to maximize plant health, aesthetic appeal, and functional requirements without reducing visibility, where needed, or overplanting.
  - (c) Location: Trees and shrub groupings shall be installed around the perimeter of the stormwater facility. No tree planting shall be placed on the fill area of the berm or on the spillway.
    - 1[1] Where Stormwater Management Facility Perimeter Landscaping is located adjacent to required street trees, parking area plantings and/or

softening buffers, the shade and ornamental trees from these planting requirements may be used to count towards the stormwater management facility perimeter landscaping tree requirements.

2[1] Where Stormwater Management Facility Perimeter Landscaping is located adjacent to required parking area plantings and/or softening buffers, the shrubs from these planting requirements may be used to count towards the stormwater facility management landscaping requirements.

(d) Planting: Trees and shrub groupings shall be planted in such an arrangement around stormwater management facility perimeters as to allow for a naturalizing effect. In order to achieve this a minimum of 50% of the circumference of the facility shall be planted with a mix of trees and shrubs to allow for adequate coverage. Shade, ornamental, and evergreen trees must account for at least 25% of the total stormwater management facility plantings provided. To promote diversity, shade trees may be substituted with ornamental or evergreen trees, where desired.

F. Steep Slope Landscaping.

- (1) When required. Steep slope landscaping includes disturbed areas of the site with slopes in excess of one-foot vertical to six feet, eight inches, horizontal (6.67:1, slope of 15%).
- (2) Sodded lawn. Sodded lawn is required on slopes of 6.67:1 (15%) or greater, except where ground cover plantings have been provided.
- (3) Ground cover plantings.
  - (a) Ground cover plantings are required on slopes of three to one or greater (one-foot vertical to three feet horizontal, 33%).
  - (b) Refer to § 205-56, Recommended plant list, and planting practices for recommended ground covers.
- (4) Supplemental plantings.
  - (a) Supplemental plantings of shrubs, ornamental trees, evergreen trees and shade trees may be planted as a part of steep slope landscaping.
  - (b) Supplemental plantings may be applied toward the replacement tree requirements of § 205-54, except where these plantings are required by other sections of this chapter.

G. Landscaping of other areas. Any area not used for buildings, structures, paved areas, planting beds or screening shall be planted in an all-season ground cover or lawn and other landscape materials in accordance with the landscape plan. Existing vegetative materials shall be preserved wherever possible.

H. Existing vegetation. In cases where preserved natural features existing on site duplicate or essentially duplicate the planting requirements of this chapter, these requirements may be waived or amended by the Board of Supervisors.

**§ 205-53. Preservation and protection of existing trees.**

- A. All subdivisions and land developments shall be laid out in such a manner so as to preserve the healthy trees and shrubs on the site whenever possible.
- B. 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 dripline by changing grade, trenching, stockpiling of building materials or topsoil or the compaction of the soil and roots by any motor vehicle, unless the following regulations are met:

- (1) Every effort should be made to preserve any individual tree or trees of significant size or historical value as determined by the Township Shade Tree Commission, Township Landscape Architect, Montgomery Township Historical Society, or Board of Supervisors.
  - (a) The root area within the dripline of any tree or group of trees may be encroached upon to a maximum of 1/4 of the total root area.
  - (b) Existing trees whose root area (dripline) has been encroached upon by more than 1/4 of the total area will not be considered to be preserved and must be replaced, if they meet the replacement threshold as outlined in § 205-53.C.
  - (c) 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 in accordance with the requirements of §205-53.C

C. Tree Replacement and Preservation Requirements.

- (1) Preservation and Replacement for Naturalized Trees. Naturalized trees are those that are naturally occurring on a site or that were not planted as part of any previous land development requirements.
  - (a) 8-23" Caliper Naturalized Trees.
    - 1[1] Applicants are permitted to remove up to 50% of all 8-23" cal. naturalized trees located on site without replacement, not counting trees located in the legal or ultimate right-of-way, whichever is greater.
    - 2[1] Any trees that are removed beyond 50% of 8-23" cal. naturalized trees on site will require replacement at a rate of one (1) replacement tree for every one (1) tree removed.
  - (b) 23-48" Caliper Naturalized Trees.
    - 1[1] Applicants are permitted to remove up to 50% of all 23-48" cal. naturalized trees located on site without replacement, not counting trees located in the legal or ultimate right-of-way, whichever is greater.
    - 2[1] Any trees that are removed beyond 50% of all 23-48" cal. naturalized trees on site will require replacement at a rate of four (4) replacement trees for every one (1) tree removed.
  - (c) 48" or Greater Caliper Naturalized Trees
    - 1[1] Any 48" or greater cal. naturalized trees that are removed will require replacement at a rate of one (1) replacement tree for each 8" of naturalized tree caliper removed.
- (2) Preservation and Replacement for Trees Planted as Part of Previous Land Development Requirements. These are existing trees on a site that are not naturalized and which were planted to fulfil the landscaping requirements of any previous land development that has occurred on site.
  - (a) All trees removed from the site that were originally planted as part of previous land development requirements shall be required to be replaced individually, at the rate of one (1) replacement tree for every one (1) 1 removed tree.
  - (b) Wherever possible, replacement trees should be installed near the original location of the landscaping being replaced. When a replacement plant is installed near the original location of the plant that it is intended to replace, it may be used to count towards the landscaping requirement that was met by the original plant.
  - (c) Replacement landscaping should be designed in tandem with any required street trees, softening or screen buffers, parking area landscaping, or storm water

management facility landscaping to maximize shade, plant health, aesthetic appeal, and functional requirements without reducing visibility, or overplanting.

- (3) Naturalized trees which are diseased and should be removed for safety or for the protection of other healthy trees, as determined by a certified arborist, may be removed and will not be subject to the requirements for tree preservation or tree replacement if the report of the arborist is submitted to and approved by the Township.
- (4) Tree removal necessary to accommodate public utilities or public facilities to be constructed or installed by the Township or the Township Authority shall be exempt from tree preservation and replacement standards.
- (5) Replacement trees shall meet the following specifications:
  - (a) Deciduous trees shall be a minimum of 2 1/2 inches in caliper.
  - (b) Evergreen trees shall be a minimum of eight feet in height.
  - (c) Ornamental or flowering trees shall be a minimum of eight feet in height.
  - (d) Two flowering trees may be substituted for one deciduous tree, provided that the minimum size of the flowering trees shall be eight feet in height.
  - (e) Ten shrubs may be substituted for one deciduous tree, provided that the minimum size of the shrubs shall be 24 inches for evergreen and 30 inches for deciduous shrubs.
  - (f) Up to 25% of the new trees to be planted may be of the evergreen variety.
  - (g) Trees required to be planted under the replacement/reforestation procedures for naturalized trees shall be in addition to any/all of the trees required by the planting requirements of § 205-52 above.
  - (h) At the discretion of the Township, the required replacement trees may be planted on other lands within the Township.

**§205-54. Calculating replacement for trees destroyed by development.**

- A. (Reserved)
- B. Calculation and estimation of existing trees shall be performed before any clearing commences and shall be performed in the presence of the Township Engineer, Township Shade Tree Commission or Township Landscape Architect and shall be based on the following procedure:
  - (1) Naturalized trees greater than 8 inches, as measured at 4 1/2 feet (DBH) above natural grade, and all existing trees planted as part of previous land development requirements will be documented individually and noted on the landscape plan or existing conditions plan.
  - (2) The quantity of all trees eight inches and over standing in masses of over 20 trees shall be estimated by the following method:
    - (a) Three one-hundred-foot-by-one-hundred-foot-square areas will be staked out in locations acceptable to the owner/developer and the Township Engineer, Township Shade Tree Commission or Township Landscape Architect.
    - (b) The quantity of trees in each area will be counted and the totals averaged to determine the average number of trees per 10,000 square feet of wooded area.
    - (c) This average quantity per area will be used to determine both the quantity of trees being removed and the quantity of trees to remain in large masses.
- C. Calculation and estimation of existing trees remaining after construction shall be performed by the Township Engineer, Township Shade Tree Commission or Township Landscape Architect based on a procedure similar to that noted above.
- D. An estimated quantity of replacement trees for naturalized trees and for trees planted as part of previous land development requirements are required to be shown on the landscape plan or on separate schedules. Refer to § 205-51.

E. (Reserved)

**§205-55. Performance bond.**

- A. 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.
- B. This condition may be satisfied through a land development agreement with sufficient and appropriate financial guaranties suitable to the Board of Supervisors.

**§205-56. Recommended plant list.**

The following is the recommended list of trees, shrubs and ground cover for use in Montgomery Township. 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 listed below, and are not identified by the Pennsylvania Department of Conservation and Natural Resources (DCNR) as invasive. Plants included on the DCNR "watch list" as potentially invasive, and any associated varieties, hybrids, and cultivars of invasive species, will not be permitted. Plants listed below that may be added to DCNR's list of invasive plants after the adoption of this section shall not be permitted. The size requirements listed herein for shade trees, evergreen trees, ornamental trees, deciduous shrubs, evergreen shrubs and ground cover are the minimum acceptable sizes at the time of installation. Size and grading standards for all plants shall conform to those specified by the American Nursery and Landscape Association's American Standard for Nursery Stock, ANSI Z60.1-2014 or latest edition.

- A. **Shade Street Trees:** minimum size of 2.5" caliper, 12 feet to 14 feet in height with a full branching structure. All main branches shall be pruned to a height of six feet above the ground. Street trees shall have a single, straight trunk and unpruned central leader free of codominant stems within the lower half of the crown, and shall be free of disease and mechanical damage. Where appropriate due to proposed and/or existing site conditions, columnar form trees may be used.

- (1) The following street trees shall be located a minimum of six feet from sidewalks and roadways.

- Acer rubrum - Red maple
- Carpinus betulus - European hornbeam
- Cercidiphyllum japonica - Katsuratree
- Gingko biloba - Gingko (Male varieties only)
- Koelreuteria paniculata - Golden raintree
- Liquidambar styraciflua var. 'Rotundiloba' - Seedless sweetgum
- Metasequoia glyptrostroboides - Dawn redwood
- Nyssa sylvatica - Blackgum
- Ostrya virginiana - American hophornbeam
- Quercus acutissima - Sawtooth oak
- Quercus alba - White oak
- Quercus borealis - Northern red oak
- Quercus coccinea - Scarlet oak
- Quercus imbricaria - Shingle oak
- Quercus lyrata - Overcup oak
- Quercus montana - Chestnut oak
- Quercus palustris - Pin oak
- Quercus phellos - Willow oak
- Quercus rubra - Red oak
- Tilia cordata - Littleleaf linden
- Tilia tomentosa - Silver linden

Ulmus spp. - Elm (Dutch elm disease resistant varieties only)

Zelkova serrata - Japanese zelkova

- (2) The following street trees shall be located a minimum of 10 feet to 12 feet from sidewalks and roadways.

Acer saccharum - Sugar maple

Carya glabra - Pignut hickory

Carya ovata - Shagbark hickory

Celtis occidentalis - Hackberry

Cladrastis kentukea – Yellowwood

Fagus grandifolia - American beech

Fagus sylvatica - European beech

Gleditsia triacanthos var. 'inermis' - Thornless honeylocust

Gymnocladus dioicus - Kentucky coffeetree (fruitless forms)

Liriodendron tulipifera - Tulip poplar

Magnolia acuminata - Cucumbertree magnolia

Platanus x acerifolia - London planetree

- B. Small Street Trees: the following trees shall be used when small street trees are required in accordance with SLDO §205-52.A(2)(c). Small street trees shall be a minimum of 1 ½ inches in caliper, 8 feet to 10 feet in height, and shall have a full branching structure. All main branches shall be pruned to a clearance height of five feet above the ground. Small street trees shall have a single, straight trunk and unpruned central leader free of codominant stems within the lower half of the crown, and shall be free of disease and mechanical damage. **Where appropriate due to proposed and/or existing site conditions, columnar form trees may be used.**

Acer campestre - Hedge maple

Acer griseum - Paperbark maple

Carpinus caroliniana – Ironwood

Cercis canadensis - Eastern redbud

Chionanthus virginicus - Fringetree

Cornus florida - Flowering dogwood

Cornus kousa - Kousa dogwood

Cornus mas - Cornelian cherry

Cornus x 'Rutban' - Aurora dogwood

Cotinus coggyria - "Smoke tree"

Crataegus crusgalli var. inermis - Thornless cockspur hawthorn\*

Crataegus phaenopyrum - Washington hawthorn\*

Crataegus viridis 'Winter King' - Winter king hawthorn\*

Malus spp. - 'Adirondack,' 'Prairifire,' or 'Professor Sprenger'\*

Oxydendrum arboreum - Sourwood

Prunus spp. - 'Autumnalis,' 'Kwanzan,' 'Okame,' or 'Yoshino'\*

Syringa reticulata 'Ivory Silk' or 'Summer Snow'

Styrax japonicas - Japanese snowbell

Tilia cordata 'Halka'

\* Other disease-resistant varieties permitted where the average landscape size does not exceed 35 feet in height.

- C. Shade trees: minimum of 2.5" in caliper, 12 feet to 14 feet in height with a full branching structure. All main branches shall be pruned to a height of six feet above the ground. Trees shall have a single, straight trunk and unpruned central leader free of codominant stems within the lower half

of the crown, and shall be free of disease and mechanical damage. All trees shall be located a minimum of six feet from sidewalks and roadways.

*Acer rubrum* - Red maple  
*Acer saccharinum* - Silver maple  
*Acer saccharum* - Sugar maple  
*Carya glabra* - Pignut hickory  
*Carya ovata* - Shagbark hickory  
*Celtis occidentalis* - Hackberry  
*Cercidiphyllum japonica* – Katsuratree  
*Cladrastis kentukea* - Yellowwood  
*Fagus grandifolia* - American beech  
*Fagus sylvatica* - European beech  
*Ginkgo biloba* - Ginkgo (male varieties only)  
*Gleditsia triacanthos* var. 'inermis' - Thornless honeylocust  
*Gymnocladus dioica* - Kentucky coffeetree (fruitless forms)  
*Koelreuteria paniculata* - Golden raintree  
*Liquidambar styraciflua* - Sweetgum, including var. 'Rotundiloba'  
*Liriodendron tulipifera* - Tulip poplar  
*Metasequoia glyptostroboides* - Dawn redwood  
*Nyssa sylvatica* - Blackgum  
*Ostrya virginiana* - American hophornbeam  
*Platanus x acerifolia* - London planetree  
*Quercus acutissima* - Sawtooth oak  
*Quercus alba* - White oak  
*Quercus bicolor* - Swamp white oak  
*Quercus borealis* - Northern red oak  
*Quercus coccinea* - Scarlet oak  
*Quercus falcata* - Southern red oak  
*Quercus imbricaria* - Shingle oak  
*Quercus lyrata* - Overcup oak  
*Quercus macrocarpa* - Burr oak  
*Quercus montana* - Chestnut oak  
*Quercus muehlenbergii* - Chinkapin oak  
*Quercus palustris* - Pin oak  
*Quercus phellos* - Willow oak  
*Quercus rubra* - Red oak  
*Quercus shumardii* - Shumard oak  
*Taxodium distichum* - Bald cypress  
*Tilia americana* - American basswood  
*Tilia cordata* - Littleleaf linden  
*Tilia tomentosa* - Silver linden  
*Zelkova serrata* - Japanese zelkova

D. Evergreen trees: minimum eight feet to 10 feet height, single leader with no codominant stems, symmetrically branching to the ground, and free of disease and mechanical damage.

*Abies concolor* - White fir  
*Chamaecyparis thyoides* - Atlantic white cedar  
*Ilex opaca* - American holly  
*Juniperus virginiana* - Eastern redcedar

- Picea abies - Norway spruce
  - Picea glauca - White spruce
  - Picea mariana - Black spruce
  - Picea pungens - Colorado spruce
  - Pinus banksiana - Jack pine
  - Pinus echinata - Shortleaf pine
  - Pinus resinosa - Red pine
  - Pinus rigida - Pitch pine
  - Pinus strobus - White pine
  - Pinus taeda - Loblolly pine
  - Pinus thunbergii - Japanese black pine
  - Pinus virginiana - Virginia scrub pine
  - Pseudotsuga menziesii - Douglas fir
  - Thuja occidentalis - Eastern arborvitae
  - Tsuga canadensis - Eastern hemlock
- E. Ornamental/flowering trees: minimum 1 1/4 inches caliper, eight feet to 10 feet height and full branching structure. Trees shall have a single, straight trunk and unpruned central leader free of codominant stems within the lower half of the crown, and shall be free of disease and mechanical damage. Clump, shrub and multi stem forms shall be permitted at a minimum height of eight feet to 10 feet and a minimum root ball diameter of 28 inches to 32 inches.
- Acer campestre - Hedge maple
  - Acer griseum - Paperbark maple
  - Acer pennsylvanicum - Striped maple
  - Amelanchier arborea - Downy serviceberry
  - Amelanchier canadensis - Serviceberry
  - Amelanchier laevis - Allegheny serviceberry
  - Asimina triloba - Common pawpaw
  - Betula lenta - Sweet birch
  - Betula nigra - River birch
  - Betula papyrifera - Paper birch
  - Betula populifolia - Gray birch
  - Carpinus caroliniana - American hornbeam
  - Cercis canadensis - Eastern redbud
  - Chionanthus virginicus - Fringetree
  - Cornus florida - Flowering dogwood
  - Cornus kousa - Kousa dogwood
  - Cornus mas - Cornelian cherry
  - Cornus x 'Rutban' - Aurora dogwood
  - Cotinus coggyria - "Smoke Tree"
  - Crataegus crusgalli var. inermis - Thornless cockspur hawthorn\*
  - Crataegus phaenopyrum - Washington hawthorne\*
  - Crataegus viridis 'Winter King' - Winter king hawthorn\*
  - Diospyros virginiana - Common persimmon
  - Halesia carolina - Carolina silverbell
  - Larix laricina - American larch
  - Magnolia tripetala - Umbrella magnolia
  - Magnolia virginiana - Sweetbay magnolia
  - Magnolia x soulangeana - Saucer magnolia

Malus spp. - 'Adirondack,' 'Prairifire,' or 'Professor Sprenger'\*  
Oxydendrum arboreum – Sourwood  
Prunus spp. - 'Autumnalis,' 'Kwanzan,' 'Okame,' or 'Yoshino'\*  
Ptelea trifoliata - Wafer-ash  
Sassafras albidum - Common sassafras  
Styrax japonicas - Japanese snowbell  
Syringa reticulata - 'Ivory Silk' or 'Summer Snow'  
Tilia cordata 'Halka'  
Taxodium distichum - Baldcypress

\* Other disease-resistant varieties permitted.

F. Deciduous shrubs: minimum acceptable container classes #5, #7, #10, with a thirty-inch minimum height, symmetrically branched to the ground, and free of disease and mechanical damage.

Aesculus parviflora - Bottlebrush buckeye  
Alnus rugosa - Speckled alder  
Alnus serrulata - Smooth alder  
Aronia arbutifolia - Red chokecherry  
Aronia melanocarpa - Black chokecherry  
Callicarpa americana - American beautyberry  
Calycanthus florida - Sweetshrub  
Castanea pumila - Allgheny chinquapin  
Ceanothus americanus - New Jersey tea  
Cephalanthus occidentalis - Buttonbush  
Clethra alnifolia - Summersweet clethra  
Comptonia peregrina - Sweetfern  
Cornus amomum - Silky dogwood  
Cornus racemosa - Gray dogwood  
Cornus sericea - Redosier dogwood  
Corylus americana - American filbert  
Cotinus obovatus - American smoke tree  
Euonymus americanus - Strawberrybush  
Fothergilla gardenii - Dwarf fothergilla  
Fothergilla major - Large fothergilla  
Hamamelis vernalis - Spring witch hazel  
Hamamelis virginiana - Common witch hazel  
Hydrangea arborescens - Smoothleaf hydrangea  
Hydrangea quercifolia - Oakleaf hydrangea  
Hypericum prolificum - Shrubby St. John's wort  
Ilex verticillata - Winterberry holly  
Itea virginica - Virginia sweetspire  
Leucothoe racemosa - Sweetbells leucothoe  
Lindera benzoin - Spicebush  
Myrica pennsylvanica - Northern bayberry  
Physocarpus opulifolius - Eastern ninebark  
Rhododendron spp. - Native deciduous azalea and rhododendron varieties  
Rhus glabra - Smooth sumac  
Rosa carolina - Carolina rose  
Rosa palustris - Swamp rose  
Rosa virginiana - Virginia rose

*Salix discolor* - Pussy willow  
*Sambucus canadensis* - Elderberry  
*Spiraea japonica* 'Anthony Waterer' - Anthony Waterer spiraea  
*Spiraea x vanhouttei* - Vanhoutte spiraea  
*Styrax americanus* - American snowbell  
*Symphoricarpos albus* - Snowberry  
*Symphoricarpos orbiculatus* - Coralberry  
*Viburnum acerifolium* - Mapleleaf viburnum  
*Viburnum carlesii* - Koreanspice viburnum  
*Viburnum cassinoides* - Witherod viburnum  
*Viburnum dentatum* - Arrowwood viburnum  
*Viburnum lentago* - Nannyberry viburnum  
*Viburnum prunifolium* - Blackhaw viburnum  
*Viburnum trilobum* - American cranberrybush viburnum

- G. Evergreen shrubs: minimum acceptable container classes #5, #7, #10, with a twenty-four-inch minimum height and eighteen-inch minimum spread, symmetrically branched to the ground, and free of disease and mechanical damage. Spreading evergreen shrub forms shall be permitted at a minimum twenty-four-inch spread and in minimum acceptable container classes #5, #7, and #10.
- Ilex glabra* - Inkberry holly  
*Kalmia latifolia* - Mountain laurel  
*Leucothoe fontanesiana* - Drooping leucothoe  
*Pieris floribunda* - Mountain Andromeda  
*Rhododendron* spp. - Native evergreen azalea and rhododendron varieties  
*Taxus canadensis* - Canadian yew

H. Ground cover plants:

- (1) Heavily rooted herbaceous plants provided in minimum four-inch pots and spaced at a maximum of 12 inches on center, and free of disease and mechanical damage.
  - Asarum canadense* - Wild ginger
  - Hemerocallis* hybrids – Daylilies
  - Liriope muscari* – Liriope
  - Liriope spicata* - Lily turf
  - Pachysandra procumbens* - Alleghany pachysandra
- (2) Woody ground cover plants to be provided in minimum two-gallon containers with a minimum 15 inches spread. Plants shall be spaced at a maximum of 36 inches on center, and shall be free of disease and mechanical damage.
  - Juniperus horizontalis* - Creeping juniper
  - Rhus aromatica* 'Gro Low'
  - Xanthorhiza simplicissima* – Yellowroot
- (3) Basin floor coverings:
  - Grass: PennDOT Formula "L" modified seed or other naturalized mix
  - Naturalized seed mix
  - Wildflower sod

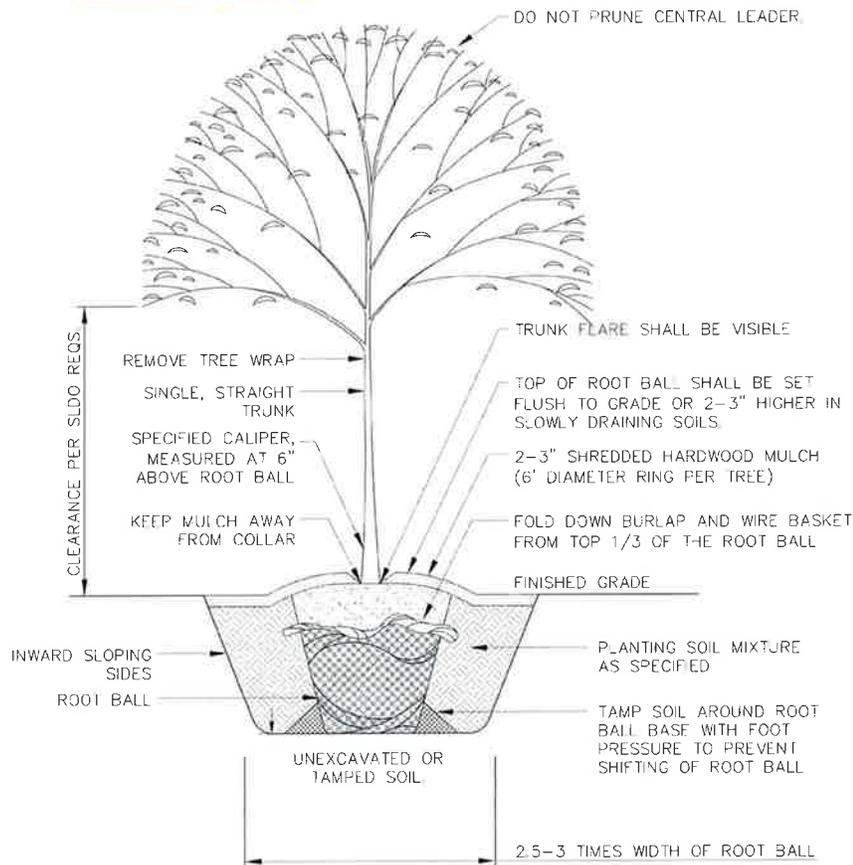
§ 205-57. through § 205-63.

## APPENDIX C

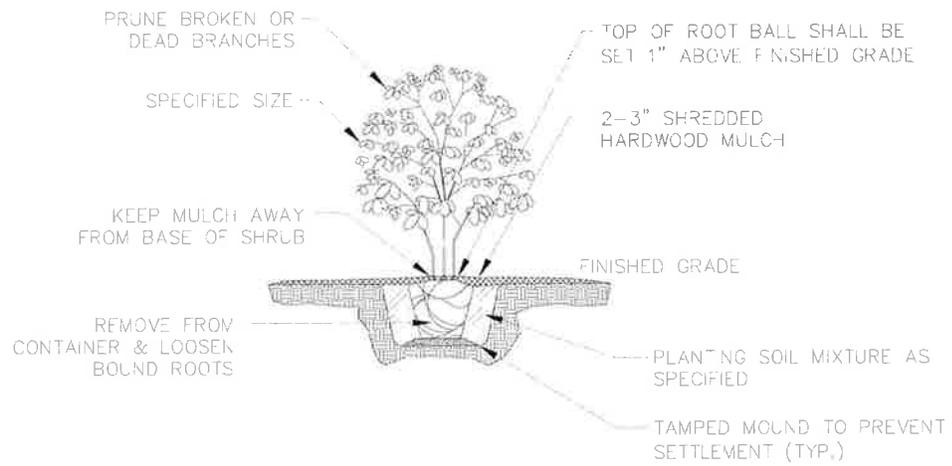
### Planting Standards and Guidelines

- A. Plant material shall be shown on the plans in accordance with the following standards:
- (1) All plant material shall meet or exceed the sizing, grading, quality and other standards specified in the latest edition of the American Standard for Nursery Stock (ANSI Z60.1) and the height, spread and/or caliper requirements for trees and shrubs listed in §205-56, Recommended Plant List. Stock furnished shall be a fair average of the minimum sizes specified or of the range given in the most recent edition of the American Standard for Nursery Stock.
  - (2) All plants shall be typical of their species or variety; they shall have normal, well-developed branches and vigorous fibrous root systems and shall be free of insect and disease problems. Balled and burlapped trees shall be properly dug with firm, natural balls of soil retaining as many fibrous roots as possible. Burlap and bindings shall be comprised of natural materials and shall be biodegradable. Container stock shall have a well-established root system reaching the sides of the container to maintain a firm ball when the container is removed, but shall not have excessive root growth encircling the inside of the container.
  - (3) Plants shall be measured as they stand in their natural position. Nursery-grown trees of four-inch caliper and less shall be measured at six inches above ground level; nursery-grown trees of greater than four-inch caliper shall be measured 12 inches above ground level in accordance with American Standard for Nursery Stock (ANSI Z60.1).
  - (4) All plants shall be nursery-grown unless otherwise stated; they shall have been grown under the same climate conditions as the subject site for at least two years prior to date of planting. All plants which are found unsuitable in growth or condition or which are not true to name shall be removed and replaced with acceptable plants.
  - (5) Plant material shall be pruned in accordance with ANSI A300 pruning standards. Trees shall have one central leader unless a different form is specified in the plans. Pruning at the time of planting shall be limited to the removal of dead, damaged, diseased or crossing branches and sucker growth, to meet limb height requirements, or to preserve the natural character and shape of the tree. Central leaders shall not be pruned.
  - (6) Should plant substitutions be required, all proposed substitutions shall be submitted in writing to the Township Landscape Architect for review and approval prior to planting.
  - (7) Preparation of Plants: All precautions customary in good trade practice shall be taken in preparing plants for moving.
  - (8) All trees shall be mulched two inches to three inches in depth within three days of planting with licorice root or undyed aged wood mulch. Mulch shall not be applied to the trunks of trees or to the trunks or branches of shrubs. "Volcano mulching" shall not be permitted.
  - (9) Staking of trees shall not be required, and is recommended only where site conditions or conditions of the tree are such that the tree is anticipated to be unstable. In no instance shall stabilization methods be used to compensate for improperly dug or poor quality plant material. All staking and guying materials shall be removed prior to the end of the maintenance period.

- (10) Removal of all planting debris is required. The property must be left in a neat and orderly condition in accordance with good and accepted planting practices.
- (11) All plant material shall be guaranteed for 18 months from the day of final approval of the landscape installation by the Board of Supervisors. 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.
- (12) Tree wrap shall be used only when necessary for the protection of thin and/or smooth-barked trees from sunscald or frost cracks. Tree wrap shall be light in color and completely biodegradable. Tree wrap shall be removed prior to the end of the maintenance period.



**1** TREE PLANTING DETAIL  
NOT TO SCALE



**2**

## **SHRUB PLANTING AND SHRUB BED PREPARATION**

NOT TO SCALE

**Township of Montgomery**  
**Table 1**  
**Softening and Screen Buffer Requirements**

		<b>Adjacent Land Use</b>						
		<b>Residential</b>	<b>Commercial</b>	<b>Industrial</b>	<b>Institutional</b>	<b>Agriculture</b>	<b>Recreation/ Open Space</b>	<b>Utilities, Transportation &amp; Communications</b>
<b>Proposed Land Use</b>	<b>Residential</b>	No	Screen	Screen	Screen	No	No	Screen
	<b>Commercial</b>	Screen	No	Softening	Softening	No	Softening	Softening
	<b>Industrial</b>	Screen	Softening	No	Softening	No	Screen	No
	<b>Institutional</b>	Screen	Softening	Softening	No	No	Softening	Softening
	<b>Agriculture</b>	No	No	No	No	No	No	No
	<b>Recreation/ Open Space</b>	No	Softening	Screen	Softening	No	No	Softening
	<b>Utilities, Transportation &amp; Communications</b>	Screen	Softening	No	Softening	No	Softening	No

MONTGOMERY TOWNSHIP BOARD OF SUPERVISORS

**BOARD ACTION SUMMARY**

Item # 12

---

SUBJECT: Consider Zoning Hearing Board Applications  
MEETING DATE: August 23, 2021  
BOARD LIAISON Tanya C. Bamford, Chair  
INITIATED BY: Bruce Shoupe, Director of Planning and Zoning

---

**BACKGROUND:**

Attached are summaries of the Zoning Hearing Board application(s) to be heard at the September 8, 2021 meeting.

- a. 129 Preston Drive – Patrick and Margaret Brennan
- b. 121 Country Lane – Charles and Erin Blaszczyk
- c. 111 David Lane – Maliq and Kelly Harris

**ALTERNATIVES/OPTIONS:** The Board could oppose, remain neutral, or support the applicants' request.



## Montgomery Township Zoning Hearing Board

Meeting Date: [September 8, 2021 - 6:30 pm](#)

*The agenda for the upcoming scheduled hearing is as follows:*

**1. Application # 21080001 Patrick & Margaret Brennan / 129 Preston Drive** – The applicants own and reside in a single-family home located at 129 Preston Drive. The 7,500 square foot property sits within a CA – Court Approved development, Westgate, and follows the R-5 zoning regulations. The applicants propose to construct a 504 square foot patio (18x28) directly behind their garage. The proposed patio would sit 7 feet from the side property line where a minimum of 10 feet is required. The applicants seek a variance from the provisions of Section 230-149B(a), Accessory Use Setbacks, of the Code of Montgomery Township, in order to construct the proposed patio.

**2. Application #21080002 Charles & Erin Blaszczyk / 121 Country Lane** –The applicants own and reside in a single-family home located at 121 Country Lane. The 21,901 square foot property sits at the end of a cul-de-sac within the R-2 zoning district. The applicants propose to construct a 228 square foot deck (12x19) 12 feet from the side property line where a minimum of 15 feet is required. The applicants seek a variance from the provisions of Section 230-149B(a), Accessory Use Setbacks, of the Code of Montgomery Township in order to construct the proposed deck.

**3. Application #21080003 Malig & Kelly Harris / 111 David Lane** – The applicants own and reside in a single-family home located at 111 David Lane. The 14,420 square foot property sits within a cul-de-sac in the R-2 Cluster zoning district. The applicants submitted an application to the Zoning Hearing Board appealing the Determination of the Zoning Officer or, in the alternative, a variance from the provisions of Section 230-149A(2)(a)[4] of the Code of Montgomery Township to operate a personal / boxing training facility within the garage of the home.

**\*\*Copies of the Application(s) and accompanying documents are on file in the Township's Planning and Zoning Department and may be seen upon request\*\***

MONTGOMERY TOWNSHIP BOARD OF SUPERVISORS  
**BOARD ACTION SUMMARY**  
Item # 13

---

**SUBJECT:** Consider Adoption of Amendment to Township Ordinance  
Chapter 222 Vehicles and Traffic  
**MEETING DATE:** August 9, 2020  
**BOARD LIAISON:** Tanya C. Bamford, Chair  
**INITIATED BY:** J. Scott Bendig, Chief of Police

---

**BACKGROUND:**

This evening, staff is requesting consideration for the adoption of an amendment to Chapter 222 of the Montgomery Township Ordinance-*Vehicles and Traffic*. Staff recommends the amendment of Chapter 222, Article IV Stopping, Standing, and Parking, section 222-20 *Parking prohibited at all times*.

Earlier this year, the Police Department's Highway Safety Unit evaluated Bridle Path Road to address recent traffic complaints regarding the safe passage of vehicles traveling on Bridle Path Road utilizing the northern ingress/egress to Bridle Path Elementary School. Upon consultation with the Township's Traffic Engineer, Gilmore & Associates, Inc., it is recommended that parking be prohibited at the following locations:

- North side of Bridle Path Road, from Greenbriar Drive to the property line of Bridle Path Elementary School.
- South side of Bridle Path Road, between Greenbriar Drive and a point 100 feet in a westerly direction from the property line of Bridle Path Elementary School.

**PREVIOUS BOARD ACTION:**

The Board of Supervisors authorized the advertisement of the proposed ordinance amendment at the July 26, 2021, public meeting.

**RECOMMENDATION:**

It is recommended that the Board of Supervisors adopt the recommended amendment.

**MOTION:**

**MOTION** to adopt an amendment to Chapter 222, Article IV Stopping, Standing, and Parking, section 222-20 *Parking prohibited at all times* regulating parking on Bridle Path Road.

- 1) Motion by: \_\_\_\_\_ Second by: \_\_\_\_\_
- 2) Chair will call for Public Comment.
- 3) Chair will call for a vote.

**MONTGOMERY TOWNSHIP  
MONTGOMERY COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 21-323**

**AN ORDINANCE OF MONTGOMERY TOWNSHIP, MONTGOMERY COUNTY, PENNSYLVANIA, AMENDING CHAPTER 222 OF THE MONTGOMERY TOWNSHIP ORDINANCE-VEHICLES AND TRAFFIC, ARTICLE IV STOPPING, STANDING, AND PARKING, SECTION 222-20 PARKING PROHIBITED AT ALL TIMES; REPEALING ALL INCONSISTENT ORDINANCES, OR PARTS THEREOF; AND PROVIDING A SEVERABILITY CLAUSE AND EFFECTIVE DATE**

**WHEREAS**, certain streets or roads exist within Montgomery Township, Montgomery County, Pennsylvania (“Township”) where parking limits have been established or a change in conditions has occurred to warrant a re-evaluation of the parking limits previously adopted; and

**WHEREAS**, the Montgomery Township Board of Supervisors (“Supervisors”), in order to advance the welfare and safety of the residents of the Township and such other persons who use said streets and roads, deems it necessary to enact parking limitations on certain streets and roads in the Township; and

**NOW THEREFORE, IT IS HEREBY ORDAINED AND ENACTED** by the Board of Supervisors of Montgomery Township as follows:

- I.** Chapter 222, Article IV Stopping, Standing, and Parking, section 222-20 Parking prohibited at all times:

**Chapter 222, Section 20, Parking Prohibited at all times**

§ 222-20

Parking shall be prohibited at all times in the following locations:

<b>Street/Shopping Center/Area</b>	<b>Side/Area</b>	<b>Location</b>
Bridle Path Road	North side	from Greenbriar Drive to the property line of Bridle Path Elementary School
Bridle Path Road	South side	between Greenbriar Drive and a point 100 feet in a westerly direction from the property line of Bridle Path Elementary School.

**II. Severability.**

The terms, conditions and provisions of this Chapter are hereby declared to be severable, and, should any portion, part or provision of this Chapter be found by a court of competent jurisdiction to be invalid, unenforceable or unconstitutional, the Montgomery Township Board of Supervisors hereby declares its intent that the Chapter shall have been repealed without regard to the invalid, unenforceable, or unconstitutional portion, part or provision of this Chapter.

**III. Repealer.**

Any and all other Ordinances or parts of Ordinances in conflict with the terms, conditions and provisions of this Ordinance are hereby repealed to the extent of such irreconcilable conflict.

**IV. Effective Date.**

This Ordinance shall be effective immediately enactment.

**ORDAINED AND ENACTED** by the Board of Supervisors of Montgomery Township on this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

Attest:

**MONTGOMERY TOWNSHIP  
BOARD OF SUPERVISORS**

\_\_\_\_\_  
Carolyn McCreary, Secretary

\_\_\_\_\_  
Tanya C. Bamford, Chair

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

Item # 14

---

**SUBJECT:** Consider Approval of Fall 2021 Recreation Programs and Fees  
**MEETING DATE:** August 23<sup>rd</sup>, 2021  
**BOARD LIAISON:** Tanya C. Bamford, Chair  
**INITIATED BY:** Angelina Capozzi, Community & Recreation Center Program Supervisor  
Floyd S. Shaffer, Community & Recreation Center Director

---

**BACKGROUND:**

Attached is the proposed roster of the Montgomery Township Community and Recreation Center (Mont CRC) Fall 2021 Recreation/Fitness Programs and the recommended fee schedules for the various activities. The schedule will be valid from September 1<sup>st</sup>, 2021 through December 31<sup>st</sup>, 2021. All Mont CRC activities and events will be promoted through the Mont CRC Facebook page, promotional flyers, e-newsletters, and the Township's Instagram account.

The diverse lineup of activities, programs, and special events provides a safe foundation of outdoor and indoor opportunities during the second year of the COVID-19 Pandemic. We intend to continue to cautiously move forward toward "normalcy" in the provision of recreation services to the Montgomery Township community.

**PREVIOUS BOARD ACTION:**

Approval of fees and charges for each quarter of Seasonal Recreation Programs.

**BUDGET IMPACT:**

Recreation opportunities are expected to be budget neutral.

**RECOMMENDATION:**

Approve the 2021 Fall Recreation Program and Fee Schedule amendment as submitted.

**MOTION/RESOLUTION:**

**Motion** to approve the 2021 Fall Recreation Program and Fee Schedule amendment as submitted.

- 1) Motion by: \_\_\_\_\_ Second by: \_\_\_\_\_
- 2) Chair will call for Public Comment.
- 3) Chair will call for a vote.

## Fall Programs 2021 Proposed Recreational Fees

### Preschool Programs

Program	Venue	Ages	Days	Time	Duration	Member	Non-Member
Lets Move, Toddler Time	Event Room	18m - 3	Mondays	10:00-10:45 am	4 week session	\$25	\$30
Messy Art	Art Room	3 to 5	Tuesdays	10:00-10:45 am	4 week session	\$25	\$30
North Wales Story Time	Gym A	4 & under	Wednesdays	10:00-10:45 am	Twice a month	Free	Free
Superstar Sports	Gym A	3 to 5	Wednesdays	11:00- 11:45 am	4 week session	\$25	\$30

### Youth Programs

Program	Venue	Ages	Days	Time	Duration	Member	Non-Member
Mad Science	Art Room	6 to 12	Saturday	10:00 - 11:00 am	4 week	\$155	\$160
Kids Active Play	Gym A	6 to 8	Wednesday	5:00-6:00 pm	4 weeks	\$25	\$30
Theater Horizon	Senior Lounge	6 to 12	Monday-Friday	4:30-5:30 pm	1 week		
Chess Club	Senior Lounge	6 to 12	Thursdays	4:30-5:30 pm	4 weeks	\$25	\$30
Young Rembrandts	Art Room	6 to 12	Saturdays	11:30-12:30 am	4 weeks	\$65	\$70
Flag Football	Gym B	5 to 12	Mondays	5:30 - 9:30 pm	6 weeks	\$60	\$65
I9 Sand Volleyball	Spring Valley Park	6 to 12		6:30 - 7:30 pm	5 weeks	\$60	\$65
I9 Track & Field	Spring Valley Park	6 to 12		6:30 - 7:30 pm	5 weeks	\$60	\$65
I9 Basketball	Gym B	6 to 12		6:30 - 7:30 pm	5 weeks	\$60	\$65
Soccer Shots	Front Lawn	2 to 8	Wednesday, Saturday & Sunday	8:45-11:45 am & 5:45-6:45 pm	6 weeks	\$100	\$110
Tennis	Rose Twig	5 to 13	Mondays & Saturdays	9:00 am - 11:00 am	4 weeks	\$160	\$165
Skills and Drills Soccer	Gym B	6 to 12	Tuesdays	5:00 - 6:00 pm	4 weeks	\$30	\$35
Skills and Drills Basketball	Gym B	6 to 12	Tuesdays	5:00 - 6:00 pm	4 weeks	\$30	\$35
Performing Arts	Senior Lounge	8 to 12	Wednesdays	6:00 - 7:00 pm	4 weeks	\$40	\$45

### Teen Programs

Program	Venue	Ages	Days	Time	Duration	Member	Non-Member
CPR Certification Class	Event Room	12 +	9/7, 10/12, 11/9, 12/14	4:30-7:30 pm	Once a month	\$110	\$110
Pottery Class	Event Room	12+	Tuesday	5:00-6:00	Once	\$25	\$30
Group Guitar Lessons	Senior Lounge	12 to 17	Thursdays	5:30-6:30	4 weeks	\$55	\$60
Videography	Event Room	12+	Thursdays	6:00 -7:00 pm	4 weeks	\$50	\$55

### Adult Programs

Program	Venue	Ages	Days	Time	Duration	Member	Non-Member
Badminton	Gym A	18+	Friday, Saturday, Sunday	5:30-7:30 pm & 8-10am	All Season	Free	Free
CPR Certification Class	Event Room	12 +	9/7, 10/12, 11/9, 12/14	4:30-7:30 pm	Once a month	\$100	\$110
Group Pickleball Lessons	Gym A	18+	Thursdays	5:30 pm - 7:30 pm	3 weeks	\$40	\$45
Pottery Class	Event Room		Tuesday	5:00-6:00	Once	\$25	\$30

### Fitness Programs

Program	Venue	Ages	Days	Time	Duration	Member	Non-Member
Sliver Sneakers	Gym B	50+	Monday & Wednesday		11:00 AM All Season	Included	\$5 Drop in
Dance Class	Gym B	50+	Tuesday & Thursday		9:30 AM All Season	Included	\$5 Drop in
Stability Class	Gym B	50+	Tuesdays		11:00 AM All Season	Included	\$5 Drop in
Yoga Stretch	Gym B	50+	Thursdays		11:00 AM All Season	Included	\$5 Drop in
Cardio Circuit	Gym B	50+	Fridays		11:00 AM All Season	Included	\$5 Drop in
HIT	Gym B	16+	Monday		9:30 AM All Season	Included	\$5 Drop in
PiYo	Gym B	16+	Wednesday		9:30 AM All Season	Included	\$5 Drop in
Tabata	Gym B	16+	Fridays		9:30 AM All Season	Included	\$5 Drop in

PiYo	Gym B	16+	Tuesday	7:15 PM All Season	Included	\$5 Drop in
Yoga with Angel	Spin Room	16+	Mondays	6:15 PM All Season	Included	\$5 Drop in
Zumba	Gym B or front lawn	16+	Tuesday & Wednesday	8:30 AM All Season	Included	\$5 Drop in

**Senior Programs**

Programs	Venue	Ages	Days	Time	Duration	Member	Non-Member
Musical Jam Session	Senior Lounge	Any	Wednesdays	2-4 pm	All Season	Free	Free
Pottery Class	Event Room	18+	Tuesdays	5:00-6:00 pm	One time	\$25	\$30
Senior Trivia	Senior Lounge	18+	Thursdays	2:00 - 3:00	Monthly	Free	Free
Coloring, Crafts and Chat	Senior Lounge	18+	Mondays & Wednesdays	10-11 am	Monthly	Free	Free

**Community Events**

Programs	Venue	Ages	Days	Time	Duration	Member	Non-Member
Friday Night Paint Party	Art Room	6+	October 29th		5:00 PM Once	\$	\$
Coloring with a Cop	Event Room	Any	Thursday		5:00 PM Once	Free	Free
Fingerpainting with a Firefighter	Event Room	Any	Thursday		5:00 PM Once	Free	Free

MONTGOMERY TOWNSHIP BOARD OF SUPERVISORS

BOARD ACTION SUMMARY

Item # 15

---

SUBJECT: Additional Solar lighting at Community Recreation Center  
MEETING DATE: August 23, 2021  
BOARD LIAISON: Tanya C. Bamford, Chair  
INITIATED BY: Floyd S. Shaffer, Community & Recreation Center Director

---

BACKGROUND:

Montgomery Township received funds from Department of Environmental Protection (DEP) during the first quarter 2021. The monies were made possible through the Act 57's Air Pollution Control Act (APCS). Utilization of the APCS dollars was conducted through a grant application process that stipulated that proposed projects had to involve "Green Initiatives" that are energy efficient. Staff developed the grant around installing additional solar street lights near the Community Recreation Center's Stump Road entrance. The theme of the request was developing an environmentally friendly project. The work would entail; zero trenching impact on the landscape, no emissions from the installed lighting, and hopefully five years of zero maintenance costs.

A grant was awarded from the DEP in the amount of \$24,680.00 in June 2021.

Purchase and installation of the two solar street lights has been quoted by Stouch Lighting in the amount \$26,354.94 under Pennsylvania COSTARS Contact #364387. (See attached)

BUDGET IMPACT: The purchase and installation of the solar lights, while unbudgeted, will be funded through the DEP grant secured in June 2021.

RECOMMENDATION:

Staff recommends the Board of Supervisors approve the purchase and installation of two solar parking lot lights from Stouch lighting in the amount of \$26,354.94 under COSTARS Contract 364387.

MOTION/RESOLUTION:

**Motion** to approve the expenditure of \$26,354.94 for the purchase and installation of two new solar parking lot lights at the Community Recreation Center.

- 1) Motion by: \_\_\_\_\_ Second by: \_\_\_\_\_
- 2) Chair will ask for public comment.
- 3) Chair to call for vote.

Montgomery Township  
Community Recreation Center - Additional Solar Lighting

Order Quote					
Quote No:	11709 V1.1	Account Director:	Justin Stouch	Customer P.O.:	XXXXXX
Date Submitted:	6/24/2021	Phone:	610-548-5001 X134	Dated:	XX/XX/XX
Price valid for 60 days from date of submission.					
Customer Information					
	SITE:		BILL TO:		SHIP TO:
Customer:	Montgomery Township	Montgomery Township	Montgomery Township	TBA	
Project Name:	Rec Center Solar Lighting	Rec Center Solar Lighting	Rec Center Solar Lighting		
Attn:	Floyd Shaffer	Floyd Shaffer	Floyd Shaffer		
Address:	1030 Stump Road	1030 Stump Road	1030 Stump Road		
City: State: Zip	Montgomeryville, PA 18936	Montgomeryville, PA 18936	Montgomeryville, PA 18936		
Phone:	267-649-7207	267-649-7207	267-649-7207		
Email:	<a href="mailto:fshaffer@montgomerytp.org">fshaffer@montgomerytp.org</a>	fshaffer@montgomerytp.org	fshaffer@montgomerytp.org		
Special Instructions					
Provide and Install: (2) Fonroche RFS-35W16LED-4K-T4, P260F-39, HW-MC (Fixture, Panel, Battery Cabinet), (2) RTA-25F-9BD 1S6A-BK (25' Round Taper Aluminum pole painted blac). Excavation using hydro hammer, backfill pole with sand and 2a modified per mfg instructions. COSTARS Contract 364387.					
Location	Product Code	Description	Qty		
Solar Lighting	Fonroche Solar	35w LED Area Light, 25ft Aluminum Pole, Solar Panel & Battery Cabinet	2		
<b>Total Order Amount Before Taxes</b>					
<b>Total Product/Materials + Professional Services</b>					<b><u>\$26,354.94</u></b>
<b>Total Order Amount Including Taxes</b>					
Estimated Tax					<b><u>NA</u></b>
<b>Total Order Amount Including Taxes</b>					<b><u>\$26,354.94</u></b>
<b>Payment Terms</b>					
<b>50% Deposit upon Acceptance of Project Agreement</b>					<b><u>\$13,177.47</u></b>
<b>Balance Due (Does NOT include shipping)</b>					<b><u>\$13,177.47</u></b>
<b>WITH DEPOSIT: Remaining Balance upon completion of project.</b>					
<b>Customer Acceptance</b>					
<b>Authorized Signature:</b>			<b>Date:</b>		
<b>Authorized Name: (Please print)</b>			<b>Title:</b>		
<b>Terms &amp; Conditions</b>					
<b>TERMS &amp; CONDITIONS OF SALE DOCUMENT ATTACHED</b>			<b>TERMS: See Above</b>		
All data and information contained herein and provided by Stouch Lighting is considered confidential and proprietary. The data and information contained herein may not be reproduced, published or distributed to, or for, any third parties without the express prior written consent of Stouch Lighting. Upon customer signing of this agreement, Stouch Lighting is authorized to use customer name and content of proposal in appropriate sales, promotional and public relations materials.					

## TERMS AND CONDITIONS OF SALE

SCOPE OF AGREEMENT: Customer hereby agrees, with the intention of being legally bound, to purchase the products at the prices, and for the total contract price specified on the Signed Order Quote ("SOQ"). Customer acknowledges and agrees that it is solely and exclusively responsible for reviewing the specifications of the Products, as set forth in the SOQ, to determine that they will meet Customer's needs for the intended use.

These Terms and Conditions govern the purchase of products, installation and services (collectively, "Products") pursuant to the SOQ issued by Stouch Lighting, Inc. ("Stouch Lighting") to the buyer of the Products ("Customer"); the SOQ and these Terms and Conditions are collectively called the "Agreement".

1. ACCEPTANCE OF ORDER - Acceptance of any order is subject to credit approval and acceptance of the order by Stouch Lighting and, when applicable, Stouch Lighting's suppliers. If Customer's credit becomes unsatisfactory, Stouch Lighting reserves the right to terminate upon notice to Buyer, and in the event of such a termination, Buyer shall SOQy for all Products actually delivered, and Stouch Lighting shall have no liability whatsoever to Buyer.

2. PRICES AND SHIPMENTS - Unless otherwise quoted, prices shall be those in effect at time of shipment. Shipment shall be made F.O.B. shipping point; shipping costs will be added to the price by Stouch Lighting. Routing of shipments is at the discretion of Stouch Lighting. Shipments will be deemed to have been acceptable by Customer upon delivery of the said shipment unless, and only, if products are damaged by carrier. Customer shall perform whatever inspection Customer deems necessary as promptly as possible but in no event later than five (5) working days after delivery. If products are damaged upon receipt Customer must notify shipping comSOQny, and Stouch Lighting, and place a claim with shipping comSOQny. Returned products must be in the original SOQckaging.

3. SOQYMENT TERMS - SOQyment in full for the Products is due in accordance with the terms of the Agreement. If the Products are delivered in several shipments, Customer shall SOQy for the Products in each shipment pursuant to the terms of the Agreement. SOQyment for installation, if applicable, is due upon completion of installation. A late charge of one and one-half (1.5%) per month shall accrue on any balance that is unSOQid after its due date.

4. CANCELLATION - If Customer cancels the Agreement before the Products have been shipped to Customer, Customer shall SOQy a charge of ten percent (10%) of the Contract Price, as set forth on the executed SOQ, to reimburse Stouch Lighting for its overhead incurred in connection with the Agreement. In addition, Customer shall SOQy all non-recoverable costs incurred by Stouch Lighting prior to the cancellation (including, but not limited to, the cost of Products that cannot be resold or returned to the manufacturer; custom-made Products cannot be returned or resold by Stouch Lighting). The Agreement cannot be canceled once the Products have been shipped to Customer.

5. RETURN OF GOODS - Credit may be allowed for goods returned with prior approval, subject to a 20% restocking fee.

6. TAXES - Prices do not include any applicable taxes and all federal, state, and local sales, use, property, excise or other taxes imposed on or with respect to the Products are Customer's responsibility and will be added to the purchase price. If Customer is tax exempt, Customer shall provide Stouch Lighting with a tax exemption certificate.

7. DELAY IN DELIVERY - Stouch Lighting is not liable for delays in delivery occasioned by acts of God, failure of its suppliers to ship or deliver on time, or other circumstances beyond its reasonable control. Factory shipment or delivery dates are the best estimates of our suppliers, and in no case shall Stouch Lighting be liable for any damages including, but not limited to, incidental, consequential or special damages arising from any delay in shipment or delivery.

8. INSTALLATION - Stouch Lighting will use reasonable efforts to carry out installation of the Products, if applicable, on the date agreed and within the timeframe agreed. If Stouch Lighting needs to reschedule the date of the installation, you will be contacted as soon as possible to arrange an alternative installation date. In the event that an electrical power or wiring issue is discovered that may prevent the proper installation of Products, we may need to delay the completion of installation until the issues are resolved. Unless stated in the Scope of Work section of the SOQ, Stouch Lighting is not responsible for correcting any electrical wiring or power problems associated with the installation of Products.

9. WARRANTIES - Stouch Lighting warrants that the Products will be delivered free of any security interest and will provide Buyer with all transferable warranties (including, without limitation, warranties with respect to intellectual property infringement) given to Stouch Lighting by the manufacturer of the Products. The Products (which, for the purpose of this section, excludes installation and services) carry a manufacturer's warranty against defects in material. No guarantee or warranty is provided for defects that occur as a result of improper or abnormal use or as a result of any attempt to reSOQir the Products by Customer or any third SOQrty. CUSTOMER SHALL LOOK SOLELY TO THE MANUFACTURER IN CONNECTION WITH ANY WARRANTIES AND ANY DEFECTS IN THE PRODUCTS, AND Stouch Lighting SHALL HAVE NO LIABILITY FOR ANY MANUFACTURING DEFECTS. Stouch Lighting MAKES NO OTHER EXPRESS OR IMPLIED WARRANTIES, AND SPECIFICALLY DISCLAIMS ALL IMPLIED WARRANTIES INCLUDING BUT NOT LIMITED TO THE IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR PURPOSE.

10. LIMITATION OF LIABILITY - Buyer's remedies under the Agreement are subject to any limitations contained in the terms and conditions of the manufacturer of the Products, a copy of which will be furnished upon written request, as well as these Terms and Conditions. In the event that Stouch Lighting is determined to have any liability despite the provisions of Section 9 hereof, that liability shall be limited to either reSOQir or replacement of the Products or refund of the purchase price attributable to any individual defective Products, all at Stouch Lighting's option. In no event shall Stouch Lighting be liable for incidental, special or consequential damages. Claims for shortages, other than loss in transit, must be made in writing not more than five (5) days after Customer's receipt of shipment.

11. WAIVER - The failure of Stouch Lighting to insist upon the performance of any of the terms and conditions of the Agreement or to exercise any right hereunder shall not be deemed to be a waiver of such terms, conditions, or rights in the future, nor shall it be deemed to be a waiver of any other term, condition, or right under the Agreement.

12. NO SETOFF - Customer agrees that it shall neither seek nor take any set-off or reduction against any balance due to Stouch Lighting for Products delivered and installed except to the extent that any Products that have been delivered are defective, in which case any set-off or reduced SOQyment shall be limited to the purchase price applicable to the individual items that are defective, exclusive of labor costs. If Customer seeks to take a set-off or to reduce the balance due to Stouch Lighting except as expressly permitted by this section, such action shall constitute a default by Customer, entitling Stouch Lighting to exercise any and all rights and remedies at law and under the Agreement.

13. MODIFICATION OF TERMS AND CONDITIONS - The Agreement supersedes all other communications, negotiations, and prior oral or written statements regarding the subject matter of the Agreement, which may only be amended by the written agreement of the SOQrties (which includes, but is not limited to, the exchange of written communications, including email proposal and acceptance by each SOQrty's duly authorized representative). No conditions, usage of trade, course of dealing or performance, understanding or agreement, purporting to modify, vary, explain, or supplement the Agreement shall be binding unless made in writing and signed by the SOQrty to be bound. Any proposed modifications or additional terms are specifically rejected and deemed a material alteration hereof. If this document shall be deemed an acceptance of a prior offer by Buyer, such acceptance is expressly conditioned upon Buyer's assent to any additional or different terms set forth herein.

14. DEFAULT - In the event of a breach of the Agreement by Customer including, but not limited to, a breach of these Terms and Conditions, Stouch Lighting shall be entitled, at its sole discretion, to suspend or terminate the Agreement. If Stouch Lighting prevails in any suit, arbitration or similar proceeding, it shall be entitled to recover costs and reasonable counsel fees.

15. GENERAL PROVISIONS - All typographical or clerical errors made by Stouch Lighting in any quotation, acknowledgment or publication are subject to correction. The Agreement is made, entered into and performed in the Commonwealth of Pennsylvania and shall be in all respects governed by and construed in accordance with the laws of the United States and the Commonwealth of Pennsylvania, as if entirely performed in Pennsylvania and without regard to any conflict of law rules and without regard to any rules of construction or interpretation relating to which SOQrty preSOQred these Terms and Conditions. If any provision of these Terms and Conditions is determined by a court of competent jurisdiction to be unenforceable or invalid, such provision shall be modified to the extent necessary to eliminate the invalidity or unenforceability, and any remaining unenforceability or invalidity shall have no effect on any of the other Terms and Conditions which shall remain in full force and effect.

16. JURISDICTION - The Customer consents to the exclusive jurisdiction and venue of the Delaware County Court of Common Pleas with respect to the enforcement of these Terms and Conditions, the collection of any amounts due under this invoice or any disputes arising under or with regard to the sale of Products.



MONTGOMERY TOWNSHIP BOARD OF SUPERVISORS  
**BOARD INFORMATION SUMMARY**  
Item # 16

---

SUBJECT: Consider Proposal for Energy Assessment and Development of Ready for 100 Plan  
MEETING DATE: July 26, 2021  
BOARD LIAISON: Tanya C. Bamford, Chair  
INITIATED BY: Carolyn McCreary, Township Manager

---

BACKGROUND:

At the May 10<sup>th</sup> public meeting the Board of Supervisors voted to adopt the *Ready for 100* Renewable Energy resolution. A paragraph in the resolution states the Board of Supervisors will provide guidance for commissioning a committee to draft an energy transition plan by May 2022.

At the June 14<sup>th</sup> public meeting the Board of Supervisors discussed the composition of the committee and directed staff to prepare a resolution which would establish the Ad Hoc committee.

At the July 26<sup>th</sup> public meeting the Board of Supervisors adopted Resolution No. 2021-32, establishing the Ready for 100 Advisory Ad Hoc Committee. At that meeting staff recommended the Township contract with a consultant to guide the committee in the process, obtain information from Township staff where needed, and ensure the work doesn't stall given the timeframe we are working with.

We have received a proposal from Practical Energy Solutions who has worked with several municipalities including Whitmarsh and Springfield Townships.

RECOMMENDATION:

Staff recommends the Board of Supervisors approve the proposal.

MOTION/RESOLUTION:

**Motion** to accept the proposal from Practical Energy Solutions dated August 17, 2021 in the amount of \$9,900.00 and authorize the Township Manager to execute the agreement.

- 1) Motion by: \_\_\_\_\_ Second by: \_\_\_\_\_
- 2) Chair will ask for public comment.
- 3) Chair will call for vote.



August 17, 2021

Carolyn McCreary  
Township Manager  
Montgomery Township  
1001 Stump Road  
Montgomeryville, PA 18936  
[CMcCreary@montgomerytp.org]

RE: Energy Audits for Montgomery Township Facilities  
PES File POP02021.0828

Dear Carolyn:

As you recently requested, Practical Energy Solutions (PES), a division of Spotts, Stevens, and McCoy (SSM), is pleased to provide the following Proposal for performing energy audits on two (2) buildings for Montgomery Township, including the Township Administration Building, and the Montgomery Township Community and Recreation Center. This proposal does not include an energy audit of the Eureka Wastewater Treatment Plant or associated facilities, or the Public Works facility, which may be offered at a later date.

## **PROJECT BACKGROUND**

---

Montgomery Township has committed to reducing greenhouse gas emissions in all facilities and operations, in line with a Sierra Club program called Ready for 100 (RF 100). This is a commitment to reach 100% clean electricity in township operations by 2035, and 100% clean energy township-wide by 2050.

Practical Energy Solutions (PES) is already providing support and planning services for multiple municipalities in southeastern PA to support their efforts to meet the aggressive energy goals by 2035 and 2050. Montgomery Township has specifically requested energy audits of these Township facilities as an early step in the process. There are two (2) buildings included in this study. As in all of our energy assessments, we will look for low cost and no cost adjustments that can be made to primary energy systems to assist you in getting an “early win” in energy savings, to build support for additional measures.

## **SCOPE OF WORK**

---

This proposal outlines the services that PES will provide and the deliverables that will be submitted to the client.

- Provide analysis of monthly utility consumption for each building going back to July of 2018, if available.
- Perform a walk-through of each building to develop an inventory of primary energy systems.
- Assess conditions and operations of energy using equipment, and document efficiency ratings.
- Assess operational savings potential of one or more no-cost/low-cost conservation strategies.
- Develop a list of current and future capital upgrades to improve energy efficiency.
- Identify priority capital improvements that will move the Township towards RF 100 or other energy goals.
- We will provide estimates of project cost and energy cost savings associated with each recommended measure.
- Calculate simple paybacks or return on investment of PES recommended actions.
- Identify rebate and grant opportunities to help pay for implementation.
- Prepare a report summarizing our findings.



**Analysis of Utility Data**

PES will review and analyze two years (24 months) of pre-COVID utility bills, to identify trends and uncover any unusual patterns of consumption and/or cost, and as the basis for estimates of cost savings from recommended measures. We will also use this to help identify seasonal changes that will support energy saving goals. Analysis will include entering all utility data into Energy Star Portfolio Manager, to benchmark the energy performance against a national database of similar buildings.

**Site Visit**

We plan to perform a site visit, to gather information and visually assess opportunities for energy conservation. We will visit the Admin building on Stump Road, and the Community and Recreation Center on Horsham Road to evaluate the buildings used for police and administration, as well as the rec center. This will also give us an opportunity to leave data loggers in place to track building system operations if there is no other means to assess and measure operating hours for HVAC.

**Equipment Inventory and Operational Assessment**

PES will survey and provide an inventory of primary energy using equipment at both buildings during our walk through. This listed inventory will also include the estimated energy and cost consumption per device and general information on equipment condition, as well as current opportunities for energy savings.

To assess operational conditions, we may deploy data loggers over a brief period of time to record and analyze the operational trends of the facility. This assessment may include both lighting usage and HVAC operational patterns in your buildings.

**Report**

PES will summarize all of the information listed above in a draft report that will be submitted to the client. After a live presentation of the draft report to Township staff, we will make any needed revisions, and submit the final report in PDF format. We welcome the participation of your Environmental Advisory Council in the presentation of our findings.

**COMPENSATION**

---

PES will provide the services described in the Scope of Work for a fixed fee of Nine Thousand Nine Hundred Dollars (\$9,900).

Progress invoices will be submitted for a percentage of the total fee based on the estimated percent of the work completed. No more than 80% will be billed before the report is delivered to the client.

The following are the hourly rates that will be used for additional services requested in writing that are not included in the scope of services outlined here. PES will only perform work at these rates if approved by the client in writing. Our final invoice to reach 100% of the fee will be presented at delivery of our draft final report.

Company Principal Engineer/Director or Senior Mechanical Engineer (P.E.)	\$ 185.00/hour
Project Manager/Engineer (CEM, P.E.)	\$ 141.00/hour
Project Engineer	\$ 125.00/hour
Staff Engineer/Energy Analyst/Technician	\$ 105.00/hour
Data Manager	\$ 85.00/hour
Expenses	
Printing and other direct expenses	cost + 10%
Mileage	

Our fees are valid for acceptance for ninety (90) days from the date this Proposal.

**Terms and Conditions**

Our Terms and Conditions for Service Authorization are included in this letter. The Issuance of a Purchase Order in response to this Proposal constitutes acceptance. In the event of any inconsistencies between this Proposal and any other contract document, including but not limited to Purchase Orders issued in response hereto, this Proposal shall govern.

Carolyn McCreary | Montgomery Township  
PES File POP02021.0828  
August 17, 2021  
Page 3 of 6



We appreciate the opportunity to provide energy-related engineering services for your Township. Should you have questions or require additional information, please contact me.

Sincerely,  
Practical Energy Solutions  
A Division of Spotts, Stevens, and McCoy

A handwritten signature in blue ink that reads "Paul Spiegel". The signature is fluid and cursive, with the first letter of each word being capitalized and prominent.

Paul D. Spiegel, P.E., LEED AP  
Director  
Energy and Sustainability Services  
[[paul.spiegel@ssmgroup.com](mailto:paul.spiegel@ssmgroup.com)]



## Authorization for Services

---

Energy Audits for Montgomery Township Facilities  
PES File POP02021.0828

Practical Energy Solutions (PES) thanks you for the opportunity to provide professional services for the performance of energy audits on Montgomery Township buildings, as outlined in our Proposal (POP02021.0828) dated August 17, 2021.

### COMPENSATION

---

PES will provide the services described in the Scope of Work for a fixed fee of Nine Thousand Nine Hundred Dollars (\$9,900).

Please review the enclosed Terms and Conditions for Service Authorization and acknowledge your acceptance of them by returning a signed copy of this Authorization for Services, and checking off the scope required.

We look forward to working with you on this project.

Sincerely,  
Practical Energy Solutions  
A Division of Spotts, Stevens, and McCoy

A handwritten signature in blue ink that reads "Paul Spiegel".

Paul D. Spiegel, P.E., LEED AP  
Director  
Energy and Sustainability Services  
[paul.spiegel@ssmgroup.com]

Reviewed and Accepted:

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name and Title

\_\_\_\_\_  
Date



## TERMS AND CONDITIONS FOR SERVICE AUTHORIZATION

### 1. JOB SITE

- 1.1. CLIENT, at CLIENT's expense, shall furnish to Practical Energy Solutions (PES), a division of Spotts, Stevens and McCoy (SSM), all documents and information known to CLIENT that relate to the identity, location, quantity, nature or characteristics of any asbestos or hazardous materials at, on or under the site. In addition, CLIENT will furnish such other reports, data, studies, plans, specifications, documents and other information on surface and subsurface site conditions required by PES for proper performance of its services. PES shall be entitled to rely on the accuracy and completeness of CLIENT-provided information in performing the services required under this AGREEMENT and PES shall not be responsible if the information is not accurate. Further CLIENT shall defend, indemnify and hold harmless PES for all claims against PES relating in any way to the accuracy or completeness of information provided to PES by CLIENT. CLIENT-provided documents will remain the property of the CLIENT.
- 1.2. CLIENT shall mark the location of all underground utilities affecting the job site. PES assumes no liability for the accuracy or completeness of these markings. CLIENT shall arrange for proper disconnection or de-energizing of utilities as requested by PES.
- 1.3. PES shall not have control over, charge of, or responsibility for the construction means, methods, techniques, sequences or procedures, or for safety precautions and programs in connection with the Work, nor shall PES be responsible for any failure by a contractor to perform the work in accordance with applicable requirements. Nor shall PES be responsible for safety matters. PES shall not be responsible for the negligent acts or omissions of any contractors, and shall not have control over or charge of, and shall not be responsible for, acts or omissions by contractors or of any other persons or entities performing portions of the work.
- 1.4. PES shall not be required to make exhaustive or continuous on-site inspections (unless by written Scope of Work or contracted to do so) to check the quality or quantity of the work nor shall PES be responsible for the failure by the contractor(s) to perform work in accordance with the requirements of the plans and specifications or the requirements of any agreements between the CLIENT and the contractor(s). PES shall promptly report to the CLIENT (1) known deviations from such requirements actually discovered or observed, and (2) defects and deficiencies actually discovered and observed in the Work. PES shall not be responsible for the failure by any contractor to perform work in accordance with submittals and shop drawings

### 2. DISPOSAL OF CONTAMINATED MATERIAL

- 2.1. It is understood and agreed that PES is not, and has no responsibility as, a handler, generator, operator, treator or storer, transporter or disposer of hazardous or toxic substances, including asbestos and that CLIENT shall undertake or arrange for the handling, removal, treatment, storage, transportation and disposal of any hazardous substances or constituents found or identified in any sample collected by PES.
- 2.2. All samples of hazardous substances or materials containing hazardous substances (whether soil, water, sludge, or any other material collected as a result of testing or sampling) shall become and remain the property of the CLIENT and will be returned to the CLIENT after laboratory analyses are completed and the CLIENT shall have responsibility for the proper handling and disposal of all such samples and materials.
- 2.3. Any and all testing or sampling equipment, clothing, expendables or supplies which cannot be decontaminated will also become the property of the CLIENT subject to the CLIENT's responsibilities as outlined in Paragraph 2.2.

### 3. INVESTIGATION OF ALLEGED ERRORS OR OMISSIONS

In the event PES is asked to investigate an alleged act, error, or omission, and it is determined that PES was not at fault, CLIENT shall bear the costs of such investigative or testing work relating thereto. If it is determined that PES was at fault, then PES shall absorb the costs of their investigation and the cost of any professional design services as may be required to correct or remedy any negligent act, error, or omission. PES shall not be responsible beyond such corrective professional services.

### 4. FEES AND REIMBURSABLE EXPENSES

- 4.1. Reimbursable Expenses means the actual expenses plus our standard markups (when applicable) to cover administrative costs, incurred by PES or PES's independent professional associates or consultants directly or indirectly in connection with the PROJECT, such as expenses for: transportation and subsistence incidental thereto; toll telephone calls; reproduction of reports, drawings, specifications, bidding documents, expenses incurred for computer time and other highly specialized equipment; and other similar PROJECT related items.

- 4.2. Fees and Reimbursable Expenses under this AGREEMENT will also include any state or local sales or use tax. Payment shall be made by CLIENT within thirty (30) days from the date of the invoice or as otherwise agreed. PES reserves the right to require payment at any time prior thereto if in good faith it believes that the prospect of payment is impaired. PES reserves the right to assess interest at the rate of 1.5% per month for late payment beginning thirty (30) days after the date of invoice.
- 4.3. PES may suspend performance under this AGREEMENT if at any time any fees or costs are due and outstanding for a period of more than forty-five (45) calendar days beyond the date that such fees and costs were due. In the event of a suspension, CLIENT agrees to reimburse PES for all increases in costs of its services caused by the suspension, including profit on the increased cost of performance and expenses related to demobilization and remobilization, if any.
- 4.4. In the event of delays through no fault of PES and due to the CLIENT'S conduct, the CLIENT shall pay all costs which have been reasonably incurred by PES in suspending the services, including all costs incurred in reactivating the services. This is in addition to compensation for services performed and costs incurred prior to suspension.

### 5. LIABILITY, LIMITATIONS

- 5.1. Standard of Care - Services provided by PES under this AGREEMENT will be conducted with the level of skill and care ordinarily exercised by members of the profession under similar conditions. No other warranty, expressed or implied, is made.
- 5.2. As between the parties to this AGREEMENT, any applicable statute of limitations or repose will begin to run, and any cause of action will have accrued, not later than the date of the last invoice sent to CLIENT by PES for project work performed. In no event shall the CLIENT be permitted to make any claim against any party, including third parties not in privity with this AGREEMENT, after four (4) years from the date of any specific substantial completion of the PROJECT or the date of the final payment to PES for any PROJECT, whichever event occurs earliest (referred to as the date of repose), whether the basis of any claim is known or discovered before or after that date of repose.
- 5.3. The liability of PES or any of its principals or employees for any claims based on the performance or nonperformance of any duties arising from this AGREEMENT shall be limited to the sum of all fees paid, or the amount of insurance proceeds, whichever is less. The remedies set forth in this article or in lieu of and exclude all other remedies available to CLIENT and constitute CLIENT'S exclusive remedies against PES regardless of whether CLIENT'S claim arises from the negligence of PES, subcontractors, suppliers, agents or employees; breach of warranty; breach of contract; strict or absolute liability; or other act, error, or omission; or from any other cause whatsoever; or omission; or from any other cause whatsoever; or any combination of the foregoing
- 5.4. Neither PES nor any of its principals or employees shall be liable for any delay in performing under this AGREEMENT, including delay attributable to labor disputes, force majeure, substantial modification of the Scope of Work, or any cause beyond PES's control.
- 5.5. Neither PES nor any of its principals or employees make any implied or express warranties with regard to any of the services to be provided hereunder and nothing herein shall be construed as such. To the contrary, any alleged breach of this AGREEMENT or claim against PES or any of its principals or employees by any person or entity arising from the services provided under this AGREEMENT is to be judged by the standard of reasonable care as rendered by others under similar circumstances at the time when and the place where the services are rendered.

### 6. INDEMNIFICATION

- 6.1. To the fullest extent permitted by law, CLIENT shall indemnify and hold harmless PES, its successors and assigns, and the directors, officers, agents, and employees of each of them, from and against any and all claims, damages, losses and expenses, including attorney's fees, provided that such liability is caused by CLIENT'S wrongful or negligent acts or breach of its duties under this AGREEMENT.
- 6.2. To the fullest extent permitted by law, PES shall indemnify and hold harmless CLIENT, successors and assigns, and the directors, officers, agents, and employees of each of them, from and against any and all claims, damages, losses, and expenses, including attorney's fees, provided and to the extent that (1) such liability is caused by PES's negligent acts, and (2) such claim is attributable to bodily injury, sickness, disease or death, or to the injury to or destruction of tangible property, including the loss of use resulting therefrom.
- 6.3. PES shall not be liable to CLIENT for any interest, special, indirect or consequential damages whatsoever, whether caused or alleged to be caused by



PES's negligence, errors, omissions, strict liability, breach of contract or warranty, or performance of services under this AGREEMENT.

**7. ARBITRATION**

- 7.1. All claims, disputes and other matters in question between the parties to this AGREEMENT, arising out of or relating to the AGREEMENT or the breach thereof, shall be decided by a panel of three (3) arbitrators in accordance with the current Construction Industry Arbitration Rules of the American Arbitration Association, said Rules being incorporated herein by reference. The award rendered by the arbitrators shall be final, and judgment may be entered upon it in any court having jurisdiction. The prevailing party shall be entitled to recover its attorneys' fees, expert witness fees and the costs of the arbitration as part of the award.
- 7.2. No arbitration arising out of, or relating to this AGREEMENT may include, by consolidation, joinder or otherwise, any person or entity who is not a party to this AGREEMENT, except by written signed consent of both the PES and the CLIENT.

**8. TERMINATION OF AGREEMENT**

- 8.1. This Master Agreement may be terminated by either party upon seven (7) days' written notice should the other party fail substantially to perform in accordance with its terms through no fault of the party initiating the termination and fail to cure such failure within such time. CLIENT's failure to make payments promptly on any project when due shall be events justifying termination pursuant to this clause and such termination shall be without prejudice to other rights and remedies.
- 8.2. In the event of termination which is not the fault of PES, PES shall be compensated for all services performed to termination date, together with Reimbursable Expenses then due, and all Termination Expenses as defined below.
- 8.3. Termination Expenses include expenses directly attributable to termination for which PES is not otherwise compensated, plus 10% of the total compensation earned to the time of termination. The parties hereby acknowledge the difficulty of determining PES's actual damages as a result of termination and agree that the Termination Expenses defined here are liquidated damages.

**9. INTEGRATION**

The AGREEMENT represents the entire and integrated agreement between the CLIENT and PES and supersedes all prior negotiations, representations or agreements, either written or oral. This AGREEMENT may be amended only by written instrument signed by both CLIENT and PES. No course of prior dealing between the parties, no usage of trade and no course of performance accepted or acquiesced in shall be relevant to supplement, define or explain any term used in this AGREEMENT.

**10. PATENTS, COPYRIGHTS AND TRADE SECRETS**

PES will not conduct patent searches and does not assure any liability for patent or copyright infringement or use of trade secrets and PES makes no representations that equipment, or materials used in its work or design are free of such claims.

**11. INTERPRETATION**

If any provision of this AGREEMENT differs in any respect from the provisions (if any) of CLIENT's invitation to bid, purchase order or other solicitation, this AGREEMENT shall govern and shall be construed as PES's counteroffer and shall not be effective as an acceptance of such invitation to bid, purchase order, or other solicitation. Acceptance of the terms of this AGREEMENT must be made on the exact terms contained herein.

**12. NO THIRD PARTY BENEFICIARIES**

This AGREEMENT is made solely for the benefit of the parties hereto and nothing herein is to be construed as conferring any right or benefit on any third party, it being the expressed intent of the CLIENT and PES that they are the sole beneficiaries of the terms of this AGREEMENT and there are no third party beneficiaries to this AGREEMENT.

**13. OWNERSHIP AND USE OF DOCUMENTS.**

PES and its consultants shall be deemed the authors and owners of their respective documents, including drawings, specifications, reports, and digitized versions thereof ("Instruments of Service"), and shall retain all common law, statutory and other reserved rights, including copyrights.

All proprietary information of PES, including formulae, calculations, standards and computer programs used in the preparation of the documents, shall remain the property of PES.

Upon execution of this AGREEMENT, PES grants to the CLIENT a nonexclusive license to reproduce PES's Instruments of Service solely for purposes of constructing, using and maintaining the Project, provided that the CLIENT shall comply with all obligations, including prompt payment of all sums when due, under this AGREEMENT. Any termination of PES prior to completion of a project shall terminate the license to use PES's Instruments of Service on that project, or those of its consultants. This license shall also be automatically terminated if payment is not made when due on a particular project. Upon such termination or nonpayment, the CLIENT shall not make further reproductions of Instruments of Service and shall return to PES within five (5) days all originals, reproductions and computer files in the CLIENT's possession or control.

Documents furnished by PES under this AGREEMENT are not to be reused by the CLIENT or any other person for extensions of the project for which they were prepared or on any other project and only if PES is retained to provide services for that project. Any reuse of the documents without specific written verification or adaptation by PES will be at the CLIENT'S sole risk and without liability to PES and CLIENT shall indemnify and hold PES harmless from any claims or damages resulting from such reuse. Any verification or adaptation of the documents by PES will entitle PES to further compensation at rates to be agreed to by the CLIENT and PES. In the event CLIENT uses the Instruments of Service without retaining PES on the project or matter on which they are used CLIENT releases PES and PES's consultant(s) from all claims and causes of action arising from such uses. The Owner, to the extent permitted by law, further agrees to defend, indemnify and hold harmless PES and its consultants from all costs and expenses, including the cost of defense, related to claims and causes of action asserted by any third person or entity to the extent such costs and expenses arise from CLIENT's use of the Instruments of Service.

**14. ESTIMATES OF CONSTRUCTION OR PROJECT COSTS**

Estimates, cost predictions of any kind including Engineer's Opinions of Probable Cost by PES of construction, project or other costs including but not limited to, financing, and acquisition of land and rights-of-way, permitting, cleanup and land development costs prepared by PES are supplied for information only and the accuracy is not guaranteed. Since PES has no control over cost of labor, materials, equipment, or services furnished by others, over contractors' methods of determining prices, over costs of financing, acquisition of land or rights-of-way, or over competitive bidding, market or negotiating conditions or the requirements that governmental authorities having jurisdiction will require, PES does not guarantee that any such estimates or cost predictions will not vary from actual costs or contractors' bids to the CLIENT and CLIENT shall not be entitled to rely on any estimates or cost predictions. PES shall not be responsible if the revised estimate varies from bid or actual costs. We will not redesign or provide value-engineering at our cost.

**15. SUCCESSORS AND ASSIGNS**

This AGREEMENT shall be binding upon the parties and their respective successors and assigns. PES may employ such independent consultants, associates, and subcontractors as it may deem appropriate. Nothing in this AGREEMENT shall be construed to give any rights or benefits to anyone other than the parties to this AGREEMENT.

**16. NONDISCRIMINATION CLAUSE**

PES is an Equal Opportunity Employer and adhere to the Equal Employment Opportunity Clause under Executive Order 11246, as amended, Section 503 and Section 2012.

**17. FORCE MAJEURE**

CLIENT and PES agree that there shall be no liability on the part of either party for any failure or delay in the performance of any obligations hereunder resulting from any cause beyond their reasonable control, including but not limited to: acts of God; acts or omissions of civil or military authority; acts or omissions of contractors or suppliers; fires; floods; epidemics; quarantine restrictions; severe weather; strikes; embargoes; wars; political strife; riots; delays in transportation; compliance with any regulations or directives of any national, state, local, or municipal governments or any department thereof; fuel, power, materials or labor shortages.

Any changes made to this AGREEMENT will be initialed and dated.

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

Item # 17

---

SUBJECT: Consider Proposal to Amend Wireless Facilities Ordinance  
MEETING DATE: August 23, 2021  
BOARD LIAISON: Tanya C. Bamford, Chair  
INITIATED BY: Carolyn McCreary, Township Manager

---

**BACKGROUND:**

On June 30<sup>th</sup>, Act 50 was signed into law. It adds a new set of regulations to municipal management of small cell wireless facilities in the public rights-of-way. With this new legislation municipalities may only exercise authority over these facilities with a wireless ordinance that complies with Act 50.

On June 28<sup>th</sup>, the Supreme Court let stand the FCC's third report and Order of 2018 which addresses key wireless regulation issues including defining the new category known as "small wireless facilities", creating a timeframe for review and approval/denial of applications, limiting fees, and authorizing new requirements for design standards.

**RECOMMENDATION:**

Due to these recent legislative and legal actions staff recommends the Board accept the proposal from the Cohen Lawn Group thereby positioning the Township to be in full compliance with the Commonwealth legislation and FCC order concerning small wireless facilities.

**MOTION/RESOLUTION:**

**Motion** to approve the proposal from the Cohen Law Group dated August 10, 2021 for wireless facilities management services in the amount of \$4,800.

- 1) Motion by: \_\_\_\_\_ Second by: \_\_\_\_\_
- 2) Chair will ask for public comment.
- 3) Chair to call for vote.



# Cohen Law Group

August 10, 2021

Carolyn McCreary  
Township Manager  
Montgomery Township  
1001 Stump Road  
Montgomeryville, PA 18936

***RE: Montgomery Township: Proposal for Wireless Facilities Management Services***

Dear Carolyn:

Thank you for contacting me today regarding wireless facilities management by Montgomery Township. As you know, advances in wireless technology have led to greater broadband capacity and more internet applications for smart phones, digital tablets and, in the future, autonomous vehicles. Meanwhile, the demand for broadband services continues to skyrocket. Wireless data traffic is expected to increase six-fold over a six-year time period,<sup>1</sup> due in large part to new 5G technology. The wireless industry has responded with new infrastructure to boost broadband capacity. A critical aspect of most of these facilities, known as distributed antenna systems (“DAS”) or “small cells”, is that they are located in the public rights-of-way.

## **Background**

DAS systems deploy a network of poles, antennae, fiber, and other equipment. A DAS system includes 5-foot high antennas, control boxes and other equipment on existing utility poles. It also can include new fiberglass poles that are 25 to 120 feet in height. The number of DAS networks is expected to grow dramatically within the next several years. According to S&P Global Market Intelligence, there are an estimated 150,000 DAS facilities today. That number is expected to increase to over 800,000 by the end of 2026.

This new infrastructure creates challenges for municipalities. It places new burdens on the public rights-of-way, which municipalities have the responsibility maintaining as a public trust. It also can create an adverse aesthetic impact on residential neighborhoods. Finally, it adds new costs for municipalities as they respond to the installation requests of new providers, perform permitting, inspect the new equipment, and monitor this new activity within a narrow ribbon of real estate already occupied by many utilities and other companies.

There have been dramatic new changes in the law pertaining to municipal management of wireless facilities. On June 30, 2021, the new Pennsylvania “Small Wireless Facilities

---

<sup>1</sup> According to Ericsson, mobile data traffic in North America was 1.8 exabytes per month in 2017. By 2023, it is expected to increase to 10.8 exabytes per month. Ericsson Mobility Report, June 2016. An exabyte is the equivalent of 1 billion gigabytes.

Carolyn McCreary  
Township Manager  
Montgomery Township  
August 10, 2021

Deployment Act,” known as PA Act 50, was signed into law by the Governor. PA Act 50 enacted a new set of regulations regarding wireless facilities in the public rights-of-way. These include, but are not limited to: requirements regarding timing for approval of wireless facilities applications; batching of applications; dimensions of “small wireless facilities”; enactment of local design standards for these facilities; restricting wireless facilities in underground areas; and permissible fees on wireless providers.

In addition, on June 28, 2021, the United States Supreme Court let stand the Federal Communications Commission’s (“FCC’s”) Third Report and Order (2018) that, among other rulings, created a new classification of “Small Wireless Facilities;” imposed “shot clocks” for approval/denial of applications; addressed fees that may be assessed by local governments; and prescribed general rules for enacting local design standards.

In light of these recent developments, we recommend that the Township amend its wireless ordinance and enact wireless facility design standards. This will allow the Township to take a proactive approach and design a regulatory structure to respond to wireless providers in a fair and equitable manner. It will also allow the Township to strike a balance between the need for wireless broadband and the equally important desire to preserve the character of the community.

Our law firm is well equipped to assist Montgomery Township in drafting a wireless facilities ordinance and design standards to address these new technologies and regulations. We are uniquely qualified to assist the Township in this effort. For over 23 years, we have specialized exclusively in representing municipalities in cable, wireless, and broadband matters. Collectively, our attorneys have represented over 500 municipalities in six states in these areas of the law. In addition, we have assisted over 200 municipalities in drafting or amending their wireless facilities ordinances. We have also had the privilege of representing the Township in cable franchise renewal negotiations with its cable operators.

### **Benefits of Wireless Facilities Regulation**

There are significant benefits available to the Township in amending its wireless facilities ordinance and enacting design standards. The following are some of those benefits.

**1. Application to New Technologies.** The new wireless facilities ordinance will apply to new wireless technologies, including new poles and antennae as part of a “small cell” network. This includes developing new regulations to manage these new technologies and establishing approval processes for these facilities.

**2. Requirements for Wireless Facilities in the Rights-of-Way.** The new regulatory framework will include requirements for wireless facilities in the public rights-of-way. These may include, but are not limited to, application approval requirements, height limitation for poles, maximum usable space on poles, rules for collocation of antennae, and approval processes for increasing the height or configuration of poles.

Carolyn McCreary  
Township Manager  
Montgomery Township  
August 10, 2021

**3. Requirements for Wireless Facilities Outside the Rights-of-Way.** The wireless facilities ordinance will include new requirements for cell towers located outside the public rights-of-way. These may include, but are not limited to, applicable fees on wireless providers, measures for mitigation of visual impact, setback requirements, height limits, safety requirements, and criteria for accessory facilities, such as an equipment building.

**4. Design Standards.** We strongly recommend that the Township establish design standards for wireless facilities in the public rights-of-way. If such standards are not in place when an application is received, the Township cannot impose aesthetic requirements on a proposed site. This also would limit a municipality's authority to deny applications for facilities that are aesthetically obtrusive. Aesthetic requirements include, but are not limited to, the design and types of antennas, the design of support structures, the design and placement of accessory equipment required at the site, and "stealth" requirements.

**5. "New Generation" Facilities.** A new wireless facilities framework should address new antennas that have been added to cell towers and poles, known as "new generation" facilities. As the demand for broadband continues to rights-of-way, wireless carriers not only seek approval for new structures, but add "load" to existing structures. The additional load can create safety hazards. On the other hand, so long as there are no such hazards, you may wish to encourage "collocation" of wireless facilities to avoid the installation of new towers. A well-crafted ordinance can strike a balance between these competing interests.

**6. Incorporation of Regulatory Changes.** As noted above, there have been significant regulatory changes at both the state and federal levels in the last few years. The amended wireless ordinance will include many revisions that comply with the FCC's Third Report and Order (2018) and the most recent PA Act 50 (2021). It is important that the Township is effectively regulating small cell facilities in the public rights-of-way and traditional towers in a manner that complies with federal and state law.

**7. Fees.** For wireless facilities located in the public rights-of-way, the Township may assess both application fees and recurring right-of-way fees in accordance with FCC and state requirements. Towers and antennas located on Township property are subject to negotiated lease payments by wireless carriers. The new ordinance will revise the Township's fee schedule to bring it into compliance with these new laws.

**8. Legal Protections.** It is critical to include legal protections for the Township in the event of liability resulting from wireless facility accidents. These include, but are not limited to, comprehensive indemnification of the Township, insurance coverage requirements, and construction and/or performance bonds.

**9. Enforcement Tools.** Enforcement mechanisms are necessary in the event that a provider fails to comply with the requirements in the new or revised wireless facilities ordinance. Such enforcement mechanisms must be strong enough to ensure compliance, as well as be practical in their application.

Carolyn McCreary  
Township Manager  
Montgomery Township  
August 10, 2021

## **Scope of Services**

The following is our scope of services if Montgomery Township engages the Cohen Law Group to assist in crafting a new wireless facilities ordinance and design standards.

### **A. Project Launch Meeting and Ordinance Review**

The first step of the project will be to review the Township's current wireless facilities ordinance and related regulations. We will then arrange a virtual meeting or conference call with Township officials (typically, the Manager, Code Enforcement Officer and possibly the Solicitor) to provide our legal assessment of the Township's existing ordinance, listen to the Township's specific needs and concerns, decide on priorities for wireless regulation, and make specific recommendations regarding the new wireless facilities ordinance and design standards.

### **B. Preparation of Wireless Facilities Ordinance and Design Standards**

We will then prepare amendments to the Township's wireless facilities ordinance and draft new design standards for the Township. The ordinance will be specifically written to amend the Township's existing Zoning Code. It will address the newest wireless technologies, incorporate recent regulatory changes, add a fee schedule, and be crafted to preserve the character of the Township's neighborhoods. It will also incorporate the Township's priorities regarding siting of wireless facilities and appropriate approval processes. We also recommend that the Township establish specified design standards for wireless facilities, especially those in the public rights-of-way. The design standards will be a separate document.

### **C. Refinement and Finalization of Ordinance and Design Standards**

After our proposed ordinance amendments and design standards have been reviewed, there will most likely be one or two follow-up conference calls with Township officials to provide comments and answer any questions. We will then incorporate the Township's comments into the ordinance and design standards as appropriate. The distribution of the final documents will complete the scope of services for the project. It is anticipated that the Solicitor will perform the following tasks: 1) incorporate the ordinance into the current Code of Ordinances; 2) remove or amend outdated, inconsistent or ineffective current ordinances in light of the new ordinance; and 3) advertise the new ordinance for legislative consideration.

### **D. Consulting Services**

In addition to drafting a wireless facilities ordinance and design standards as outlined above, our firm will be available to assist the Township in any other issues relating to wireless facilities as they arise. These may include, but are not limited to, reviewing and preparing required agreements and applications, reviewing and making recommendations to the Township regarding its treatment of any applications for wireless facilities, or responding to requests or communications from wireless providers. This aspect of the engagement will be performed on an as-needed basis as determined by the Township and is not included in the fee estimate below.

Carolyn McCreary  
Township Manager  
Montgomery Township  
August 10, 2021

**Cost of Services**

The following represents the cost of services if engaged by Montgomery Township to draft amendments to its wireless facilities ordinance and new design standards for small wireless facilities. We propose to perform these services on a flat fee basis, because our significant experience in preparing wireless facilities ordinances and design standards lends predictability to our efforts on behalf of the Township. In addition, a flat fee provides “price certainty” to the Township. Our flat fee for this project is as follows:

**Flat Fee for Wireless Facilities Management Services: \$4,800**

Please note that the flat fee amount above does not include expenses, such as copying and postage charges, which are kept to a minimum. It also does not include attendance at public meetings, unforeseeable developments or extraordinary requests outside the scope of services in this proposal. If such additional services are required, CLG will charge an hourly rate of \$300 per hour. While we do not anticipate that travel will be necessary for this project, we would bill travel time at one-half our hourly rate or \$150 per hour. We do not charge for mileage. As noted above, any consulting work will be performed at the same hourly rate of \$300 per hour.

Our billing policy is to bill one-half of the fee at the commencement of the project and one-half upon the provision of the draft documents to the Township. Thank you for the opportunity to submit this proposal to assist Montgomery Township in wireless facilities management. If you have any questions regarding this proposal, please do not hesitate to contact me directly. If the terms of this engagement are acceptable, please sign this letter and send or email a copy back to me. Thank you for your consideration.

Sincerely yours,

Daniel S. Cohen

DSC/ai

Accepted on Behalf of Montgomery Township:

Signature: \_\_\_\_\_

Print: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

MONTGOMERY TOWNSHIP BOARD OF SUPERVISORS

BOARD ACTION SUMMARY

Item # 18

---

SUBJECT: Consider Authorization to Issue Note for Capital Investment Plan  
MEETING DATE: August 23, 2021  
BOARD LIAISON: Tanya C. Bamford, Chair  
INITIATED BY: Carolyn McCreary, Township Manager  
Brian Shapiro, Finance Director

---

BACKGROUND:

At the June 28th public meeting, staff presented a five-year Capital Investment Plan (CIP) totaling \$17.5 million to the Board of Supervisors. It is important to note that this plan is for existing assets including infrastructure, facilities, vehicles, equipment, and mandated stormwater improvements (outlined in the Gilmore & Associates August 2019 presentation to the Board).

During the presentation it was noted that all of the items included in the CIP have a useful life of 5 to 30 years and as such staff believes consideration should be given to borrowing money to fund it. This removes the need to utilize current resources and stretches our reserves further to meet unexpected capital needs that could arise. It also shares the cost of these long-term assets with future residents and businesses in the Township who will benefit from these long-term investments being made in the next five years (“intergenerational equity”).

Staff sought and received Board consensus to investigate the costs of borrowing money to help fund the CIP, noting interest rates were at historic lows.

At the July 26<sup>th</sup> public meeting, we presented the Board with several options through the Delaware Valley Regional Finance Authority and received authorization to advertise a proposed borrowing of \$15 million with a 30-year payback period. The rate quoted at that meeting was 2.152%.

RECOMMENDATION:

Staff recommends the Board adopt the ordinance authorizing the incurrence of Nonelectoral, General Obligation debt for \$15 million.

MOTION:

**Motion** to adopt Ordinance #21-324 authorizing the incurrence of Nonelectoral, General Obligation debt pursuant to the issuance of the General Obligation Notes, 2021 A Series in the aggregate principal amount of \$15 million for certain capital projects.

- 1) Motion by: \_\_\_\_\_ Second by: \_\_\_\_\_
- 2) Chair will ask for public comment.
- 3) Chair will call for vote.

**TOWNSHIP OF MONTGOMERY,  
MONTGOMERY COUNTY, PENNSYLVANIA**

**NOTICE OF MEETING FOR CONSIDERATION OF AN ORDINANCE TO AUTHORIZE  
THE ISSUANCE OF NONELECTORAL, GENERAL OBLIGATION DEBT AND THE  
AWARD OF A QUALIFIED INTEREST RATE MANAGEMENT AGREEMENT**

NOTICE IS HEREBY GIVEN that the Board of Supervisors of the Township of Montgomery, Montgomery County, Pennsylvania (the "Participant"), will hold a public meeting on August 23, 2021, at 7:00 P.M., at the Township Building, 1001 Stump Road, Montgomeryville, Pennsylvania, 18936. On the agenda for the meeting, is the consideration and possible enactment of an Ordinance that would authorize the incurrence of nonelectoral, general obligation debt by the issuance of the General Obligation Notes, 2021 A Series (the "2021 A Notes"), in the aggregate principal amount of \$15,000,000, and award a Qualified Interest Rate Management Agreement related to the 2021 A Notes. The 2021 A Notes would fund certain capital projects (the "2021 Project") consisting of: (i) the purchase of software and technology, (ii) the planning and construction of building improvements, (iii) the purchase of vehicles, (iv) the purchase of equipment, (v) the planning, construction and improvement of intersections, (vi) the paving of roads, (vii) the planning and construction of stormwater system improvements, (viii) the planning, construction, improvement and maintenance of parks and the Community Recreation Center, and (ix) the payment of the costs of issuance of the 2021 A Notes, that will benefit the health and welfare of the residents of the Township of Montgomery.

The provisions of the proposed Ordinance are summarized as follows:

- Section 1.** Authorizes the incurrence of nonelectoral debt aggregating \$15,000,000, approves the 2021 Project, and states the estimated useful life of the 2021 Project.
- Section 2.** States the determination that a private sale by negotiation is in the best interest of the Participant; accepts the Loan Commitment submitted by the Delaware Valley Regional Finance Authority ("DelVal") to purchase the 2021 A Notes for \$15,000,000; agrees to pay DelVal's origination costs in the amount of \$75,000; and sets the date to purchase the 2021 A Notes.
- Section 3.** Approves the substantial forms of the Loan Documents and authorizes the execution and delivery of all necessary documents.
- Section 4.** Sets forth the principal amortization schedule and the maximum annual debt service payments at the maximum interest rate of 15%.
- Section 5.** Authorizes and awards a Qualified Interest Rate Management Agreement related to the 2021 A Notes and directs the filing of documents to the Department of Community and Economic Development.
- Section 6.** Pledges the full faith, credit, and taxing power of the Participant to guarantee the timely payment of all amounts due and payable under the 2021 A Notes and the Loan Agreement.
- Section 7.** Pledges the full faith, credit, and taxing power of the Participant for the timely payment of all scheduled, periodic payments due under the Qualified Interest Rate Management Agreement and covenants to budget and appropriate funds for the payment of any Termination Charges.

**Section 8.** Establishes a Sinking Fund and appoints Wells Fargo Bank, N.A. as the Sinking Fund Depository.

**Section 9.** Authorizes and directs filing the application for the approval of the issuance of the 2021 A Notes to the Department of Community and Economic Development.

**Section 10.** Authorizes and directs the advertisement of the enactment of the Ordinance.

**Section 11.** Repeals conflicting prior Ordinances.

A copy of the full proposed text of the Ordinance summarized above may be examined by any citizen in the Office of the Manager, located at the Township Building, 1001 Stump Road, Montgomeryville, PA 18936, on Monday through Friday between the hours of 8:30 A.M. and 4:30 P.M. If the Ordinance is enacted, a Notice of Enactment thereof, including a summary of any changes or amendments to the Ordinance, will be advertised and the Ordinance (as enacted) will be available for examination by any citizen in accordance with the *Local Government Unit Debt Act*.

CAROLYN MCCREARY  
MANAGER  
TOWNSHIP OF MONTGOMERY

**ORDINANCE NO. 21-324  
OF THE BOARD OF SUPERVISORS  
OF THE TOWNSHIP OF MONTGOMERY,  
MONTGOMERY COUNTY, PENNSYLVANIA**

AN ORDINANCE THAT AUTHORIZES THE INCURRENCE OF NONELECTORAL, GENERAL OBLIGATION DEBT BY THE TOWNSHIP OF MONTGOMERY, MONTGOMERY COUNTY, PENNSYLVANIA (THE “PARTICIPANT”) PURSUANT TO THE ISSUANCE OF THE GENERAL OBLIGATION NOTES, 2021 A SERIES (COLLECTIVELY, THE “PARTICIPANT NOTE”) IN THE AGGREGATE PRINCIPAL AMOUNT OF \$15,000,000 AND APPROVES CERTAIN CAPITAL PROJECTS; APPROVES THE NEGOTIATED SALE OF THE PARTICIPANT NOTE TO THE DELAWARE VALLEY REGIONAL FINANCE AUTHORITY; APPROVES THE SUBSTANTIAL FORMS OF THE LOAN DOCUMENTS AND AUTHORIZES EXECUTION AND DELIVERY OF ALL NECESSARY DOCUMENTS; STATES THE AMORTIZATION SCHEDULE AND MAXIMUM ANNUAL DEBT SERVICE PAYMENTS; AUTHORIZES AND AWARDS A TRANSACTION UNDER A QUALIFIED INTEREST RATE MANAGEMENT AGREEMENT AND AUTHORIZES AND DIRECTS A FILING TO THE DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT; PLEDGES THE FULL FAITH, CREDIT, AND TAXING POWER OF THE PARTICIPANT FOR THE TIMELY REPAYMENT OF THE PARTICIPANT NOTE, INCLUDING THE PERIODIC PAYMENTS DUE UNDER THE QUALIFIED INTEREST RATE MANAGEMENT AGREEMENT; COVENANTS TO PAY ANY TERMINATION CHARGES; CREATES A SINKING FUND AND APPOINTS A SINKING FUND DEPOSITORY; AUTHORIZES THE APPLICATION TO THE DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT FOR APPROVAL OF THE ISSUANCE OF THE PARTICIPANT NOTE; AUTHORIZES ADVERTISEMENT OF ENACTMENT; AND REPEALS INCONSISTENT ORDINANCES.

WHEREAS, the Board of Supervisors of the Township of Montgomery (the “Participant”) has reviewed its capital improvement program (the “CIP”) and determined to undertake certain capital projects (collectively, the “CIP Projects”); and

WHEREAS, the Participant has obtained preliminary cost estimates of the CIP Projects from persons qualified by experience; and

WHEREAS, the incurrence of nonelectoral debt by the issuance of the General Obligation Notes, 2021 A Series (collectively, the “Participant Note”) is necessary to fund the CIP Projects; and

WHEREAS, certain capital projects (collectively, the “2021 Project”), consisting of, but not limited to: (i) the purchase of software and technology, (ii) the planning and construction of building improvements, (iii) the purchase of vehicles, (iv) the purchase of equipment, (v) the planning, construction and improvement of intersections, (vi) the paving of roads, (vii) the planning and construction of stormwater system improvements, (viii) the planning, construction, improvement and maintenance of parks and the Community Recreation Center, and (ix) the payment of the costs of issuance of the Participant Note, will benefit the health and welfare of the residents of the Township of Montgomery; and

WHEREAS, the 2021 Project shall be for the benefit and use of the general public, and no private party shall have any special legal entitlement to the beneficial use of the 2021 Project, through a lease, management contract, or any other arrangement that would result in a private business use under the *Internal Revenue Code of 1986*, as amended; and

WHEREAS, the proposed increase of nonelectoral debt from the issuance of the Participant Note, together with the nonelectoral and lease rental debt presently outstanding, will not cause the constitutional or statutory debt limitations of the Participant to be exceeded; and

WHEREAS, the Delaware Valley Regional Finance Authority (“DelVal”), a public authority within the meaning of the *Local Government Unit Debt Act*, 53 Pa. C.S.A. §8001, *et seq* (the “*Debt Act*”), has from time to time issued Local Government Revenue Bonds (the “DelVal Bonds”), to provide funds for loans to local government units and municipal authorities (the “Loan Program”); and

WHEREAS, from time to time, DelVal has entered into interest rate swap agreements related to the DelVal Bonds (collectively, the “DelVal Swap Agreement”) in order to provide a more cost-effective Loan Program and to allow participants in the Loan Program to manage interest rate risk more efficiently; and

WHEREAS, Calhoun Baker Inc. (the “Municipal Advisor”) is an “Independent Financial Advisor”, as such term is defined in the *Debt Act*, to DelVal, and the Municipal Advisor has

prepared an “Interest Rate Management Plan” (the “Plan”), as such term is defined in the *Debt Act*, and an Interest Rate Swap Management Policy (the “Swap Policy”) that have been adopted by the Board of Directors of DelVal; and

WHEREAS, DelVal established minimum rating criteria for any counterparty to the DelVal Swap Agreement of long term, senior, unsecured debt ratings in the “AA-” or “Aa3” category or higher, or ratings equal to or higher than any active counterparty, by a Nationally Recognized Statistical Rating Organization registered with the Securities and Exchange Commission, and the Board of Directors of DelVal found that the award of transactions under the DelVal Swap Agreement by negotiation in private sales were in the best financial interests of DelVal and the participants in the Loan Program, and the Municipal Advisor concluded that the financial terms and conditions of the DelVal Swap Agreement were fair and reasonable as of the dates of award; and

WHEREAS, the Participant wishes to utilize the DelVal Loan Program by issuing the Participant Note to DelVal; and

WHEREAS, under the terms of the Loan Agreement with DelVal, interest payments on the Participant Note (the “Loan Interest”) will equal the amounts allocable to the Participant Note for interest on the DelVal Bonds, periodic scheduled payments on the DelVal Swap Agreement, and other costs and liquidity requirements incurred by DelVal to administer the Loan Program; and

WHEREAS, under the terms of the Loan Agreement with DelVal, the principal amount outstanding of the Participant Note (the “Loan Principal”) will equal the notional amount of the DelVal Swap Agreement related to the Participant Note; and

WHEREAS, the Board of Supervisors intends to (i) designate the Loan Agreement and the allocable portion of the DelVal Swap Agreement as a Qualified Interest Rate Management Agreement related to the Participant Note, (ii) approve the Plan as the Interest Rate Management Plan required by the *Debt Act*, and (iii) adopt the Swap Policy.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF MONTGOMERY, MONTGOMERY COUNTY,

PENNSYLVANIA, AND IT IS HEREBY ORDAINED AND ENACTED BY THE AUTHORITY OF SAID BOARD OF SUPERVISORS THAT:

**SECTION 1. APPROVAL OF THE 2021 PROJECT AND AUTHORIZATION TO ISSUE THE PARTICIPANT NOTE**

The Board of Supervisors hereby authorizes and approves the 2021 Project. Pursuant to §8142(a)(2)(ii) of the *Debt Act*, the Participant Note is issued to fund the current portion of the capital budget involving projects of varying useful lives at a uniform thirty-year term of the Participant Note. The principal of the Participant Note shall be amortized to provide level or declining annual debt service, pursuant to §8142(b)(1) of the *Debt Act*. The amortization of the principal amounts of the Participant Note shall begin within two years of the date of issue in accordance with §8142(c) of the *Debt Act*. The Board of Supervisors hereby authorizes and directs the incurrence of nonelectoral, general obligation debt in the aggregate principal amount of FIFTEEN MILLION DOLLARS (\$15,000,000) by the issuance of the Participant Note.

**SECTION 2. APPROVAL OF THE LOAN COMMITMENT**

The Board of Supervisors, after due deliberation and investigation, hereby determines that a private sale by negotiation of the Participant Note to DeIVal is in the best financial interests of the Participant. The Board of Supervisors hereby accepts the Loan Commitment from DeIVal, attached hereto, to purchase the Participant Note at an aggregate price of \$15,000,000 from the proceeds of the DeIVal Bonds. The Participant shall be responsible for paying DeIVal's costs of origination in an amount not to exceed \$75,000, as directed by DeIVal's Program Administrator upon the issuance of the Participant Note. The Participant Note shall be purchased by DeIVal on or about September 27, 2021, or in such installments and/or at such other times as the Chairman or Vice-Chairman of the Board of Supervisors and DeIVal's Program Administrator shall determine.

**SECTION 3. APPROVAL OF THE FORMS OF THE LOAN DOCUMENTS AND AUTHORIZATION TO EXECUTE AND DELIVER ALL NECESSARY DOCUMENTS**

The substantial forms of the Loan Agreement and Participant Note (collectively, the "Loan Documents") attached to the Loan Commitment are hereby approved. The Chairman or Vice-Chairman and the Secretary of the Board of Supervisors (collectively, the "Authorized Officers") are hereby authorized and directed to execute and deliver the Loan Documents, in the substantial

forms attached to the Loan Commitment, but with such alterations, deletions and additions as the Authorized Officers may approve (such approval to be conclusively established by the execution of the Loan Documents by the Authorized Officers). The Authorized Officers also are hereby authorized and directed (i) to execute and deliver such other certificates, instruments, and agreements (including those required by any institution issuing a financial guaranty insurance policy, municipal bond insurance policy, letter of credit, or similar instrument related to the DeVal Bonds or the Participant Note) and (ii) to take all actions that may be necessary or beneficial to issue the Participant Note.

**SECTION 4. AMORTIZATION SCHEDULE AND MAXIMUM ANNUAL DEBT SERVICE PAYMENTS**

The indebtedness of the Participant Note shall be nonelectoral debt and a general obligation of the Participant and shall be evidenced by one or more Promissory Notes, in the form attached hereto as Exhibit A, in the aggregate par amount of FIFTEEN MILLION DOLLARS (\$15,000,000). The Participant Note shall bear interest (the "Loan Rate") at the rate specified in the Loan Agreement and the Participant Note, the substantial forms of which are attached to the Loan Commitment. The Participant Note shall be subject to optional redemption by the Participant as set forth in the Participant Note and the Loan Agreement. The amortization schedule of the Loan Principal and the maximum Loan Interest payments under the Participant Note, based upon the maximum Loan Rate of 15%, are shown below:

**General Obligation Notes, 2021 A Series  
Principal Amortization Schedule and  
Maximum Annual Debt Service Payments**

<i>Bond Year</i> <u>Ending</u>	<u>Principal</u> (1)	<i>Maximum</i> <i>Interest</i> <u>Rate</u>	<i>Maximum</i> <i>Interest</i> <u>Payment</u> (2)	<i>Maximum</i> <i>Annual</i> <u>Debt Service</u>
25-Sep-22	\$ 385,000.00	15%	\$ 2,237,500.00	\$ 2,622,500.00
25-Sep-23	392,000.00	15%	2,192,250.00	2,584,250.00
25-Sep-24	399,000.00	15%	2,133,450.00	2,532,450.00
25-Sep-25	405,000.00	15%	2,073,600.00	2,478,600.00
25-Sep-26	413,000.00	15%	2,012,850.00	2,425,850.00
25-Sep-27	420,000.00	15%	1,950,900.00	2,370,900.00
25-Sep-28	427,000.00	15%	1,887,900.00	2,314,900.00
25-Sep-29	434,000.00	15%	1,823,850.00	2,257,850.00
25-Sep-30	442,000.00	15%	1,758,750.00	2,200,750.00
25-Sep-31	450,000.00	15%	1,692,450.00	2,142,450.00
25-Sep-32	458,000.00	15%	1,624,950.00	2,082,950.00
25-Sep-33	465,000.00	15%	1,556,250.00	2,021,250.00
25-Sep-34	474,000.00	15%	1,486,500.00	1,960,500.00
25-Sep-35	482,000.00	15%	1,415,400.00	1,897,400.00
25-Sep-36	490,000.00	15%	1,343,100.00	1,833,100.00
25-Sep-37	499,000.00	15%	1,269,600.00	1,768,600.00
25-Sep-38	507,000.00	15%	1,194,750.00	1,701,750.00
25-Sep-39	516,000.00	15%	1,118,700.00	1,634,700.00
25-Sep-40	525,000.00	15%	1,041,300.00	1,566,300.00
25-Sep-41	534,000.00	15%	962,550.00	1,496,550.00
25-Sep-42	544,000.00	15%	882,450.00	1,426,450.00
25-Sep-43	553,000.00	15%	800,850.00	1,353,850.00
25-Sep-44	563,000.00	15%	717,900.00	1,280,900.00
25-Sep-45	573,000.00	15%	633,450.00	1,206,450.00
25-Sep-46	583,000.00	15%	547,500.00	1,130,500.00
25-Sep-47	593,000.00	15%	460,050.00	1,053,050.00
25-Sep-48	603,000.00	15%	371,100.00	974,100.00
25-Sep-49	613,000.00	15%	280,650.00	893,650.00
25-Sep-50	624,000.00	15%	188,700.00	812,700.00
25-Sep-51	634,000.00	15%	95,100.00	729,100.00
<b>Total</b>	<b>\$ 15,000,000.00</b>		<b>\$ 37,754,350.00</b>	<b>\$ 52,754,350.00</b>

(1) Principal is payable annually, commencing on:	25-Sep-22
(2) Interest is payable monthly on the 25th, commencing:	25-Oct-21
Interest is calculated for the period beginning on:	27-Sep-21

**SECTION 5. AUTHORIZATION AND AWARD OF A QUALIFIED INTEREST RATE MANAGEMENT AGREEMENT**

The Participant is incurring indebtedness under the *Debt Act* that will be issued to DelVal, a public authority, and the Participant, by execution of the Loan Agreement, will become obligated for a notional amount of the DelVal Swap Agreement equal to the outstanding principal amount of the Participant Note. The Board of Supervisors hereby accepts and adopts the Plan as the

Interest Rate Management Plan fulfilling the requirements of §8281(b)(2) of the *Debt Act*. The Board of Supervisors hereby adopts the Swap Policy, accepts and ratifies the minimum criteria used by DelVal to select the counterparties of the DelVal Swap Agreement, and accepts and ratifies the award of the DelVal Swap Agreement in a private sale by negotiation. The Board of Supervisors hereby authorizes and awards the Loan Agreement and the portion of the DelVal Swap Agreement allocable to the Participant Note as the Qualified Interest Rate Management Agreement with respect to the Participant Note, pursuant to §8281(a)(2) of the *Debt Act*. The Board of Supervisors hereby authorizes and directs the filing, to the Department of Community and Economic Development (“DCED”), within fifteen days of enactment, a certified copy of this Ordinance and the following documents, in accordance with §8284(a)(1) of the *Debt Act*:

- 1) Form of the Loan Agreement (the Qualified Interest Rate Management Agreement pursuant to §8281(b)(1) of the *Debt Act*) and the form of the confirmation related to the Participant Note,
- 2) The Interest Rate Management Plan pursuant to §8281(b)(2) of the *Debt Act*, and
- 3) The finding of the Municipal Advisor that the financial terms and conditions of the DelVal Swap Agreement were fair and reasonable as of the date of the award by DelVal, pursuant to §8281(e)(5) of the *Debt Act*.

#### **SECTION 6. PLEDGE OF THE FULL FAITH, CREDIT, AND TAXING POWER**

The Participant hereby covenants to:

- 1) Include all payments of Loan Interest and Loan Principal payable under the Loan Agreement and the Participant Note in the budget of the fiscal year in which such amounts are due and payable,
- 2) Appropriate such amounts from its taxes and other general revenues, and
- 3) Pay, or cause to be paid, punctually and duly, such amounts that are due and payable under the Participant Note and the Loan Agreement on the dates, at the places, and in the manner stated in the Participant Note and the Loan Agreement.

For such budgeting, appropriation, and payment, the Participant irrevocably pledges its full faith, credit, and taxing power. As provided by the *Debt Act*, this covenant shall be specifically enforceable.

## **SECTION 7. OBLIGATIONS OF THE PARTICIPANT RELATED TO THE QUALIFIED INTEREST RATE MANAGEMENT AGREEMENT**

The Participant's obligations related to the Qualified Interest Rate Management Agreement are set forth in the Loan Agreement. In accordance with §8281 of the *Debt Act*:

- 1) The Participant pledges its full faith, credit, and taxing power to make any periodic scheduled payments due and payable under the DelVal Swap Agreement related to the Participant Note and Loan Agreement (the "Periodic Payments"). The Participant covenants to:
  - (a) include all Periodic Payments in the budget of the fiscal year in which such amounts are due and payable,
  - (b) appropriate such amounts from its taxes and other general revenues, and
  - (c) pay, or cause to be paid, punctually and duly, such amounts that are due and payable on the dates, at the places, and in the manner stated in the Participant Note and the Loan Agreement.

As provided by the *Debt Act*, this covenant shall be specifically enforceable.

- 2) The notional amount of the DelVal Swap Agreement related to the Participant Note is equal to the outstanding principal amount of the Participant Note, initially \$15,000,000.
- 3) The Participant's obligations under the DelVal Swap Agreement end when the Participant repays or prepays the amounts outstanding under the Participant Note and the Loan Agreement. The scheduled term of the Participant's obligations related to the DelVal Swap Agreement ends on September 25, 2051.
- 4) The Participant pledges to budget, appropriate, and pay any termination payment due and payable under the DelVal Swap Agreement related to the Participant Note and Loan Agreement (the "Termination Charge"). The Participant covenants to:
  - (a) include any Termination Charge in the budget of the fiscal year in which such amounts are due and payable,
  - (b) appropriate such amounts from its taxes and other general revenues, and
  - (c) pay, or cause to be paid, punctually and duly, such amounts that are due and payable on the dates, at the places, and in the manner stated in the Participant Note and the Loan Agreement.

The Participant's obligations to make Periodic Payments are senior to any obligation for a Termination Charge.

- 5) The maximum annual Periodic Payments, not including any Termination Charge, shall not exceed the maximum annual debt service payments authorized for the Participant Note. The maximum Loan Rate under the Loan Agreement and the maximum floating rate payable under the DeVal Swap Agreement is 15%.

#### **SECTION 8. APPOINTMENT OF SINKING FUND DEPOSITORY AND CREATION OF SINKING FUND**

Pursuant to §8221 of the *Debt Act*, the Board of Supervisors hereby appoints Wells Fargo Bank, N.A. (the "Bank"), or its successors or assigns, as the Sinking Fund Depository for the Participant Note, and the Board of Supervisors hereby irrevocably creates and establishes a sinking fund (the "Sinking Fund") to be used exclusively for the repayment of the Participant Note. The Participant shall deposit into the Sinking Fund sufficient amounts for debt service payments on the Participant Note no later than the date upon which such payments shall become due. The Bank shall maintain a separate account for the Sinking Fund until the Participant Note is paid in full. The Bank shall, as and when said payments are due, without further action by the Participant, withdraw available monies in the Sinking Fund and apply said monies to payment of Loan Interest on and Loan Principal of the Participant Note. The Board of Supervisors hereby authorizes and directs the Authorized Officers to contract with the Bank, by the execution of the Loan Agreement, to serve as the Sinking Fund Depository and paying agent for the Participant Note.

#### **SECTION 9. AUTHORIZATION TO SUBMIT STATEMENTS TO THE DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT**

The Board of Supervisors hereby authorizes and directs the Authorized Officers to prepare and submit an application for approval of the incurrence of the nonelectoral, general obligation debt evidenced by the Participant Note to DCED, including the proceedings that authorize issuance, the debt statement, and any other documents required by the *Debt Act* or DCED.

#### **SECTION 10. LEGAL ADVERTISEMENTS**

The Board of Supervisors hereby ratifies and directs the advertisement of a summary of this Ordinance as finally enacted, as required by the *Debt Act*, in *The Reporter*, a newspaper of

general circulation in the Township of Montgomery, within fifteen (15) days following the date of final enactment.

**SECTION 11. CONFLICTING ORDINANCES**

All Ordinances or parts of Ordinances not in accord with this Ordinance are hereby repealed insofar as they conflict herewith.

IN WITNESS WHEREOF, we, the undersigned Authorized Officers, have hereunto set our signatures and affixed hereto the Seal of the TOWNSHIP OF MONTGOMERY, Montgomery County, Pennsylvania.

Dated: August 23, 2021

---

TANYA C. BAMFORD  
Chairman, Board of Supervisors

[Seal]

ATTEST:

---

CAROLYN MCCREARY  
Secretary, Board of Supervisors

**Exhibit A**

**Form of the Participant Note**

MONTGOMERY TOWNSHIP BOARD OF SUPERVISORS

BOARD ACTION SUMMARY

Item # 19

---

SUBJECT: Other Business – Department Reports  
MEETING DATE: August 23, 2021  
BOARD LIAISON:  
INITIATED BY: Tanya C. Bamford, Chair

---

**BACKGROUND:**

Township staff has prepared reports for the month of July. If there are any questions, the Department Directors will be available to answer them at the public meeting.

Additionally, this is an opportunity for staff to bring items or issues to the Board of Supervisors of interest or for which they need input or direction.

August's Departments of the Month for an oral summary report are the Fire Department and the Police Department.

## **ADMINISTRATION REPORT**

### **July 2021**

#### **Administrative Matters (Township Manager)**

- Held Department Heads luncheon meeting at Battalion 1 to share issues and updates by Department.
- Met virtually with Montgomery County Planning Commission staff to discuss walkability in Township.
- Met with two EMS providers to discuss coverage in the Township.
- Conference call with Solicitor to discuss Executive Session meeting with Board of Supervisors.
- Met virtually with third-party to obtain a quote for an energy assessment and to assist with the Ready For 100 initiative.
- Attended Finance, BDP, Police Pension, and Public Safety Committee meetings.
- Met with FDMT President to discuss volunteer recruitment and retention.
- Met with developer interested in opening a daycare within the Township.
- Met virtually with PADEP and Township engineer to discuss PRP and TMDL stormwater plan.
- Met with staff and developer to discuss the Village of Windsor project.
- Met virtually with representative of PFM to discuss Police Pension RFP process and decision.
- Held agenda preparation meetings with Department Heads.
- Met with Director of Fire Services and Township Labor Attorney to review proposed changes to Fire Services Agreement.
- Held separate monthly meetings with Township Engineer, Traffic Engineers and Solicitor.
- Attended Monday Township Day planning meeting with staff and Autumn Fest Committee.
- Held conference call with Solicitor to discuss proposed ordinance amendment for outdoor dining.
- Attended virtual ICMA task force meeting.

#### **Human Resources**

- Participated in Department Head team/luncheon meeting and general round table update.
- Training: Attended full day training on BSA human resources module; attended biometric screening DVT and healthy eating on a budget wellness session; attended Managing Mental Health During Times of Social Change Health Advocate webinar; attended Municipal Records Management and Electronic Records Best Practices webinar.
- Met with Public Information Coordinator to review LinkedIn options from a recruitment perspective.
- Met with members of the IT department to review use of distribution lists and use of Teams.
- Worked collaboratively with Director of Fire Services to create laminated Swif workers comp cards and update WC flow charts for volunteer firefighter staff.
- Providing value through efficiency to convert all new hire forms to fillable forms.
- Creating a documented model of the recruitment and hiring process in OneNote.
- Oversight and coordination of: draft update of performance evaluation form and policy and new distracted driving policy; recruitment of recreation positions and continuing onboarding of new recreation employees.
- Coordination of: ice cream social to all staff/departments; occupational and non-occupational absences with employee(s) and DVWCT.
- Coordination and management of employee relations issues.

## **Public Information**

- Ongoing communication with Township residents, businesses, and staff utilizing the various communication media.
- Attended the monthly BDP meeting.
- Shared the EAC Solar Summit and BDP transportation webinars on communication channels.
- Attended biweekly Board of Supervisors meetings.
- Prepared and presented the results of the survey regarding Raising Chickens on Private Residential Properties in Montgomery Township
- Designed volunteer recruitment postcard for Fire Department of Montgomery Township with Bill Wiegman.
- Worked with Recreation Intern to develop materials to promote Kids University and other Recreation programs.
- Conducted a committee meeting regarding Montgomery Township Day
- Took steps to plan Montgomery Township Day in conjunction with key staff members and the Autumn Festival Committee
- Compiled articles for the Community News
- Met with American Red Cross and the Police & Fire Departments to discuss the Battle of the Badges (August 24) and promotional ideas.

## Community and Recreation Center Report July 2021

- The month of July definitely had increased happenings that resembled a “normal” summer month from the pre-Covid-19 days. Activity in and out of the facility seemed to be thriving with a new sense of positivity. Usage of the Montgomery Township Community Recreation Center (Mont CRC) facility had a much different tone as individuals young and old seemed to be more at ease throughout their movements in the building.
  
- *Below is a review of programming activity and facility usage for the month of July 2021:*
  
- The Spray Pad was a focal point of young families throughout July. Hot weather is a definite magnet for the spray pad.
  
- Kids University continued weekly throughout the month. Participation remained high as over 60 children attended weekly in the 9:00am to 4:00pm day camp.
  
- The Montgomery Township Concert series had definite issues with the weather. Of the five scheduled concerts only two occurred. Heat, humidity, and thunderstorms seemed to be the norm every Thursday evening in July. Concerts have been rescheduled for Thursday; September 9<sup>th</sup> and 16<sup>th</sup>. Hopefully Mother Nature will provide us with gentle September weather wise. Please check our website. For additional information about the 7:00pm Thursday concerts please check our website: [monterc.com](http://monterc.com).
  
- The monthly Red Cross CPR class attracted 7 students during July.
  
- A pre-school ballet event attracted 24 children on July 22<sup>nd</sup>. It was a Luau themed event.
  
- “FUNdamental Tennis Camp” had 42 children participate in their morning tennis program at the Rose Twig courts.
  
- A Junior Firefighters Training camp was conducted July 28<sup>th</sup> for potential volunteer fire fighters three to 10. The program was conducted by the MTFD.

- Corn hole play on Thursday evenings continues to grow. We are up to 8 regular participants participating in July.
  
- Story time with the North Wales Library had two session in July.
  
- “*Soccer Shots*” conducted classes in the front lawn on each Saturday and Sunday in July.
  
- Badminton play in the gym is ongoing on Wednesdays Fridays, Saturday and Sunday mornings.

Floyd S. Shaffer, Community Recreation Center Director



## Montgomery Township Inter-Office Memo

**To:** Carolyn McCreary, Township Manager  
**From:** Brian Shapiro, Director of Finance  
**Date:** 08/23/21  
**Subject:** July Finance Committee Report

Attached is a revenue and expenditure report as of 07/31/2021 for the Montgomery Township 2021 budget.

### **2021 Budget Summary – as of 07/31/21:**

The General Fund total revenues are \$9,227,028 or 68.55% of total budget. Major revenue sources comprise \$9,044,392 of the total revenues. Total real estate collections are at 102.20%. Earned Income and Local Services Taxes are collected on a quarterly basis when employers submit their tax returns. Earned Income Tax is currently at 61.46% of budget and Local Services Tax is 52.26%. Both Mercantile (86.13%) and Business Privilege (96.32%) Taxes are due by March 15<sup>th</sup> of each year. Businesses can file for extension till October 15<sup>th</sup>. Both of these taxes are trending as previous years. On an accrual accounting basis, total R.E. Transfer Tax collections is \$535,508 or 73.86% of budget. There have been 310 property sales for this time period. The 5-year average is 299 with a high of 345 in 2017.

Total expenditures are \$7,430,201 or 55.20% of total budget. All Departments are tracking as expected. Two categories, Tax Collection (65.21%) and Fire Protection (115.18%) are departments that have a majority of their expenses in the first quarter. In Tax Collection, a majority of costs are related to printing of the tax bills in February. Fire Protection within the General Fund has two major expenses in the first quarter: workers compensation and the volunteer fire stipend.

### **2021 Capital Investments Approved as of 08/09/21:**

Included is a listing of all Capital Investments approved by the Board of Supervisors as of 08/09/21.

### **Department Operations**

- Staff is meeting with Department Heads to discuss 2022 budget.

<u>Date</u>	<u>Department</u>	<u>Capital Investment</u>	<u>Amount</u>	<u>Budgeted Amount</u>	<u>Fund</u>	<u>Bid/CoStars</u>
01/25/21	Public Works	10 Wheel Dump Truck	\$ 236,241.00	\$ 220,000.00	HWY Aid	Costars
01/25/21	Police	2 - 2021 Ford Police Interceptor Utility	95,398.35	120,000.00	Capital	Costars
02/08/21	Administration	Engineering Services - Mall/309 Traffic Signals	75,000.00	400,000.00 <sup>1</sup>	Capital	Contract
02/22/21	Public Works	2021 Curb and Sidewalk Project	59,492.00	154,000.00	Capital	Bid
02/22/21	Public Works	2021 Paving Projects	429,493.32	650,000.00	HWY Aid	Bid
02/22/21	Public Works	Wheel Balancer	9,818.18	10,000.00	Capital	Costars
04/12/21	Public Works	Thermoplastic Line Paint Applicator	15,685.00	20,000.00	HWY Aid	Quotes
04/12/21	Public Works	Zero-Turn Mower	22,645.21	30,000.00	Capital	Costars
04/26/21	Administration	Building Improvements - Security Wall	8,000.00	70,000.00 <sup>2</sup>	Capital	Quotes
06/14/21	Public Works	2022 F-350 Pick Up Truck	51,600.00	50,000.00	Capital	Costars
06/14/21	IT	A/V Upgrades to Township Meeting Rooms	<u>164,314.00</u>	<u>165,000.00</u>	Capital	Costars

**Total Approved Capital Purchases Year to Date:** \$ 1,167,687.06 \$ 1,889,000.00

1 - The total budgeted cost in the 2021 Capital Investment Plan is \$400,000, which includes engineering and partial construction costs.

2 - \$70,000 was budgeted in the 2021 Capital Investment Plan for various building improvements

**DEPARTMENT of FIRE SERVICES  
JULY 2021  
MONTHLY ACTIVITY REPORT**

During the month July 2021, the Department of Fire Services performed the following activities:

**EMERGENCY RESPONSES-38**

**Average response time of 1<sup>st</sup> arriving apparatus: 7 minutes 16 seconds**

- Stipend Crews – 7 minutes 20 sec
- Volunteer Crews – 8 minutes 36 sec
- Career Crews – 6 minutes 02 sec

**Total responses and average number of personnel: 10 members**

- Stipend Crews – 7 calls; average of 8 FF members
- Volunteer Crews – 16 calls; average of 13 FF members
- Career Crews – 15 calls; average of 7 FF members

**Average number of personnel on fire/emergency scene: 6 members**

- Stipend Crews – 7 FF members
- Volunteer Crews – 6 FF members
- Career Crews – 6 FF members

**SIGNIFICANT FIRE INCIDENTS**

- July 6, 2021 Garage Fire – Bristol Road, Warrington
- July 28, 2021 Vehicle Rescue – North Broad Street, Lansdale

**ADMINISTRATIVE**

Meetings attended (in person/phone/virtual) during the July:

- DFS Staff Meetings & Individual Meetings with Staff
- Department Heads Meetings with Township Manager
- FDMT Business Meetings of the FDMT & FDMT Relief Association
- Meetings with Township Staff including PIO & CRC Staff
- Township Board of Supervisors Meetings
- Meetings with Montgomery County Fire Chiefs & Fire Marshals
- Meetings with various vendors for equipment and services
- Meetings with Township Code Enforcement Officials
- Meetings with officers and members of the FDMT
- Montgomery County Emergency Management Meeting
- Meetings with area Fire Marshals
- Plan Review Meetings
- Pre-planning for 2022 Department Budget
- Meetings with various EMS providers
- Recruitment and Retention Meetings with FDMT and Township Staff
- Critical Infrastructure Planning Meetings with staff from IT and Codes
- Bylaws and FSA Meeting with the FDMT
- Meeting with the State Fire Academy
- Meeting with County USAR Team at the NWWA Tower Site on Airport Square Road
- CISM Team call out to Lower Merion

## **COMMUNITY RELATIONS & Fire Prevention Activities**

Activities were conducted for Fire Prevention Month and Other Special Events

- **July 04, 2021 Stone Ridge Neighborhood Parade**
- **July 06, 2021 Neshaminy Falls Clear Creek Court**  
The department inspected and installed new smoke detectors (if needed) in homes on Clear Creek Court in the Village of Neshaminy Falls.
- **July 20, 2021 MT CRC Kids' University Visit**  
The department participated in the Township's Kids' University Summer Camp Program at the Recreation Center with the demonstration of the apparatus to the campers and refreshing them with water during the heat of the day.
- **July 23, 2021 Neshaminy Falls Fire Safety Training & Prevention Event**  
The department hosted a *Fire Safety Seminar* for the Village of Neshaminy. Topic of discussion included: *smoke detectors, fire extinguisher usage, utilities, home hazard and hoarding*. Residents received hands on training of fire extinguishing.
- **July 28, 2021 Jr. Firefighter Camp held at MT CRC**  
The department partnered with the Township Recreation Center in hosting a *Jr. Firefighter Camp*. There were two sessions for children ages 3-5 and children ages 6-9 with apparatus demonstration and fire safety and tactics obstacle course.

## **FIRE MARSHAL'S OFFICE**

### **Inspections:**

- Initial Life Safety Inspections – 14
- Life Safety Re-inspections – 8
- Closed Out Life Safety Inspections – 7
- Inspections turned over to Chief Fire Marshal for Multiple Outstanding Violations –1
- Health Department /Citizen Complaint Inspections – 0
- Places of Worship– 6
- Inspection of common areas at Wood Hollow Condo Association

### **Fire Marshal Follow Ups:**

- Five Below at Airport Square
- Saddle Side Way
- Heritage Executive Campus
- 220 Commerce Drive
- Expedition Escape

### **Fire Origin and Cause Investigations:**

- FM Wiegman conducted follow up interviews regarding the German American Club building fire in Lansdale Borough.

### **Plans Review Update:**

- Daycare Discussion
- Windsor of Montgomery
- NWWA Water Tower on Airport Square Road

### **Smoke Alarms:**

- The department had 10 requests from township residents for smoke detector/battery replacement.

## **TRAINING**

The following training occurred during the month of July for the Department:

- July 8 and July 1, 2021 Pump 2 Training & ProBoard Mobile Water Supply Certification through the BCPSTC.
- July 19, 2021 Monday Night Training in SCBA, RIT, and Search and Rescue.
- July 21 and July 22, 2021 Apparatus Preventative Maintenance through the BCPSTC.

## **DEPARTMENTAL OPERATIONS**

- FDMT Fire Police assisted with traffic control at the Chalfont July 4 Parade
- The FDMT held their Annual Banquet on July 24, 2021
- FDMT with Squad and Deputy 18 stood by in Lower Merion Township on July 29, 2021
- FDMT Fire Police assisted with traffic control at the Hatboro Borough July 31, 2021 Car Show
- The FDMT voted in 1 new Administrative Member and 2 new Probationary Firefighters at the July's General Meeting.
- The department continues to prepare for the arrival of the new Tower 18
- The FDMT will transition to DFS phone lines and internet in September 2021
- The FDMT is continuing with recruitment and retention initiatives.

## **OFFICE OF EMERGENCY MANAGEMENT & COMMUNITY RISK REDUCTION**

- Montgomery Township Employee Emergency Plan including Safety Plan
- Infrastructure Response Plan
- VMSC Service Delivery
- Township EMA Exercise for 2021 planning
- Business and Community fire safety Training
- Monthly Emergency Management Training

## JULY 2021 FIRE CALL REPORT

TYPE OF CALL	MONT	AWAY	TOTALS	TOTAL (YTD)
FIRE ALARM	13	2	15	103
OTHER (GOOD INTENT)	0	0	0	0
BUILDING FIRE	0	2	2	22
FIRE POLICE	0	0	0	17
DUMPSTER	0	0	0	1
VEHICLE RESCUE	0	1	1	6
VEHICLE ACCIDENT S/B	0	0	0	8
VEHICLE FIRE	1	0	1	9
DWELLINGS	0	0	0	26
ELECTRICAL OUTSIDE	2	0	2	15
COVER OTHER COMPANY	0	1	1	3
ODOR GAS (INSIDE)	2	0	2	10
ODOR GAS (OUTSIDE)	0	0	0	5
CO	1	0	1	9
ASSIST EMS	5	0	5	43
ASSIST PD	2	0	2	4
INVESTIGATION	5	1	6	34
RIT	0	0	0	0
HAZ MAT	0	0	0	2
HELICOPTER	0	0	0	1
RESCUE (OTHER)	0	0	0	1
BRUSH/TRASH/RUBBISH	0	0	0	13
0	0	0	0	3
<b>TOTAL</b>	<b>31</b>	<b>7</b>	<b>38</b>	<b>335</b>



## Montgomery Township Inter-Office Memo

**To:** Carolyn McCreary, Township Manager  
**From:** Richard Grier, Director of IT  
**Date:** August 19, 2021  
**Subject:** July 2021 Information Technology activities

---

The following are the activities of the IT Department for the month of July 2021.

- Ran demonstrations of outdoor digital sign management software (Tightrope and WatchFire)
- Completed access programming and configuration of new Township building lobby door
- Setup login accounts and email for new Inspectors in Planning
- Began testing of Windows 10 on the desktop
- Replace Chief of Fire iPhone as result of damage in the field
- Met with Chief of Fire to review business continuity and disaster recovery
- Renewed annual support coverage for Cisco devices
- Prepared preliminary IT budget for 2022
- Attended and processed July 12<sup>th</sup> and 26<sup>th</sup> BOS meeting for broadcast.
- Setup Wednesday Microsoft 365 training for Police staff – Training 3-4 members every Wed.
- Moved Public Works server to new secure area and rebuilt all failed services from scratch
- Completed PCI scanning and testing for Rec Center Credit Card security

### **Scheduled Projects for August 2021**

- Complete configuration of new primary server for all onsite Twp. services – in Progress
- Continue with Wednesday 365 training for Police staff
- Finalize Digital Signage purchase - waiting to finalize Rec Center sign mounting on existing base
- Move forward with Multi-Factor Authentication for all staff
- Setup Help Desk training day for all staff
- Restart CCTV and Wi-Fi project

# DEPARTMENT OF PLANNING & ZONING

## July 2021

**Permits Submitted – 156**

*(July 2020 – 154)*

**YTD Permits Submitted – 924 (+27% - 2020)**

*(2020 YTD – 726)*

**Permit Fees Collected - \$61,447**

*(July 2020 – \$41,322)*

**2021 YTD Permit Fees - \$413,625 (-27% - 2020)**

*(YTD 2020 - \$565,101)*

**Violations / Complaints Investigated – 25**

**Permits Issued – 145**

**Zoning Hearing Board Applications heard: 3**

**Businesses issued Certificate of Occupancy: 3**

**Active Land Development Projects:**

PROJECT NAME	LDS#	LOCATION	APP. DATE	MTPC	STATUS	
Parkview – Toll Bros.	679	Bethlehem Pike	1/20/2015	4/20/17	APPROVED WITH CONDITIONS	42 of 42 Building Permits Issued 32 C/O Issued
Firefox Phase 2 (Walnut Creek)	630	Bethlehem Pike			APPROVED WITH CONDITIONS	58 of 58 Building Permits Issued 47 C/O Issued
510 Bethlehem Pike – King	688	Bethlehem Pike	4/22/2016	5.16.19	REVISED PLANS SUBMITTED	Approved On Hold by Developer
Hawthorn Retirement Residence	690	Doylestown Road	7/27/2016		UNDER CONSTRUCTION	Anticipated Opening July 2021
Montgomeryville Nissan – Nappen	691	Bethlehem Pike	8/3/2016	1/19/2017	APPROVED WITH CONDITIONS	Phase 2 Building Construction Complete
Higher Rock – Phase 1 & 2	694	Bethlehem Pike			Phase 1 Completed Phase 2 Under Construction	
FedEx Ground	696	Welsh Road	3/23/18	11/17/2016	REVISED PLANS SUBMITTED	Construction Completed
Pete's Carwash	699	Welsh Road	7/6/18	6.20.19	Preliminary Approval Granted	Final Approval Granted – Project Started
Montgomery Realty Assoc. - 744 Bethlehem Pike	701	744 Bethlehem Pike	10/29/18		REVISED PLANS SUBMITTED 5/20/19	Approved On Hold by Developer
Villages at Windsor	704	Horsham and North Wales – Vacant Lot			Under Review	
Bharatiya Temple – phase 2	707	County Line Road			Under Review	
Fahy – 276 Stump Road – 2 Lot Subdivision	708	Stump Road			Resubmission Under Review	Conditional Approval June 14, 2021
Redners Gasoline Filling Station	709	1200 Welsh Road			Conditional Use Granted	LD Approval Granted

Non-Residential Certificates of Occupancies Issued		
F-45 Training	640 Cowpath Rd	Fitness Training
Hudson Estates	651 Montgomery Glen Dr	Congregate Care / Ind. Senior Living Facility
Maven Medical	156 Keystone Drive	Medical supplies – warehouse & distribution



# MONTGOMERY TOWNSHIP POLICE DEPARTMENT



## Monthly Activity Report for July 2021

<b>Crime Data:</b>	Total Calls for Service:	2,515
	Total Part I Crimes:	17
	Total Part II Crimes:	170
	Total Criminal Arrests:	62
<b>Crash Data:</b>	Total Crashes:	68
	Reportable Crashes:	17
	Non Reportable Crashes:	51
	Injuries:	7
<b>Traffic Enforcement Activities:</b>	Traffic Stops:	834
	Traffic Citations:	371
	Warning Notices:	5
	Field Contact Cards:	565
	Traffic Complaints Received	33
	Selective Enforcements:	110
<b>Other Police Activities:</b>	Assist Fire Department:	21
	Building Alarms:	114
	Direct Patrols:	270
	Lockouts:	17
	Medical Assistance:	105
	School Walk-Through:	1
	Vacant Home Checks:	5
Training Hours:	69	
<b>Speciality Unit Usage:</b>	Canine Unit:	36
	Mobile Incident Response Team:	0
	Montgomery County SWAT-CR:	1
<b>Personnel Overtime:</b>	Court Overtime:	0
	Regular Overtime:	79.5
	Reimbursed Highway Grant Overtime:	36.75
	Reimbursed Special Duty Overtime:	2
	Non-Sworn Overtime:	32
	Sworn Comp Time:	58
	Non-Sworn Comp Time:	0

**Montgomery Township Police Department**  
**Monthly Activity Report**  
**July 2021**

---

**COMMENDATIONS:**

On July 2, 2021, a letter was received from Costco Wholesale thanking officers for their assistance with their Children's Miracle Network fundraising event.

On July 7, 2021, an email was received from Annamaria Mastrocola of Montgomery County Department of Public Safety thanking Chief Bendig for his assistance with their Re-Accreditation.

On July 12, 2021, a letter was received from township residents Bob and Diane Babb thanking Officer Schreiber for his assistance during a recent call for service.

On July 18, 2021, a letter was received from township residents Holly and Rick Fosnot thanking Officer Dobson for her assistance during a recent call for service.

On July 19, 2021, an email was received from Todd Stieritz of Montgomery County Department of Public Safety thanking Officer Johnson for his assistance in conducting a tour for a Department of Public Safety employee.

On July 19, 2021, an email was received from Bob Varga of the North Penn YMCA thanking officers for their participation in the YMCA Cop Camp.

On July 23, 2021, a letter was received from Mike Magner of the Variety Club thanking Detective DeJesus and Officer Rose for participating in their Annual Community Day Parade.

**EDUCATION:**

On July 7, 2021, Sergeant Hart, Officer Rose, Officer Schreiber, Officer McGuigan, and Officer Woch attended Canine In-Service training in Montgomery Township, PA.

On July 7 and July 8, 2021, Officer Rushin attended SWAT-CR training at the Montgomery County Public Safety Training Campus.

On July 7 and July 8, 2021, Detective DeJesus attended the 33<sup>rd</sup> International DARE Virtual Training Conference.

On July 28, 2021, Sergeant Hart and Officer Woch attended Canine In-Service training in Montgomery Township, PA.

**Montgomery Township Police Department**  
**Monthly Activity Report**  
**July 2021**

---

**NOTED INCIDENTS:**

On July 2, 2021, officers received information from the Department's fixed Automated License Plate Reader located on Bethlehem Pike and Hartman Road, indicating that a stolen vehicle was traveling northbound on Bethlehem Pike. The vehicle, a black Jeep, was reported stolen to the Philadelphia Police Department earlier in the month. Officers searched the area for the stolen vehicle, locating it in the Wawa parking lot on Bethlehem Pike. Officers approached the vehicle and made contact with the driver and occupant. A routine records check was conducted on both subjects, revealing that both had active warrants. The subjects were taken into custody. Officers spoke with the registered owner of the vehicle, who confirmed the vehicle had been stolen. The driver and occupant were charged with theft and related offenses. Additionally, another local law enforcement agency is investigating a robbery in which this vehicle was utilized.

On July 2, 2021, officers responded to the Rodeway Inn on Bethlehem Pike for a medical emergency. Upon arrival, officers found an unconscious subject lying on the floor of a bathroom. The subject was unresponsive, had a weak pulse, and had shallow breathing. Another occupant of the room confirmed that the subject had ingested heroin. Officers did observe heroin paraphernalia in plain view in the room. Officers administered two doses of Naloxone. The subject started breathing normally, regained consciousness, and was transported to Lansdale Hospital by the Volunteer Medical Service Corps of Lansdale for treatment. No charges were filed in accordance with Pennsylvania's Good Samaritan Law.

On July 2, 2021, officers conducted a traffic stop on a blue Ford at the Hibachi Grill on Bethlehem Pike for an equipment violation. Officers approached the vehicle and spoke with the vehicle operator and front-seat passenger. During the encounter, the officers noted nervous behavior and inconsistent statements provided by the operator. While speaking with the occupants, officers observed drug paraphernalia in plain view where the occupants were seated. The occupants were requested to exit the vehicle. When exiting the vehicle, heroin packets and drug paraphernalia were observed falling out of each occupant's shorts and onto the ground. Both subjects were taken into custody. Officers contacted the LETI (Law Enforcement Treatment Initiative) Program representative to make arrangements for both subjects to enter the Program.

On July 12, 2021, officers received information regarding drug activity occurring from a room at the Rodeway Inn. Officers conducted surveillance on the room, witnessing a hand-to-hand drug transaction between a subject and a female operating a black Jeep. A traffic stop was conducted on the Jeep after the driver concluded the transaction. Officers recovered marijuana from the vehicle. The driver admitted to meeting the subject to purchase marijuana.

**Montgomery Township Police Department**  
**Monthly Activity Report**  
**July 2021**

---

While returning to the Rodeway Inn to continue the surveillance, officers observed another vehicle enter the parking lot and complete another hand-to-hand transaction with the subject. Officers approached both subjects and inquired about the transaction. A search of the area was conducted, and marijuana was recovered from a nearby trash can. One of the subjects admitted to throwing the marijuana in the trash after officers began to approach them. The subject observed conducting the drug sales had an active warrant for simple assault and was taken into custody. Officers secured the subject's room. Based on the officer's surveillance and observations, officers applied for a search warrant for permission to search the subject's room at the Rodeway Inn. Upon approval, officers executed the warrant. The search yielded two large bags of marijuana, multiple small bags of marijuana (approximately one pound total), 165 pills of methylenedioxy-methamphetamine (MDMA-Ecstasy), \$487.00 in United States currency, and numerous items of drug paraphernalia consistent with the sale of narcotics. The subject's phone was also seized. Officers applied for a second search warrant for the phone. Upon approval of the search warrant, officers searched the subject's phone, finding additional evidence implicating him in the sales of marijuana and MDMA-Ecstasy. The subject was charged with violations of the Drug Act, including possession with intent to distribute.

On July 14, 2021, officers arrested a New Jersey resident charging him with theft and related offenses. On January 18, 2021, officers responded to the Buckman's Ski Shop on Bethlehem Pike for a retail theft that occurred earlier in the week. Upon arrival, officers reviewed a January 16, 2021, store video showing a subject entering the store and stealing over \$6,600.00 in clothing. The subject then flees the store, entering a brown Porsche. Officers reviewed data from the Department's fixed Automated License Plate Reader located on Bethlehem Pike and Hartman Road, obtaining still photos of a brown Porsche traveling northbound, then southbound on Route 309 within a 12-minute window of the theft. Officers were able to identify the vehicle owner. While conducting further investigation, officers obtained information from West Whiteland Police Department, who had a similar theft on January 23, 2021, at the Buckman's in their jurisdiction. The subject in both cases was found to be the same. Search warrants were requested and approved for the owner's phone records. The phone records placed the owner in the area of the Montgomery Township Buckman's at the time of the theft as well as the West Whiteland Township Buckmans for their theft.

On July 18, 2021, officers conducted a traffic stop of a blue Nissan on Welsh Road and DeKalb Pike after it was observed traveling on the wrong side of the road. As officers approached the vehicle, they observed the driver attempt to stealthily crawl from the front seat to the vehicle's back seat. Officers made contact with the vehicle operator, who displayed obvious signs of impairment.

**Montgomery Township Police Department**  
**Monthly Activity Report**  
**July 2021**

---

Officer's requested the driver perform field sobriety tests, to which he complied. The operator showed signs of impairment throughout the tests and was subsequently taken into custody for driving under the influence. This was the driver's third driving under the influence arrest.

On July 20, 2021, officers responded to the station for a report of terroristic threats. Officers spoke with the victim, who reported that she had received numerous texts from her ex-husband, threatening her with serious physical harm. Based on the nature and specificity of the threats, officers assisted the victim in obtaining an emergency Protection From Abuse (PFA) order. Additionally, officers obtained an arrest warrant for the ex-husband for terroristic threats and harassment. The ex-husband was later taken into custody by investigating officers at his home without incident.

On July 21, 2021, officers conducted a traffic stop on a white Mazda for an equipment violation at the Courtyard by Marriot on DeKalb Pike. Officers approached the vehicle and spoke with the driver and front-seat passenger. In speaking with the vehicle occupants, officers observed drug paraphernalia in plain view in the vehicle. While speaking with the occupants about the drug paraphernalia, officers noted their inconsistent statements and nervous behavior. A consent search was requested, and the driver allowed officers to search her purse. A search of her purse revealed a small clear bag of suspected methamphetamine and drug paraphernalia. The driver was taken into custody for violations of the Drug Act. An exterior search of the vehicle was conducted by a canine, resulting in a positive indication that drugs were present in the vehicle. The vehicle was impounded, and the investigating officers applied for a search warrant. Upon approval of the warrant, officers searched the vehicle, yielding 160 bags of heroin, methamphetamine, and drug paraphernalia.

On July 28, 2021, officers responded to the Quality Inn on Bethlehem Pike for a disturbance. Upon arrival, officers contacted a subject, who appeared highly agitated and was experiencing a mental health crisis. The subject repeatedly used profane language towards the officers and civilians around him. While speaking with the officers, the subject began to walk away in an attempt to leave the Quality Inn. When officers inquired about where the subject was heading, he proceeded to walk into oncoming traffic on Bethlehem Pike. Officers were able to coax the subject into a police vehicle, taking him into protective custody and transporting him to Montgomery County Emergency Services for an Involuntary Mental Health Commitment.

On July 30, 2021, officers were dispatched to the area of Abbey Lane for a report of a suspicious subject going door to door soliciting. Officers located the subject and performed a routine records check of the individual to see if he had a valid permit to solicit in Montgomery Township.

**Montgomery Township Police Department**  
**Monthly Activity Report**  
**July 2021**

---

The check revealed the subject had an active arrest warrant for drug offenses from Texas. The warrant was confirmed, and the suspect was taken into custody. The subject was remanded to the Montgomery County Correctional Facility until extradited to Texas.

**ITEMS OF INTEREST:**

On July 4, 2021, members of the Department participated in the Stoneridge Development's Annual 4<sup>th</sup> of July Bike Parade.

On July 8 and July 22, 2021, Officer Johnson attended Tough Customer Talk meetings, presenting cases involving local veterans. These meetings are run by the Montgomery County Office of Veteran Affairs, which assists in procuring resources for veterans in need of assistance.

On July 8, 2021, members of the Department's Canine Unit conducted a canine demonstration at the Montgomery Township Kids Camp.

On July 9, 2021, members of the Department attended the North Penn Police Athletic League Movie Night in Hatfield, PA.

On July 10, 2021, the Department participated in the Montgomery County Consortium of Communities Police Testing Hiring Process.

On July 12, 2021, members of the Department participated in the YMCA Cop Camp, conducting police demonstrations.

On July 15, 2021, members of the Department participated in the Variety Club Annual Community Day Parade.

On July 21, 2021, the Department held its annual Junior Police Academy at Windlestrae Park.

On July 29, 2021, members of the Public Safety Committee conducted interviews of candidates for the Recruit Police Officer position.

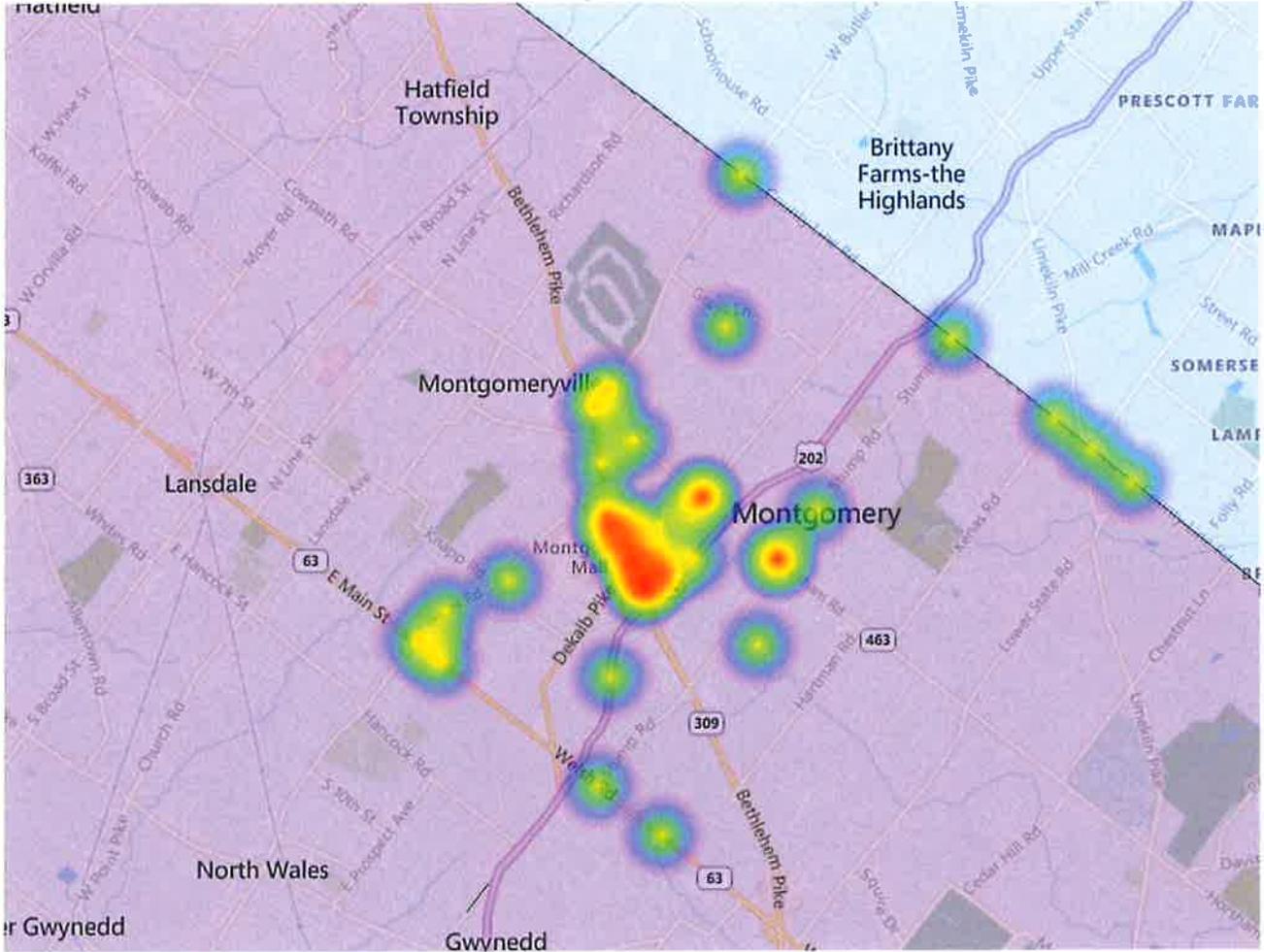
**UPCOMING EVENTS:**

August 3, 2021: National Night Out at Windlestrae Park

August 24, 2021: Battle of the Badges Blood Drive at Mont-CRC



# MONTGOMERY TOWNSHIP REPORTABLE VEHICLE CRASHES JUNE 2021-JULY 2021



PD Case#	P#	CFS Classification	Report Date	Incident Date	Address	County	Municipality	Mapable
2021-12551	P2123 9006	TRAFFIC ACCIDENTS	05/17/2021	05/17/2021	KNAP RD/RT 202 PKWY MONT	MONTGOMERY	MONTGOMERY TOWNSHIP	Yes
2021-12724	P2124 2712	TRAFFIC ACCIDENTS	05/19/2021	05/19/2021	HORS HAM RD/N ORTH WALE S RD MONT	MONTGOMERY	MONTGOMERY TOWNSHIP	Yes
2021-09702	P2118 2493	TRAFFIC ACCIDENTS	04/17/2021	04/17/2021	RT202 PKWY /COU NTY LINE RD MONT	MONTGOMERY	MONTGOMERY TOWNSHIP	Yes
2021-09712	P2118 2790	TRAFFIC ACCIDENTS	04/17/2021	04/17/2021	HORS HAM RD/RT 202 PKWY MONT	MONTGOMERY	MONTGOMERY TOWNSHIP	Yes

PD Case#	P#	CFS Classification	Report Date	Incident Date	Address	County	Municipality	Mapable
2021-09892	P2118 6485	TRAFFIC ACCIDENTS	04/19/2021	04/19/2021	NORTH WALES RD/HARBOR BLVD	MONTGOMERY	MONTGOMERY TOWNSHIP	Yes
2021-10469	P2119 7863	TRAFFIC ACCIDENTS	04/25/2021	04/25/2021	BETH LEHE PIKE/NORTH WALES RD	MONTGOMERY	MONTGOMERY TOWNSHIP	Yes
2021-13910	P2126 7527	TRAFFIC ACCIDENTS	06/01/2021	06/01/2021	801 BETH LEHE PIKE, 30	MONTGOMERY	MONTGOMERY TOWNSHIP	Yes
2021-11068	P2120 9010	TRAFFIC ACCIDENTS	05/01/2021	05/01/2021	1314 WELSH RD	MONTGOMERY	MONTGOMERY TOWNSHIP	Yes

PD Case#	P#	CFS Classification	Report Date	Incident Date	Address	County	Municipality	Mapable
2021-11093	P21209531	TRAFFIC ACCIDENTS	05/01/2021	05/01/2021	BETH LEHE MONTGOMERY PIKE/TAYLOR RD MONTGOMERY TWP, PA	MONTGOMERY	MONTGOMERY TOWNSHIP	Yes
2021-12027	P21227878	TRAFFIC ACCIDENTS	05/11/2021	05/11/2021	BETH LEHE MONTGOMERY PIKE/NORTH WALESD RD MONTGOMERY TWP, PA	MONTGOMERY	MONTGOMERY TOWNSHIP	Yes
2021-09648	P21181533	TRAFFIC ACCIDENTS	04/16/2021	04/16/2021	909 LANS DALE AVE, MONTGOMERY TWP, PA	MONTGOMERY	MONTGOMERY TOWNSHIP	Yes
2021-10358	P21195936	TRAFFIC ACCIDENTS	04/24/2021	04/24/2021	RT202 PKWY MONTGOMERY TWP, PA	MONTGOMERY	MONTGOMERY TOWNSHIP	Yes

PD Case#	P#	CFS Classification	Report Date	Incident Date	Address	County	Municipality	Mapable
2021-11364	P21214858	TRAFFIC ACCIDENTS	05/04/2021	05/04/2021	N LINE ST/CO WPAT HRD MONT	MONTGOMERY	MONTGOMERY TOWNSHIP	Yes
2021-12195	P21232114	TRAFFIC ACCIDENTS	05/13/2021	05/13/2021	1210 BETH LEHE M PIKE, MONTGOMERY TWP, PA	MONTGOMERY	MONTGOMERY TOWNSHIP	Yes
2021-12445	P21236834	TRAFFIC ACCIDENTS	05/16/2021	05/16/2021	RT202 PKWY /COUNTY LINE RD MONT	MONTGOMERY	MONTGOMERY TOWNSHIP	Yes
2021-13242	P21253580	TRAFFIC ACCIDENTS	05/24/2021	05/24/2021	COUNTY LINE RD/ST UMP RD MONT	MONTGOMERY	MONTGOMERY TOWNSHIP	Yes

PD Case#	P#	CFS Classification	Report Date	Incident Date	Address	County	Municipality	Mapable
2021-13825	P2126 5728	TRAFFIC ACCIDENTS	05/31/2021	05/31/2021	BETH LEHE M PIKE/ DEKA LB PIKE MONT	MONTGOMERY	MONTGOMERY TOWNSHIP	Yes
2021-10458	P2119 7546	TRAFFIC ACCIDENTS	04/25/2021	04/25/2021	SCHR EIDER DR/ST UMP RD MONT	MONTGOMERY	MONTGOMERY TOWNSHIP	Yes
2021-11281	P2121 3284	TRAFFIC ACCIDENTS	05/03/2021	05/03/2021	STUM P RD/SC HREI NER DR MONT	MONTGOMERY	MONTGOMERY TOWNSHIP	Yes
2021-08989	P2117 0154	TRAFFIC ACCIDENTS	04/10/2021	04/10/2021	RT202 PKWY /COST CO DR MONT	MONTGOMERY	MONTGOMERY TOWNSHIP	Yes

PD Case#	P#	CFS Classification	Report Date	Incident Date	Address	County	Municipality	Mappable
2021-10091	P2119 0734	TRAFFIC ACCIDENTS	04/21/ 2021	04/21/ 2021	KNAP P RD/N ORTH WALE S RD MONT	MONTGOMERY	MONTGOMERY TOWNSHIP	Yes
2021-10387	P2119 6537	TRAFFIC ACCIDENTS	04/24/ 2021	04/24/ 2021	986 BETH LEHE M PIKE, MONT GOME RY TWP, PA	MONTGOMERY	MONTGOMERY TOWNSHIP	Yes
2021-11200	P2121 1363	TRAFFIC ACCIDENTS	05/02/ 2021	05/02/ 2021	1005 HORS HAM RD, MONT GOME RY TWP, PA	MONTGOMERY	MONTGOMERY TOWNSHIP	Yes
2021-13084	P2125 0282	TRAFFIC ACCIDENTS	05/23/ 2021	05/23/ 2021	953 BETH LEHE M PIKE, MONT GOME RY TWP, PA	MONTGOMERY	MONTGOMERY TOWNSHIP	Yes

PD Case#	P#	CFS Classification	Report Date	Incident Date	Address	County	Municipality	Mapable
2021-08762	P21165862	TRAFFIC ACCIDENTS	04/08/2021	04/08/2021	HARTMAN RD/BETHLEHEM PIKE	MONTGOMERY	MONTGOMERY TOWNSHIP	Yes
2021-09102	P21172285	TRAFFIC ACCIDENTS	04/11/2021	04/11/2021	801 BETHLEHEM PIKE	MONTGOMERY	MONTGOMERY TOWNSHIP	Yes
2021-10444	P21197212	TRAFFIC ACCIDENTS	04/25/2021	04/25/2021	1005 HORSHAM RD	MONTGOMERY	MONTGOMERY TOWNSHIP	Yes
2021-12977	P21247339	TRAFFIC ACCIDENTS	05/21/2021	05/21/2021	794 BETHLEHEM PIKE	MONTGOMERY	MONTGOMERY TOWNSHIP	Yes

PD Case#	P#	CFS Classification	Report Date	Incident Date	Address	County	Municipality	Mappable
2021-11991	P21227405	TRAFFIC ACCIDENTS	05/11/2021	05/11/2021	RT202 PKWY /COUNTY LINE RD	MONTGOMERY	MONTGOMERY TOWNSHIP	Yes
2021-12039	P21228193	TRAFFIC ACCIDENTS	05/11/2021	05/11/2021	BETH LEHE M PIKE/NORTH WALE S RD	MONTGOMERY	MONTGOMERY TOWNSHIP	Yes
2021-12734	P21242920	TRAFFIC ACCIDENTS	05/19/2021	05/19/2021	1222 WELSH RD,	MONTGOMERY	MONTGOMERY TOWNSHIP	Yes
2021-12751	P21243158	TRAFFIC ACCIDENTS	05/19/2021	05/19/2021	947 BETH LEHE M PIKE, MONTGOMERY TWP,	MONTGOMERY	MONTGOMERY TOWNSHIP	Yes

PD Case#	P#	CFS Classification	Report Date	Incident Date	Address	County	Municipality	Mapable
2021-10436	P21197077	TRAFFIC ACCIDENTS	04/25/2021	04/25/2021	LOWE MEKILN PIKE HORS, HORS HAM TWP,	MONTGOMERY PA	HORS HAM TOWNSHIP	Yes

# Montgomery Township Public Works Department

## Monthly Report – July 2021

### PARKS/OPEN SPACE:

- The entire crew continued mowing the 11 Township owned parks and 64 basins.
- The crew took down and cleaned up 2 dead trees throughout the month and performed several days of stump grinding.
- Larry began spraying the curbs for weed control throughout the Township.
- The crew performed necessary maintenance on the sports fields at the parks.
- Larry spread fertilizer on the fields at William F. Maule Park at Windlestrae, Spring Valley Park & Whistlestop Park.
- Scott D. & Larry prepared the first memorial bench that was purchased to be installed at Friendship Park.
- Scott D. prepared the materials for the 2021 Eagle Scout Project to be completed at William F. Maule Park and Windlestrae Park – Zehr Tract.

### ROADS:

- Scott, Bill, Joe, Steve, Bryan & Jarrett spent the entire month performing the following work on the Autumn Woods Trail:
  - ✓ Dug out and repaved the trail (half day of paving remains).
  - ✓ Installed a drainage pipe.
  - ✓ Topsoiled around the edges of the trail.
- Kevin performed routine maintenance and inspections on Township vehicles and trailers.

### FACILITIES:

- Dave, Don & Todd completed the 6-month traffic signal inspections.
- 7/3/21 – Route 309 & Jug Handle A – Light on Flash – Reset.
- 7/12/21 – Stump Road & Newport Lane – Replaced pole, base, arm & fixture to repair the struck streetlight.
- 7/14/21 – 102 Dickens Court – Pulled new wire, replaced metal base, fixture and arm to repair the struck streetlight.
- 7/21/21 – Installed new surge arrestors at the Public Works Garage after lightning strike/power surge.
- 7/23 & 7/28/21 – Knapp Road & North Wales Road – On Flash – Replaced BIU – Reset.
- 7/27/21 – 130 Country Club Drive – Street Light Struck – Disconnected Power – Contracted Granahan Electric.
- 7/28/21 – Knapp Road & Witchwood Drive – On Flash – Reset.
- Hassett Construction finished installing the wall in the receptionist area at the Administration building.
- Dave worked with Gilmore, Rhythm Engineering and Tony Still to address ongoing traffic signal issues.

MONTGOMERY TOWNSHIP BOARD OF SUPERVISORS  
**BOARD ACTION SUMMARY**  
Item # 20

---

SUBJECT: Other Business – Committee Board Liaison Reports  
MEETING DATE: August 23, 2021  
BOARD LIAISON:  
INITIATED BY: Tanya C. Bamford, Chair

---

BACKGROUND:

This is an opportunity for any Supervisors who are liaisons to volunteer committees or boards who may have met in the month of July to provide an update on those meetings.