

**AGENDA**  
**MONTGOMERY TOWNSHIP**  
**BOARD OF SUPERVISORS**  
**OCTOBER 24, 2022**  
**7:00 P.M.**

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

Tanya C. Bamford  
Candyce Fluehr Chimera  
Annette M. Long  
Beth A. Staab  
Audrey R. Ware

Carolyn McCreary  
Township Manager

1. Call Meeting to Order
2. Pledge of Allegiance
3. Announcements
4. Board of Supervisors' Statement Regarding Litigation Related to Zehr Tract Acquisition
5. Public Comment
6. Announcement of Executive Session
7. Consent Agenda:
  - Minutes of October 10, 2022 Meeting
  - Payment of the October 24, 2022 Bills

**Presentations:**

- Donation to North Wales Library
- Donation to Visiting Nurses Association Community Services

**Planning and Zoning:**

8. Review of New Zoning Hearing Board Applications
9. Higher Rock Townhouse Development – Request for Preliminary/Final Approval of Subdivision
10. Luv Car Wash – Request for Preliminary/Final Approval of Land Development

**Administration and Finance:**

11. Ratification of Payment for Award Regarding the Jury Verdict for Acquisition of 1216 Stump Rd.
12. Approve Township Participation in Board of Assessment Appeal – 1250 Welsh Road
13. Approval of Funds Transfer to Capital Reserves
14. Update on Township Website Redesign

**Public Works:**

15. Authorization to Purchase Two Peterbilt Trucks (2023 Budget)

**Old Business:**

16. Authorization to Advertise Bid for Construction of Dog Park

Board of Supervisors Agenda  
October 24, 2022  
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17. Resident Complaint – Dogs Running At Large in Township Parks

18. Discussion on EAC Request to Prohibit Single-Use Plastic Bags Within Township

**New Business:**

19. Department Reports

20. Committee Liaison Reports

21. Adjournment

MONTGOMERY TOWNSHIP BOARD OF SUPERVISORS

**BOARD ACTION SUMMARY**

Item #03

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SUBJECT: Announcements  
MEETING DATE: October 24, 2022  
BOARD LIAISON:  
INITIATED BY: Tanya C. Bamford, Chairwoman

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**Autumn Festival:**

- Thank you to our premier sponsor, Jefferson Lansdale Hospital.
- Thank you to other identified sponsors:
  - Harvest Sponsors:
    - Delaware Valley Dance Academy
    - First Student
    - Keystone Municipal Services
    - Minuteman Press Ambler
    - Montgomery Township Baseball & Softball Association
    - TransNet Suburban Transit Network
  - Pumpkin Sponsors:
    - Gilmore & Associates
    - Patient First
    - Floor Covering International Buxmont
    - Kilkenny Law
    - PECO
    - Wegmans
  - Scarecrow Sponsors:
    - Citadel Credit Union
    - Fulton Bank
    - Gordon Orthodontics
    - Univest Financial
  - Fall Foliage Sponsors:
    - Kilcoyne & Kelm, LLC
    - The Peterman Group
    - Senator Maria Collett
- Thank you to our community volunteers, the North Penn Key Club, Jr. ROTC program, and Keystone Fellowship.
- Thank you to Township staff from all departments who played a role in the event's success
- Special thanks to Angelina Capozzi, Derek Muller, Brian Sullivan and the Public Works Department
- During Autumn Festival, the Montgomery Township community collected 1,164 pounds of food and essential item donations for Manna on Main Street.

- Congratulations to the winner of the Ready for 100 Committee's solar-powered phone charger raffle, Lori Irizarry!
- Save the date for next year's Autumn Festival: **October 14, 2023**

**Current Community Outreach Drives:**

- **Winter Coat Drive:** Now through December 30, 2022, we are collecting donations of new coats in the Montgomery Township Building lobby and the Community & Recreation Center. The greatest need is for adult men's coats and coats for infants and children up to size 5T.
- **Thanksgiving Meal Drive:** We are currently collecting non-perishable food items such as boxed potatoes, stuffing, gravy, cranberry sauce, and more for Montgomery County families in need. \$10 or \$25 gift cards will be accepted as well. Collection points are in the Montgomery Township Building lobby and the Community & Recreation Center. This drive will end November 18.

MONTGOMERY COUNTY  
DEPARTMENT OF HEALTH AND HUMAN SERVICES

# WINTER COAT DRIVE



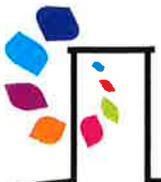
Now - December 30, 2022

Drop-off:

Montgomery Township Building  
1001 Stump Rd.  
Montgomeryville, PA 18936

Montgomery Township  
Community & Recreation Center  
1030 Horsham Rd.  
Montgomeryville, PA 18936

**Accepting Only New Coats**  
Greatest need is Adult Men  
and Infant/Children sizes up  
to 5T



Montgomery County  
Department of  
Health and Human Services

Questions? Please email Veronica at [vhlghma@montcopa.org](mailto:vhlghma@montcopa.org)



# THANKSGIVING FOOD DRIVE

October 17 - November 18

HELP MONTCO FAMILIES  
KNOWN TO OUR DEPARTMENT

## WHAT'S NEEDED?

Non-Perishable Food items such as boxed potatoes, stuffing, gravy, cranberry sauce, dessert mix, yams, muffin/roll mix, canned vegetables

\$10 or \$25 gift cards for a family to enjoy a turkey or other entrée of their choice



### Drop-off Locations:

Montgomery Township Building  
1001 Stump Road, Montgomeryville, PA 18936

Montgomery Township Community & Recreation Center  
1030 Horsham Rd., Montgomeryville, PA 18936

Gift cards can be mailed to:  
Montgomery County Dept. of Health & Human Services Attn:  
Veronica Hilghman  
P.O. Box 311  
Norristown, PA 19404-0311

E-gift cards can be sent to: [vhilghma@montcopa.org](mailto:vhilghma@montcopa.org)

For more information contact:  
Veronica Hilghman, [vhilghma@montcopa.org](mailto:vhilghma@montcopa.org)

MONTGOMERY TOWNSHIP BOARD OF SUPERVISORS  
BOARD ACTION SUMMARY

Item #05

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SUBJECT: Public Comment  
MEETING DATE: October 24, 2022  
BOARD LIAISON:  
INITIATED BY:

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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 #06

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SUBJECT:                   Announcement of Executive Session  
MEETING DATE:        October 24, 2022  
BOARD LIAISON:        Tanya C. Bamford, Chairwoman  
INITIATED BY:           Sean Kilkenny, Esq.

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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 this evening at 6:30 PM in person at the Township building to discuss two litigation matters.**

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

MONTGOMERY TOWNSHIP BOARD OF SUPERVISORS

**BOARD ACTION SUMMARY**

Item #07

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SUBJECT: Consent Agenda  
MEETING DATE: October 24, 2022  
BOARD LIAISON:  
INITIATED BY:

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BACKGROUND:

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

- Minutes of the October 10, 2022 Board meeting
- Payment of Bills for October 24, 2022

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

**MINUTES OF MEETING  
MONTGOMERY TOWNSHIP BOARD OF SUPERVISORS  
OCTOBER 10, 2022**

**1. Call to Order:** The October 10, 2022, public meeting of the Montgomery Township Board of Supervisors was held at the Montgomery Township Municipal Building, 1001 Stump Road, Montgomeryville, PA. Chairwoman Tanya C. Bamford called the meeting to order at 7:02 p.m.

**IN ATTENDANCE:**

Chair Tanya C. Bamford  
Supervisor Beth A. Staab  
Supervisor Audrey R. Ware  
Township Manager Carolyn McCreary  
Township Solicitor Sean Kilkenny, Esq.

**ALSO, IN ATTENDANCE:**

Police Chief, J. Scott Bendig  
Fire Chief, William F. Wiegman  
Director of Finance, Brian Shapiro  
Director of Public Works, Greg Reiff  
Director of Information Technology Rich Grier  
Public Information Coordinator Derek Muller  
Recording Secretary, Deborah Rivas

**ABSENT:**

Vice Chairwoman Candyce Fleuhr Chimera  
Supervisor Annette M. Long

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

- Autumn Festival – this Saturday, October 15<sup>th</sup>, from 12:00 p.m. to 5:00 p.m., fireworks following at approximately 7:00 p.m. Activities and other information are available on the website and social media channels.
- The Township is serving as a collection site for some upcoming drives:
  - Winter Coat Drive, now through December 30, 2022;
  - Thanksgiving meal – collecting non-perishable food items for Montgomery County families in need. Gift cards (\$10 or \$25) will also be accepted;
  - Holiday Gift/Gift Card – collecting gifts and gift cards for children known to the Montgomery County Department of Health and Human Services;
  - Toys for Tots – new unwrapped toys will be collected at the Township building and Community and Recreation Center.

**4. Public Comment** – Don Hamp of 104 Field Terrace and a member of the Environmental Advisory Committee asked the Board to consider banning, by ordinance, single-use plastics. Mr. Hamp provided background information on the manufacturing and disposal concerns involving plastic.

Nicole Gill of 107 Gwymont Circle stated that she and her neighbors in Gwynmont Farms are concerned about the proposed development of the Penn Medicine Ambulatory Center near their neighborhood. The neighbors are concerned about the character of their neighborhood and

safety during construction and would like to have a seat at the table and participate in the planning discussions for this development.

**5. Announcement of Executive Session** – Township Solicitor Sean Kilkenny, Esquire, announced that the Board of Supervisors met virtually (via Microsoft TEAMS) in an Executive Session at 5:30 p.m. on Monday, October 3, 2022, to discuss a litigation matter. The Board also met this evening at 6:15 p.m. in person at the Township building to discuss litigation, real estate, and personnel matters. Mr. Kilkenny stated that the topic discussed is a legitimate subject of an Executive Session under the Commonwealth of Pennsylvania’s Sunshine Law.

**6. Consent Agenda:**

**MOTION: Upon motion by Ms. Bamford, seconded by Ms. Staab, and unanimously carried (3-0), the minutes of the September 26, 2022, meeting, the payment of bills for October 10, 2022; and Escrow Release #1 for Westrum/Luxor for PennDOT funding in the amount of \$979,917.13, were approved as presented.**

**Recognition:**

**7. Retirement of Police Officer Brian Gerrard:** Chief J. Scott Bendig announced that Officer Brian Gerrard retired officially from the Montgomery Township Police Department on September 12, 2022, after 26 years of service to the community. During his career, Officer Gerrard received eleven departmental commendations for his actions as an officer and numerous letters of appreciation from township residents, civic groups, children, and neighboring law enforcement agencies. Chief Bendig outlined Officer Gerrard’s career and presented him with a framed collection of his badges and patches worn over the years. Official State Citations were presented and read by Pennsylvania State Senator Maria Collett’s Communications Director Bailey Landis and Pennsylvania State Congressman Todd Stephens.

**MOTION: Upon motion by Ms. Bamford, seconded by Ms. Ware, and unanimously carried (3-0), the Board recognized Officer Brian Gerrard and expressed their gratitude to him for his dedication and faithful service to the Montgomery Township Police Department and the Montgomery Township community.**

**8. Fire Prevention Week:** Chief Bill Wiegman reported that the NFPA has been recognizing Fire Prevention Week since 1922. This year’s theme for Fire Prevention Week is “Fire Won’t Wait. Plan Your Escape.” The Department of Fire Services and the F.D.M.T. will be engaging in various fire prevention activities throughout the month to bring the message of fire safety to our community. These events include Emergency Services Night with Wegmans, school presentations, fire inspections, business staff training, and various other activities.

**MOTION: Upon motion by Ms. Bamford, seconded by Ms. Staab, and unanimously carried (3-0), the Board recognized October 9 to 15, 2022 as Fire Prevention Week.**

**9. Presentation of Donations:** Ms. Bamford presented a check in the amount of \$6,000 to the Montgomery Township Historical Society. Lisa Knapp Siegel, President, accepted the donation. Ms. Bamford presented a check in the amount of \$10,000 to the Montgomery County-Norristown Public Library. Karen DeAngelo, Executive Director and District Administrator was present to accept the donation. Ms. Bamford also presented a check in the amount of \$3,000 to the PEAK Center – North Penn Senior Services. Elizabeth Beil, Executive Director was present to accept the donation.

**Public Safety:**

**10. VMSC Request for Consideration of Township Funding:** Ms. McCreary reported that the VMSC is requesting the Township consider the need for annual municipal financial support to the Volunteer Medical Service Corp. (VMSC) based on increased operational costs, reductions in Medicare/Medicaid and insurance reimbursements, and the lack of reimbursement for 911 calls that do not result in transportation. Township staff is seeking the Board's direction on whether they wish to include an annual allocation to the VMSC beginning in 2023. Discussion followed regarding how funding could be provided, including allocating a portion of the current real estate tax millage for EMS or a set amount coming from the General Fund.

**MOTION: Upon motion by Ms. Bamford, seconded by Ms. Ware, and unanimously carried (3-0), the Board authorized the allocation of \$100,000.00 to the Volunteer Medical Service Corp. in the 2023 budget.**

**11. Replacement Fire Apparatus:** Chief Wiegman reported on the process of reviewing and refining specifications for the replacement of two 20-year-old fire apparatuses. The committee recommends that the Township move forward with the purchase of two new fire engines from Pierce Manufacturing, Inc. The two new engines will replace the 2002 Engine and the 2006 Squad. The engines are expected to be delivered to Montgomery Township in Spring 2025. The Township will see savings with 75% of the payment provided at the time of signing.

**MOTION: Upon motion by Ms. Staab, seconded by Ms. Ware, and unanimously carried (3-0), the Board authorized the purchase of two new fire engines to replace Engine 18 and Squad 18-1 with a 75% down payment of \$1,541,250.00 of the total cost of the new Engines at the time of contract signing. The balance of \$430,853.00 will be due upon delivery in the Spring of 2025.**

**Public Works:**

**12. Montgomery County Consortium Rock Salt Contract Participation:**

**MOTION: Upon motion by Ms. Staab, seconded by Ms. Ware, and unanimously carried (3-0), the Board approved the Township's participation in the Montgomery County Consortium Cooperative Rock Salt Contract, awarded to Riverside Construction Materials, Inc. for the purchase of bulk rock salt at \$68.00 per ton delivered.**

**Administration and Finance:**

**13. Township Facilities Waste and Single-Stream Recyclable Materials Collection and Disposal**

– Ms. McCreary reported that the Township’s current three-year contract will expire on December 31, 2022. New specifications have been created to solicit bids for the required collections for all facilities. The bids are scheduled to be received and opened on Thursday, November 3, 2022, at 10:00 a.m., with a proposed award date of November 14, 2022.

**MOTION: Upon motion by Ms. Bamford, seconded by Ms. Staab, and unanimously carried (3-0), the Board authorized the advertisement for bids for Township Facilities Waste and Single-Stream Recyclable Material Collection and Disposal.**

**14. Amendment to Tax Collection Law – Act 57** – Ms. McCreary reported that Governor Wolf signed Act 57 of 2022, which amended the Local Tax Collection Law requiring the Municipal tax collector and other taxing districts to waive additional charges in specific situations for real estate taxes.

**MOTION: Upon motion by Ms. Bamford, seconded by Ms. Staab, and unanimously carried (3-0), the Board adopted Resolution No. 2022-38, requiring the elected tax collector to waive additional charges for real estate taxes where a notice was not received beginning in the tax year 2023.**

**15. Annual Audit Engagement Letter:** Mr. Shapiro reported that the Township had received an engagement letter from Maillie for the 2022 annual audit. Maillie would audit the financial statements of the governmental activities, the business-type activities, the aggregate discretely present component units, each major fund, and the aggregate remaining fund information of Montgomery Township as of December 31, 2022. Maillie has been auditing the Township’s finances for many years and has utilized the same high-level staff familiar with the Township.

**MOTION: Upon motion by Ms. Staab, seconded by Ms. Ware, and unanimously carried (3-0), the Board approved the engagement letter with Maillie for the 2022 annual audit at the estimated cost of \$30,000.**

**16. Amendment to Training and Development Policy** – Ms. McCreary asked the HR Administrator to review the policy related to education and training as part of the Township’s efforts with employee recruitment and retention. Ms. McCreary asked the Board to consider increasing the annual tuition reimbursement from \$3,000 to \$4,000 and clarify the circumstances where an employee receiving tuition assistance would have to reimburse the Township if they resigned. The amended policy would also simplify the process of approval for the pursuit of the degree, approval of reimbursement, and payment.

**MOTION: Upon motion by Ms. Bamford, seconded by Ms. Staab, and unanimously carried (3-0), the Board amended Employee Training and Development Policy,**

**increasing the annual reimbursement to \$4,000 and clarifying reimbursement to the Township if an employee leaves their employment while pursuing a degree.**

**17. Renewal of Natural Gas Contract:** Mr. Shapiro reported that the current three-year contract with Constellation Energy for natural gas for five Township locations is set to expire in November of 2022. The Township has contacted Constellation to procure new rates. The current price is \$0.3987 per ccf. On average, the Township uses 36,065.73 ccf per year for all five locations at the cost of \$14,379.41. Constellation provided a fixed price quote of \$0.77530 for a 48-month term. Based on current usage, this would increase the Township's cost by \$13,582.35 for a total of \$27,961.76 per year. Discussion followed, and the Board was concerned about locking in a rate for 48 months and agreed to enter into a 24-month agreement instead. Mr. Shapiro will contact Constellation immediately to lock in a 24-month contract rate.

**MOTION: Upon motion by Ms. Bamford, seconded by Ms. Staab, and unanimously carried (3-0), the Board authorized staff to execute all necessary documents to lock in natural gas prices for all locations in the Township for a period of 24 months.**

**18. Distribution of 2022 Act 205 General Municipal Pension System State Aid:**

**MOTION: Upon motion by Ms. Staab, seconded by Ms. Ware, and unanimously carried (3-0), the Board recommended allocating the 2022 Act 205 General Municipal Pension System State Aid to the Police Pension Plan in the amount of \$366,814.59 and to the Non-Uniformed Employee Pension Plan in the amount of \$182,313.30.**

**Parks and Recreation:**

**19. Review of Bark Park Site Visit and Recommendations:** Ms. McCreary reported that at their July 25, 2022 public meeting, the Board of Supervisors requested staff hold off on putting a bid out for the construction of a second dog park which was to have been located at Knapp Road and the US 202 Parkway. It was suggested that better use of funds would be to evaluate the current dog park, looking at potential improvements. Valerie Liggett of Gilmore & Associates was asked to inspect and evaluate the current park for these improvements while identifying its constraints. Some concerns with the current park include drainage issues, no ADA parking, an isolated location with poor signage, a steep slope leading to the park, etc. Ms. Liggett listed some potential improvements but also mentioned the challenges in implementing those improvements in her report. Comments regarding the need for the new park and its amenities were outlined, and the concern for the lack of costs for improvements to the current park were made. After considerable discussion, the Board agreed to move forward with the advertisement of the bid for the new dog park and also requested a cost estimate to provide the possible improvements listed in the report for the existing dog park. Decisions regarding the improvements would be made after reviewing the estimated costs. The bid advertisement for the new dog park will be added to the agenda for the next Board of Supervisors meeting.

**Old Business:** None.

**New Business:** None.

**20. Adjournment:** Upon motion by Ms. Bamford and seconded by Ms. Staab, the meeting was adjourned at 8:35 p.m.

Respectfully submitted,

Deborah A. Rivas, Recording Secretary

Check Date	Bank	Check	Vendor	Vendor Name	Amount	Status
Bank 01 UNIVEST CHECKING						
10/10/2022	01	92914	00906081	CELEBRATION FIREWORKS, INC.	10,000.00	Cleared
10/12/2022	01	92915	100000814	AMAZON.COM SERVICES, INC	3.00	Open
10/12/2022	01	92916	00001660	LINDINGER'S CATERING, INC.	1,587.00	Cleared
10/17/2022	01	92917	100002015	ZEHR FAMILY LIMITED PARTNERSH NO	4,858,013.00	Open
10/19/2022	01	92918	100002015	ZEHR FAMILY LIMITED PARTNERSH NO	6,221.62	Open
10/20/2022	01	92919	00000723	A TO Z PARTY RENTAL	3,157.58	Open
10/20/2022	01	92920	00000006	ACME UNIFORMS FOR INDUSTRY	795.05	Open
10/20/2022	01	92921	100000892	ADAM ZWISLEWSKI	210.00	Open
10/20/2022	01	92922	00001202	AIRGAS, INC.	302.45	Open
10/20/2022	01	92923	00000350	AJK INC.	600.00	Open
10/20/2022	01	92924	00000345	ALPHAGRAPHICS LANSDALE	189.54	Open
10/20/2022	01	92925	100000814	AMAZON.COM SERVICES, INC	1,671.97	Open
10/20/2022	01	92926	100000853	ANDREW HABER	1,459.43	Open
10/20/2022	01	92927	100000888	ANDREW WEINER	300.00	Open
10/20/2022	01	92928	100001890	ANGEL G. MEJIAS	600.00	Open
10/20/2022	01	92929	100001978	ANTHONY ZIRPOLI	400.00	Open
10/20/2022	01	92930	100001828	ARAMSCO, INC.	881.40	Open
10/20/2022	01	92931	00000043	BERGEY'S	211.34	Open
10/20/2022	01	92932	MISC	BETTER LIVING HOMES INC	443.74	Open
10/20/2022	01	92933	00000448	BISHOP WOOD PRODUCTS, INC	180.00	Open
10/20/2022	01	92934	100000979	BRANDON UZDZIENSKI	100.00	Open
10/20/2022	01	92935	100002085	BRENDA LEON	88.00	Open
10/20/2022	01	92936	100000405	C.E.S.	429.11	Open
10/20/2022	01	92937	100000319	CANDORIS	2,649.40	Open
10/20/2022	01	92938	00000072	CANON FINANCIAL SERVICES, INC	1,996.34	Open
10/20/2022	01	92939	100002078	CARACAUSA ACQUISITIONS LP	49.57	Open
10/20/2022	01	92940	100000878	CARL F. HERR	100.00	Open
10/20/2022	01	92941	100001879	CARLOS A. GONZALEZ JR	250.00	Open
10/20/2022	01	92942	00001601	CDW GOVERNMENT, INC.	33,614.65	Open
10/20/2022	01	92943	00000363	COMCAST	776.20	Open
10/20/2022	01	92944	00000335	COMCAST CORPORATION	1,475.86	Open
10/20/2022	01	92945	00001460	D.J.B. SPECIALTIES, INC.	760.85	Open
10/20/2022	01	92946	100000214	DAN SCHANTZ FARM & GREENHOUSES, L	3,952.00	Open
10/20/2022	01	92947	00906070	DAVE FULTON	150.00	Open
10/20/2022	01	92948	00000629	DAVIDHEISER'S INC.	368.00	Open
10/20/2022	01	92949	00000118	DEL-VAL INTERNATIONAL TRUCKS, INC	31.02	Open
10/20/2022	01	92950	100001793	DIVAL SAFETY EQUIPMENT	175.88	Open
10/20/2022	01	92951	100000213	DOG TOWN	404.96	Open
10/20/2022	01	92952	03214663	ELITE 3 FACILITIES MAINTNEANCE, L	4,240.00	Open
10/20/2022	01	92953	00000161	EUREKA STONE QUARRY, INC.	915.54	Open
10/20/2022	01	92954	100000906	FBI LEEDA	2,780.00	Open
10/20/2022	01	92955	00000169	FEDEX	21.55	Open
10/20/2022	01	92956	100001602	FRANK J. BLUSIEWICZ JR	250.00	Open
10/20/2022	01	92957	03214568	FULTON CARDMEMBER SERVICES	1,548.64	Open
10/20/2022	01	92958	100001744	FUNDAMENTAL TENNIS	2,216.00	Open
10/20/2022	01	92959	00001852	G.L. SAYRE, INC.	167,346.00	Open
10/20/2022	01	92960	00000188	GALLS, AN ARAMARK CO., LLC	122.16	Open
10/20/2022	01	92961	00000193	GEORGE ALLEN PORTABLE TOILETS, IN	2,283.00	Open
10/20/2022	01	92962	00001842	GLEN ROETMAN	100.00	Open
10/20/2022	01	92963	00001323	GLICK FIRE EQUIPMENT COMPANY INC	1,542,805.40	Open
10/20/2022	01	92964	00000229	GRAINGER	38.88	Open
10/20/2022	01	92965	00000206	GT RADIATOR REPAIRS, INC.	1,976.13	Open
10/20/2022	01	92966	00001793	HILLTOWN TOWNSHIP	7,986.61	Open
10/20/2022	01	92967	00000477	HISTAND'S SUPPLY	403.84	Open
10/20/2022	01	92968	00000903	HOME DEPOT CREDIT SERVICES	1,281.88	Open
10/20/2022	01	92969	00000576	INDIAN VALLEY APPRAISAL COMPANY	13,062.50	Open
10/20/2022	01	92970	00000102	INTERSTATE BATTERY SYSTEMS OF	636.75	Open
10/20/2022	01	92971	100002024	INTERSTATE BUILDING MAINTENANCE	4,050.00	Open
10/20/2022	01	92972	00000531	INTERSTATE GRAPHICS	190.00	Open
10/20/2022	01	92973	100000882	JACOB MILLEVOI	50.00	Open
10/20/2022	01	92974	100002083	JAMES KERR	55.00	Open
10/20/2022	01	92975	100002077	JARED STEVENSON	87.00	Open
10/20/2022	01	92976	100001994	JOHN BERESCHAK	100.00	Open
10/20/2022	01	92977	100002081	KARA BOODHANSINGH	200.00	Open
10/20/2022	01	92978	100002032	KBC CONSTRUCTION LLC	59,443.35	Open
10/20/2022	01	92979	100000554	KEITH GRIERSON	50.00	Open
10/20/2022	01	92980	100001811	KEYSTONE MUNICIPAL SERVICES, INC.	8,250.00	Open
10/20/2022	01	92981	100001254	KILCOYNE & KELM, LLC	675.00	Open
10/20/2022	01	92982	100001592	KILKENNY LAW, LLC	29,514.75	Open
10/20/2022	01	92983	100001661	KYLE W. STUMP	150.00	Open
10/20/2022	01	92984	100002036	LANSDALE AUTOMOTIVE GROUP	883.60	Open
10/20/2022	01	92985	00000284	LIZELL OFFICE FURNITURE	990.00	Open
10/20/2022	01	92986	00001706	LOWE'S COMPANIES INC.	185.13	Open
10/20/2022	01	92987	00001170	MARTIN STONE QUARRIES, INC.	4,478.67	Open
10/20/2022	01	92988	00002016	MICHAEL D. SHINTON	100.00	Open
10/20/2022	01	92989	100000875	MICHAEL H. BEAN	150.00	Open
10/20/2022	01	92990	100001926	MICHAEL J. KUNZIG	50.00	Open
10/20/2022	01	92991	100000885	MICHAEL SHEARER	100.00	Open

Check Date	Bank	Check	Vendor	Vendor Name	Amount	Status
10/20/2022	01	92992	100001891	MICHAEL STACHOWICZ	50.00	Open
10/20/2022	01	92993	100000188	MJ EARL	420.90	Open
10/20/2022	01	92994	100002013	MONTGOMERY COUNTY PLANNING	110.00	Open
10/20/2022	01	92995	00000324	MOYER INDOOR / OUTDOOR	182.16	Open
10/20/2022	01	92996	00000356	NORTH WALES WATER AUTHORITY	75.04	Open
10/20/2022	01	92997	100001969	ODP BUSINESS SOLUTIONS, LLC	90.20	Open
10/20/2022	01	92998	100001567	OMEGA SYSTEMS CONSULTANTS, INC.	18,359.40	Open
10/20/2022	01	92999	00000558	PA DUI ASSOCIATION	35.00	Open
10/20/2022	01	93000	100000039	PA TURNPIKE TOLL BY PLATE	75.00	Open
10/20/2022	01	93001	100002003	PATRIOT WORKWEAR	482.50	Open
10/20/2022	01	93002	00000397	PECO ENERGY	497.94	Open
10/20/2022	01	93003	00000388	PENNSYLVANIA ONE CALL SYSTEM, INC	182.10	Open
10/20/2022	01	93004	100000754	PETROLEUM TRADERS CORP.	4,741.90	Open
10/20/2022	01	93005	100000755	PETROLEUM TRADERS CORP.	3,612.81	Open
10/20/2022	01	93006	00000009	PETTY CASH	106.05	Open
10/20/2022	01	93007	00000009	PETTY CASH	186.63	Open
10/20/2022	01	93008	100001010	RACHEL GIBSON	350.00	Open
10/20/2022	01	93009	00906102	READY REFRESH	211.69	Open
10/20/2022	01	93010	00000741	ROBERT E. LITTLE, INC.	526.82	Open
10/20/2022	01	93011	00001812	ROBERT J. JOHNSON JR.	45.04	Open
10/20/2022	01	93012	03214573	SAR AUTOMOTIVE EQUIPMENT	736.00	Open
10/20/2022	01	93013	00000653	SCATTON'S HEATING & COOLING, INC.	112.00	Open
10/20/2022	01	93014	MISC	SCOTT PAYNE CUSTOM POOLS	1,200.00	Open
10/20/2022	01	93015	100000874	SEAN ALLISON	100.00	Open
10/20/2022	01	93016	00001939	SERVICE TIRE TRUCK CENTERS	289.04	Open
10/20/2022	01	93017	100000790	SHOEN SAFETY & TRAINING	180.00	Open
10/20/2022	01	93018	MISC	SIMPLE DREAMS	615.00	Open
10/20/2022	01	93019	00001394	STANDARD INSURANCE COMPANY	8,359.47	Open
10/20/2022	01	93020	100000701	STAPLES BUSINESS CREDIT	726.37	Open
10/20/2022	01	93021	00000636	STAPLES CREDIT PLAN	81.33	Open
10/20/2022	01	93022	100002017	TD CARD SERVICES	3,869.49	Open
10/20/2022	01	93023	100002068	TELFORD RECYCLING & MATERIALS	90.00	Open
10/20/2022	01	93024	00906111	THE PROTECTION BUREAU	776.60	Open
10/20/2022	01	93025	00000502	THOMAS W. MCCAULEY	250.00	Open
10/20/2022	01	93026	00002020	THOMSON REUTERS	265.08	Open
10/20/2022	01	93027	00001771	TIMAC AGRO USA	3,668.00	Open
10/20/2022	01	93028	100000068	TOP-A-COURT, LLC	74,889.63	Open
10/20/2022	01	93029	00000506	TRANS UNION LLC	90.00	Open
10/20/2022	01	93030	100002084	TREASURER, COUNTY OF CHESTER	3,000.00	Open
10/20/2022	01	93031	100000897	TREVOR DALTON	50.00	Open
10/20/2022	01	93032	00000077	TRISTATE ENVIRONMENTAL	3,705.00	Open
10/20/2022	01	93033	100002079	TUNNEL TO TOWERS FOUNDATION	100.00	Open
10/20/2022	01	93034	03214643	UNWINED & PAINT	340.00	Open
10/20/2022	01	93035	100002080	VALENTIA GRANT	130.00	Open
10/20/2022	01	93036	100000408	VAULT HEALTH	167.40	Open
10/20/2022	01	93037	00000040	VERIZON	289.00	Open
10/20/2022	01	93038	100000787	VILLAGE RESALES LLC	13.76	Open
10/20/2022	01	93039	100000854	VINAY P. SETTY	350.00	Open
10/20/2022	01	93040	100000891	VINCENT ZIRPOLI	420.00	Open
10/20/2022	01	93041	00000533	WELLINGTON SPORTING GOODS, INC.	3,510.00	Open

01 TOTALS:

Total of 128 Checks:	6,933,080.69
Less 0 Void Checks:	0.00
Total of 128 Disbursements:	<u>6,933,080.69</u>

MONTGOMERY TOWNSHIP BOARD OF SUPERVISORS

**BOARD ACTION SUMMARY**

Item #07a

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SUBJECT: Presentation: Donation to the North Wales Area Library  
MEETING DATE: October 24, 2022  
BOARD LIAISON: Tanya C. Bamford, Chair  
INITIATED BY:

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BACKGROUND:

This evening the Board will be presenting a check in the amount of \$1,500 to the North Wales Area Library. **Jayne Blackledge, Director**, will be present at this meeting to accept the check on behalf of the organization.

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

Item #07b

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SUBJECT: Presentation: Donation to the Visiting Nurse Association Community Services  
MEETING DATE: October 24, 2022  
BOARD LIAISON: Tanya C. Bamford, Chair  
INITIATED BY:

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**BACKGROUND:**

This evening the Board will be presenting a check in the amount of \$1,500 to the Visiting Nurse Association Community Services. **Denise Frattara, Director of Development/Administrator of Children's Programs**, will be present at this meeting to accept the check on behalf of the organization.

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

Item #08

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SUBJECT: New Zoning Hearing Board Applications  
MEETING DATE: October 24, 2022  
BOARD LIAISON: Tanya C. Bamford, Chairwoman  
INITIATED BY: Carolyn McCreary, Township Manager

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**BACKGROUND:**

Included in your packet is a summary of the applications which will be before the Zoning Hearing Board at their November 2<sup>nd</sup> meeting.

**Potential Action of the Board:**

The Board may remain neutral on the applications and let the Zoning Hearing Board render a decision based on the testimony presented.

The Board may send the Solicitor's office to oppose an application. This action would require a motion, second, and vote of the Board.



## Montgomery Township Zoning Hearing Board

**Meeting Date: November 2, 2022 – 6:30 pm**

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

1. **Application #22030001 - Pinecrest Golf Club, Inc. c/o Klein Realty / 101 Country Club Drive – Continuation from September 7, 2022 hearing. – CLOSING ARGUMENTS** - The applicant owns and operates the Golf Course located within the Pinecrest Golf Club Residential Community. The applicant received a notice of violation with regards to storm water management and the failure to maintain and make repairs to retention basins/ponds #3, #4, and #5 within the golf course property. Klein Realty has filed an application to the Zoning Hearing Board Appealing the Determination of the Zoning Officer. The applicant appeals any and all alleged violations of the recorded Subdivision Plan and/or Chapter 206-33 as set forth in the notice dated February 16, 2022.
  
2. **Application #22100001 – Tail Spinz, LLC / 411 Doylestown Road** – The applicant, Tail Spinz, LLC, has entered into a lease agreement for a 3,000 square foot space within the shopping center located at 411 Doylestown Road. The property sits within the S-Shopping Center District. The applicant proposes to operate a dog daycare; a short-term daytime care for dogs where owners drop-off their dogs for socialization, play and exercise with other dogs under staff supervision. No overnight boarding is proposed at this time. Grooming services will be provided for daycare clients only and a small retail area within the space is proposed as well. Table 230-A Permitted Uses allows a “pet store without commercial kennel” within the Shopping Center District. Applicant requests an interpretation from the ZHB that the proposed use is a permitted “pet store” or in the alternative, a variance to allow the proposed dog daycare use. Applicant seeks relief from the provisions of Section 230-86A referring to Table 230-A, Table of Permitted Uses, of the Code of Montgomery Township.
  
3. **Application #22100002 – Higher Rock Partners, LP / 1004 Bethlehem Pike** – The applicant, Higher Rock Partners, LP is the owner of the property located at 1004 Bethlehem Pike. The property sits within the LI – Limited Industrial District developed under the HLI Overlay (Highway Limited Industrial) regulations. The applicant desires to construct a mixed-use building consisting of three stories and approximately 18,521 square feet in size. The proposed occupants and uses include retail, restaurant with roof deck/outdoor dining, and offices. The applicant requests a variance from the provisions of Section 230-134(C) of the Code of Montgomery Township to provide 80 parking spaces where a minimum of 118 spaces is required.

**\*\*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 #09

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**SUBJECT:** Consideration – Preliminary/ Final Subdivision Land Development Plan – Higher Rock Townhouses – LDS# 721  
**MEETING DATE:** October 24, 2022  
**BOARD LIAISON:** Tanya C. Bamford, Chair  
**INITIATED BY:** Marianne McConnell, Deputy Zoning Officer

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**BACKGROUND:**

Higher Rock Partners, LP & Churchill Acquisitions, LP propose constructing 36 new townhouses on the 4.58-acre vacant tract, Lot #5, (aka 105 Witchwood Drive), on top of the retaining wall behind the existing WAWA. This will be a private Homeowners Association responsible for all improvements

Significant road improvements along Bethlehem Pike and Stump Road were constructed, and Witchwood Drive was extended and creating two new signalized intersections at Stump Road and Witchwood Drive and Bethlehem Pike and Witchwood Drive.

**ZONING, SUBDIVISION OR LAND DEVELOPMENT IMPACT:** The Applicant executed an indefinite extension form, which allows unlimited review time by the Township.

The Board of Supervisors amended the Zoning Code under Ordinance # 2021 – 320 to allow this use with the HLI – Highway Industrial District on August 23, 2021 , and issued a Conditional Use Decision and Order on January 26, 2022.

**MOTION/RESOLUTION:**

**MOTION** to adopt Resolution # 2022-39 granting Land Development Plan approval for the proposed 36 Townhouse project at 105 Witchwood Drive – Higher Rock Development (see attached resolution).

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

**RESOLUTION #2022-39**

**MONTGOMERY TOWNSHIP**

**MONTGOMERY COUNTY, PENNSYLVANIA**

**BE IT RESOLVED**, and it is hereby resolved by the Montgomery Township Board of Supervisors as follows:

A. **Higher Rock Partners, LP & Churchill Acquisitions, LP**, (the "**Applicant**"), has caused to be prepared and filed with the Township a plan entitled "Higher Rock Partners, LP & Churchill Acquisitions, LP proposed Residential Development," consisting of thirty-three (33) sheets, prepared by Bohler Engineers dated March 24, 2022, last revised July 27, 2022, (the "**Plan**"). Applicant submitted a waiver request for Montgomery Township's Subdivision and Land Development Ordinance (the "Waiver Request") on August 5, 2022, attached hereto as **Exhibit "A"** and incorporated herein by reference.

B. The Applicant, **Higher Rock Partners, LP & Churchill Acquisitions, LP** has submitted a Land Development/Subdivision Application for the property at located at 105 Witchwood, Tax Map Parcel No. 46-00-00298-007; Block 19, Unit 3. The Applicant proposes to develop the property for a 36 Townhome Development with its own HOA. The existing vacant lot is 4.58 acres. The plan is hereinafter referred to as the "**Project**."

C. On September 15, 2022, the Montgomery Township Planning Commission recommended preliminary and final land development plan approval of the Plan.

D. The Township Engineer has reviewed the Plan and has submitted a waiver letter dated October 5, 2022, and a letter of plan review dated September 14, 2022, attached hereto as **Exhibit "B."**

E. Montgomery County Planning Commission has reviewed the Plan and submitted a letter of review dated August 26, 2022, attached hereto as **Exhibit "C."**

**NOW, THEREFORE**, the Plan is hereby granted **Conditional Preliminary and Final Land Development Plan Approval** subject to the satisfaction of the following conditions by the Applicant:

1. Compliance with the Plans for "Higher Rock Partners, LP & Churchill Acquisitions, LP," dated March 24, 2022, last revised July 27, 2022, and may be further revised to comply with the Township Engineer's review/comment as prepared by Gilmore and Associates, Inc., of New Britain, Pennsylvania; compliance with Montgomery Township Fire Services comments dated September 7, 2022, and April 28, 2022; Montgomery Township Police Department comments dated August 23, 2022, Montgomery County Planning Commission comments dated August 26, 2022; Montgomery Township Planning Commission DRAFT recommendation dated September 15, 2022; and Montgomery Township Zoning

Officer's review dated October 17, 2022, with PECO Sidewalk easement plan attached.

2. Compliance with the conditional use decision and order from the Montgomery Township Board of Supervisors dated January 26, 2022.

3. At the time of development, the Developer/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 in the form of either an irrevocable standby letter of credit in a form acceptable to the Township Solicitor, or cash. 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, stormwater 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 to 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.

4. Developer agrees it will pay the Township all reasonable costs 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 affect these reimbursements, the 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.

5. 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 if required.

6. Paying all outstanding Township Administrative, Consultant and Solicitors fees related to this project before plans and agreements are executed and recorded.

7. 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.

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 \$2,000 per dwelling unit. This fee must be paid prior to the submission of an application for a building permit.

10. All stormwater 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 Board of Supervisors, Zoning Hearing Board and waivers granted by the Board of Supervisors.

12. The PADEP Sewage Planning Module approval must be granted prior to recording of plan and agreements if required.

13. 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.

14. The Township Engineer issued a Waiver comment letter dated October 5, 2022. The following Waivers, Exhibit A are being requested with justification for added by Applicant's Engineer. The Waivers are hereby granted as noted below from the following Sections of the Montgomery Township Subdivision and Land Development Ordinance:

A. A waiver is requested from SALDO section 205-10. D.(1)(a) which requires a 50-foot right-of-way for a residential street.

Justification: The proposed roadway (Proposed Road A) will be a private road. A right-of-way will not be needed for this development to determine individual lots since the proposed townhomes will be un-lotted.

Granted                       Denied

B. A waiver is requested from SALDO section 205-10. H. (2) to allow parking along a private street.

Justification: The proposed parking spaces will be open to community use for overflow parking and will reduce the need to park within the cartway. The private street and parking will be maintained by the HOA.

- Granted                       Denied

- C. A waiver is requested from SALDO section 205-10. H. (4) to allow one-way drive aisle widths of 21 feet in lieu of the required 26 feet.

Justification: The required 26 feet is for two-way traffic. The one-way drive aisle of 21 feet accommodates truck and emergency vehicle movements. The one-way drive aisle allows for the provision of additional overflow parking and reduces impervious surfaces.

- Granted                       Denied

- D. A waiver is requested from SALDO section 205-17. A. (7) which requires bollards to be placed along all parking spaces located adjacent and perpendicular to sidewalk.

Justification: Vertical curb is provided at parking spaces adjacent to sidewalks to provide a safe barrier between vehicular and pedestrian circulation.

- Granted                       Denied

- E. A waiver is requested from SALDO section 205-17. C. which requires a roadway to be crowned at the centerline.

Justification: The proposed roadway is graded at a constant slope from curb to curb rather than having a crown at the centerline. Having the roadway graded at a constant slope from curb to curb will allow the roadway grading to transition more smoothly into the southeast parking area at around station 4+25. If the roadway was crowned at the centerline, a twist in the grading would need to occur at around station 4+25 to transition towards the topographic low points at the center of the southeast parking area.

- Granted                       Denied

- F. A waiver is requested from SALDO section 205-17. D. (4) to allow 6-inch curb reveal in lieu of the required 8-inch curb reveal.

Justification: 6-inch curb will allow for the driveway aprons to be graded at a shallower slope. 6-inch curb also exists throughout the existing Higher Rock development, so proposed 6-inch curb for this lot would keep uniformity between the different lots/pad sites.

- Granted                       Denied

- G. A waiver is requested from SALDO section 205-18. A.(3)(b) which requires any closed conduit, when flowing full, shall have a minimum velocity of 3.5 feet per second.

Justification: The storm drain system will be maintained by the Homeowner's Association to clean out all trash, debris, and sediment accumulation. Given the small drainage areas that are tributary to the proposed inlets on this site, the proposed storm pipes would need to be sloped significantly greater in order to meet the minimum velocity of 3.5 feet per second. We are of the opinion that the storm pipes, as designed given the small drainage areas, will function properly.

Granted                       Denied

- H. A waiver is requested from SALDO section 205-18. A. (6) which requires 95% of gutter flow to be captured.

Justification: The gutter spread will be designed consistent with PennDOT standards for the 10-year storm event, which requires the spread to be less than ½ the travel lane width.

Granted                       Denied

- I. A waiver is requested from SALDO section 205-52. A. to permit planting fewer than required street trees.

Justification: Due to the site being a townhouse development, the locations of proposed driveways and utility laterals prohibit full compliance with the required number of street trees. The Applicant will relocate trees elsewhere on-site.

Granted                       Denied

- J. A waiver is requested from SALDO section 205-52. D. to permit planting the required parking lot planting island trees elsewhere on the lot.

Justification: An underground detention basin is proposed beneath the landscape islands which will preclude trees from being planted. This underground detention basin will reduce the amount of discharge entering the existing storm sewer traveling under the existing retaining wall. The waiver request is for location only.

Granted                       Denied

- K. A waiver is requested from SALDO section 205-52. G. to permit planting fewer than required individual lot landscaping shade trees.

Justification: The townhomes are un-lotted. Landscaping has been provided throughout the proposed community. The Applicant will work with the township to locate, on-site, as many of the deficiencies as possible and request a waiver for the remaining amount.

Granted                       Denied

- L. A waiver is requested from SALDO section 205-78. B. (1) and 205-78. b. (2) which requires all physical features within 400 feet of the site to be provided.

Justification: In lieu of providing survey information for all physical features within 400' of the site, an Aerial Plan has been provided showing the surrounding site area. This plan is in addition to the detailed as-built survey information provided for the original Higher Rock Development as shown on the Existing Conditions Plan.

Granted                       Denied

- M. A waiver is requested from SALDO sections 205-81 and 205-82 to allow a simultaneous preliminary & final plan application to be submitted.

Justification: All information required for preliminary and final plan submission is included in the plan set provided to Montgomery Township.

Granted                       Denied

- N. A waiver is requested from SALDO sections 205-10. G. and 205-22. E. to allow a driveway apron slope of 14.5% in lieu of the required maximum driveway apron grade of 10%.

Justification: The proposed driveway slope is a result of providing the required vertical curb and grass strip.

Granted                       Denied

15. Applicant shall provide the Township Manager and Township Engineer at least 72 hours' notice prior to the initiation of any construction, demolition, grading, or ground clearing so that the Township may determine that the foregoing conditions have been met by the Applicant and that all necessary sedimentation and control have been correctly installed, if needed.

16. This Resolution will expire in two years from the date of this Resolution, unless extended in writing by the Township.

17. The Conditional Final Land Development Plan Approval granted herein shall be rescinded automatically upon the Applicant's failure to accept, in writing, all conditions herein imposed within ten (10) days of receipt of this Resolution, as evidenced by Applicant's signature below.

18. By approving this Resolution, the Applicant is signifying acceptance of the conditions contained herein.

**ADOPTED**, as a Resolution by the Montgomery Township Board of Supervisors this 24<sup>th</sup> day of October 2022.

**MONTGOMERY TOWNSHIP  
BOARD OF SUPERVISORS**

Attest: \_\_\_\_\_  
Carolyn McCreary, Manager

By: \_\_\_\_\_  
Tanya Bamford, Chairwoman

***THE UNDERSIGNED HEREBY AGREES TO THE ABOVE CONDITIONAL FINAL LAND DEVELOPMENT PLAN APPROVAL RESOLUTION:***

**Churchill Acquisitions, LP A.**

**Higher Rock Partners, LP**

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

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

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

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

August 5, 2022  
Via FedEx – Priority

Montgomery Township  
1001 Stump Road  
Montgomeryville, PA 18936

Attention: Bruce Shoupe

Re: Proposed Residential Development  
Higher Rock  
Bethlehem Pike & Stump Rd.  
Montgomery Township  
Montgomery County, PA  
PC1612432

Dear Bruce:

Regarding the above referenced project, the following is the list of waivers requested from Montgomery Township Board of Supervisors with supporting justification:

1. A waiver is requested from SALDO section 205-10.D.(1)(a) which requires a 50-foot right-of-way for a residential street.

Justification: The proposed roadway (Proposed Road A) will be a private road. A right-of-way will not be needed for this development to determine individual lots since the proposed townhomes will be un-lotted.

2. A waiver is requested from SALDO section 205-10.H.(2) to allow parking along a private street.

Justification: The proposed parking spaces will be open to community use for overflow parking and will reduce the need to park within the cartway. The private street and parking will be maintained by the HOA.

3. A waiver is requested from SALDO section 205-10.H.(4) to allow one-way drive aisle widths of 21 feet in lieu of the required 26 feet.

Justification: The required 26 feet is for two-way traffic. The one-way drive aisle of 21 feet accommodates truck and emergency vehicle movements. The one-way drive aisle allows for the provision of additional overflow parking and reduces impervious surfaces.

4. A waiver is requested from SALDO section 205-17.A.(7) which requires bollards to be placed along all parking spaces located adjacent and perpendicular to sidewalk.

Justification: Vertical curb is provided at parking spaces adjacent to sidewalks to provide a safe barrier between vehicular and pedestrian circulation.

5. A waiver is requested from SALDO section 205-17.C. which requires a roadway to be crowned at the centerline.

Justification: The proposed roadway is graded at a constant slope from curb to curb rather than having a crown at the centerline. Having the roadway graded at a constant slope from curb to curb will allow the roadway grading to transition more smoothly into the southeast parking area at around station 4+25. If the roadway was crowned at the centerline, a twist in the grading would need to occur at around station 4+25 to transition towards the topographic low points at the center of the southeast parking area.

6. A waiver is requested from SALDO section 205-17.D.(4) to allow 6 inch curb reveal in lieu of the required 8 inch curb reveal.

Justification: 6 inch curb will allow for the driveway aprons to be graded at a shallower slope. 6 inch curb also exists throughout the existing Higher Rock development, so proposed 6 inch curb for this lot would keep uniformity between the different lots/pad sites.

7. A waiver is requested from SALDO section 205-18.A.(3)(b) which requires any closed conduit, when flowing full, shall have a minimum velocity of 3.5 feet per second.

Justification: The storm drain system will be maintained by the Homeowner's Association to clean out all trash, debris, and sediment accumulation. Given the small drainage areas that are tributary to the proposed inlets on this site, the proposed storm pipes would need to be sloped significantly greater in order to meet the minimum velocity of 3.5 feet per second. We are of the opinion that the storm pipes, as designed given the small drainage areas, will function properly.

8. A waiver is requested from SALDO section 205-18.A.(6) which requires 95% of gutter flow to be captured.

Justification: The gutter spread will be designed consistent with PennDOT standards for the 10-year storm event, which requires the spread to be less than  $\frac{1}{2}$  the travel lane width.

9. A waiver is requested from SALDO section 205-52.A. to permit planting fewer than required street trees.

Justification: Due to the site being a townhouse development, the locations of proposed driveways and utility laterals prohibit full compliance with the required number of street trees. The Applicant will relocate trees elsewhere on-site.

10. A waiver is requested from SALDO section 205-52.D. to permit planting the required parking lot planting island trees elsewhere on the lot.

Justification: An underground detention basin is proposed beneath the landscape islands which will preclude trees from being planted. This underground detention basin will reduce the amount of discharge entering the existing storm sewer traveling under the existing retaining wall. The waiver request is for location only.

11. A waiver is requested from SALDO section 205-52.G. to permit planting fewer than required individual lot landscaping shade trees.

Justification: The townhomes are un-lotted. Landscaping has been provided throughout the proposed community. The Applicant will work with the township to locate, on-site, as many of the deficiencies as possible and request a waiver for the remaining amount.

12. A waiver is requested from SALDO section 205-78.B.(1) and 205-78.b.(2) which requires all physical features within 400 feet of the site to be provided.

Justification: In lieu of providing survey information for all physical features within 400' of the site, an Aerial Plan has been provided showing the surrounding site area. This plan is in addition to the detailed as-built survey information provided for the original Higher Rock Development as shown on the Existing Conditions Plan.

13. A waiver is requested from SALDO sections 205-81 and 205-82 to allow a simultaneous preliminary & final plan application to be submitted.

Justification: All information required for preliminary and final plan submission is included in the plan set provided to Montgomery Township.

14. A waiver is requested from SALDO sections 205-10.G. and 205-22.E. to allow a driveway apron slope of 14.5% in lieu of the required maximum driveway apron grade of 10%.

Justification: The proposed driveway slope is a result of providing the required vertical curb and grass strip.

Upon your review, should you have any questions or need any further information, please contact our office.

Sincerely,

**BOHLER ENGINEERING PA, LLC**



George Hartman III, P.E.  
Senior Project Manager

JP/kf  
encs.

cc: Justin Strahorn (via NewForma)  
Chris Canavan (via NewForma)  
Jim Kahn (via NewForma)  
Jake Pickering  
Ron Klos

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

October 5, 2022

File No. 2016-07014.03

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

Reference: Waivers Request Review  
Preliminary/Final Land Development and Subdivision Application – LDS721  
Higher Rock Townhouse Land Development  
Tax Map Parcel Number: 46-00-00298-007; Block 19, Unit 3  
1008 Bethlehem Pike (SR0309)

Dear Bruce:

As requested, Gilmore & Associates, Inc. has reviewed the information listed below regarding the waivers requested as part of the preliminary land development application referenced above and offers the following comments for consideration by the Montgomery Township Board of Supervisors.

A. Waiver Request Letter, prepared by Bohler Engineering, dated August 5, 2022.

The Applicant is requesting waivers from the following sections of Chapter 205.

1. §205-10.D(1)(a) - A 50-foot right-of-way is required for a residential street.

*Applicant Request:* A waiver is requested to not require right-of-way. The proposed roadway (Proposed Road A) will be a private road. A right-of-way will not be needed for this development to determine individual lots since the proposed townhomes will be un-lotted.

*G&A Comment:* We have no objection to this waiver request. The private road will be maintained by the HOA.

2. §205-10.H(2) – Angled or perpendicular parking shall not be permitted along public or private streets.

*Applicant Request:* A waiver is requested to allow angled and perpendicular parking along a private street. The proposed parking spaces will be open to community use for overflow parking and will reduce the need to park within the cartway. The private street and parking will be maintained by the HOA.

*G&A Comment:* We have no objection to this waiver request.

3. §205-10.H(4) – One-way parking lot drive aisles shall be 26 feet in width.

*Applicant Request:* A waiver is requested to allow one-way drive aisle widths of 21 feet. The required 26 feet is for two-way traffic. The one-way drive aisle of 21 feet accommodates truck and emergency vehicle movements. The one-way drive aisle allows for the provision of additional overflow parking and reduces impervious surfaces.

*G&A Comment:* The 26-foot width is applicable to parking lot aisles in residential parking areas. It is our understanding that the applicant has coordinated mountable curb with the Montgomery Township Department of Fire Services to allow adequate emergency service circulation. Therefore, we have no objection to this waiver request.

4. §205-17.A(7) - Bollards are required where perpendicular parking spaces abut sidewalk.

*Applicant Request:* A waiver is requested to not require bollards. Vertical curb is provided at parking spaces adjacent to sidewalks to provide a safe barrier between vehicular and pedestrian circulation.

*G&A Comment:* If the Township wishes to consider this waiver request, **we recommend that the applicant provide 6-foot-wide sidewalk or wheelstops** where the spaces abut the sidewalk between Units 4 & 5 so that an accessible width remains if vehicles overhang the sidewalk. It is noted that none of these proposed spaces are adjacent to buildings.

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5. §205-17.C. – All proposed roads are required to be crowned at the centerline.

*Applicant Request:* A waiver is requested to not crown the road. The proposed roadway is graded at a constant slope from curb to curb rather than having a crown at the centerline. Having the roadway graded at a constant slope from curb to curb will allow the roadway grading to transition more smoothly into the southeast parking area at around station 4+25. If the roadway was crowned at the centerline, a twist in the grading would need to occur at around station 4+25 to transition towards the topographic low points at the center of the southeast parking area.

*G&A Comment:* We have no objection to this waiver request provided the storm inlets are spaced per §205-18.A(6) below.

6. §205-17.D(4) – Curbs are required to be vertical concrete with 8 inch reveal.

*Applicant Request:* A waiver is requested to permit 6-inch curb reveal to allow for the driveway aprons to be graded at a shallower slope. 6-inch curb also exists throughout the existing Higher Rock development, so proposed 6-inch curb for this lot would keep uniformity between the different lots/pad sites.

*G&A Comment:* We have no objection to this waiver request.

7. §205-18.A(3)(b) – Storm sewer shall be designed to have a minimum velocity of 3.5 feet per second when flowing full.

*Applicant Request:* A waiver is requested to allow less than 3.5 fps. The storm drain system will be maintained by the Homeowner's Association to clean out all trash, debris, and sediment accumulation. Given the small drainage areas that are tributary to the proposed inlets on this site, the proposed storm pipes would need to be sloped significantly greater to meet the minimum velocity of 3.5 feet per second. We are of the opinion that the storm pipes, as designed given the small drainage areas, will function properly.

*G&A Comment:* We have no objection to this waiver request.

8. §205-18.A(6) - Storm inlets are to be spaced and of the type to capture 95% of gutter flow.

*Applicant Request:* A waiver is requested to allow an alternate design standard. The gutter spread will be designed consistent with PennDOT standards for the 10-year storm event, which requires the spread to be less than ½ the travel lane width.

*G&A Comment:* Given the lack of proposed roadway crown and that most of the gutter flow will be along one side of the road, **we recommend that the inlets be designed per the Township Ordinance requirement.**

9. §205-52.A - Street trees are to be located along streets.

*Applicant Request:* A waiver is requested to allow an alternate location for street trees. Due to the site being a townhouse development, the locations of proposed driveways and utility laterals prohibit full compliance with the required number of street trees. The Applicant will relocate trees elsewhere on-site.

*G&A Comment:* The required quantity is proposed in the plans. This waiver is for the location of the street trees only. We have no objection to this waiver request.

10. §205-52.D – Trees are required in parking lot planting islands.

*Applicant Request:* A waiver is requested to allow an alternate location for parking island trees. An underground detention basin is proposed beneath the landscape islands which will preclude trees from being planted. This underground detention basin will reduce the amount of discharge entering the existing storm sewer traveling under the existing retaining wall. The waiver request is for location only.

*G&A Comment:* The required quantity is proposed in the plans. This waiver is for the location of the trees only. We have no objection to this waiver request.

11. §205-52.G – Seventy-two individual lot landscaping shade trees are required.

*Applicant Request:* A waiver is requested to allow an alternate location for individual lot trees. The townhomes are un-lotted. Landscaping has been provided throughout the proposed community. The Applicant will work with the township to locate, on-site, as many of the deficiencies as possible and request a waiver for the remaining amount.

*G&A Comment:* The submitted landscape plan proposes the equivalent of the required 72 shade trees. **Therefore, this waiver is not required.**

12. §205-78.B(1) and 205-78.B(2) – The plans are required to include all physical features within 400 feet of the site.

*Applicant Request:* A waiver is requested to allow an Aerial Plan showing the surrounding site area in lieu of providing survey information for all physical features within 400' of the site, The Aerial Plan is in addition to the detailed as-built survey information provided for the original Higher Rock Development as shown on the Existing Conditions Plan.

*G&A Comment:* We have no objection to this waiver request provided the applicant provides additional survey information if determined to be needed during the application review.

13. §205-81 and §205-82 – Preliminary and final plans are to be submitted in succession.

*Applicant Request:* A waiver is requested to allow a concurrent preliminary & final plan application processing. All information required for preliminary and final plan submission is included in the plan set provided to Montgomery Township.

*G&A Comment:* We have no objection to this waiver request.

14. §205-10.G and §205-22.E – The maximum driveway apron grade is 10%.

*Applicant Request:* A waiver is requested to permit a driveway apron slope of 14.5%. The proposed driveway slope is a result of providing the required vertical curb and grass strip.

*G&A Comment:* **It is recommended that the driveway aprons be revised to ensure no more than a maximum change of 8% in grade between the driveway apron and the roadway.** Grade breaks that exceed a grade of 8% may present a hazardous condition and may cause the bottom of vehicles to hit the pavement.

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  
Bill Wiegman, Director of Fire Services – Montgomery Township  
Sean Kilkenny, Esq., Solicitor – Kilkenny Law



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

**REVISED SEPTEMBER 14, 2022**

September 13, 2022

File No. 2016-07014.03

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

Reference: Preliminary/Final Land Development and Subdivision Application – LDS721  
Higher Rock Townhouse Land Development  
Tax Map Parcel Number: 46-00-00298-007; Block 19, Unit 3  
1008 Bethlehem Pike (SR0309)

Dear Bruce:

As requested, Gilmore & Associates, Inc. has reviewed the information listed below regarding the preliminary/final land development application referenced above.

- A. Preliminary/Final Land Development, Subdivision & Conditional Use Plans for Higher Rock Partners, LP & Churchill Acquisitions, LP (33 sheets), prepared by Bohler Engineering, dated March 24, 2022, last revised July 27, 2022.
- B. Off-Site Sidewalk Exhibit (3 Sheets), prepared by Bohler Engineering, dated March 18, 2022, last revised July 27, 2022.
- C. General Project Description and Stormwater Management Calculations, prepared by Bohler Engineering, dated March 23, 2022, last revised July 27, 2022.
- D. Traffic Evaluation, prepared by Traffic Planning and Design, inc., dated 4/23/2022.
- E. Waiver Request Letter, prepared by Bohler Engineering, dated August 5, 2022.
- F. Email correspondence with Allan Nappen, dated 6/1/2022.
- G. Email correspondence with Bart Shippee, dated 6/16/2022.

The subject 10.52-acre parcel (Tax Parcel #46-00-00298-007, Block 19, Unit 3) is Lot 1 within the Higher Rock Partners, LP Development Overall Site totaling 18.706 acres. The Higher Rock development is within the Limited Industrial (LI) Zoning District & Highway Limited Industrial (HLI) Overlay District. Lot 1, located south of Witchwood Drive, contains the existing Wendy's and Wawa uses along with an undeveloped pad site.

The Applicant, W.B. Homes, Inc., proposes to subdivide the 4.58-acre undeveloped pad site (proposed Lot 5) and construct 36 single-family attached units. The proposed development would be accessed from Witchwood Drive through an entrance shared with the commercial use on Lot 3. Witchwood Drive will be dedicated to the Township as part of the previously approved overall Higher Rock development. Connection to the existing road network is provided at the signalized intersections of Witchwood Drive and Stump Road (T-375) and Witchwood Drive and Bethlehem Pike (SR 0309).

The proposed use is permitted by conditional use, which was granted by the Montgomery Township Board of Supervisors, subject to conditions, on December 13, 2021. Refer to Conditional Use Decision for details regarding the approval.

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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).

## PLANNING REVIEW

### 1. Existing Conditions and Surrounding Land Uses

- a. As per Ordinance No. 2021-320, the proposed townhouse use is permitted in the Highway Limited Industrial (HLI) Overlay District.
- b. The site of the proposed townhouse dwellings is currently vacant. The proposed use of the site is residential. The site is surrounded by commercial uses to the north and east. There are industrial uses to the south and some residential uses to the west.
- c. The site is located in the LI Limited Industrial Zoning District and the HLI Highway Limited Industrial Overlay District. The overall property has frontage along Bethlehem Pike and Stump Road, and is intersected by Witchwood Drive. However, the proposed townhouse development will have frontage and access from Witchwood Drive.

### 2. Consistency with the Comprehensive Plan

- a. As per the 2008 Comprehensive Plan Update the property is currently identified as Mixed Use. The Vision Plan identifies the property as part of Special Area 'C' and the Bethlehem Industrial Park (light industrial). Special Area 'C' is designated as the "entry driveway" into the Township. Older buildings in this area should be improved or replaced and streetscape improvements should be provided.
- b. The Plan states the intended goal of housing within the Township is to redevelop or create new housing that includes a diversity of housing types and mixed-use buildings; develop reasonable standards to ensure new housing is an improvement in the Township; and ensure some housing remains affordable for the township workforce. The proposed townhouse dwellings are generally consistent with the Comprehensive Plan.

### 3. Traffic and Pedestrian Circulation Patterns

- a. The townhouse development will have an access drive from Witchwood Drive. Witchwood Drive will connect to both Stump Road and Bethlehem Pike. The plans propose a signalized intersection at the intersection of Witchwood Drive and Stump Road, and the intersection of Witchwood Drive and Bethlehem Pike.
- b. There are existing sidewalks along Witchwood Drive. The plans propose internal sidewalks and crosswalks which would connect to the existing sidewalk along Witchwood Drive. In a response letter from George Hartman of Bohler Engineering dated August 5, 2022 the applicant is currently working with the Township to extend sidewalk from Witchwood Drive toward Route 309 along the firehouse property and PECO easement.

## LANDSCAPE REVIEW

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

1. In accordance with the Conditional Use Decision dated January 26, 2022, the applicant shall demonstrate that they have reviewed the buffering plan behind Units 20 to 36 with the adjacent landowners, and that the proposed buffer is mutually acceptable. Email correspondence with Allan Nappen has been provided with the submission, in which he requests the addition of more trees to the rear of units 20-36. However, it is unclear if revised plans were provided to Mr. Nappen to review, and whether he gave his support to those plans. Additional documentation should be provided indicating whether the adjacent landowner finds the revised buffer to be acceptable.
2. §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.

3. §205-52.A – requires the provision of street trees. The required quantity of street trees are proposed. However, due to spatial constraints most of the trees are proposed in other locations and not adjacent to the street. A waiver has been requested.
4. §205-52.C – the plans propose the use of existing vegetation to meet screen buffer requirements along the western property line adjacent to the residential land use. A site visit shall be scheduled with the Township Landscape Architect to determine the suitability of the existing vegetation to meet the buffering requirement. Notes and specifications shall be provided for how the buffer is to be maintained free and clear of invasive species and/or noxious weeds.
5. §205-52.D – the required number of parking lot shade trees have been provided. However, due to spatial constraints not all of the trees are shown in the vicinity of the parking areas. A waiver has been requested.
6. It should be noted that there are existing shade trees and shrubs in the vicinity of the existing and proposed garden center parking lot areas. It appears that these may be disturbed as part of the proposed improvements. As these trees and shrubs have been planted to address landscape requirements for the previous Higher Rock land development, any disturbance of these plants must be accounted for and replacements made at 1:1. The plans shall be revised to show the locations of these plantings, and make replacements where required.

### LIGHTING REVIEW

All prior lighting comments have been addressed to date.

### TRAFFIC REVIEW

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

7. §205-10.G & §205-22.E. – The applicant has requested a waiver from these section regarding the slope of driveways to allow a driveway apron slope of 14.5% rather than the required maximum of 10%. It is recommended that the driveway detail be revised to ensure no more than a maximum change of 8% in grade between the driveway apron and the roadway. Grade breaks that exceed a grade of 8% may present a hazardous condition and may cause the bottom of the vehicle to hit the pavement.
8. §205-10.H(4) – All parking spaces shall be marked with all-weather paint with double parallel lines to be a minimum of six inches apart to separate each space. Revise the detail to indicate the all-weather paint.
9. §205-104 – Traffic Management Study: As previously stated, use the latest edition of ITE Trip generation (**11th edition**) for the proposed trip generation for the by-right uses and proposed use.

#### General

10. As per ADA recommendations, 5-foot-wide sidewalks are preferred with the latest ADA standards. It is recommended 5-foot-wide sidewalk be provided which is consistent with the rest of the Higher Rock development. If four-foot sidewalk is used, passing areas must be provide and identified on the plan. Passing areas must be a minimum of 5' x 5' and be provided a distance not to exceed 200 feet. The proposed sidewalk currently shown on the plan is not in compliance with ADA standards.
11. Provide a detail for the sidewalk turning area at the access to Witchwood Drive. Verify the turning area is level and not in the flare of the existing ramp.
12. At the access to Witchwood Drive, relocate the existing sign shown in the middle of the proposed sidewalk.
13. We have the following comments regarding the off-site sidewalk plans:
  - a. Revisions to the traffic signal permit plan at Witchwood Road and Stump Road will be required. The applicant has noted this will be required.
  - b. Sheet 3
    - i. At the intersection of Stump Road/Witchwood Drive, revise the ramp on the northwest corner not to exceed a maximum slope of 8.33%. A 9.67% slope is shown. Revise the plan to be ADA compliant to the maximum extent feasible. A roadway pavement adjustment may be required.
    - ii. Show all pavement restoration areas for installation of the curb ramps.

- iii. At the intersection of Stump Road/Witchwood Drive, revise the design so the triangular area is less than 2% in all directions.

## **ENGINEERING REVIEW**

### Zoning Ordinance (Chapter 230)

14. §230-147 & 148.J – Corner vision obstruction. The applicant has addressed our previous comment regarding the intersection with Witchwood Drive. With the modification of the entrance to the townhouse development, the intersection with the Garden Center driveway (driveway 1) should also provide the clear site area. The minimum clear sight triangle at this intersection must be 75 feet measured along the center lines. The applicant has added the appropriate sight triangles at driveway 1, however Unit 1 encroaches the clear site triangle. Revise the plans accordingly.

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

15. §205-10.D(1)(a) – Residential streets shall have a 50-foot right-of-way and a pavement width of 26-feet. The applicant has requested a waiver from this section.
16. §205-10.H(2) – Parking and loading areas. Angled or perpendicular parking shall not be permitted along public or private streets. No parking areas shall be located within a public street ultimate right-of-way. Parked vehicles in off-street parking spaces shall be prevented from intruding on travel lanes, walkways, public streets or adjacent properties by means of walls, curbs, wheel stops or other appropriate means. The applicant has requested a waiver from this section.
17. §205-10.H(4) – Parking and loading areas. Multifamily parking spaces shall be 90 degree, 20-feet deep, and 10-feet wide. The applicant has requested a waiver from this section.
18. §205-17.A.(7) – Where parking spaces abut and are perpendicular to paved walkways the design shall provide for placement of bollards spaced five feet on center, a minimum of 16 inches from the front face of the curb, edge of parking space across the width of all the parking spaces. The cars parked between Unites 4 and 5 will likely overhang the curb and minimize the available width of the sidewalk. Parking blocks or bollards will prevent this issue. The applicant has requested a waiver from this section.
19. §205-17.C – Crown. All pavements, except where super elevated for curves, shall have a minimum slope from center of road to gutter of 1/8 inch per foot and a maximum slope of 1/4 inch per foot. The applicant has requested a waiver from this section.
20. §205-17.D.(4) – Concrete curbs and aprons shall be constructed in accordance with the standard detail design specifications set forth in Appendix A to Ordinance No. 18, as amended. Revise the details on Sheet 28 as necessary. The applicant has requested a waiver to allow 6" curbs.
21. §205-18.A.(3)(b) – Any closed conduit, when flowing full, shall have a minimum velocity of 3.5 feet per second and a maximum velocity of 15 feet per second. Manning's formula will be used in computing velocities. The applicant has requested a waiver from this section.
22. §205-18.A.(6) – Inlet spacing and the type used shall be so arranged that 95% of the gutter flow, computed as runoff, will be captured. The applicant has requested a waiver from this section.
23. §205-18.A.(8) – Stormwater roof drains. Stormwater roof drains and pipes shall not discharge water over a sidewalk but shall extend under the sidewalk to the gutter. Where storm drains pass in front of a structure or are otherwise accessible, the roof drains shall be connected thereto. The applicant has shown the locations of the roof drains at the corners of the units; however, the middle units only show roof drains in the rear. It is not clear if roof drains will be provided at the front of the middle units. Additional information shall be provided.
24. §205-78.B(1) & (2) – The sections require certain existing features beyond the limits of the subject site. The applicant has requested a waiver from including this information on the plans.
25. §205-81 & 82 – The ordinance includes sequential review and processing of the preliminary and final plans. The applicant has requested a waiver to allow concurrent review and processing of these plans.

26. §205-82 – Upon completion of improvement construction a completion certificate will be issued by the Township Secretary and the plan endorsed by the Township Engineer. The Applicant shall provide an as-built plan depicting construction of any and all improvements in sufficient detail to demonstrate conformance with the approved land development plans. The as-built plan shall be certified by a surveyor licensed in Pennsylvania.
27. §205-113 – The applicant shall dedicate land suitable for park or recreational use to the Township, unless one of the alternatives set forth in § 205-116 is agreed to by the Township and the applicant. The land shall be dedicated to the Township as a condition of final plan approval, and no lots shall be sold or built upon until and unless the actual transfer of title has been completed or guaranteed to the satisfaction of the Board. The requirements of this chapter shall be in addition to any other Township requirements for dedication of open space. The applicant has proposed to pay a fee in lieu of.

#### Stormwater Management Ordinance (Chapter 206)

28. §206-12 & §206-23.A(1 & 2) – Proof of application or documentation of required permit(s) or approvals for the programs listed below shall be part of the plan:
  - NPDES Permit for Stormwater Discharges from Construction Activities.
  - Any other permit under applicable state or federal regulations.
29. §206-29.D-F – Following construction, as-built plans of all SWM BMPs shall be provided to the Township for all SWM BMPs included in the SWM site plan along with an explanation of any discrepancies from the plan that was approved by the Township.
30. §206-33 & §206-35 – The property owner(s) shall enter into a stormwater facilities and BMP operations and maintenance agreement to the satisfaction of the Township Solicitor.

#### General

31. The Applicant should obtain all required approvals, permits, declarations of restrictions and covenants, etc. (e.g., PADEP, PennDOT, MCPC, Montgomery County Conservation District, Sewer Authority, Water Authority, Fire Marshal, etc.). Copies of these approvals and permits should be submitted to the Township and our office.
32. Given the geometry of the cul-de-sac and the location of the driveways, we continue to have concerns regarding snow plowing operations within the cul-de-sac area. The applicant has stated that there is sufficient space provided in the corners between driveways for snow removal and storage. We recommend a figure be provided depicting planned locations where snow can be piled.
33. There are several decks that project into proposed swales. Supports for these decks should not be placed within the swales. The applicant has labeled the deck supports and stated that none of them are in the bottom of the swales. The concern is that decks support shall not be within the flow depth of the swales inclusive of the slopes. The applicant shall ensure that the supports are completely out of the swales wetted perimeter, not just the swale bottoms. We recommend this be addressed prior to the building permit stage.
34. The applicant has provided an email exchange with the retaining wall design engineer regarding the site layout in relation to the existing perimeter wall. It is recommended that formal documentation in the form of a letter from the engineer be provided. The letter should include reference to the wall and geogrid configuration and the current site plan.
35. More information shall be provided regarding the parking expansions on Existing Lots 3 and 4. We are unable to determine the required number of accessible parking spaces based on the information provided. It appears that either 1 or 2 additional accessible spaces are needed per IRC Table 1106.1 depending on the use and configuration of the buildings and facilities.
36. The original Higher Rock Site Plan included a trash enclosure on Existing Lot 3. This feature is removed with the parking expansion and is required to be relocated elsewhere on the lot.
37. Legal descriptions for each lot to be created, easements to be provided, and rights-of-way to be dedicated shall be provided for review prior to recording.

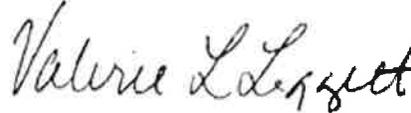
In order to help expedite the review process of the plan resubmission, we request that the Applicant submit a response letter which addresses each of the above comments. Changes that have been made to the application and plans that are unrelated to the review comments should also be identified in the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

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  
Bill Wiegman, Director of Fire Services - Montgomery Township  
Sean Kilkenny, Esq., Solicitor – Kilkenny Law  
Justin Strahorn – Churchill Acquisitions, LP  
George Hartman, P.E. – Bohler Engineering  
Greg Richardson, P.E. – Traffic Planning and Design, Inc.



**MONTGOMERY TOWNSHIP**  
**DEPARTMENT OF FIRE SERVICES**  
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**William Wiegman**  
DIRECTOR OF FIRE SERVICES  
FIRE MARSHAL  
EMERGENCY MANAGEMENT  
COORDINATOR  
**FIRE MARSHALS OFFICE:**  
215-393-6936

September 7, 2022

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

Re: Higher Rock Land Development

Dear Bruce:

Thank you for allowing the Fire Marshal's Office to comment on the proposed construction of the: Higher Rock Townhome Development

The Fire Marshal's Office recommends that the proposed 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 Andrew Backlund



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

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

April 28, 2022

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

Re: Higher Rock Land Development

Dear Bruce:

Thank you for allowing the Fire Marshal's Office to comment on the proposed construction of the: Higher Rock Townhome Development

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: Please have noted on plans.**
2. **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 on entire access road for emergency access**
3. **503.2.4 Turning radius.** The required turning radius of a fire apparatus access road shall be determined by the *fire code official*.  
**Comment: The applicant shall submit a vehicle movement plan showing that our TOWER 18 ladder truck can maneuver through the site with continuous driving ability.**
4. **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.

5. **D107.1 One- or two-family dwelling residential developments.** Developments of one- or two-family dwellings where the number of *dwelling units* exceeds 30 shall be provided with two separate and *approved* fire apparatus access roads.

**Exceptions:**

1. Where there are more than 30 dwelling units on a single public or private fire apparatus access road and all dwelling units are equipped throughout with an approved automatic sprinkler system in accordance with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3 of the International Fire Code, access from two directions shall not be required.
2. The number of *dwelling units* on a single fire apparatus access road shall not be increased unless fire apparatus access roads will connect with future development, as determined by the *fire code official*.

**GENERAL COMMENTS**

6. 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.
7. Any gas services that are accessible/vulnerable to vehicular traffic SHALL have approved vehicle impact protection installed.

The Fire Marshal's Office recommends that the proposed development be approved as submitted subject to the developer complying with the above referenced items.

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

Sincerely,



Reviewed by:  
Fire Fighter/Asst. Fire Marshal Andrew Backlund



## 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: August 23, 2022

Re: LD721  
Higher Rock Townhomes

---

A review of the above-referenced land development was conducted on this date. Concern exists regarding the current number of open community-use parking spaces planned. It is requested that extra parking spaces be added. Additionally, it is requested that no parking signs be installed throughout the community to ensure that vehicles do not impede emergency vehicles' movement by parking on the roadway in front of homes.

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

August 26, 2022

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

Re: MCPC #17-0242-006  
Plan Name: Higher Rock Townhouse Land Development  
(1 lot, approx. 4.58 acres)  
Situate: Witchwood Drive, near Stump Road  
Montgomery Township

Dear Mr. Shoupe:

We have reviewed the above-referenced subdivision and land development proposal in accordance with Section 502 of Act 247, "The Pennsylvania Municipalities Planning Code," as you requested on August 17, 2022. We forward this letter as a report of our review.

## BACKGROUND

The applicant, W.B. Homes, Inc., is submitting a subdivision and land development application to construct 36 townhomes in 7 buildings on a new lot (Lot 5) of the larger Higher Rock Partners, LP development at the corner of Bethlehem Pike and Witchwood Drive. The townhomes would take access from a new access driveway installed at a four-way intersection with Witchwood Drive and a driveway to a building still under construction, near the intersection of Witchwood Drive and Stump Road. Lot 5 will measure 4.58 acres out of the total 18.25 net tract acres, conforming to the conditional use requirement of using less than 30% of a total property for townhomes. An additional 17 guest parking spaces are provided for the townhomes in addition to the garages and driveways for each dwelling unit. Stormwater management will largely be handled via an underground detention basin below the central guest parking area in the cul-de-sac, along with a bioretention basin at the southeast corner of the site. A total of fourteen waivers are being requested for the land development. Previous letters have been sent regarding this development proposal, most recently on April 20, 2022. Since the previous proposal was submitted, the plans were revised to remove three parking spaces at the corner of the access driveway from Witchwood Road, and replace them with five spaces on a perpendicular location to the access driveway. In addition, the access driveway is now shown as continuing into the



adjoining lot to the north, where additional parking spaces are being proposed, but will not officially be included as part of the parking calculations for the townhouse development. The zoning ordinance permitting this proposal as a conditional use in the HLI zoning district was reviewed by the MCPC under letter #17-0242-003, dated August 17, 2021, and the ordinance was adopted by Montgomery Township on August 23, 2021 as ordinance #2021-320.

## COMPREHENSIVE PLAN COMPLIANCE

*Comments are reproduced from previous letters.*

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 the proposed development to be realized, additional pedestrian connectivity of sidewalk and crosswalk networks will be required.

Similarly, 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". We encourage the township to utilize the recent zoning ordinance change permitting a development such as this proposal, but we also want to ensure that the resulting development is well-designed and well-built.

## RECOMMENDATION AND CONCLUSION

The Montgomery County Planning Commission (MCPC) generally supports the proposed land development application. Previous MCPC letters have provided suggestions and tweaks to the development proposal, which have been implemented to varying levels during each revision process. Additional suggestions for improvements have been made by other township review agencies, such as recommending 5 foot wide sidewalks to match current ADA standards, and we encourage the

township to seek the best outcome for the development and hold the developer to a high standard, given that over a dozen waivers are still being requested. We do appreciate the addition of offsite sidewalk improvements along Witchwood Road and would recommend that the entire site be examined for pedestrian connectivity before final approval, which will help to achieve Montgomery Township's broad-based planning objectives for residential development.

Please note that the review comments and recommendations contained in this report are advisory to the municipality and final disposition for the approval of any proposal will be made by the municipality. Should the governing body approve a final plat of this proposal, the applicant must present the plan to our office for seal and signature prior to recording with the Recorder of Deeds office. A paper copy bearing the municipal seal and signature of approval must be supplied for our files.

Please print the assigned MCPC number (#17-0242-006) on any plans submitted for final recording.

Sincerely,

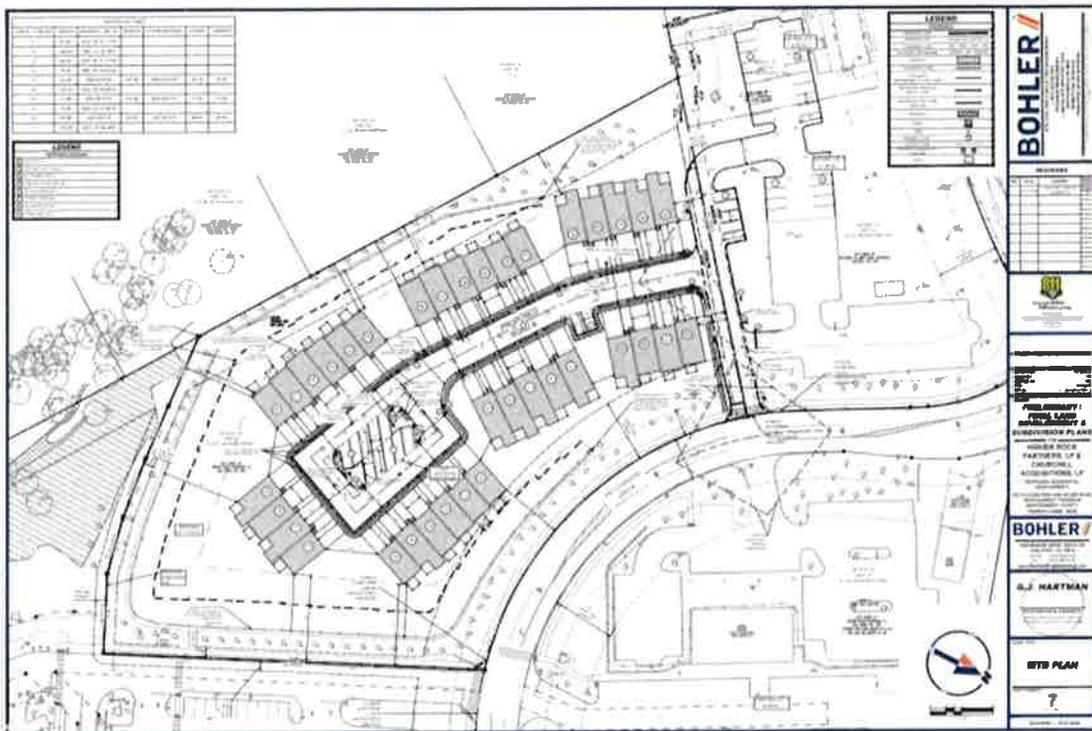


Matthew Popek, AICP  
Transportation Planning Assistant Manager  
[mpopek@montcopa.org](mailto:mpopek@montcopa.org) - 610-278-3730

c: George Hartman, Bohler Engineering, Applicant's Representative  
Carolyn McCreary, Twp. Manager  
Jim Rall, Chrm., Twp. Planning Commission

Attachments: (1) Site Plan  
(2) Aerial

Site Plan – Witchwood Drive, Montgomery Township



*Aerial – Witchwood Drive, Montgomery Township*



Higher Rock Townhouse  
Land Development  
MICPC=170242006

Montgomery  
County  
Planning  
Commission

0 100 200 400 Feet

▲

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**MONTGOMERY TOWNSHIP**  
1001 STUMP ROAD  
MONTGOMERYVILLE, PA 18936-9605  
Telephone: 215-393-6920 · Fax: 215-855-1498  
[www.montgomerytp.org](http://www.montgomerytp.org)

## Planning Commission Meeting Minutes September 15, 2022

The regular monthly meeting of the Montgomery Township Planning Commission was held at the Township Building at 7:30 pm, Thursday, September 15, 2022. The members of the Planning Commission in attendance included: Jim Rall, Tom Borghetti, Jay Glickman, Dave Fetzer, and Leon McGuire. Also present: Candyce Fluehr Chimera, Board Liaison; Kailie Melchior, Township Solicitor; and Marianne McConnell, Deputy Zoning Officer.

On a motion made by Jay and seconded by Tom, the minutes from the August 2022 meeting were approved as submitted.

**311 Stump Road / Sewage Facilities Planning Module** – Bruce Shoupe, Director of Planning & Zoning informed the Planning Commission members of the proposed project to provide public sewer to lots for future development and DEP's requirement to submit a full planning module to them for review. On a motion made by Jay Glickman and seconded by Tom Borghetti, the Planning Commission recommends the Board of Supervisors approve the Sewer Planning Module for DEP's review. All in favor.

**Higher Rock Townhouses / WB Homes LDS 721** – WB Homes presented to the Planning Commission a project proposing to subdivide a 4.58-acre undeveloped pad site (lot 5) and construct 36 single family attached homes within the Higher Rock Development along Bethlehem Pike and Witchwood Drive. The proposed development would be accessed off of Witchwood Drive through an entrance shared with the commercial use on lot 3. The proposed use is permitted by Conditional Use and was granted approval by the Board of Supervisors, subject to conditions, on December 13, 2021. The applicant is currently seeking Land Development approval and presented the project to the PC members for a recommendation to the Board. Mr. Chris Canavan of WB Homes and George Hartman of Bohler Engineering presented the project and answered any questions regarding the project. The applicant indicated that they will comply with all items noted in the Gilmore Associates September 14, 2022 review letter. The parking concerns were addressed by converting the drive aisle to one way only in order to add additional overflow parking spaces to the site. 17 overflow parking spaces are available. The proposed units have 1 or 2 car garages with 2 car parking within the driveways. The HOA documents will restrict the overflow parking to be utilized by guests and not residents and will restrict the conversion of the garages to living space. The applicant also reviewed the August 5, 2022 waivers requested letter. The waivers requested are in regards to street width, parking, bollards, curb height, driveway apron slope, and landscaping.

On a motion made by Jay Glickman and seconded by Dave Fetzer, the Planning Commission recommends that the Board of Supervisors approve the Land Development application subject to Township Consultant and Staff review letters and comments. All in favor.

**LUV Car Wash (formerly Caliber Car Wash) / 739 Bethlehem Pike LDS 722** - The applicant, LUV Car Wash Northeast, LLC is seeking Preliminary / Final Land Development Approval for their proposed car wash located at 739 Bethlehem Pike. The application was previously presented to the Planning Commission during the Conditional Use process and granted Conditional Use approval by the Board of Supervisors. The 1.08-acre property sits within the C-Commercial district and has frontage along Horsham Road and Bethlehem Pike. The existing vacant historical building (former schoolhouse and fabric store) will be demolished to construct a 5,040-sf. car wash with associated drive aisles, parking areas, and vacuum stations. The applicant discussed documenting the existing building prior to demolition and propose to provide a plaque recognizing the former schoolhouse if desired. The required access easement with the adjacent property has been obtained and a storm water agreement as well.

The applicant noted that they will comply with all comments and items noted in the Gilmore Associates review letter other than the landscaping waiver requested. The applicant requests a waiver from the required amount of shade trees necessary to shade every parking space due to the type and use of this facility. The Planning Commission requested that the applicant provide the numbers required, provided and if the required trees can be planted elsewhere on the site.

On a motion made by Jay Glickman and seconded by Tom Borghetti, the Planning Commission recommends that the Board of Supervisors approve the Land Development application subject to Township Consultant and Staff review letters and comments, and compliance with recommendations made. All in favor.

**Adjournment:** There being no further business to come before the Commission, the meeting adjourned at 8:15 pm. The next meeting will be held at 7:30 pm on October 20, 2022, at the Township Building.

## ZONING REVIEW – LAND DEVELOPMENT

DATE: October 17, 2022

PLAN REVIEW – Higher Rock Townhouses / WB Homes  
 LD/S # 721 – Conditional Preliminary/Final Approval – 36 Townhouses

DEVELOPMENT NAME: Higher Rock  
 LOCATION: 105 Witchwood Drive LOT NUMBER & SUBDIVISION: 5  
 ZONING DISTRICT: LI / HLI – Text Amendment Ordinance #2021-320  
 PROPOSED USE: Residential  
 ZONING HEARING BOARD APPROVAL REQUIRED? NO  
 CONDITIONAL USE APPROVAL REQUIRED? YES – granted January 26, 2022

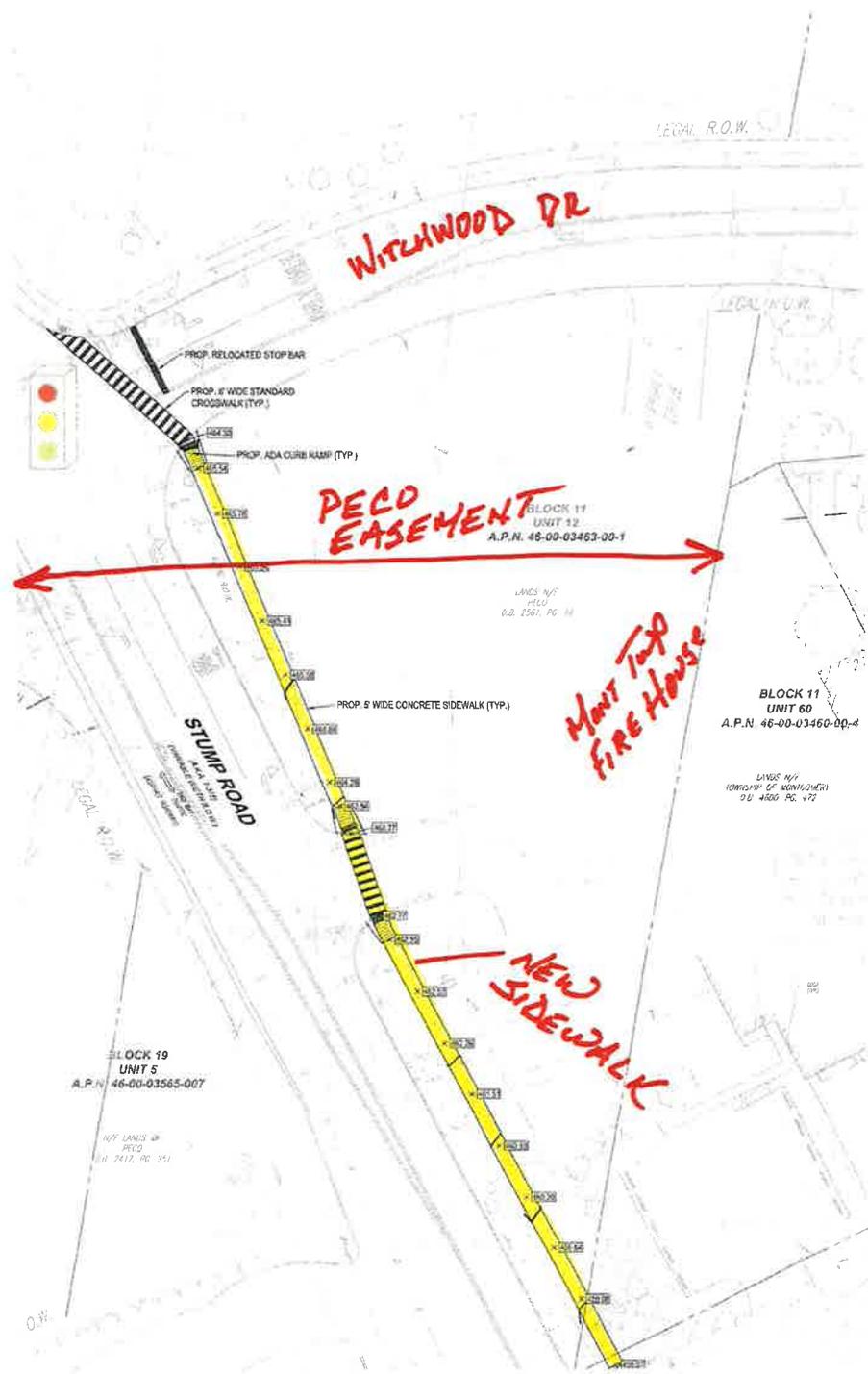
	Required	Proposed
USE	Conditional Use	Granted January 26, 2022
Townhouse dwellings % of total tract area per Section 230-215I	Max 30%	25.1% (4.58 acres)
HEIGHT	Max 35 ft.	<35 feet
LOT SIZE	Min 4 acres	4.58
MAXIMUM DENSITY	9 dwelling units / acre	7.86 / 36 total units
SETBACKS	Section 230-217J	comply
NUMBER UNITS PER BUILDING	Max 6	6
PARKING SPACES PER DWELLING UNIT	Min 2	2 (plus 17 overflow spaces)
BUILDING COVERAGE	Max 35%	16.4%
IMPERVIOUS COVERAGE	Max 50%	38.4%

### ADDITIONAL COMMENTS

- Pedestrian Connectivity is proposed per Section 230-214G
- Accessory Structures: Unenclosed decks, porches, and patios may encroach no greater than 10 feet into required yard area setback
- Shall comply with Ord. 2021-320 and Conditional Use Decision dated January 26, 2022.
- The applicant is responsible for obtaining an easement from PECO for the installation of sidewalk (plan attached) along Stump Rd in front of Battalion 1 Fire Station to the satisfaction of the Township Engineer and Solicitor.

  
 Bruce Sharpe  
 Zoning Officer

10/17/22  
 DATE



**BEFORE THE  
BOARD OF SUPERVISORS OF MONTGOMERY TOWNSHIP**

**IN RE: APPLICATION FOR CONDITIONAL USE**

**PROPERTY: 105 WITCHWOOD DR., MONTGOMERY TOWNSHIP, PENNSYLVANIA, 19031,  
MONTGOMERY COUNTY TAX PARCEL NO. 46-00-00298-00-7**

**Board of Supervisors Present at Hearing:**

**Tanya C. Bamford, Chairman  
Matthew W. Quigg, Vice-Chairman  
Candyce Fluehr Chimera  
Annette M. Long  
Beth A. Staab**

**CONDITIONAL USE DECISION**

On October 7, 2021, W.B. Homes, (the “Applicant”) filed an application for conditional use approval with Montgomery Township seeking conditional approval to construct townhomes in the HLI Highway Limited Industrial District pursuant to the provisions of Section 230-217 of the Montgomery Township Zoning Ordinance, as amended by Ordinance 2021-320 (the “Zoning Ordinance”).

The Application involves tax parcel 46-00-00298-00-7, 105 Witchwood Dr., in the HLI Highway Limited Industrial District, Montgomery Township, Pennsylvania (the “Property”). The property is presently vacant and consists of approximately four and one-half (4.5) acres behind the Wawa located at 1008 Bethlehem Pike. The Applicant proposes to subdivide the subject property from the overall 18-acre site of which it is currently a part and to develop the subject property with 36 townhomes. Townhomes are permitted in the HLI Highway Limited Industrial District as a conditional use pursuant to Section 230-217 of the Montgomery Township Zoning Ordinance, as amended by Ordinance 2021-320.

On December 13, 2021, the Montgomery Township Board of Supervisors held a public hearing on the Application pursuant to public notice. The Board hereby sets forth its Findings of Fact, Conclusions of Law, and Order:

**I. FINDINGS OF FACT**

1. On October 7, 2021, W.B. Homes, (the “Applicant”) filed an application seeking conditional use approval from the Montgomery Township Board of Supervisors to construct townhomes in the HLI Highway Limited Industrial District pursuant to the provisions of Section 230-217 of the Montgomery Township Zoning Ordinance, as amended by Ordinance 2021-320 (the “Zoning Ordinance”).

2. Aside from the Applicant, no party requested party status at the conditional use hearing.

3. The Application involves tax parcel 46-00-00298-00-7, 105 Witchwood Dr. in the HLI Highway Limited Industrial District, Montgomery Township, Pennsylvania (the “Property”). The property is presently vacant and consists of approximately four and one-half (4.5) acres behind the existing Wawa located at 1008 Bethlehem Pike. The Applicant proposes to subdivide the subject property from the overall 18-acre site of which it is currently a part and to develop the subject property with 36 townhomes.

Townhomes are permitted in the HLI Highway Limited Industrial District as a conditional use pursuant to Section 230-217 of the Montgomery Township Zoning Ordinance, as amended by Ordinance 2021-320.

5. The Montgomery Township Planning Commission recommended approval of the application on November 10, 2021.

6. The Applicant presented expert testimony from Professional Engineer Ronald Klos, who opined that the Applicant's plans met the standards for conditional use as required by Section 230-217 and Section 230-156.2.C of the Montgomery Township Zoning Ordinance.

7. The Applicant has provided all the information required by Section 230-217 and Section 230-156.2.C of the Montgomery Township Zoning Ordinance.

8. No use of the Property will result in any condition that endangers public health or safety.

9. The Applicant has met the Township's requirements for Townhomes in the HLI Highway Limited Industrial District.

## **II. CONCLUSIONS OF LAW**

The proposed use of the Property satisfies the standards and criteria for conditional use approval set forth in Section 230-217 Zoning Ordinance, including the following:

1. As per Section 230-217, the proposed townhouse use is permitted in the Highway Limited Industrial (HLI) Overlay District by conditional use.

In addition, the proposed use of the property satisfies the standards and criteria for conditional use approval set forth in Section 230-156.2.C of the Zoning Ordinance, including the following:

1. The proposed use is permitted by conditional use, and it will conform to the applicable regulations of the district in which it is located or any district regulations which may relate to or apply to the use, including, but not limited to setbacks, building coverage, open space or buffering.
2. The proposed use will conform to the regulations applicable including but not limited to regulations contained in Article XVIII, Signs, Article XIX, Off-Street Parking and Loading, and Article XXI, Miscellaneous Provisions.
3. Points of vehicular access to the lot are provided at a distance from the intersections and other points of access and in number sufficient to prevent undue traffic hazards and obstruction to the movement of traffic.
4. The location of the site with respect to the existing public roads providing access to it is such that the safe capacity of 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.
5. The proposed use will not have an unwarranted impact on traffic in the area and will not create any traffic hazards dangerous to the public safety.
6. Screening of the proposed use from its adjacent uses is sufficient to prevent the deleterious impact of the uses upon each other, considering the type, dimension, and character of the screening.

7. The proposed use of the Property as townhomes does not adversely affect or contradict Montgomery Township's Comprehensive Plan.
8. The proposed use is suitable for the character of the neighborhood and the uses of the surrounding properties.
9. The proposed use will not impair an adequate supply of light and air to adjacent properties, nor will it adversely affect public health, safety or general welfare.
10. The proposed use will not adversely affect transportation or unduly burden water, sewer, school, park or other public facilities.
11. The proposed use shall not overcrowd land or create undue concentration of population or undue intensity of use.

### **ORDER**

**AND NOW**, this 13<sup>th</sup> day of December 2021, the Montgomery Township Board of Supervisors hereby **GRANTS** the Applicant's Conditional Use application to permit the Applicant to construct townhomes in the HLI Highway Limited Industrial District pursuant to the provisions of Section 230-217 of the Montgomery Township Zoning Ordinance, as amended by Ordinance 2021-320, which approval is subject to the Applicant's compliance with the following conditions:

1. Prior to the issuance of a zoning or use permit, all outstanding legal, engineering, and administrative fees due to Montgomery Township must be paid.
2. The Applicant must comply with testimony and exhibits introduced at the Conditional Use Hearing held on December 13, 2021.
3. The Applicant agrees to comply with all applicable laws, Ordinances of Montgomery Township, the Commonwealth of Pennsylvania and the United States.
4. The Applicant must comply with testimony and exhibits introduced at the public hearing for the zoning change related to conditional use that was held before the Board of Supervisors on October 25, 2021.
5. The Applicant agrees to design and install a safe pedestrian connection to Montgomery Township Fire Company Battalion 1 property generally along the Stump Road frontage with a design to be reviewed and approved by the Montgomery Township Staff as depicted by the exhibit presented by the Applicant at the Conditional Use Hearing on December 13, 2021. Montgomery Township shall provide the necessary legal right-of-way for the sidewalk installation. The Township will Coordinate with PECO as necessary for the installation.
6. The Applicant agrees to review the buffering plan behind Units 20 to 36 with the owners of the adjacent industrial property as part of the land development application.
7. The Applicant and Township staff will review the shared parking arrangement as raised by Supervisor Quigg during the land development process.

ATTEST:  
TOWNSHIP

BOARD OF SUPERVISORS OF MONTGOMERY

  
Carolyn McCreary, Manager

  
Tanya C Bamford, Chair

This Adjudication was mailed  
to the Applicant on Jan., 26, 2022.

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

Item #10

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SUBJECT: Consideration – Preliminary/ Final Subdivision Land Development Plan – LUV Car Wash – LDS# 722  
MEETING DATE: October 24, 2022  
BOARD LIAISON: Tanya C. Bamford, Chair  
INITIATED BY: Marianne McConnell, Deputy Zoning Officer

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**BACKGROUND:**

The subject property is located at 739 Bethlehem Pike in the Township. The property is within the C Commercial District. The existing parcel is a 1.08-acre commercial lot frontage on Horsham Road and Bethlehem Pike. The Applicant and equitable owner, LUV Car Wash Northeast, LLC, proposes demolition of the existing vacant two-story building and development of a drive-thru car wash. The proposal includes the car wash building along with the associated drive aisles, parking areas, and vacuum stations. The proposed use “car wash, automatic and self-serve” is permitted as a Conditional Use in the Commercial Zoning District (§230-75.A(1)) and was granted on February 28, 2022 (Resolution 2022-13). The applicant was granted zoning relief on February 24, 2022. The relief allows landscape buffers widths to be reduced and eliminates the need for a loading area for this use.

**MOTION/RESOLUTION:**

**MOTION** to adopt Resolution # 2022- 40 granting Land Development Plan Approval for the proposed demolition of existing two-story building and development of a drive-thru car wash – LUV (fka Caliber) Car Wash (see attached resolution).

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

**RESOLUTION #2022-40**

**MONTGOMERY TOWNSHIP**

**MONTGOMERY COUNTY, PENNSYLVANIA**

**BE IT RESOLVED**, and it is hereby resolved by the Montgomery Township Board of Supervisors as follows:

A. **LUV Carwash Northeast, LLC**, (the "**Applicant**"), has caused to be prepared and filed with the Township a plan entitled "Preliminary/Final Land Development Plans for Caliber Capitol," consisting of twenty-two (22) sheets, prepared by Bohler Engineering, dated May 13, 2022, and last revised September 2, 2022, (the "**Plan**"). Applicant submitted a waiver request for Montgomery Township's Subdivision and Land Development Ordinance (the "Waiver Request") on October 11, 2022, attached hereto as **Exhibit "A"** and incorporated herein by reference.

B. The Applicant, **LUV Car Wash Northeast, LLC** has submitted a Land Development/Subdivision Application for the property at located at 739 Bethlehem Pike, Tax Map Parcel No. 46-00-00181-00-7. The Applicant proposes demolition of the existing vacant two-story building and development of a drive-thru car wash. The proposal includes the car wash building along with the associated drive aisles, parking areas, and vacuum stations. The plan is hereinafter referred to as the "**Project**."

C. The proposed use "car wash, automatic and self-serve" is permitted as a Conditional Use in the Commercial Zoning District (§230-75.A(1)) and was granted conditional use by the Montgomery Township Board of Supervisors on February 28, 2022 (Resolution 2022-13), attached hereto as **Exhibit "B"** and incorporated herein by reference.

D. The applicant was granted zoning relief on February 24, 2022. The relief allows landscape buffers widths to be reduced and eliminates the need for a loading area for this use. The decision and order for relief is attached hereto as **Exhibit "C"** and incorporated herein by reference.

E. On September 15, 2022, the Montgomery Township Planning Commission recommended preliminary and final land development plan approval of the Plan.

F. The Township Engineer has reviewed the Plan and has submitted a letter of plan review dated September 21, 2022, attached hereto as **Exhibit "D."**

G. Montgomery County Planning Commission has reviewed the Plan and submitted a letter of review dated August 4, 2022, attached hereto as **Exhibit "E."**

**NOW, THEREFORE**, the Plan is hereby granted **Conditional Preliminary and Final Land Development Plan Approval** subject to the satisfaction of the following conditions by the Applicant:

1. Compliance with the Plans for “LUV Carwash Northeast, LLC,” dated May 13, 2022, last revised September 2, 2022, and may be further revised to comply with the Township Engineer’s review/comment as prepared by Gilmore and Associates, Inc., of New Britain, Pennsylvania; compliance with Montgomery Township Fire Services comments dated September 15, 2022, Montgomery Township Police Department comments dated September 13, 2022, Montgomery County Planning Commission comments dated August 4, 2022; Montgomery Township Planning Commission DRAFT recommendation dated September 15, 2022; and Montgomery Township Zoning Officer’s review dated October 17, 2022.
2. Compliance with the zoning decision and order from the Montgomery Township Zoning Hearing Board dated February 24, 2022.
3. Compliance with the conditional use decision and order from the Montgomery Township Board of Supervisors dated February 28, 2022.
4. At the time of development, the Developer/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 in the form of either an irrevocable standby letter of credit in a form acceptable to the Township Solicitor, or cash. 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, stormwater 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 to 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.
5. Developer agrees it will pay the Township all reasonable costs 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 affect these reimbursements, the 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.

6. 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 if required.

7. Paying all outstanding Township Administrative, Consultant and Solicitors fees related to this project before plans and agreements are executed and recorded.

8. 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.

9. The Applicant shall be responsible for obtaining all other Regulatory Authority Permits having jurisdiction over this project.

10. The Applicant hereby agrees to pay a fee in lieu of for the planting of four (4) shade trees providing for the payment of \$500.00 per tree for a total of \$2,000.00. This fee must be paid prior to the submission of an application for a building permit.

11. 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.

12. All stormwater inlets and outfall structures shall be identified in accordance with the PADEP Municipal Separate Storm Sewer Systems requirements if required.

13. A note shall be placed on the plan listing any relief granted by the Board of Supervisors, Zoning Hearing Board and waivers granted by the Board of Supervisors.

14. The PADEP Sewage Planning Module approval must be granted prior to recording of plan and agreements if required.

15. 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.

16. An easement shall be established and an agreement provided and recorded, both to the satisfaction of the Township Solicitor, documenting the multi-lot SWM facilities and maintenance responsibilities thereof prior to the recording of plans.

17. The following Waivers, **Exhibit A** are being requested with justification for added by Applicant's Engineer. The Waivers are hereby granted as noted below from the following Sections of the Montgomery Township Subdivision and Land Development Ordinance:

A. A waiver is requested from SALDO sections 205-75 and 205-76 to allow for a combined submission of Preliminary/Final Land Development Plans

- Granted
- Denied

B. A waiver is requested from SALDO section 205-52. D(3)(f) to permit fewer than the required amount of shade trees necessary to shade every parking space due to the type and use of this facility. The Applicant shall pay a fee in lieu of in the amount of \$2,000.00 total as per the Township fee schedule for four (4) trees.

Justification: Based on an analysis by the Applicant, they would anticipate the parking area to need eight (8) trees to provide shade at various times of the day to each parking space. The proposed plan has accounted for four (4) of these trees at other locations on the site. A fee in lieu of the remaining four (4) required trees will be provided and discussed with the Township.

- Granted
- Denied

18. Applicant shall provide the Township Manager and Township Engineer at least 72 hours' notice prior to the initiation of any construction, demolition, grading, or ground clearing so that the Township may determine that the foregoing conditions have been met by the Applicant and that all necessary sedimentation and control have been correctly installed, if needed.

19. This Resolution will expire in two years from the date of this Resolution, unless extended in writing by the Township.

20. The Conditional Final Land Development Plan Approval granted herein

shall be rescinded automatically upon the Applicant's failure to accept, in writing, all conditions herein imposed within ten (10) days of receipt of this Resolution, as evidenced by Applicant's signature below.

21. By approving this Resolution, the Applicant is signifying acceptance of the conditions contained herein.

**ADOPTED**, as a Resolution by the Montgomery Township Board of Supervisors this 24<sup>th</sup> day of October 2022.

**MONTGOMERY TOWNSHIP  
BOARD OF SUPERVISORS**

Attest: \_\_\_\_\_  
Carolyn McCreary, Manager

By: \_\_\_\_\_  
Tanya Bamford, Chairwoman

***THE UNDERSIGNED HEREBY AGREES TO THE ABOVE CONDITIONAL FINAL LAND DEVELOPMENT PLAN APPROVAL RESOLUTION:***

**LUV Carwash Northeast, LLC**

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

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







**BEFORE THE  
BOARD OF SUPERVISORS OF MONTGOMERY TOWNSHIP**

**IN RE: APPLICATION FOR CONDITIONAL USE**

**PROPERTY: 739 BETHLEHEM PIKE, MONTGOMERY TOWNSHIP, PENNSYLVANIA,  
19031, MONTGOMERY COUNTY TAX PARCEL NO. 46-00-00181-00-7**

**Board of Supervisors Present at Hearing:**

**Tanya C. Bamford, Chairwoman  
Candyce Fluehr Chimera, Vice-Chairwoman  
Annette M. Long  
Beth A. Staab  
Audrey R. Ware**

**CONDITIONAL USE DECISION**

On August 27, 2021, Caliber Capital, LLC, (the "Applicant") filed an application for conditional use approval with Montgomery Township seeking conditional approval to construct and operate a carwash in the C-Commercial Zoning District as a conditional use pursuant to Section 230-75(A) and Table 230-A of the Montgomery Township Zoning Ordinance District.

The Application involves tax parcel 46-00-00181-00-7, 739 Bethlehem Pike, in the C-Commercial Zoning District, Montgomery Township, Pennsylvania (the "Property"). The property presently consists of a 8,225 SF two story structure that is vacant and consists of approximately 1.077 acres in the C-Commercial District. The Applicant proposes to install a 5,040 SF car wash with twenty-six (26) automobile wash parking spaces and eight (8) stacking spaces at the property. Car washes, both automatic and self-serve, are permitted to be developed in the C-Commercial Zoning District as a conditional use pursuant to Section 230-75(A) and Table 230-A of the Montgomery Township Zoning Ordinance.

On February 28, 2022, the Montgomery Township Board of Supervisors held a public hearing on the Application pursuant to public notice. The Board hereby sets forth its Findings of Fact, Conclusions of Law, and Order:

**I. FINDINGS OF FACT**

1. On August 27, 2021, Caliber Capital, LLC, (the "Applicant") filed an application seeking conditional use approval from the Montgomery Township Board of Supervisors to construct and operate a carwash in the C-Commercial Zoning District as a conditional use pursuant to Section 230-75(A) and Table 230-A of the Montgomery Township Zoning Ordinance District.

2. Aside from the Applicant, no party requested party status at the conditional use hearing.

3. The Application involves tax parcel 46-00-00181-00-7, 739 Bethlehem Pike in the C-Commercial District, Montgomery Township, Pennsylvania (the "Property"). The property presently consists of a 8,225 SF two story structure that is vacant and consists of approximately 1.077 acres in the C-Commercial District. The Applicant proposes to install a 5,040 SF car wash with twenty-six (26) automobile wash parking spaces and eight (8) stacking spaces at the property. Car washes, both automatic

and self-serve, are permitted to be developed in the C-Commercial Zoning District as a conditional use pursuant to Section 230-75(A) and Table 230-A of the Montgomery Township Zoning Ordinance.

5. The Montgomery Township Planning Commission recommended approval of the application on February 17<sup>th</sup> 2022.

6. The Applicant presented expert testimony from Professional Engineer Lindsey Breylinger, Professional Traffic Engineer Matthew Hammond, and Director of Development for Caliber Capitol, Daniel Brown who opined that the Applicant's plans met the standards for conditional use as required by Section 230-75(A) and Table 230-A and Section 230-156.2.C of the Montgomery Township Zoning Ordinance.

7. The Applicant has provided all the information required by Section 230-75(A) and Table 230-A and Section 230-156.2.C of the Montgomery Township Zoning Ordinance.

8. No use of the Property will result in any condition that endangers public health or safety.

9. The Applicant has met the Township's requirements for a carwash in the C-Commercial District.

## **II. CONCLUSIONS OF LAW**

The proposed use of the Property satisfies the standards and criteria for conditional use approval set forth in Section 230-75(A) and Table 230-A Zoning Ordinance, including the following:

1. As per Section 230-75(A) and Table 230-A, the proposed carwash use is permitted in the C-Commercial District by conditional use.

In addition, the proposed use of the property satisfies the standards and criteria for conditional use approval set forth in Section 230-156.2.C of the Zoning Ordinance, including the following:

1. The proposed use is permitted by conditional use, and it will conform to the applicable regulations of the district in which it is located or any district regulations which may relate to or apply to the use, including, but not limited to setbacks, building coverage, open space or buffering.
2. The proposed use will conform to the regulations applicable including but not limited to regulations contained in Article XVIII, Signs, Article XIX, Off-Street Parking and Loading, and Article XXI, Miscellaneous Provisions.
3. Points of vehicular access to the lot are provided at a distance from the intersections and other points of access and in number sufficient to prevent undue traffic hazards and obstruction to the movement of traffic.
4. The location of the site with respect to the existing public roads providing access to it is such that the safe capacity of 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.
5. The proposed use will not have an unwarranted impact on traffic in the area and will not create any traffic hazards dangerous to the public safety.

6. Screening of the proposed use from its adjacent uses is sufficient to prevent the deleterious impact of the uses upon each other, considering the type, dimension, and character of the screening.
7. The proposed use of the Property as a carwash does not adversely affect or contradict Montgomery Township's Comprehensive Plan.
8. The proposed use is suitable for the character of the neighborhood and the uses of the surrounding properties.
9. The proposed use will not impair an adequate supply of light and air to adjacent properties, nor will it adversely affect public health, safety or general welfare.
10. The proposed use will not adversely affect transportation or unduly burden water, sewer, school, park or other public facilities.
11. The proposed use shall not overcrowd land or create undue concentration of population or undue intensity of use.

### **ORDER**

**AND NOW**, this 28<sup>th</sup> day of February, 2022, the Montgomery Township Board of Supervisors hereby **GRANTS** the Applicant's Conditional Use application to permit the Applicant to construct and operate a carwash in the C-Commercial pursuant to the provisions of Section 230-75(A) and Table 230-A of the Montgomery Township Zoning Ordinance, which approval is subject to the Applicant's compliance with the following conditions:

1. Prior to the issuance of a zoning or use permit, all outstanding legal, engineering, and administrative fees due to Montgomery Township must be paid.
2. The Applicant must comply with testimony and exhibits introduced at the Conditional Use Hearing held on February 28, 2022.
3. The Applicant agrees to comply with all applicable laws, Ordinances of Montgomery Township, the Commonwealth of Pennsylvania and the United States.
4. The Applicant agrees to implement a contingency plan, during times when the car wash is busy, and cars begin to stack beyond the car wash driveway intersection with the shared access approaching the entrance on either Bethlehem Pike (SR 309) or Horsham Rd. (SR 463), the car wash operator will close off the entrance where the stacking is beyond the marked area (either by cone or chain) until the stacking subsides. During the time when either entrance is closed, an employee will remain at the closed entrance and direct traffic to continue moving along instead of waiting in the drive aisle for the entrance to open.
5. At all times there will be three or more staff members working at the car wash. At all times the Township reserves the right to require the carwash to utilize this contingency plan should the Township determine that stacking for the car wash endangers the health safety and welfare of traffic along either Bethlehem Pike (SR 309) or Horsham Rd. (SR 463).

6. An easement must be entered between Caliber Capitol, LLC, (the “739 Bethlehem Owner”) and Horsham Realty Associates, LLC (the “741-751 Bethlehem Owner”). The easement must be recorded providing that the access driveways onto Bethlehem Pike and Horsham Road will remain as currently configured. The easement agreement between the properties must be entered into in a form satisfactory to the Township Solicitor.
  
7. Documentation of the historic relevance of the site to the satisfaction of the Township Engineer will be provided by the Applicant.

**ATTEST:  
TOWNSHIP**

**BOARD OF SUPERVISORS OF MONTGOMERY**

  
\_\_\_\_\_  
Carolyn McCreary, Manager

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

**This Adjudication was mailed  
to the Applicant on May, 12, 2022.**

**IN AND BEFORE THE ZONING HEARING BOARD OF  
MONTGOMERY TOWNSHIP, PENNSYLVANIA  
APPLICATION NO. 21110002  
AN APPLICATION BY CALIBER CAPITAL LLC  
FOR VARIANCES FROM SECTION 230-78.A AND 230-78.G  
OF THE MONTGOMERY TOWNSHIP ZONING ORDINANCE**

**OPINION AND ORDER**

Pursuant to proper legal advertisement in Montgomery Newspapers on November 16, 2021 and November 23, 2021, a public meeting was held at 6:30 pm on February 2, 2022 at the Montgomery Township Administration Building, 1001 Stump Road, Montgomeryville, PA 18936.

Present at the Hearing were the following members of the Zoning Hearing Board: Michael J. Lyon, Esq., and John Frazzette, Alternate member, who sat as hearing officers for the proceeding. Mary Kay Kelm, Esquire was present as the Solicitor for the Zoning Hearing Board. Matthew J. McHugh, Esquire represented the Applicant. Marianne McConnell, Deputy Zoning Officer was also in attendance. The Notes of Testimony were taken by Tim Kurek, Official Registered Court Reporter.

**EXHIBITS**

- |     |  |
|-----|--|
| A-1 | Cirriculum Vitae of Lindsey Breylinger |
| A-2 | Aerial photo                           |
| A-3 | Existing conditions plan               |
| A-4 | Site plan                              |
| A-5 | Rendered site plan                     |
| A-6 | Building details                       |

- B-1 Proof of publication dated November 16 & November 23, 2021
- B-2 Posting of Neighboring Properties dated November 19, 2021 & December 23, 2021
- B-3 Notice to Residents dated November 19, 2021 & December 21, 2021
- B-4 Application

**FINDINGS OF FACT**

1. The subject property is located at 739 Bethlehem Pike, Montgomery Township, Parcel Number 46-00-00181-00-7. It is an 8,225 square foot vacant stone building situated on a 1.077 acre lot with parking, driveways, and other impervious area. (N.T., p. 10, 11 & *Application*).

2. The property is owned by Provco Pineville 309 Partners, LP, 795 E. Lancaster Ave., Villanova, Pennsylvania. Owners gave permission to Caliber Capital, LLC to make this application so that the property may be used as Caliber carwash facility. (N.T. p. 8 & *Application*).

3. The property is zoned C-Commercial. It is very near to the five-point intersection, bounded by Bethlehem Pike to the west, and Horsham Road to the east. It is a narrow, long parcel with an entrance from Horsham Road and an exit onto Bethlehem Pike. Its southern property boundary bifurcates an access driveway that it shares with its southern neighbor. (N.T., p.10-11).

4. Applicant proposes to use the property as a carwash, which is a permitted conditional use. At the time of the zoning hearing, an application for conditional use was pending before the Board of Supervisors. (N.T., p.8).

5. Operating hours for the proposed car wash are 7am to 8pm, seven days per week. (N.T., p. 20).

6. The applicant presented the testimony of Lindsey Breylinger, who was accepted by the Board as an expert in the field of civil engineering and surveying. (N.T., p. 9).

7. Ms. Breylinger testified that due to the physical boundaries of the property, it was very tight, but could be developed as a car wash with the grant of two variances. (N.T., p. 11-12, 14, 16).

8. Ms. Breylinger prepared a site plan proposing a 3,680-foot express tunnel carwash with twenty parking spaces each equipped with a vacuum. (N.T., p. 12 & Exhibits A-4 & A-5).

9. Three additional parking spaces without vacuums are proposed for employees, and the site also contains dual stacking lanes which permit eighteen vehicles to be stacked between the pay station and the access drive. (N.T., p. 12).

10. Ms. Breylinger testified that the dual stacking lane was created at the request of the Township's engineer, so that the site would accommodate additional cars. In addition to the dual stacking lane, four to five more cars can stack between the pay station and the tunnel. (N.T., p. 13).

11. The proposed car wash may be accessed from either Bethlehem Pike or Horsham Road. Applicant proposes to install buffer yards along both roads which presently do not exist onsite. By doing so, applicant proposes eliminating a set of nonconformities. (N.T., p. 15, 16).

12. However, a buffer yard cannot be installed on the southern side of the site because the southern property line bisects the shared access driveway. No buffer yard presently exists on the southern side of the property. In order to install a twenty-five-foot buffer yard, applicant would have to essentially cut the access in half. (N.T., p. 15).

13. As to the northern side of the site, Ms. Breylinger testified that installing the mandated buffer would push the entire building and layout south, reducing the dual stacking lane. (N.T., p. 15).

14. Ms. Breylinger explained that along the north side of the property, twelve to thirteen feet of deciduous trees and various shrubs would instead be installed as a green buffer, and along the south side three to eight feet would be installed. (N.T., p. 35).

15. Ms. Breylinger testified that the applicant does not require loading space to operate the carwash. No large deliveries are required, and smaller deliveries would occur after business hours. (N.T., p. 16, 17).

16. The expert witness explained that while the Township's Zoning Ordinance specified that adequate loading space was a requirement in the commercial district, but it was her expert opinion that no loading (for this particular use) could constitute adequate loading. (N.T., p. 16).

17. Ms. Breylinger testified that requiring a dedicated loading space would handicap the development of the property in that it would eliminate some of the dual stacking lane, some parking for customers, and could cause congestion for those coming through the tunnel. (N.T., p. 17).

18. She testified that a dedicated loading area would essentially go unused during the entire time the carwash was in operation. (N.T. p. 18).

19. The applicant presented testimony from Matthew Hammond, who was recognized by the Board as an expert in traffic engineering. (N.T., p. 27).

20. Mr. Hammond conducted an analysis of the stacking and queuing on the site, and also investigated a similar site – Pete's Express Carwash on Route 611 in Warrington – for comparison. (N.T., p. 28).

21. Mr. Hammond testified that he observed twenty-one cars stacked at Pete's Carwash during the Saturday peak hour of 1:20pm. The applicant's proposed site is virtually identical for stacking purposes. (N.T., p. 28-29).

22. In addition, Mr. Hammond testified that the internal driveway on the property will allow more stacking, preventing a detrimental impact to Horsham Road or Bethlehem Pike. (N.T., p. 29).

23. In Mr. Hammond's professional opinion, the queuing and stacking is sufficient for the proposed carwash facility onsite. (N.T., p. 29).

24. In addition, the expert witness opined that generally patrons do not queue when lines appear too long, and this particular operator generally trains its employees to operate in the most efficient manner. (N.T., p. 30).

25. Further, this carwash proposes to use a “members only” feature, which assists in moving cars quickly and efficiently, and thus has a beneficial effect on the timing of the stacking lanes. (N.T., p. 32).

26. No members of the public appeared to ask questions of the witnesses or offer comment on the proposed application. (N.T., p. 34, 37).

#### CONCLUSIONS OF LAW

27. 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.

28. In order to grant a variance, 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**

29. Based on the evidence presented, the Zoning Hearing Board recognizes the unique physical circumstances of the lot create hardship attendant to development; particularly its long narrow shape and the position of the shared driveway on its southern border.

30. The ZHB notes that the hardship has not been created by applicant.

31. As to the requested variance for relief from the landscape buffer, the ZHB believes that the proposed plan represents the minimum amount necessary for relief. In addition, the Board recognizes the while twenty-five feet of buffer is not achieved on two sides of the property, sufficient green plantings will be installed. On the east and west sides of the property, the Board attaches positive significance to the fact that the applicant will remove existing nonconformities.

32. The Board is satisfied that the evidence established that the lack of a dedicated loading zone is not inconsistent with the Township's Ordinance. The Board finds Ms. Breylinger's testimony pertaining to loading issues logical and conducive to variance relief. The Board specifically conditions the granting of this variance on the condition that no deliveries occur during operating hours of the car wash facility.

33. The Zoning Hearing Board believes that the proposed variances will not alter the essential character of the neighborhood nor be detrimental to the public welfare.

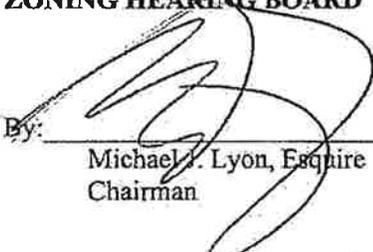
**ORDER**

AND NOW, this 24th day of February 2022, the Zoning Hearing Board of Montgomery Township grants relief to Caliber Capital, LLC pertaining to the property at 739 Bethlehem Pike, Montgomery Township, Pennsylvania as follows:

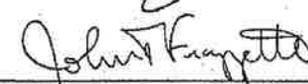
- a. A variance from Section 230-78.A is GRANTED permitting less than twenty-five feet of landscaped area along the side yards of the property; and
- b. A variance from Section 230-78.G is GRANTED, permitting applicant to develop the property without a designated loading area due to the unique circumstances placed on the record at the hearing.

All relief granted by the Board is subject to Applicant's strict compliance with the terms and conditions presented as evidence at the hearing and contained in the application.

**MONTGOMERY TOWNSHIP  
ZONING HEARING BOARD**

By: 

Michael J. Lyon, Esquire  
Chairman

By: 

John Frazzette  
Alternate Board Member



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

September 21, 2022

File No. 2021-09013-01

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

Reference: Subdivision & Land Development Application – LDS722  
LUV (fka Caliber) Car Wash - 739 Bethlehem Pike  
Tax Map Parcel Number: 46-00-00181-00-7

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 Caliber Capital (22 sheets), prepared by Bohler Engineering, last revised September 2, 2022.
- B. Access Easement, dated March 28, 2022.
- C. Stormwater Management Calculations, prepared by Bohler Engineering dated September 1, 2022.
- D. Comment Response Letter, prepared by Bohler Engineering, dated September 2, 2022
- E. Waiver Request Letter, prepared by Bohler Engineering, dated September 2, 2022.
- F. Presto GeoSystems GeoBlock Specification Summary, dated April 1, 2015.

The subject property is located at 739 Bethlehem Pike in Montgomery Township. The property is within the C Commercial District. The existing parcel is a 1.08-acre commercial lot with frontage on Horsham Road and Bethlehem Pike. The Applicant and equitable owner, Caliber Capital, LLC, proposes demolition of the existing vacant 2-story building and development of a drive-thru car wash. The proposal includes the car wash building along with the associated drive aisles, parking areas, and vacuum stations. The proposed use "car wash, automatic and self-serve" is permitted as a Conditional Use in the Commercial Zoning District (§230-75.A(1)) and was granted on February 28, 2022 (Resolution 2022-13). The applicant was granted zoning relief on February 24, 2022. The relief allows landscape buffers widths to be reduced and eliminates the need for a loading area for this use. Refer to ZHB Application No. 21110002 Opinion and Order 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 (Chpt. 205), Township Stormwater Management Ordinance (Chpt. 206), and the Township Street Lighting Requirements (Chpt. A237).

#### **PLANNING REVIEW**

1. Existing Conditions and Surrounding Land Uses
  - a. The site currently consists of a vacant structure. The proposed use of the site is retail/commercial (car wash).

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

- b. The site is located in the C Commercial Zoning District and has frontage along Bethlehem Pike and Horsham Road. The site is predominantly surrounded by commercial uses.

2. Consistency with the Comprehensive Plan

- a. As per the 2008 Comprehensive Plan Update the property is currently identified as Mixed Use. The Vision Plan identifies the property as part of the area designated as Town Center. Goals and objectives for the Town Center include:
  - “Increase and upgrade the quality of retail and services, including medical centers or clinics. Add mixed-use buildings, primarily in the new town center.”
  - “Provide facilities for residents to gather and participate in the community. Consider creating new public cultural facilities, such as a community center or a performing arts center.”
  - “Ensure the town center is easily accessible to township residents and is created as a pedestrian-oriented, walkable environment with pleasant and enjoyable streetscapes and public spaces.”
  - “Ensure the new town center includes a diversity of retail and service uses, especially upscale stores, entertainment, recreation, and medical centers.”
  - “Concentrate destinations and residential uses in the town center.”
- b. While the Plan states the intended goal of economic development within the Township is to stimulate the growth of businesses by expanding, modernizing and adding new businesses and the proposed development is generally consistent with this intent, the location of the proposed development in the designated Town Center does not appear to meet the intent of the town center use as stated in the above goals and objectives.

3. Traffic and Pedestrian Circulation Patterns

- a. The site has two access drives one from Bethlehem Pike and one from Horsham Road.
- b. There are existing sidewalks along the frontage of the property on both Bethlehem Pike and Horsham Road. The plans propose walkway and crosswalk connections to these existing sidewalks along Bethlehem Pike and Horsham Road.

**LANDSCAPE REVIEW**

Zoning Ordinance (Chapter 230)

4. §230-78.A requires the provision of a planting area 25' in width along all street frontages as well as side and rear boundary lines. A variance from this section was granted by the Zoning Hearing Board on 2/24/22 permitting less than 25' of landscaped area along the side yards of the property.

Subdivision and Land Development Ordinance (Chapter 205)

5. §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. The estimate shall show the value of all proposed landscaping, and unit costs for plant material shall include costs for materials, labor and guaranty and shall be so stated on the estimate provided.
6. §205-52.D(3)(f) requires that shade trees be the primary planting type within the parking areas with a goal of providing some degree of shade to every space in the parking area within 5 years of planting. Due to the site configuration and spatial constraints, this requirement has not been met. A waiver has been requested.

**LIGHTING REVIEW**

7. We recommend that cut sheets be provided for all proposed light fixtures.
8. General Lighting Notes #18 shall clarify the intent of lighting to be extinguished or dimmed from 10 p.m. until dawn.
9. General Lighting Notes #19 shall state the proposed hours of operation.

## TRAFFIC REVIEW

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

10. §205-10.D(1) – Show and clearly label and dimension the existing Right-of-Way for both Bethlehem Pike and Horsham Road.
11. §205-10.E(4) – Revise the triangles to extend 75' from the centerline of Bethlehem Pike and Horsham Road and into the site driveway while also extending 75 feet in either direction. In addition, provide the triangles on the landscaping plan.
12. §205-17.A(7) – Provide bollards at the sidewalk for the spaces at the beginning of the car wash driveway.
13. §205-22.B – Sidewalks: Revise the sidewalk detail to provide 4,000 PSI.
14. §205-22.D – Construct the sidewalk in accordance with the sidewalk design standards.
  - a. All cross slopes along the sidewalk are not to exceed 2%.
  - b. All sidewalk turning areas must not exceed 2% in any direction.
15. §205-100 - Outstanding comments from the Gilmore & Associates Conditional Use Review letter, dated January 26, 2022, regarding the Traffic Impact Assessment shall be addressed. The Applicant notes this will be addressed under separate cover.

### General

16. Sheet C-904 Truck Access:
  - a. As previously stated, show a garbage truck accessing the site via Bethlehem Pike. The applicant indicated in the response this was shown, but it appears it was accidentally omitted.
  - b. Revise the fire truck template to utilize the Montgomery Fire Truck size. A detail of truck is the attached.
  - c. Revise the fire truck turning templates to eliminate the encroachment on the concrete porkchop islands. Revise the fire truck entering the site via Horsham Road to enter via the inbound channelized lane.
  - d. Provide a separate template for the garbage truck inbound and outbound movements. The proposed turning template is unclear in showing the movements of the vehicle.
17. Show the existing sidewalk on both sides of the Bethlehem Pike and Horsham Road access driveways.
18. We have the following comments regarding ADA ramps:
  - a. Provide ADA ramp details for the Bethlehem Pike and Horsham Road driveways at a 5-scale including detectable warning surfaces, dimensions, spot elevations and grades in order to verify constructability. The applicant indicates these will be provided under separate cover.
  - b. Evaluate revising the design of longitudinal slopes along ramps not to exceed 7.5% in lieu of maximum 8.3% to allow for construction tolerances.
  - c. Provide the same slope across both sides of detectable warning surfaces in order to prevent warping.
  - d. Provide spot elevations and slopes along all triangular landing areas.
  - e. Provide a minimum 4'x4' turning area at the top of the ramp closest to the southwest corner of the building.
  - f. Provide a 5'x5' level turning area where the proposed sidewalk ties into the existing sidewalk along the site frontage for both Bethlehem Pike and Horsham Road. The connection currently shown along Bethlehem Pike exceeds 2%.
19. Revise the crosswalk detail to specify the spacing of the striping.
20. List the intended size of the One-Way, Stop and Do Not Enter signs.
21. As previously noted, provide centerline striping due to the inconsistent widths of the drive aisle connecting the Bethlehem Pike access to the Horsham Road access.

22. Based on the configuration of the driveway, provide a dashed line across the entrance to delineate edgeline of the shared access and provide guidance to drivers.
23. We recommend the following signs be installed:
  - a. Install One-Way signs at the site egress along with the Do Not Enter sign.
  - b. Revise the placement of the One-Way signs proposed at the car wash entrance for proper alignment.
  - c. Due to the configuration of the driveway, eliminate the one-way sign on the left side when entering. In addition, provide a custom sign "CAR WASH ONE WAY ←" for the other sign.
  - d. The two spaces at the entrance should have signs reserving these two spaces for staff only.
24. For the three-parking spaces closest to the entrance driveway, provide bollards or wheelstops in the parking spaces to prevent vehicle overhang and potential encroachment on the drive aisle.

## **ENGINEERING REVIEW**

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

25. §205-18.D(3)(b) – An easement shall be established and an agreement provided and recorded, both to the satisfaction of the Township Solicitor, documenting the multi-lot SWM facilities and maintenance responsibilities thereof.
26. §205-22 – Sidewalk exists along both frontages. As noted in the Traffic section above, PennDOT compliant curb ramps shall be added at both driveways and the existing sidewalks shall be made ADA compliant. The applicant will provide design of these ramps under separate cover.
27. §205-75 & §205-76 – The applicant is requesting a waiver to allow for concurrent consideration of Preliminary/Final Land Development Plans.
28. §205-82 – Upon completion of improvement construction a completion certificate will be issued by the Township Secretary and the plan endorsed by the Township Engineer. The Applicant shall provide an as-built plan depicting construction of any and all improvements in sufficient detail to demonstrate conformance with the approved land development plans. The as-built plan shall be certified by a surveyor licensed in Pennsylvania.

### Stormwater Management Ordinance (Chapter 206)

29. §206-15.G.(2) – The applicant has reduced the proposed impervious to 80% of the existing impervious. Therefore, the alternate requirements are to match the existing runoff rates in the proposed condition. The applicant has complied with this alternate requirement regarding peak rate reduction.
30. §206-29.D-F – Following construction, as-built plans of all SWM BMPs shall be provided to the Township for all SWM BMPs included in the SWM site plan along with an explanation of any discrepancies from the plan that was approved by the Township.
31. §206-32 thru 36 (Article VII) – The limit of disturbance is greater than 5,000 sf; therefore, the maintenance requirements required by the ordinance apply. The applicant shall provide the following: O&M plan, O&M agreement, and easements (for inspection and maintenance in favor of the Township). The performance guarantee for the SWM improvements and BMPs shall be included with the overall site improvements. The agreement and easements shall be to the satisfaction of the Township Solicitor. The plan, agreement, and easement shall be recorded.

### General

32. Analysis and certification that the proposed underground stormwater management system can support the Township fire apparatus shall be provided. If the grass paver areas are intended for emergency access, the same shall be provided for these areas. It is our understanding the applicant is working with the Fire Marshal's office regarding this issue.
33. We recommend that the Township Solicitor review the Access Easement made on March 28, 2022. Also, the Applicant shall provide documentation that the easement is recorded.
34. All proposed signs are subject to Township zoning review.

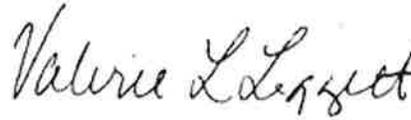
35. The Applicant should obtain all required approvals, permits, declarations of restrictions and covenants, etc. (e.g. PADEP, PennDOT, MCPC, MCCD, Sewer Authority, Water Authority, Fire Marshal, etc.). Copies of these approvals and permits should be submitted to the Township and our office.
36. A site accessibility review will be provided under separate cover.

We note additional comments may be provided upon review of new or revised information submitted with future submissions. 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

cc: Carolyn McCreary, Manager – Montgomery Township  
Marianne McConnell, Deputy Zoning Officer – Montgomery Township  
Mary Gambino, Project Coordinator – Montgomery Township  
Bill Wiegman, Director of Fire Services - Montgomery Township  
Sean Kilkenny, Esq., Solicitor – Kilkenny Law  
Mac McCall - Caliber Capital, LLC – Applicant  
Matthew J. McHugh, Esq. - Klehr Harrison Harvey Branzburg LLP  
Cornelius Brown, P.E. – Bohler Engineering  
Matthew Hammond, P.E. – Traffic Planning & Design



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

September 21, 2022

File No. 2021-09013-01

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

Reference: Subdivision & Land Development Application – LDS722  
LUV Car Wash Northeast LLC - 739 Bethlehem Pike  
Tax Map Parcel Number: 46-00-00181-00-7

Dear Bruce:

Pursuant to your request, Gilmore & Associates, Inc. has reviewed the revised 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 defer review of the proposed curb ramp upgrades located within the Bethlehem Pike (S.R. 309) and Horsham Road (S.R. 463) rights-of-way to PennDOT. We offer the following comments for consideration:

**I. SUBMISSION**

- A. Preliminary/Final Land Development Plans for LUV Car Wash Northeast LLC (22 sheets), prepared by Bohler Engineering, dated May 13, 2022 and last revised September 2, 2022.

**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 2021 International Building Code (IBC) and/or the ICC A117.1-2017 Accessible and Usable Buildings and Facilities (ICC) standard:

1. IBC §§1110.13, E105.5 & ICC §§308, 309, & 707 – Information shall be provided to indicate that at least the vacuum at the accessible parking space and one pay station are accessible, including reach ranges, operable part, and machine requirements.
2. IBC §§1112.1 & 1112.3 – Signs with the International Symbol of Accessibility shall be posted at required accessible elements, including the accessible entrances, vacuums, and pay stations, and directional signage shall be posted indicating the route to the nearest accessible entrance at the inaccessible building entrances. Related sign details shall be added to the plans.
3. ICC §§307.2 & 505.10 – The ramp handrail shall be revised to extend a minimum of 12 inches beyond the bottom of the western-most ramp run. The ramp design shall be revised such that the handrail does not extend more than 4.5 inches into the public sidewalk.
4. ICC §403.3 – Cross slopes shall be revised to 1:48 maximum.
5. ICC §403.5.1 – Accessibility Design Guidelines note 3.B on the Notes Sheet shall be revised to indicate the clear width of an exterior accessible route shall be 48 inches minimum.

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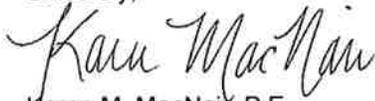
65 East Butler Avenue | Suite 100 | New Britain, PA 18901 | Phone: 215-345-4330 | Fax: 215-345-8606

6. ICC §405.2 – The running slopes of the ramp runs shall be revised to 1:12 maximum.
7. ICC §405.7.4 – The handrail location and/or ramp dimensions shall be revised to provide the required minimum 60 inch by 60 inch clear landings.
8. ICC §§406.2.1 & 406.3.1 – Accessibility Design Guidelines note 3.D on the Notes Sheet shall be revised in accordance with the curb ramp landing requirements of these sections.
9. ICC §406.5.2 – A spot elevation shall be added to confirm the grade break design at the bottom of the curb ramp proposed by the eastern side of the building is perpendicular to the direction of the curb ramp run. Also, the location of the 473 foot contour at this curb ramp shall be revised to match the proposed grading information.

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,



Karen M. MacNair, P.E.  
Accessibility Inspector/Plans Examiner, Certification #005027  
Gilmore & Associates, Inc.

KMM/sl

cc: Carolyn McCreary, Manager – Montgomery Township  
Marianne McConnell, Deputy Zoning Officer – Montgomery Township  
Mary Gambino, Project Coordinator – Montgomery Township  
Bill Wiegman, Director of Fire Services - Montgomery Township  
Sean Kilkenny, Esq., Solicitor – Kilkenny Law  
Mac McCall - Caliber Capital, LLC – Applicant  
Matthew J. McHugh, Esq. - Klehr Harrison Harvey Branzburg LLP  
Cornelius Brown, P.E. – Bohler Engineering  
Matthew Hammond, P.E. – Traffic Planning & Design  
James P. Dougherty, P.E., Senior Project Manager – 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: [wwiegman@montgomerytp.org](mailto:wwiegman@montgomerytp.org)  
[www.montgomerytp.org](http://www.montgomerytp.org)

**William Wiegman**  
DIRECTOR OF FIRE SERVICES  
FIRE MARSHAL  
EMERGENCY MANAGEMENT  
COORDINATOR  
**FIRE MARSHALS OFFICE:**  
215-393-6936

September 15, 2022

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

Re: LUV Car Wash Northeast LLC 739 Bethlehem Pike

Dear Bruce:

Thank you for allowing the Fire Marshal's Office to comment on the proposed land development plans of the: LUV Car Wash Northeast LLC 739 Bethlehem Pike.

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 an underground storm water basin area. The stormwater basin area 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. The grass pavers proposed shall meet the same as stated above for the storm water basin areas. The access to the marked areas for grass pavers shall be of a mountable curb style so fire apparatus will not be damaged. Upon approval of the Township Engineer this item will be noted as complied.**
- 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. This item has been addressed in revision dated 9-2-22.**
- 3. 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*.

**This item has been addressed in revision dated 9-2-22.**

4. **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 0.5 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. **This item has been addressed in revision dated 9-2-22.**

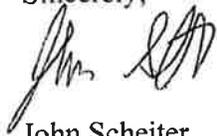
### GENERAL COMMENTS

5. Any gas services that are accessible/vulnerable to vehicular traffic SHALL have approved vehicle impact protection installed. **This item has been addressed in revision dated 9-2-22.**
6. 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. **This item has been addressed in revision dated 9-2-22.**
7. 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. **This item has been addressed in revision dated 9-2-22.**
8. All applicants are to contact the Code Enforcement Office when underground piping is being hydrostatically tested on site. Applicants are also reminded that flushing of the underground piping SHALL be witnessed by a township official prior to final riser connections per NFPA 13. **This item has been addressed in revision dated 9-2-22.**
9. ***See attachment*** in reference to aligning the access road into the lot as indicated so that fire apparatus can access without damage to property or the apparatus. **This item has been addressed in revision dated 9-2-22.**

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  
Assistant Chief / Deputy Fire Marshal



## 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 *JB*

Date: September 13, 2022

Re: LD722  
LUV Car Wash Northeast

---

A review of the above-referenced land development was conducted on this date. There are no areas of concern to the Police Department at this time. Thank you for the opportunity to review this 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

August 4, 2022

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

Re: MCPC #21-0247-003  
Plan Name: LUV Car Wash Northeast, LLC  
(1 lot, approx. 1.08 acres)  
Situate: 739 Bethlehem Pike, near Horsham Road  
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 July 22, 2022. We forward this letter as a report of our review.

## BACKGROUND

The applicant, LUV Car Wash Northeast, LLC, proposes to construct a single-lane automatic car wash complex on a 1.08 acre lot at 739 Bethlehem Pike, a property with access to northbound PA Route 309 (Bethlehem Pike) and eastbound PA Route 463 (Horsham Road) that was formerly the site of the Montgomeryville Fabric Center. The existing building will be demolished and replaced with a 4,332-square foot car wash building, two nine-car stacking lines with access from a connecting driveway on the property, and parking/vacuum bays for employees and customers totaling 23 spaces. Access to the site will be via a shared connecting driveway with the property to the south, available via an existing right-in/right-out access point from northbound Bethlehem Pike, as well as a right-in/right-out access point from eastbound Horsham Road. The current zoning for this area in Montgomery Township is Commercial. Previous letters regarding the conditional use application and a first land development plan proposal for this property were sent on September 21, 2021 and February 2, 2022; subsequent to the previous letters, the proposal was revised again to show a larger car wash building extended to the west, a redesigned sidewalk connection and ramp from Bethlehem Pike into the site, additional sidewalk adjacent to the building and entrance doorways, and slightly modified internal driveway widths and curves.



## COMPREHENSIVE PLAN COMPLIANCE

*Comprehensive plan compliance comments are reprinted from our previous letters.*

Montgomery Township's 2008 *Comprehensive Plan Update Vision Plan* identified the triangular-shaped area between Bethlehem Pike, Horsham Road, and North Wales Road as a future location for a "Town Center", with "one or more small public open spaces", "at least one major public attraction", "2 to 4 story buildings close to the sidewalk", "mixed uses including retail", "be pedestrian-friendly", and "have attractive streetscapes". While this proposal on its own will not make or break the success of a possible town center master planned area, the Township should strongly consider reassessing the suitability of this area for a town center during its ongoing comprehensive plan update process.

Montgomery County's comprehensive plan, *Montco 2040: A Shared Vision*, identifies this area as part of Regional Mixed-Use Center on the Future Land Use map, which extends north and south along Bethlehem Pike. The plan is supportive of development where infrastructure already exists. This proposal is compatible with *Montco 2040's* goal of redeveloping older retail properties.

## 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

### PREVIOUS LETTER COMMENT

1. As noted in our previous letter from February 2, 2022, we continue to recommend that the applicant consider posting a sign or appropriate pavement striping to advise drivers to yield and merge into one lane after the pay station and before the car wash building.

### TRANSPORTATION

1. While the land development proposal maintains the curb cuts and sidewalks across the entrances of the property along Bethlehem Pike and Horsham Road, we would recommend that the Township encourage the applicant to install painted crosswalks (preferably continental or ladder varieties) at both entrance driveways of the property.
2. SEPTA's Route 132 currently has a stop along the Horsham Road frontage of the property. We would encourage the township and applicant to ensure that safe passage for bus riders can be made from the stop into the sidewalk system or car wash site itself.

## CONCLUSION

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 (#21-0247-003) on any plans submitted for final recording.

Sincerely,

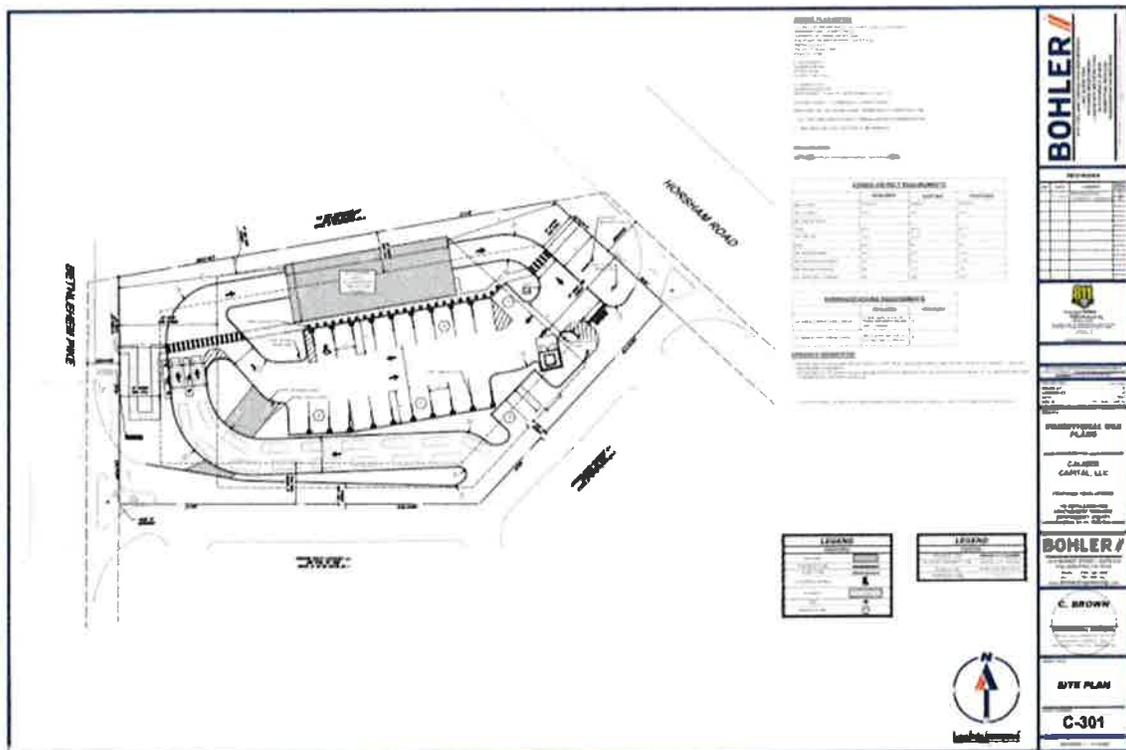


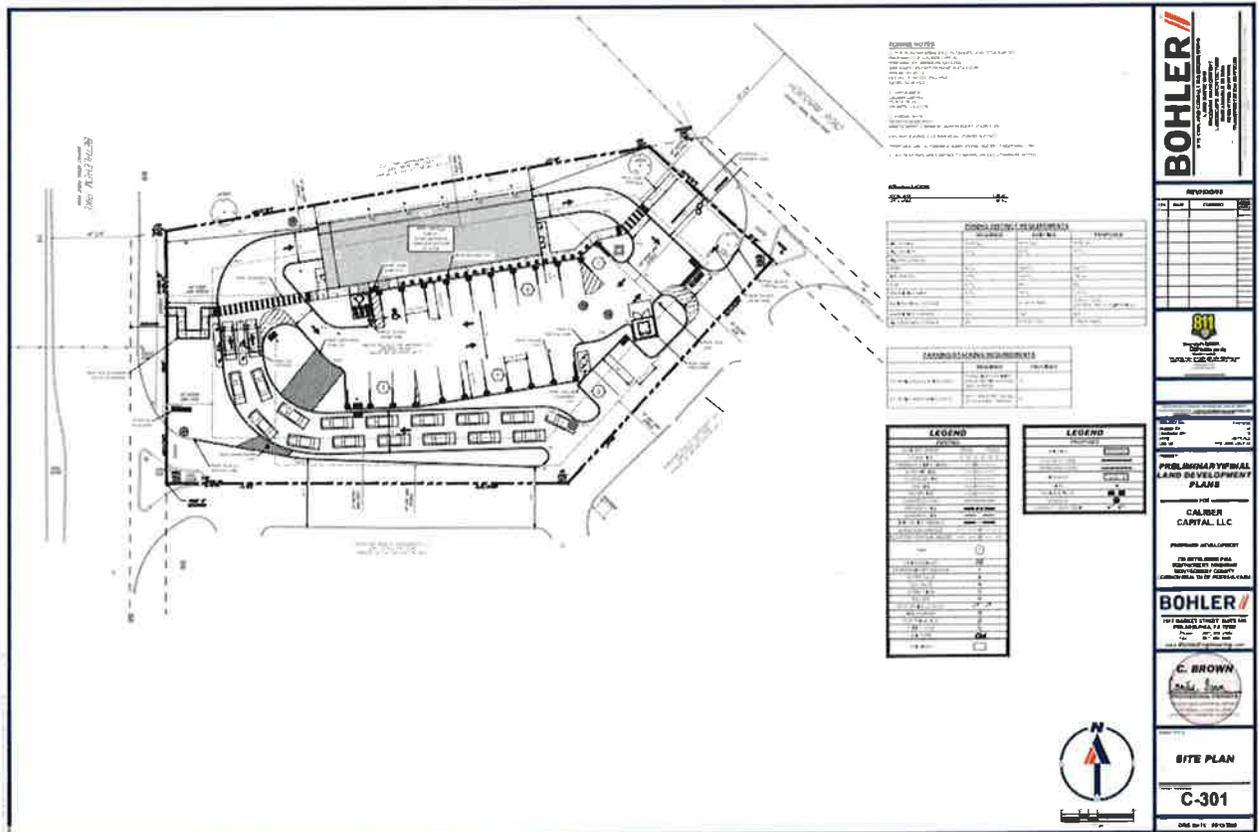
Matthew Popek, AICP  
Transportation Planning Assistant Manager  
[mpopek@montcopa.org](mailto:mpopek@montcopa.org) - 610-278-3730

c: Caliber Capital, LLC, Applicant  
Augusta M. O'Neill, Esq., Applicant's Representative  
Carolyn McCreary, Twp. Manager  
Jim Rall, Chrm., Twp. Planning Commission  
Mark Cassel, SEPTA Service Planning

Attachments: (1) Site Plan  
(2) Aerial

Site Plan – 739 Bethlehem Pike, Montgomery Township





**BOHLER**  
INCORPORATED  
1000 W. 10TH ST. SUITE 100  
DENVER, CO 80202  
TEL: 303.733.1111  
WWW.BOHLERINC.COM

**REVISIONS**

**GENERAL NOTES**

**LEGEND**

**LEGEND**

**PROBATIONARY FINAL LAND DEVELOPMENT PLANS**

**CALBER CAPITAL, LLC**

**PROGRAM DEVELOPMENT**

**FOR REVIEW AND FOR PROVISIONAL PLANS**

**BOHLER**

**C. BROWN**

**SITE PLAN**

**C-301**

DATE: 08-11-2022

*Aerial – 739 Bethlehem Pike, Montgomery Township*



**Caliber Car Wash**  
MCPC #210247002

Montgomery  
County  
Planning  
Commission  
Montgomery County Clerk/Recorder / Planning Commission  
100 Lake Street • Norristown, PA 19380-1011  
610.261.2100 • 610.261.2101  
www.montcopa.org/planning  
Aerial Photography provided by Viewpoint



## MONTGOMERY TOWNSHIP

1001 STUMP ROAD  
MONTGOMERYVILLE, PA 18936-9605  
Telephone: 215-393-6920 · Fax: 215-855-1498  
[www.montgomerytp.org](http://www.montgomerytp.org)

### Planning Commission Meeting Minutes September 15, 2022

The regular monthly meeting of the Montgomery Township Planning Commission was held at the Township Building at 7:30 pm, Thursday, September 15, 2022. The members of the Planning Commission in attendance included: Jim Rall, Tom Borghetti, Jay Glickman, Dave Fetzer, and Leon McGuire. Also present: Candyce Fluehr Chimera, Board Liaison; Kailie Melchior, Township Solicitor; and Marianne McConnell, Deputy Zoning Officer.

On a motion made by Jay and seconded by Tom, the minutes from the August 2022 meeting were approved as submitted.

**311 Stump Road / Sewage Facilities Planning Module** – Bruce Shoupe, Director of Planning & Zoning informed the Planning Commission members of the proposed project to provide public sewer to lots for future development and DEP's requirement to submit a full planning module to them for review. On a motion made by Jay Glickman and seconded by Tom Borghetti, the Planning Commission recommends the Board of Supervisors approve the Sewer Planning Module for DEP's review. All in favor.

**Higher Rock Townhouses / WB Homes LDS 721** – WB Homes presented to the Planning Commission a project proposing to subdivide a 4.58-acre undeveloped pad site (lot 5) and construct 36 single family attached homes within the Higher Rock Development along Bethlehem Pike and Witchwood Drive. The proposed development would be accessed off of Witchwood Drive through an entrance shared with the commercial use on lot 3. The proposed use is permitted by Conditional Use and was granted approval by the Board of Supervisors, subject to conditions, on December 13, 2021. The applicant is currently seeking Land Development approval and presented the project to the PC members for a recommendation to the Board. Mr. Chris Canavan of WB Homes and George Hartman of Bohler Engineering presented the project and answered any questions regarding the project. The applicant indicated that they will comply with all items noted in the Gilmore Associates September 14, 2022 review letter. The parking concerns were addressed by converting the drive aisle to one way only in order to add additional overflow parking spaces to the site. 17 overflow parking spaces are available. The proposed units have 1 or 2 car garages with 2 car parking within the driveways. The HOA documents will restrict the overflow parking to be utilized by guests and not residents and will restrict the conversion of the garages to living space. The applicant also reviewed the August 5, 2022 waivers requested letter. The waivers requested are in regards to street width, parking, bollards, curb height, driveway apron slope, and landscaping.

On a motion made by Jay Glickman and seconded by Dave Fetzer, the Planning Commission recommends that the Board of Supervisors approve the Land Development application subject to Township Consultant and Staff review letters and comments. All in favor.

**LUV Car Wash (formerly Caliber Car Wash) / 739 Bethlehem Pike LDS 722** - The applicant, LUV Car Wash Northeast, LLC is seeking Preliminary / Final Land Development Approval for their proposed car wash located at 739 Bethlehem Pike. The application was previously presented to the Planning Commission during the Conditional Use process and granted Conditional Use approval by the Board of Supervisors. The 1.08-acre property sits within the C-Commercial district and has frontage along Horsham Road and Bethlehem Pike. The existing vacant historical building (former schoolhouse and fabric store) will be demolished to construct a 5,040-sf. car wash with associated drive aisles, parking areas, and vacuum stations. The applicant discussed documenting the existing building prior to demolition and propose to provide a plaque recognizing the former schoolhouse if desired. The required access easement with the adjacent property has been obtained and a storm water agreement as well.

The applicant noted that they will comply with all comments and items noted in the Gilmore Associates review letter other than the landscaping waiver requested. The applicant requests a waiver from the required amount of shade trees necessary to shade every parking space due to the type and use of this facility. The Planning Commission requested that the applicant provide the numbers required, provided and if the required trees can be planted elsewhere on the site.

On a motion made by Jay Glickman and seconded by Tom Borghetti, the Planning Commission recommends that the Board of Supervisors approve the Land Development application subject to Township Consultant and Staff review letters and comments, and compliance with recommendations made. All in favor.

**Adjournment:** There being no further business to come before the Commission, the meeting adjourned at 8:15 pm. The next meeting will be held at 7:30 pm on October 20, 2022, at the Township Building.

## ZONING REVIEW – LAND DEVELOPMENT

DATE: October 17, 2022

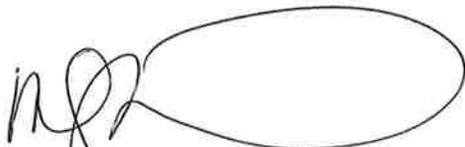
PLAN REVIEW – LUV Car Wash (formerly Caliber Car Wash)  
LD/S # 722 – Conditional Preliminary/Final Approval

PROJECT NAME: LUV Car Wash (formerly Caliber Car Wash)  
LOCATION: 739 Bethlehem Pike  
ZONING DISTRICT: C – Commercial  
PROPOSED USE: 4,885 sq ft Car Wash  
ZONING HEARING BOARD APPROVAL REQUIRED? NO  
CONDITIONAL USE APPROVAL REQUIRED? YES – granted #C-76

	Required	Proposed
USE	Allowed by Conditional Use	Granted February 28, 2022
MIN LOT SIZE	25,000 sf	46,900 sf
BUILDING HEIGHT	Max 35 feet	< 35 feet
SETBACKS front	60 ft	69.2 ft
side	10 ft	10.9 ft
rear	40 ft	n/a
PARKING SPACES	5	19
MIN. STACKING PER LANE	8	9
BUILDING COVERAGE	Max 20%	10.4%
IMPERVIOUS COVERAGE	Max 75%	70.2%
GREEN AREA	Min 25%	29.8%

### ADDITIONAL COMMENTS

- Must comply with conditions set forth in Conditional Use Order dated February 28, 2022
- Zoning Hearing Board – Variance granted February 24, 2022 from provisions of Section 230-78A and 230-78G in regards to landscape area along side yards, and not provide a loading area. OIpinion & Order #21110002.

  
 Deputy Zoning Officer

10/17/22  
 DATE



1515 Market Street, Suite 920  
Philadelphia, PA 19102  
267.402.3400

October 11, 2022  
Via: E-mail

Montgomery Township  
1001 Stump Road  
Montgomeryville, PA 18936

Attention: Bruce S. Shoupe, Director of Planning and Zoning  
Phone: (215) 393-6920  
Email: bshoupe@montgomerytp.org

Re: Professional Engineering Services  
Proposed Car Wash  
739 Bethlehem Pike  
Montgomery Township (The Property)  
Montgomery County (The Project)  
PAC220141.00

Dear Bruce:

On behalf of LUV Car Wash Northeast, LLC, the following waivers are hereby requested from the Township of Montgomery Land Development Ordinance as listed below:

1. From Sections 205-75 and 205-76 to allow for a combined submission of Preliminary/Final Land Development plans.
2. From Section 205-52.D(3)(f) to permit fewer than the required amount of shade trees necessary to shade every parking space due to the type and use of this facility. Based on our analysis, we would anticipate the parking area to need eight (8) trees to provide shade at various times of the day to each parking space. The proposed plan has accounted for four (4) of these trees at other locations on site. A fee in lieu for the remaining four (4) required trees will be provided and discussed with the Township.

Should you have any questions or require additional information, please do not hesitate to contact our office.

Sincerely,

**BOHLER ENGINEERING PA, LLC**

Lindsey Breylinger, Project Manager

LB/jcs  
R:\2022\PAC220141.00\Admin\Correspondence\Township\PAC220141.00\_2022-10-11\_L (Waivers).docx

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

Item #11

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SUBJECT: Ratification of Payment for Award for Acquisition of 1216 Stump Rd.  
MEETING DATE: October 24, 2022  
BOARD LIAISON: Tanya C. Bamford, Chairwoman  
INITIATED BY: Sean Kilkenny, Township Solicitor

---

BACKGROUND:

A Declaration of Takings were filed by Montgomery Township on October 28, 2010 against the Zehr Family Limited Partnership No. 1 and the Zehr Family Limited Partnership No. 2. The premises involve two parcels of land on Stump Road with a total area of 51.52 acres of land. The parcels are zoned R-1, Residential. Improvements on the parcel include farmhouse industrial buildings and outbuildings. The Township's intent was to use the land for public parks and recreational purposes.

On November 24, 2014, the Montgomery Township Board of Supervisors adopted a resolution authorizing payment of Just Compensation in the amount of \$1,533,958. On December 18, 2014, the Township issued a check to the law firm representing the Zehrs in the amount \$1,533,958.

The Zehrs through their attorney filed suit in the Court of Common Pleas, Montgomery County seeking additional compensation for the properties.

On July 25, 2022 the Township remitted an additional \$1,136,042 for estimated delay damages.

RECOMMENDATION:

The Board of Supervisors needs to ratify the payment that was made to the plaintiff based on the verdict in this matter.

MOTION/RESOLUTION:

**Motion** to ratify the payments of \$4,858,013 and \$6,221.62 to Zehr Family Limited Partnership No. 1 and Zehr Family Limited Partnership No. 2. in the matter of the acquisition of 1216 Stump Road.

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

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

Item #12

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SUBJECT: Approve Township's Participation in Board of Assessment Appeal –  
1250 Welsh Rd.  
MEETING DATE: October 24, 2022  
BOARD LIAISON: Tanya C. Bamford, Chairwoman  
INITIATED BY: Carolyn McCreary, Township Manager

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BACKGROUND:

We have received a request from the North Penn School District Solicitor, Alex Glassman asking the Township to actively participate in the real estate tax assessment appeal relating to 1250 Welsh Rd.

The property is owned by ALL-IN-PA-OH LLC and is occupied by Wesco Industrial Products LLC. The current assessment is \$2,062,180 and the recent sale price was \$6,191,800. The NPSD believes the property is significantly undervalued based on this sales transaction.

RECOMMENDATION:

Staff recommends the Board of Supervisors approve the request.

MOTION/RESOLUTION:

**Motion** to authorize the Township Solicitor to participate in the real estate tax assessment appeal for the property located at 1250 Welsh Road.

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



In order to assist the court, the assessments, as well as the applicable common level ratio for each year on appeal, are as follows:

<b>Assessed Value</b>	<b>Year</b>	<b>CLR</b>	<b>Implied Value</b>
\$2,062,180	2020	49.3%	\$4,182,920
\$2,062,180	2021	46.9%	\$4,396,972
\$2,062,180	2022	44.7%	\$4,613,378
\$2,062,180	2023	39.6%	\$5,207,525

**(b) Statement of Facts as to Liability:**

The Appellant is challenging the property assessment due to the indications of the property's fair market value both from the District's 2019 appraisal report, which contained a value of \$6,050,000 and the rental income and lease terms that were provided as part of the Taxpayer's appraisal report.

**(c) Summary of Any Settlement Discussions to Date:**

Appellant will not refuse any reasonable settlement offered by the taxpayer and agreed to by the other taxing authorities and the Board of Assessment.

**(d) Unusual Evidentiary Issues:**

Appellant is not aware of any unusual evidentiary issues in this matter.

**(e) Anticipated Unusual Legal Issues:**

The only issue in this case is the fair market value of the property and the assessment for each year on appeal once the applicable ratio is applied.

**(f) Expert Reports:**

The Appellant's appraisal report is being updated to include tax years 2022 and 2023. The Appellant's original appraisal effective August 1, 2019 had a value conclusion of

\$6,050,000. As of January 1, 2021, the value conclusion was \$6,250,000. The Appellant requests a time period of 120 days for that updated report to be completed and circulated prior to trial commencing.

**(g) Estimated Length of Trial:**

Appellant estimates that the trial will last between one and two days.

Respectfully submitted,  
RUDOLPH CLARKE, LLC

BY: *Alexander M Glassman*  
ALEXANDER M. GLASSMAN, ESQUIRE  
Attorney for North Penn School District

DATE: August 1, 2022

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

Item #13

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SUBJECT: Approval of Funds Transfer to Capital Reserves  
MEETING DATE: October 24, 2022  
BOARD LIAISON: Tanya C. Bamford, Chairperson  
INITIATED BY: Brian Shapiro, Finance Director

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BACKGROUND:

In October of 2022, the Township received real estate transfer tax from the sale of Airport Square in the amount of \$412,000. All real estate transfer taxes are accounted for in the General Fund, 01-310-3110, which is an operating fund of the township. An operating fund should account for the recurring revenues and expenditures that the township expects on a fiscal basis.

As this sale is atypical, the revenue generated from that sale would not be classified as recurring revenue. With the receipt of one-time revenues, like fee-in-lieu of, this revenue should be transferred to the Capital Reserve Fund.

BUDGET IMPACT: None

RECOMMENDATION:

Township staff recommends transferring \$412,000 from the General Fund to the Capital Reserve Fund.

MOTION/RESOLUTION:

- 1) **Motion** to approve the transfer of \$412,000 from the General Fund to the Capital Reserve Fund.
- 2) Motion by \_\_\_\_\_ Second by: \_\_\_\_\_
- 3) Chairwoman will call for Public Comment.
- 4) Chairwoman will call for a vote.

MONTGOMERY TOWNSHIP BOARD OF SUPERVISORS  
**BOARD INFORMATION SUMMARY**

Item #14

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SUBJECT: Update on Redesign of Township Website  
MEETING DATE: October 24, 2022  
BOARD LIAISON: Tanya C. Bamford, Chairwoman  
INITIATED BY: Carolyn McCreary, Township Manager

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**BACKGROUND:**

At the May 9<sup>th</sup> public meeting, the Board of Supervisors approved the proposal from eGov Strategies to redesign the Township website. The staff had been evaluating our website to be more user-friendly and help promote one of our goals of citizen engagement. Staff reviewed other municipal websites with the plan to include an update of ours in the 2023 budget.

Derek Muller, our Public Information Coordinator will share a preview of the website, detail some of the more impactful changes and request feedback from the Board which he will relay to the design team.

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

Item #15

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SUBJECT: Consider Authorization to Preorder Two (2) Peterbilt Dump Trucks  
MEETING DATE: October 24, 2022  
BOARD LIAISON: Tanya C. Bamford, Chairwoman  
INITIATED BY: Carolyn McCreary, Township Manager

---

BACKGROUND:

Included in the Preliminary 2023 Capital Investment Plan is the purchase of two (2) Peterbilt Dump Trucks to replace Trucks #16 & 17. We received notification from our Costars vendor, GL Sayre, Inc. that all their first half of 2023 trucks have already been allocated to other buyers and that if we would like to purchase two (2) Peterbilt Dump Trucks in 2023 that he would need signed buyers order for each truck reserving it for their second half allocation of 2023. If we don't reserve them for 2023 the 2024 engine's will be required to meet a more stringent emissions at a much higher cost.

BUDGET IMPACT:

The purchase of two (2) Peterbilt Dump Trucks are included in the preliminary 2023 Capital Investment Plan at a cost of \$550,000.

RECOMMENDATION:

Staff recommends the Board of Supervisors authorize the preordering of the two (2) 2023 Peterbilt Dump Trucks included the Preliminary 2023 Capital Investment Plan.

MOTION/RESOLUTION:

**Motion** to authorize the preordering of the two (2) 2023 Peterbilt Dump Trucks included the Preliminary 2023 Capital Investment Plan.

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

MONTGOMERY TOWNSHIP BOARD OF SUPERVISORS

BOARD ACTION SUMMARY

Item #16

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SUBJECT: Authorization to Advertise Bid for Construction of Dog Park  
MEETING DATE: October 24, 2022  
BOARD LIAISON: Tanya C. Bamford, Chairwoman  
INITIATED BY: Carolyn McCreary, Township Manager

---

BACKGROUND:

Included in the meeting packet is the rendering for the proposed Dog Park that was previously shared with the Board of Supervisors at the February 28, 2022 public meeting.

The Parks and Recreation Advisory Board has reviewed the proposal for the dog park, as it originated with their request and subsequent feasibility study which was approved by the Board of Supervisors.

Also, at the request of Chairwoman Bamford, included in this packet is a memorandum from Valerie Liggett with Gilmore & Associates dated 10/18/22. This estimates costs to make improvements to the existing dog park. However, it does **not** include costs relating to acquiring any easements.

RECOMMENDATION:

Based on discussions at the October 10<sup>th</sup> public meeting, staff is recommending the Board authorize the advertisement of the bid as soon as the design is completed, and documents are ready to be posted on PennBid.

BUDGET IMPACT:

This project was included in the 2022 adopted budget as part of the Capital Investment Plan.

MOTION/RESOLUTION:

**Motion** to authorize the advertisement of the bid for the construction of the dog park to be located at Knapp Road and the 202 Parkway.

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



**OPINION OF APPROXIMATE COST  
MONTGOMERY TOWNSHIP - KNAPP ROAD DOG PARK (JULY 6, 2021)**

PROJECT #21-04099

ITEM DESCRIPTION	SIZE	UNIT	UNIT COST	QUANTITY	TOTAL
<b>B. <u>Option 2: Dog Park with Small Dog, Large Dog, and Rotation Areas</u></b>					
<b>Parking</b>					
Accessible Parking Striping & Signage		LS	\$ 2,500.00	1	\$ 2,500.00
<b>Subtotal</b>					<b>\$ 2,500.00</b>
<b>Earthwork and Trails</b>					
Standard Concrete (Paths, Transfer Area, & Landing Pads)		SF	\$ 15.00	1,380	\$ 20,700.00
Concrete Bench Pads (8'x4')		EA	\$ 500.00	6	\$ 3,000.00
<b>Subtotal</b>					<b>\$ 23,700.00</b>
<b>Fencing</b>					
6' Ht. Chainlink Fence		LF	\$ 45.00	1,616	\$ 72,720.00
5' Wide Entry Gates		EA	\$ 1,000.00	4	\$ 4,000.00
10' Wide Maintenance Access Gates		EA	\$ 2,000.00	5	\$ 10,000.00
<b>Subtotal</b>					<b>\$ 86,720.00</b>
<b>Site Amenities</b>					
Bench - Township Standard		EA	\$ 392.00	6	\$ 2,352.00
Concrete Picnic Table - Township Standard		EA	\$ 817.00	3	\$ 2,451.00
Triangular Fabric Shade Sails (Including Posts)		EA	\$ 7,500.00	3	\$ 22,500.00
Kiosk		EA	\$ 5,000.00	1	\$ 5,000.00
PVC Agility Equipment (Installed Set in Red Grit)		EA	\$ 1,500.00	12	\$ 18,000.00
Mutt Mitts Dispenser (Including Mitts)		EA	\$ 1,000.00	4	\$ 4,000.00
Waste Receptacles		EA	\$ 2,000.00	4	\$ 8,000.00
<b>Subtotal</b>					<b>\$ 62,303.00</b>
<b>Planting and Seeding</b>					
Overseeding (Using Pennington Tri-Plex Tall Fescue Mix)		LB	\$ 2.00	436	\$ 872.00
Broadcast Seeding		AC	\$ 125.00	2	\$ 250.00
Evergreen Trees		EA	\$ 550.00	8	\$ 4,400.00
Large Evergreen Shrubs (Arborvitae or Similar to Create a Screen)		EA	\$ 250.00	17	\$ 4,250.00
<b>Subtotal</b>					<b>\$ 9,772.00</b>
<b><u>OVERALL SUBTOTAL</u></b>					<b>\$ 184,995.00</b>
15% Contingency					\$ 27,749.25
<b><u>TOTAL</u></b>					<b>\$ 212,744.25</b>



**MEMORANDUM**

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**Date:** October 18, 2022  
**To:** Carolyn McCreary, Township Manager, Montgomery Township  
**From:** Valerie L. Liggett, R.L.A., ASLA, Gilmore & Associates, Inc.  
**cc:** Greg Reiff, Director of Public Works, Montgomery Township  
**Reference:** Montgomery Township Bark Park Improvement Costs #22-01082

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Per your request, we have compiled ballpark cost estimates for potential upgrades, improvements and repairs to the Montgomery Township Bark Park, as they are outlined in our memo dated 9/15/22. This memo should be reviewed in conjunction with the original 9/15/22 memo in order to obtain a complete picture of the challenges associated with each of these improvements. Please see below the descriptions of potential improvements, as well as a ballpark cost range for each.

- **Parking**
  - *Potential Improvements:* re-stripe parking lot, add an ADA parking space, and consider the use of security cameras in parking lot, access route, and in the park for safety. Includes the running of electric service to the Bark Park. This estimate assumes the required easements have been obtained.
    - \$40,000 - \$50,000
- **Wayfinding Signage**
  - *Potential Improvements:* add wayfinding signage on Welsh Road and in the parking area leading to the dog park section. This estimate assumes the required easements have been obtained.
    - \$20,000 - \$30,000
- **ADA Access**
  - *Potential Improvements:* provide a paved access route from the parking area to both the large dog park and small dog park areas. Add an ADA parking space. This estimate assumes the required easements have been obtained, there is no conflict with the sewer easement, and that the drainage issues are able to be resolved. This cost does not include design and permitting costs.
    - \$60,000 - \$70,000

- **Drainage Improvements**
  - *Potential Improvements:* remove mulch surfacing, add underdrains, French or trench drains and replace mulch or add grass or artificial turf. This cost estimate assumes that the trees will need to be removed, the surfacing will be replaced with grass, and that some sections of fencing will need to be replaced. This estimate does not include design and permitting costs.
    - \$250,000 - \$350,000
  
- **Entry 'Lobbies' and Amenity Pads**
  - *Potential Improvements:* Add concrete paving to the 'lobby' area with an 'apron' extending 10' into the dog park and install concrete pads for benches and picnic tables. We do not recommend these improvements, unless wet conditions at the site can be resolved sufficiently so as not to result in uplift during freeze-thaw cycles. Cost assumes that the fencing sections in the lobby area will need to be replaced as part of the work.
    - \$10,000 - \$20,000
  
- **Water Fountains**
  - *Potential Improvements:* Run water service to the site and provide water fountains. This estimate assumes that all required easements have been obtained.
    - \$10,000 - \$20,000
  
- **Mutt Mitts Dispensers**
  - *Potential Improvements:* replace and upgrade mutt mitts dispensers and Bark Park rules signage.
    - \$1,500 - \$2,500
  
- **Landscape Buffering**
  - *Potential Improvements:* add landscape buffering to the north side of the dog park between the dog park and adjacent homes.
    - \$5,000 - \$15,000

When considering other extenuating circumstances and a contingency of 10-20%, we estimate the total costs for all improvements as described above to be in the range of **\$475,000 – \$670,000**.

MONTGOMERY TOWNSHIP BOARD OF SUPERVISORS

**BOARD ACTION SUMMARY**

Item #17

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SUBJECT: Discussion-Township Park Regulations  
MEETING DATE: October 24, 2022  
BOARD LIAISON: Supervisor Annette M. Long, Public Safety Committee Liaison  
INITIATED BY: Carolyn McCreary, Township Manager

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BACKGROUND:

On January 19, 2022, the Public Safety Committee addressed correspondence received from a Montgomery Township resident regarding dogs running at large in Montgomery Township Parks. The Township has no mechanisms in place requiring dogs to be on a leash within Township Parks. Currently, the Police Department utilizes a provision under the Pennsylvania Dog Law that does not require dogs to be on a leash, only *under the reasonable control of some person*. After discussion, the Public Safety Committee unanimously recommended that the Board of Supervisors consider an ordinance requiring dogs be leashed in Montgomery Township Parks. This matter was discussed at the February 14, 2022, Board of Supervisors meeting. At that time, the Board directed the Police Department to monitor for similar complaints and report back after the summer months.

Since February 14, 2022, two complaints have been received regarding dogs running at large in Township parks (February 23, 2022, and September 20, 2022). Staff reviewed ordained municipal park regulations in surrounding communities, many of whom require dogs to be on a leash while in municipality-owned parks.

Further research on park regulations revealed that many municipalities also restrict the parking of vehicles, trailers, or recreational equipment in municipality-owned parks when the park is closed.

RECOMMENDATION:

This evening, the staff is requesting direction from the Board of Supervisors regarding an amendment to our park regulations requiring dogs to be on leashes within the Township's Parks and restricting the parking of vehicles, trailers, or recreational equipment in municipality-owned parks when the parks are closed.

## Dogs Running at Large-Options for Consideration by BOS

Option 1: Create and enact an addendum to the township ordinance governing park rules, adding a leash provision (This would then precipitate the altering of signage as well).

Option 2: Continue to follow the below statute regulating the control of dogs and crafting a sign to post in parks (near current rules) indicating:

*All dogs must be under control at all times*

*3 P.S. § 459.305*

Option 3: Continue to follow the below statute regulating the control of dogs with no signage (current practice).

### Current Statute:

#### **3 Pa. Stat. § 459-305**

Current through P.A. Acts 2022-37

Section 459-305 - Confinement and housing of dogs not part of a kennel

**(a) Confinement and control.**~ It shall be unlawful for the owner or keeper of any dog to fail to keep at all times the dog in any of the following manners:

- (1) confined within the premises of the owner;
- (2) firmly secured by means of a collar and chain or other device so that it cannot stray beyond the premises on which it is secured; or
- (3) under the reasonable control of some person, or when engaged in lawful hunting, exhibition, performance events or field training.

**(b) Housing.**~ It shall be unlawful for the owner or keeper of a dog to house the dog for any period of time in a drum, barrel, refrigerator or freezer regardless of the material of which the drum, barrel, refrigerator or freezer is constructed.

3 P.S. § 459.305

1982, Dec. 7, P.L. 784, No. 225, art. III, § 305, effective 1/1/1983. Amended 2008, Oct. 9, P.L. 1450, No. 119, § 13, effective in 60 days [12/8/2008].



## 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: Carolyn McCreary, Township Manager  
From: Scott Bendig, Chief of Police  
Date: January 24, 2022  
Re: Public Safety Committee Request for Consideration-Leash Law

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On January 19, 2022, the Public Safety Committee addressed recent correspondence received from a Montgomery Township resident regarding dogs running at large in Montgomery Township Parks. At present, the Township has no mechanisms in place requiring dogs to be on a leash. Currently, the Police Department utilizes Title 3 P.S. § 459-305 *Confinement of Dogs*, which states:

*It shall be unlawful for the owner or keeper of any dog to fail to keep at all times such dog either:*

- (1) confined within the premises of the owner;*
- (2) firmly secured by means of a collar and chain or other device so that it cannot stray beyond the premises on which it is secured; or*
- (3) under the reasonable control of some person, or when engaged in lawful hunting, exhibition or field training.*

After discussion, the Committee unanimously recommended that an ordinance governing dogs running at large be considered by the Board of Supervisors for adoption. Under Title 53 P.S. Municipal and Quasi-Municipal Corporations - Part X. Townships of the Second Class - Chapter 141. Second Class Township Code - Article XV. Corporate Powers § 66530 *Regulation of dogs*, the Board of Supervisors may prohibit and regulate the running at large of dogs by ordinance.

I have completed an audit of area communities (attached), determining how each municipality regulates this particular issue for your review. I look forward to discussing this matter further.

## Area Community Leash Laws

### Abington Township:

§ 58-1 Running at large prohibited; leashing.

Hereafter it shall be unlawful for any owner of any dog or dogs, licensed or unlicensed, to permit such dog or dogs to run at large off the premises of the owner or keeper, unaccompanied by the owner or keeper. When not on the premises of the owner or keeper, a dog must be leashed at all times when on foot. The leash shall be of sturdy material and not more than eight feet in length.

### Chalfont Borough: **PARKS**

§ 281-2-F Regulations No pet shall be permitted to run at large. All pets shall be contained on a leash no longer than six feet while in any posted public area. All pets in any unposted open space or public lands shall be under proper supervision at all times.

### Cheltenham Township:

§ 98-3.3 Running at large; leashing.

A. No owner or custodian of any dog or dogs, licensed or unlicensed, shall permit such dog or dogs to run at large off the premises of the owner or custodian at any time unaccompanied by the owner or custodian, upon the streets, roads, highways or public grounds in the township or upon the property of another person other than the owner or custodian.

B. When not on the premises of the owner or custodian, a dog must be leashed at all times when on foot. The leash shall be of sturdy material.

### Collegeville Borough:

§ 449-16 Restraint of pets **PARKS**

Pets must be on a leash which shall measure less than six feet in length, and such pets must not be permitted to annoy any person or other animal within a park area.

### Conshohocken Borough:

§ 2-101 Restrictions.

Any person who owns, harbors, keeps or is in charge of any dog within or frequenting the Borough shall not permit such dog to be unattended within the Borough and shall require said dog to be restrained by a leash or other appropriate device of control so that it cannot stray beyond the premises on which it is secured, or under reasonable control of some person, which for the purpose of this Part shall be "curbing." Such "curbing" shall be permitted only on public streets and on private property with the express permission of the owner of such property.

Doylestown Township: **PARKS**

§ 119-11.2 Dogs

**A.** Dogs are permitted within the park system, but must be kept on a physical leash and under control at all times, unless otherwise authorized by a facility use permit. Electronic/remote restraint devices are not permitted in lieu of a physical leash.

Doylestown Borough:

§ 105 Running at Large

It shall be unlawful for any person to allow a household pet or other animal owned by that person to run at large without being restrained.

Hatfield Township: **PARKS**

§ 195-2 Parks Rules and Regulations

**LEASH LAW**

Any person owning, responsible for, having custody of any dog(s) must have said dog(s) on a leash(es), not exceeding six feet in entire length, including hand loop, attached from collar and/or harness, accompanied by a person able to fully control said dog(s) at all times while on public property unless designated otherwise with appropriate signage, such as the Hatfield Township Dog Park.

Dogs shall be allowed in all parks except School Road Park and Schweiker Park. Dogs shall be effectively controlled in accordance with the "Leash Law" defined above.

Lansdale Borough:

§ 139-6 Running at large.

**A.** It shall be unlawful for the owner or person in custody or control of any animal to allow the animal to run at large upon public property or upon the private property of another other than the owner or person in custody or control of said animal. Any animal beyond the boundaries of its owner's property or the property of the person in custody or control of said animal must be under positive control by leash.

Lower Providence: **PARKS**

§ 106-5 Park regulations.

**D.** Pets must be on a leash unless otherwise prohibited, and all droppings must be cleaned up.

New Britain Township: **PARKS**

§ 16-213 Pets

**1.** Dogs are permitted within the park system but must be kept on a leash no longer than eight feet and under control at all times.

Norristown Borough:

§ 103-2 Dog control by dog owners or caretakers.

**B.(1)** It shall be unlawful for the owner or caretaker of any dog or dogs, licensed or unlicensed, to permit such dog(s) to run at large unaccompanied by the owner or caretaker in the Borough of Norristown. The owner or caretaker of such dog(s) shall be permitted to walk and accompany such dog(s) only if the owner or caretaker is firmly in control of such dog(s) with a leash of six feet or less.

Plymouth Township: PARKS

Sec. 15-17 Domesticated animals (Parks)

**(3)** All dogs must be on a leash and under the owner's control; the leash must not exceed six feet in length.

Springfield Township:

§ 5-9 Dogs

**A.** Hereafter, it shall be unlawful for an owner or keeper of any dog or dogs, licensed or unlicensed, to permit such dog or dogs to run at large unaccompanied by the owner or keeper. When not on the premises of the owner or keeper, a dog must be leashed at all times when on foot. The leash shall be of sturdy material, not more than eight feet in length.

Upper Gwynedd Township:

§ 127-16 Confinement.

All animals owned or controlled by any person shall be leashed, caged or otherwise physically secured by such person when being walked, transported or otherwise while not on the private property of the owner or other such person in control of the animal within the Township.

Upper Moreland Township:

§ 70-12 Leash requirement.

**A.** Dogs not in a fenced-in area must be securely leashed and under the control of a person capable of controlling the dog. Police dogs are exempt from the provisions of this section.

Whitemarsh Township:

§ 39-10 Dog Control

C-1 It shall be unlawful for an owner or keeper of any dog or dogs, whether licensed in accordance with the rules and regulations of Montgomery County, Pennsylvania (hereafter "licensed"), or unlicensed, to permit such dog or dogs to run at large unaccompanied by the owner or keeper. When not on the premises of the owner or keeper, a dog must be leashed at all times when on foot. The leash shall be of sturdy material, not more than eight feet in length; provided, however, that such leash may extend more than eight feet, provided that the owner or keeper remains in control of such dog or dogs.

Whitpain Township: **PARKS**

§ 108-4 Rules and Regulations (Parks)

G.Dogs.

- (1) Dogs must be on a leash and under the owner's control.
- (2) The leash may not exceed six feet. No retractable leashes are permitted.

**MONTGOMERY TOWNSHIP PUBLIC SAFETY COMMITTEE  
MONTHLY MEETING MINUTES**

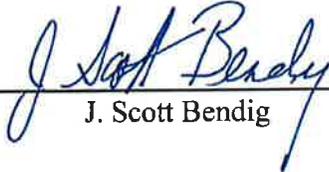
**Date:** September 21, 2022  
**Time:** 7:30 pm  
**Location:** Montgomery Township Municipal Complex  
**Attendees:**

<b><u>Board of Supervisors Liaison:</u></b>	Supervisor Annette Long
<b><u>Township Manager:</u></b>	Not Present
<b><u>Police Department Representative:</u></b>	Chief Scott Bendig
<b><u>Fire Department Representative:</u></b>	Chief William Wiegman
<b><u>VMSC of Lansdale Representative:</u></b>	Chief Shane Wheeler
<b><u>Public Works Department Representative:</u></b>	Not Present
<b><u>Resident Appointees:</u></b>	John O'Connor John Nolan

**The Public Safety Meeting was held without any formal action due to failing to meet the needed quorum.**

**NOTE:** Township residents William and Ann James attended the meeting with the intention of voicing their concerns regarding uncontrolled dogs running at large on the Zehr Fields at Windlestrae Park. This matter has been turned over to Township Staff for further examination.

The next meeting is scheduled for Wednesday, October 19, 2022.

  
\_\_\_\_\_  
J. Scott Bendig

MONTGOMERY TOWNSHIP BOARD OF SUPERVISORS  
**BOARD INFORMATION SUMMARY**

Item #18

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SUBJECT: EAC Request to Prohibit Single-Use Plastic Bags  
MEETING DATE: October 24, 2022  
BOARD LIAISON: Beth A. Staab  
INITIATED BY: Carolyn McCreary, Township Manager

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BACKGROUND:

During the Public Comment portion of the October 10th public meeting, Township resident and EAC member Don Hamp spoke to the Board about considering a ban on single-use plastic bags, noting he was speaking on behalf of the EAC.

In May, the Board of Supervisors adopted a resolution encouraging the voluntary participation in reducing the use of single-use plastics because at that time the law passed by the state legislature as part of the budget bill had been renewed. However, it was being challenged in the courts by Philadelphia, Pittsburg, West Chester, Narberth, and Lower Merion.

In August Ambler Borough and Radnor Township passed ordinances banning single-use bags.

The Solicitor has shared an ordinance his office drafted for another municipality which the Board can use as a model and he can speak about the details and enforcement.

Staff is seeking Board direction as to whether they wish to pursue this ban or continue to utilize the EAC and Township communications to encourage everyone to no longer use them.

If the Board wishes to enact an ordinance banning them, an ordinance would be prepared and presented at an upcoming meeting, where we would request authorization to advertise it. The Board would also need to discuss the process to notify all businesses in the Township who would be affected by the ban and the EAC's role in this.

MONTGOMERY TOWNSHIP BOARD OF SUPERVISORS

**BOARD ACTION SUMMARY**

Item #14

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SUBJECT: Reduce Distribution of Single-Use Plastics (Resolution 2022-26)  
MEETING DATE: May 23, 2022  
BOARD LIAISON: Beth A. Staab, EAC Liaison  
INITIATED BY: Carolyn McCreary, Township Manager

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**BACKGROUND:**

At a recent EAC meeting, one of the members inquired about the possibility of prohibiting the use of single-use plastic bags.

Plastic bags were banned in Philadelphia last year with full enforcement starting last month. They have recently been banned in New Jersey, with Pittsburgh slated to begin prohibiting them in 2023.

In May 2020 the state legislature passed a budget bill that included language blocking municipalities from banning single-use plastics.

Last year Lower Merion, Narberth, and West Chester sued the Commonwealth over a law prohibiting them from enacting or enforcing bans on plastic bags.

The staff did some limited research to see if any other municipalities in this area are considering this option pending a positive outcome of the court case. Finding none, we looked at a broader area and discovered a township in neighboring Bucks County that recently adopted a resolution encouraging the reduction of single-use plastic bags.

**RECOMMENDATION:**

Staff recommends the Board consider adopting a resolution to encourage the reduction of single-use plastics and continue education initiatives through the EAC.

**MOTION/RESOLUTION:**

**Motion** to adopt Resolution 2022-26, encouraging our businesses, residents, and visitors to voluntarily participate in reducing the distribution of single-use plastic bags, straws, and containers.

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

**ORDINANCE NO. \_\_\_\_\_**

**WEST NORRITON TOWNSHIP  
MONTGOMERY COUNTY, PENNSYLVANIA**

**AN ORDINANCE OF WEST NORRITON TOWNSHIP, MONTGOMERY COUNTY,  
PENNSYLVANIA, AMENDING THE TOWNSHIP CODE TO ADD A NEW CHAPTER  
ENTITLED “PLASTIC REGULATIONS” TO REGULATE THE DISTRIBUTION AND  
USE OF SINGLE-USE BAGS WITH RELATED FINDINGS, DEFINITIONS,  
REQUIREMENTS, ENFORCEMENT, PENALTIES, AND EXEMPTIONS**

**WHEREAS**, the Pennsylvania First Class Township Code authorizes the Board of Commissioners of West Norriton Township to make, amend, and adopt ordinances that are consistent with the constitution and laws of the Commonwealth when necessary for the proper management, care, and control of the Township and the maintenance of peace, good government, health and welfare of the West Norriton Township (“Township”) and its citizens;

**WHEREAS**, Article 1, Section 27 of the Pennsylvania Constitution, known as the Environmental Rights Amendment (the "Amendment"), provides that people have the right to clean air, pure water, and to the preservation of the natural, scenic, historic, and esthetic values of the environment. Pennsylvania's public natural resources are the common property of all the people, including generations yet to come. As a Trustee of these resources, the Commonwealth shall conserve and maintain them for the benefit of all the people;

**WHEREAS**, the Amendment imposes two basic duties on the Commonwealth and its political subdivisions, such as the Township, to: 1) prohibit the degradation, diminution, and depletion of the public natural resources, and 2) act affirmatively via legislative action to protect the environment. *Pennsylvania Environmental Defense Foundation v. Commonwealth of Pennsylvania*, 161 A.3d 911 (Pa. 2017);

**WHEREAS**, this ordinance is enacted to achieve the Township’s duties under the Amendment by minimizing the degradation, diminution, and depletion of the public natural resources within the Township and to affirmatively enact legislation designed to protect the environment within and around the Township;

**WHEREAS**, for the reasons set forth in more detail below, the Board of Commissioners intends to preserve, maintain, and enhance the health of its residents and visitors, as well as the public natural resources and common property within and around the Township, by regulating the distribution of single-use bags within the Township;

**WHEREAS**, the Board of Commissioners has met the procedural requirements of the First Class Township Code for the adoption of the proposed ordinance, including advertising and holding a public hearing; and

**WHEREAS**, the Board of Commissioners, after due consideration of the proposed ordinance at a duly advertised public hearing, has determined that the health, safety, and general welfare of the residents of West Norriton Township will be served by this amendment of the West Norriton Township Code to regulate the distribution of single-use bags within West Norriton Township;

**NOW, THEREFORE, BE IT ORDAINED AND ENACTED** by the Board of Commissioners of the West Norriton Township, Montgomery County, Pennsylvania, it is hereby enacted and ordained by the authority of same, as follows:

**I. Code Amendment. A new Chapter entitled “Plastic Regulations” is hereby added to the West Norriton Township Code to provide as follows:**

**PLASTIC REGULATIONS**

**§1. Purpose and Findings.**

A. Purpose

- (1) The purpose of this Chapter is to reduce the use of single-use bags within the Township.
- (2) To curb litter on the streets, in the parks, and in the trees, protect the local streams, rivers, waterways and other aquatic environments, reduce greenhouse gas emissions, reduce solid waste generation, promote the use of reusable, compostable, and recyclable materials within West Norriton Township, and to preserve the natural, scenic, historic, and esthetic values of West Norriton Township.
- (3) To relieve the pressure on recyclers servicing the Township, who cite single-use plastic bags as a major source of contamination and inefficiency within the recycling stream.
- (4) To relieve the pressure for Township utilized landfills to manage the disposition of single-use products.

B. Findings.

- (1) The use of single-use plastic bags has severe environmental impacts, including greenhouse gas emissions, litter, harm to wildlife, ground level ozone formation, atmospheric acidification, water consumption, and solid waste generation.
- (2) There are several commercial establishments within West Norriton Township which provide single-use plastic bags to their customers.
- (3) Single-use plastic bags do not readily decompose.
- (4) Approximately one hundred billion single-use plastic bags are discarded by United States consumers each year. Given the difficulty of recycling these materials, less than 1 percent of single-use plastic bags are returned for recycling in the United State, and in West Norriton Township, such bags are not curbside recyclable.
- (5) Numerous studies have documented the prevalence of single-use plastic bags littering the environment, blocking storm drains, entering local waterways, and becoming stuck in or upon natural resources and public property.

- (6) The taxpayers of West Norriton Township pay the costs related to the cleanup of single-use plastic bags from the roadways, trees, sewers, waters, and parks within the Township.
- (7) Recyclers cite single-use plastic bags as a major source of contamination within the recycling stream, leading to increased costs to the Township and decreased efficiency.
- (8) From an overall environmental and economic perspective, the best alternative to single-use plastic bags is a shift to reusable bags followed by single-use compostable or recyclable paper bags.
- (9) There are several alternatives to single-use bags readily available in and around West Norriton Township.
- (10) It is recognized that single use paper bag manufacturing, transportation and resource consumption also affect the environment, but they are biodegradable, single-stream recyclable, and provide a practical retail establishment alternative consistent with most local and state single use plastic regulations and prohibitions. Although preferable to single use plastic bags, the overall effects of producing, providing, and allowing single use paper bags should also be mitigated to reduce waste, litter, and natural resource depletion by encouraging, facilitating and promoting reusable bag use.
- (11) An important goal of West Norriton Township is to procure and use sustainable products and services.
- (12) An important goal of West Norriton Township is to preserve the natural, scenic, historic, and esthetic values of West Norriton Township.
- (13) It is West Norriton Township's desire to conserve resources, reduce the amount of greenhouse gas emissions, waste, litter, water pollution, and to protect the public health and welfare, including wildlife, all of which increases the quality of life for the Township's residents and visitors.
- (14) Studies and past experiences have shown that prohibiting the distribution of single-use plastic bags at the point of sale and placing a mandatory charge on other single-use bags reduces plastic litter and use of single-use bags and promotes the use of reusable bags.
- (15) As required by the Environmental Rights Amendment to the Pennsylvania Constitution, the Township seeks to preserve the natural, scenic, historic, and esthetic values of the Township.
- (16) It is the desire of the Board of Commissioners to conserve resources, reduce the amount of greenhouse gas emissions, waste, litter, water pollution, and to protect the public health and welfare, including wildlife, all of which increases the quality of life for the Township's residents and visitors.

## **§2. Definitions.**

For purposes of this Chapter, the following terms shall be defined as follows:

- 1) "Customer" means any person purchasing goods or services from a Retail Establishment.
- 2) "Operator" means the person in control of, or having responsibility for, the operation of a Retail Establishment, which may include, but is not limited to, the owner of the Retail Establishment.
- 3) "Plastic" means a synthetic material made from linking monomers through a chemical reaction to create a polymer chain that can be molded or extruded at high heat into various solid forms that retain their defined shapes during their life cycle and after disposal, including material derived from either petrochemicals or a biologically based polymer, such as corn or other plant sources.
- 4) "Recycled Paper Bag" means a paper bag that meets the following requirements:
  - i. contains no old growth fiber;
  - ii. contains a minimum of 40% post-consumer recycled content; and
  - iii. is labeled in a highly visible manner as recyclable with the percentage of post-consumer recycled content of the bag
- 5) "Retail Establishment" means any store, commercial establishment, or any other location that sells perishable or nonperishable goods, including, but not limited to, clothing, food, and personal items, directly to the customer and is located within or doing business within the geographical limits of West Norriton Township. Retail establishments include, but are not limited to: a business establishment that generates a sales or use tax; a drugstore, pharmacy, supermarket, grocery store, farmers market, convenience food store, food mart, food truck, or other commercial entity engaged in the retail sale of a limited line of goods such as milk, bread, soda and snack foods; a public eating establishment (i.e. a restaurant, take-out food establishment, or any other business that prepares and sells prepared food to be eaten on or off its premises); and a business establishment that sells clothing, hardware, or any other nonperishable goods.
- 6) "Reusable Bag" means a reusable, carryout polypropylene bag that has stitched handles or a reusable, carryout bag made of cloth, other machine-washable fabric, or other material that is specifically designed and manufactured for multiple reuse.
- 7) "Single-use Plastic Bag" means any bag made predominantly of Plastic that is provided by an Operator of a Retail Establishment to a Customer at the point-of-sale. The term does not include Reusable Bags or Recycled Paper Bags. This definition specifically exempts the following from the category of Single-use Plastic Bags:
  - a. a bag used inside a Retail Establishment by a Customer to deliver perishable items to the point-of-sale at that establishment;
  - b. a bag used to package bulk items such as nuts, grains, or candy;

- c. a thin bag without handles used exclusively to carry meats, vegetables, fruits, or other similar raw or uncooked food items to the point of sale inside a Retail Establishment or, for reasons of public health and safety, to prevent such food items from coming into direct contact with other purchased items.
- d. a bag used solely to contain live animals, such as fish or insects sold at a pet store;
- e. a bag sold in packaging containing multiple bags and packaged at the time of manufacture of the bag;
- f. newspaper delivery bags;
- g. bags sold in packages containing multiple bags intended for use as food storage bags, garbage bags, or pet waste bags; and
- h. laundry or drycleaner bags.

### **§3. Single-use Plastic Bags.**

Effective April 22, 2023, Retail Establishments are prohibited from providing a Single-use Plastic Bag to a Customer. This prohibition applies to Single-use Plastic Bags provided for the purpose of carrying goods away from the point-of-sale of a Retail Establishment and to takeout deliveries from a Retail Establishment located within West Norriton Township. The point-of-sale in such transactions is deemed to be at the Retail Establishment, regardless of where payment for the transaction physically occurs.

### **§4. Recycled Paper Bags.**

- (1) Effective April 22, 2023, Retail Establishments are prohibited from providing a non-Recycled Paper Bag to a Customer at the Retail Establishment or through a delivery.
- (2) A Retail Establishment may provide a Customer a Recycled Paper Bag at the point of sale if the bag is provided to the Customer for a charge of not less than \$0.15 per bag. A Retail Establishment may opt out of such charge for takeout and deliveries.
- (3) All monies collected by a Retail Establishment under this Chapter for provision of a Recycled Paper Bag shall be retained by the Retail Establishment.
- (4) Any charge for a Recycled Paper Bag shall be separately stated on any receipt provided to the customer at the time of sale and shall be identified as the “Carry-Out Bag Charge” thereon.

### **§5. Reusable Bags.**

- (1) A Retail Establishment may provide a Reusable Bag to a Customer at or before the point of sale if the Reusable Bag is provided to the Customer for a charge of not less than \$0.15 per bag.
- (2) All monies collected by a Retail Establishment under this Chapter for provision of a Reusable

Bag shall be retained by the Retail Establishment.

- (3) Any charge for a Reusable Bag shall be separately stated on a receipt provided to the Customer at the time of sale and shall be identified as the "Carry-Out Bag Charge" thereon.
- (4) Customers may use bags of any type that they bring to the Retail Establishment themselves for the purpose of carrying goods or other materials away from the point-of-sale, without incurring any charges for such bag.

#### **§6. Temporary Signage Requirement.**

Beginning thirty (30) days after the effective date set forth in §3, and for six (6) months thereafter, Retail Establishments are required to post at all points of sale conspicuous signage informing Customers that Single-use Plastic Bags and non-Recycled Paper Bags will no longer be provided by the Retail Establishment as of the date the prohibition begins; explaining what types of bags and purchases are impacted; and providing any other information West Norriton Township may require by regulation.

#### **§7. Exemptions.**

The Township Manager or their designee may, upon written request of a Retail Establishment, exempt a Retail Establishment from the requirements of this Chapter for a period of one (1) year from the effective date set forth in §3 upon a finding by the Township Manager or their designee that the requirements of this Chapter would cause undue hardship to the Retail Establishment. An "undue hardship" shall be found only if the Retail Establishment demonstrates that it has a unique circumstance or situation such that there are no reasonable alternatives to the use of Single-Use Plastic Bags.

#### **§8. Enforcement.**

- (1) The Township Manager or their designee has the responsibility for enforcement of this Chapter and may promulgate reasonable rules and regulations to enforce the provisions thereof, including, but not limited to, investigating violations and issuing fines.
- (2) Any Retail Establishment that violates or fails to comply with any of the requirements of this Chapter, after an initial written warning notice has been issued for that violation, shall be liable for a violation.
- (3) Any Retail Establishment that receives an initial written warning notice may file a request for an exemption pursuant to the procedure in §7 above if within a year of the effective date of this Chapter.
- (4) After a warning is issued and additional violations occur, an Operator of any Retail Establishment violating the requirements of this Chapter shall:
  - (a) be subject to a civil penalty of \$50.00 for a first offense;
  - (b) be subject to a civil penalty of \$100.00 for a second offense; and
  - (c) be subject to a civil penalty of \$200.00 for a third or any subsequent offense.

(5) For the purposes of enforcement under this Chapter, an offense shall be each day an Operator or Retail Establishment is violating a requirement of this Chapter

(6) In addition to the penalties set forth in this Chapter, West Norriton Township may seek legal, injunctive, or other equitable relief to enforce this Chapter.

**SECTION II. Severability.** The terms, conditions and provisions of this Ordinance are hereby declared to be severable, and, should any portion, part or provision of this Ordinance be found by a court of competent jurisdiction to be invalid, unenforceable or unconstitutional, the West Norriton Township Board of Commissioners hereby declares its intent that the Ordinance shall have been enacted without regard to the invalid, unenforceable, or unconstitutional portion, part or provision of this Ordinance.

**SECTION 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.

**SECTION IV. Effective Date.** This Ordinance shall become effective upon enactment as provided by law, with enforcement of this Ordinance to occur on the date set forth in Section I, §3 above.

**SECTION V. Failure to Enforce Not a Waiver.** The failure of West Norriton Township to enforce any provision of this Ordinance shall not constitute a waiver by West Norriton Township of its rights to future enforcement hereunder.

**ORDAINED AND ENACTED** by the Board of Commissioners of West Norriton Township, Montgomery County, Pennsylvania, this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

**ATTEST:**

**WEST NORRITON TOWNSHIP  
BOARD OF COMMISSIONERS**

By: \_\_\_\_\_  
Jason Bobst, Township Secretary

By: \_\_\_\_\_  
Peter Smock, Chair  
West Norriton Township  
Board of Commissioners

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

Item #19

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SUBJECT: New Business – Department Reports  
MEETING DATE: October 24, 2022  
BOARD LIAISON:  
INITIATED BY: Tanya C. Bamford, Chairwoman

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BACKGROUND:

The Township staff has prepared reports for the month of September. 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.

The Township Manager will update the Board on various administrative matters.

## **ADMINISTRATION REPORT**

### **September 2022**

#### **Administrative Matters (Township Manager)**

- Met with Director of Finance to review and revise the Capital Investment Plan for the 2023 budget.
- Met with Gilmore & Associates VP to discuss Public Works projects.
- Met with Derek Muller and Deb Rivas to review Public Information goals.
- Met with representatives of Pinecrest, their engineer and attorney to discuss residents' stormwater concerns. Township Engineer and Solicitor also present at the meeting.
- Call with APMM to discuss professional development committee planning.
- Met with members of the Township Safety Committee to redefine their role.
- Met virtually to interview two GIS Intern candidates.
- Met with owner of Stone & Key to discuss past zoning relief and future needs.
- Held a multi-department staff meeting for the Autumn Festival.
- Attended Autumn Festival and Finance Committee meetings.
- Attended virtual PaDEP presentation on recycling regulations and reporting.
- Participated in virtual meeting with DCNR representative to review the Whistlestop Park project, grant agreement, and process details.
- Met with representatives from MonU Soccer along with Public Works and CRC Directors to discuss their current and future facilities need and scheduling.
- Met with all Dept. Heads individually to discuss operations, capital projects, and outstanding issues.
- Met with Public Works Director, Road Foreman, Finance Director and Township Engineer to discuss and cost out stormwater projects for 2023 budget.
- Met with HR Administrator to review and prioritize outstanding items and discuss her first weeks in the role.
- Attended DVHT Executive Committee meeting.
- Met with VMSC Chief to discuss operations and planning.
- Met with consultant at the Zehr site to evaluate potential for improved Public Works facilities along with the Public Works and Finance Directors.
- Attended President's Advisory Council (as a member) for Chamber of Commerce.
- Participated in virtual Wissahickon Partnership Management Committee and the Administration and Operations Subcommittee meetings.
- Held agenda preparation meetings with Department Heads.
- Met on site with the Solicitor, Engineer, and representatives of Pinecrest to look at stormwater facilities.
- Met with Administration Supervisor to review outstanding issues.
- Webinars: (ICMA) Organizational Culture – Attracting and Retaining Talent

#### **Public Information**

- Ongoing communication with Township residents, businesses, and staff utilizing the various communication channels.
- Promotion of Recreation & Community events and programs.
- Continued work on website revamp.
- Compiled publicity document for MS4 permit requirements.
- Coordinated sponsorships, publicity, and logistics for the 20<sup>th</sup> Annual Autumn Festival.

- Attended the following public meetings:
  - Board of Supervisors
  - Autumn Festival Committee
  - Business Development Partnership
  - Environmental Advisory Committee

# Community and Recreation Center Report

## September 2022

September 2022 “kicked off” with a busy facility from top to bottom. Memberships (new and renewal) as well as program registrations were extremely encouraging. Recreation program registration at the Montgomery Township Community Recreation Center (CRC) was a very encouraging step forward in seeing attendance increase in every type of recreation and fitness opportunity that was offered in and around the CRC.

***Below is a comprehensive list of programs, activities, and Special Events that were conducted during September 2022:***

- Adult Basketball league on Wednesday evenings.
- Indoor Arena Flag football conducted on Mondays for ages 6 to 13 years.
- Badminton on Tuesdays, Fridays, Saturdays, and Sundays.
- Child fingerprinting by our Police Department on Monday the 10<sup>th</sup>.
- An array of group exercise sessions: Pilates/Barre, Yogalates, Spinning, Yoga, Stretch & Strengthen, Dance Party, Zumba Toning, Piyo, Tabata, and Hiit.
- Get up and move Toddler time for preschoolers.
- Messy Art classes were held on Tuesdays mornings.
- Group Pickleball lessons. Levels include; Beginner, Intermediate, and Advanced.
- Private Pickleball lessons.
- Open play pickleball; was scheduled Weekdays and Sundays.
- Kids Night Out on Friday evening September 23<sup>rd</sup>.
- Three separate paint parties for all ages were conducted:
  - A. Birds/Trees September 7<sup>th</sup>
  - B. Unicorn painting on September 20<sup>th</sup>
  - C. Kids Paint Party September 30<sup>th</sup>
- Silver Sneakers Classes: weekdays that include Stability, Cardio Circuit, and Classic.
- Young Rembrandt Drawing and Creativity classes took place on Saturday mornings.
- CPR Class of eight on convened September 13<sup>th</sup>.
- Senior monthly trivia was held on September 7<sup>th</sup>.
- Soccer Shots instruction occurred on Saturdays/Sundays on the front lawn.
- Fundamental Tennis lessons were held at Rose Twig on Saturdays and Sundays.

**Physical Facility Update:**

- Quarterly preventive maintenance on all fitness equipment was conducted on April 20th. Two treadmills have received new walking running belts. The replacement is like changing tires on a car.
- Our Risk Control Survey report was conducted on Thursday September 29<sup>th</sup>. The annual inspection was conducted by Delaware Valley Trusts.
- The spray pad has been winterized and secured for the upcoming winter season. Major renovation to the amenity is expected to begin in early 2023.
- All HVAC units were also serviced in in preparation for the winter heating season.

The CRC staff were on top of their game for the month of September. Our continued focus for the remainder of 2022 is to create, sustain, and increase positive *fun* interactions throughout each day.

Floyd S. Shaffer, Community Recreation Center Director



## Montgomery Township Inter-Office Memo

**To:** Carolyn McCreary, Township Manager  
**From:** Brian Shapiro, Director of Finance  
**Date:** 10/24/22  
**Subject:** September Finance Committee Report

Attached is a revenue and expenditure report as of 09/30/22 for the Montgomery Township 2022 budget.

### **2022 Budget Summary – as of 09/30/22:**

The General Fund's total revenues are \$14,293,760 or 102.91% of the total budget. Primary revenue sources (Act 511 Taxes) comprise \$10,234,021 of the total revenues. Total Real Estate Taxes collection for the year is 100.73%.

Total Real Estate Taxes budgeted for 2022 was \$4,722,500 in the General, Fire, Park, and Debt Service Funds. Year-to-date collections are \$4,752,515, or 100.64%.

Earned Income tax for all funds is at 91.35% or \$5,243,666.

Mercantile Tax collections is at 137.31%, or \$2,471,544. For the same period in 2021, \$1,740,018 was collected for this revenue.

Business Privilege Tax is at 115.00% or 1,034,999. For the same period in 2021, \$954,374 was collected for this revenue.

Both taxes were due on March 15<sup>th</sup>.

- Staff requested data from Berkheimer regarding the higher collections of Mercantile and Business Tax. A business is required to submit two payments each year based on gross receipts.
  - Payment #1 – A current year estimate based on the previous year's actual gross receipts.
  - Payment #2 – A reconciliation of the previous year's actual versus that year's estimate. Meaning in 2021 a business submitted payment #1. In 2022 when reconciling actual numbers, if the actual is higher than the estimated, then they owe the additional tax.

- For collections in 2022, there is an effect from 2020. In 2021 business's actuals were lower than in previous years. Businesses estimated a lower tax in 2021. This estimated lower tax in 2021 caused the increase in revenue for 2022 as those businesses owe the additional tax, as indicated in payment #2.
- Berkheimer has estimated an additional \$600,000 of revenue was collected due to this. When you subtract out the \$600,000 the actual collection is roughly \$1.8 million, which is on par with previous years.
- When budgeting for 2023, this year should be considered an anomaly, and past budget trends should be used as indicators.

The Real Estate Transfer Tax is at 204.57% on an accrual accounting basis or \$1,841,104. If the one-time transfers of the Mall and redeterminations are deducted, this revenue is at 101.15% or \$910,377.

Total General Fund expenditures are \$10,207,953 or 75.01% of the total budget.

Expense category 01-432 (Snow and Ice Removal) is over budget by \$35,506 due to unbudgeted expenses of \$27,598 and \$11,190 in Salaries and Wages, and Overtime. In years past, these expenses were not recorded in this expense category. In the 2022 budget, these costs were budgeted in expense category 01-430 (Public Works), which will cause an offset in those line items.

Line item 01-433-4376 (Knockdowns) is \$85,912 over budget. Future insurance payments will offset this item.

In Fund 04, line item 04-413-4131, Overtime is at 163.78% of the budget. The Fire Department was awarded a grant for installing fire alarms in residential properties. The funding will offset most of the overtime cost.

In Fund 08, line item 08-400-4700, Capital Purchases, is over budget by \$13,177. This was for installing two LED solar lights at the CRC parking lot. The Township received a grant in 2021, which paid for the entire cost of this project.

### **Capital Investment Plan**

Attached is a listing of approved capital investments for 2022.

	Residential		Commerical		Industrial		Mall/Airport Square		Redeterminations		Totals		
	# of Transfers	R.E. Transfer Fee	# of Transfers	R.E. Transfer Fee	# of Transfers	R.E. Transfer Fee	# of Transfers	R.E. Transfer Fee	# of Transfers	R.E. Transfer Fee	# of Transfers	R.E. Transfer Fee	Fee
January	43	\$ 82,287.07	-	\$ -	1	\$ 3,552.50	-	\$ -	-	\$ -	44	\$	85,839.57
February	36	48,143.71	2	8,624.00	-	-	2	269,500.00	-	-	40		326,267.71
March	38	59,069.85	1	-	-	-	-	-	-	-	39		59,069.85
April	43	62,737.12	2	24,010.00	-	-	-	-	7	145,896.27	52		232,643.39
May	49	97,567.15	1	20,408.50	-	-	-	-	1	829.90	51		118,805.55
June	48	73,559.54	1	33,565.00	-	-	-	-	-	-	49		107,124.54
July	46	105,026.60	-	-	1	19,604.90	-	-	-	-	47		124,631.50
August	74	168,363.64	2	20,825.00	-	-	1	110,740.00	-	-	77		299,928.64
September	52	83,032.76					1	403,760.00			53		486,792.76
October											-		-
November											-		-
December											-		-
	429	\$ 779,787.44	9	\$ 107,432.50	2	\$ 23,157.40	4	\$ 784,000.00	8	\$ 146,726.17	452	\$	1,841,103.50

Budget: \$ 900,000.00

% of Budget: 204.57%

W/O Mall/Redeterminations: \$ 910,377.34

% of Budget: 101.15%

<b>BOS</b>			<b>Approved</b>	<b>CIP</b>	<b>Purchase</b>
<b>Approval</b>	<b>Description</b>	<b>Quantity</b>	<b>Cost</b>	<b>Amount</b>	<b>Method</b>
01/24/22	2022 Police Interceptor Utility AWD base (K8A)	3	149,180.05	180,000.00	COSTARS
02/14/22	Mounting and Installation of Equipment on 18	1	21,495.10	35,000.00	3 Quotes
02/14/22	Toro Z Master 7500D Series Mower	1	23,576.35	29,000.00	COSTARS
02/14/22	Case 590SN T4 Backhoe	1	152,243.00	150,000.00	COSTARS
02/14/22	Vibratory Roller	1	65,643.00	65,000.00	COSTARS
02/28/22	2021 Police Interceptor Utility AWD - Fire	1	54,269.87	90,000.00	COSTARS
02/28/22	Fire Gym Equipment	1	9,341.29	10,000.00	3 Quotes
03/14/22	2022 Road Program	1	877,559.80	993,979.00	Bid
03/14/22	2022 Peterbilt Dump	1	257,461.00	231,000.00	COSTARS
03/14/22	Graco GrindLazer	1	7,176.00	7,400.00	
03/14/22	Route 463 & Kenas Road Traffic Signal Intersection	1	64,097.00	90,000.00	Exempt
03/14/22	Route 463 & Hartman Road Traffic Signal Intersection	1	51,843.00	75,000.00	Exempt
03/14/22	Route 63 & Bell Run Blvd. Traffic Signal Intersection	1	64,797.00	62,000.00	Exempt
03/28/22	Sassafras Stormwater Pipe Replacement Project	1	387,730.00	340,000.00	Bid
03/28/22	2022 Curb and Curb Ramp Project	1	115,664.00	65,046.00	Bid
03/28/22	2 Canines and Training	2	29,230.04	30,000.00	Exempt
03/28/22	Emergency Radio Communications & Equipment	1	58,472.28	-	Bid
04/11/22	Wi-Fi Upgrades	1	13,490.00	20,000.00	3 Quotes
05/09/22	Website Redesign	1	10,000.00	-	
05/23/22	Vehicle Mounted License Plate Reader	2	36,604.00	30,000.00	COSTARS
06/13/22	Whistlestop Court Projects	1	253,499.25	250,000.00	Bid
06/13/22	416 Stump Road - Concrete Drainage Correction	1	30,175.00	-	COSTARS
06/13/22	Municipal Software	1	248,459.00	300,000.00	RFP
07/11/22	Route 463 & Hartman Road Traffic Signal Intersection - CO	1	19,552.00	-	CO
08/22/22	2022 Road Program - Change Order	1	18,983.20	-	Bid
08/22/22	309 and Montgomery Mall Access Drive N/S	1	1,264,205.80	815,000.00	Bid
09/12/22	HVAC System for the IT Server Room	1	7,995.00	-	Exempt
09/12/22	Bocce Court - Community Recreation Center	2	102,492.00	182,000.00	Bid
09/12/22	Bocce Court - Friendship Park	2	109,388.00	183,000.00	Bid
10/10/22	Squad 18 Fire Truck	1	1,022,385.00	1,200,000.00	COSTARS
10/10/22	Engine 18 Fire Truck	1	<u>949,718.00</u>	<u>1,200,000.00</u>	COSTARS
			6,476,725.03	6,633,425.00	

**DEPARTMENT of FIRE SERVICES  
SEPTEMBER 2022  
MONTHLY ACTIVITY REPORT**

During the month September 2022, the Department of Fire Services performed the following activities:

**EMERGENCY RESPONSES**

	Number of Calls	Average Turnout	Interior Qualified
All Staff	65	8	6
Combo Hours	31	8	7
Stipend Hours	5	7	6
Volunteer Only	29	9	6

**SIGNIFICANT FIRE INCIDENTS**

- 09-16-2022, 544 Dekalb Pike (Courtyard Marriott) Montgomery Building Fire
- 09-18-2022, 917 Sturgis Lane Lower Gwynedd, Dwelling Fire

**ADMINISTRATIVE**

Meetings attended during September:

- DFS Staff Meeting & individual meetings with Staff
- Department Heads meetings with Township Manager
- Meetings with Township Staff
- Township Board of Supervisors Meetings
- FDMT General and Relief Monthly Meetings
- FDMT SWIFT Safety Committee Meeting
- Meetings with Officers and Members of FDMT
- Meetings with Township Codes Department and Inspectors
- Truck Committee Meetings for Squad 18-1 & Engine 18
- GIS Trainings and Meetings
- Meetings with area Fire Marshals & Fire Chiefs
- Emergency Management Meeting & Training
- Meetings with various Vendors
- FDMT Officers' Meeting
- FDMT and FDMT RA Budget Discussion Meeting
- Meeting with County Stakeholders for Youthful Fire Setter Intervention Program
- Meeting with Westrum for Fire Safety Features Review of Plans
- Staff Training at Bucks County Youth Center
- Public Safety Committee Meeting
- Autumn Fest preparation Meetings
- Montgomery County Recruitment & Retention of Volunteers Meeting
- Montgomery County Fire Chiefs Association Meeting
- Montgomery Mall Management
- Glick for review of Pierce Manufacturing Drawings and Proposals
- Temple University Guest Speaker
- Meeting with FDMT Leadership and Financial Advisor

## **COMMUNITY RELATIONS**

Activities were conducted for Fire Prevention and Other Special Events

- 09-01-2022, BCYC Staff Training
- 09-01-2022, Funeral Detail for Adams Family
- 09-10-2022, FDMT Car Wash
- 09-17-2022, Lower Gwynedd Carnival
- 09-18-2022, EZ Storage Motorcycle Show
- 09-29-2002, Todd Stephen's Senior Expo

## **FIRE MARSHAL'S OFFICE**

### **Inspections:**

- Life Safety Fire Inspections/Re-inspections - 48
- Closed Out Life Safety Inspections – 17
- Fire Marshal Follow Ups – 2
- Smoke Detectors (Outside Grant)-7
- Health Department Complaints-4
- Fire Drills-4
- Staff Trainings-1
- Knox Box Installs-1

### **Plans Review Update:**

- Village of Windsor
- Westrum Apartments
- Higher Rocks Townhouses
- Temple
- Caliber Car Wash
- Penn Medicine Building
- Pecan Properties

### **Fire Investigations:**

- 806 West Main Street Lansdale Borough, FM Wiegman

## **DEPARTMENTAL TRAINING**

The following training occurred during the month of August for the Department:

- 18 Classes (203 Staff Attended Classes) for a total 812 Staff Hours
  - Department Hosted Trainings
    - Driver and Pump Operations Training
    - Confined Space Fire & Public Works Refresher
    - Confined Space Rescue Technician Certification
    - Phoenix Training Addiction and Connection to Treatment
    - CPR & First Aid Training
    - Vehicle Rescue Operations & Training
    - Tower Ladder Operations
    - Squad Company Operations

- Department Attended Trainings
  - ProBoard Firefighter 2 Training
  - Advanced Pre-Planning for Complex Properties
  - Pre-Planning Properties
  - Basic Life Support Instructor
  - Building Fire Code Academy
  - DVIT PSU Leadership Training
  - EMS Training
  - Proboard Fire Instructor 2 Certification
  - Montgomery County Emergency Management Training
  - Recognizing and Reporting Child Abuse

#### **DEPARTMENTAL OPERATIONS**

- ESO transition continuing to occur within the Department's Record Management System
- FDMT voted into membership Chris Zimbaro and Brian Graber as volunteer firefighters.
- Truck Committee met to finalize drawings and proposals for the replacement of Engine 18 & Squad 18-1
- Department is preparing 2023 budgets for presentation to the BOS on 10/18/2022.
- FDMT will be utilizing PHS for a medical wellness program for members.
- Department is working with the County to update box maps and response procedures and mutual assistance for incidents.

#### **OFFICE OF EMERGENCY MANAGEMENT & COMMUNITY RISK REDUCTION**

- FEMA Fire Prevention & Safety Grant
  - May 15, June 5 & 26, July 10, August 7 & 21, and September 25
    - Smoke Alarms- 545
    - CO Detectors- 213
    - Home Safety Checks- 133
- Department is working with Hudson Estates for Pre-Planning, Community Educations, and mitigation of fire safety related concerns.
- Township's Emergency Operations Plan was promulgated by the BOS in September.
- EMA Staff will be meeting with the County to review EOP.
- Staff is continuing to develop Township's Continuity of Operations Plan.

## September 2022 Fire Incident Report

Call Type	Montgomery	Mutual Aid
Fire Alarms	18	2
CO Detectors	0	0
Appliances	1	0
Dwelling Fires	0	2
Building Fires	5	2
Fire Officer Investigations	4	0
Building Investigations	0	3
Vehicle Fires	1	0
Vehicle Rescue	0	0
Vehicle Accident Standby	2	0
Fire Police Only	3	0
Rescues (Other)	0	0
Dumpsters	1	0
Trash/Brush/Rubbish	1	0
Electrical Fire Outside	1	0
Gas Odor Outside	2	0
Gas Odor Inside	7	1
Hazardous Materials Incident	0	0
Helicopter Landings	0	0
EMS/Medical Assist	7	0
Police Assist	1	1
Rapid Intervention Team	0	0
Good Intent	0	0
Cover Assignments	0	0
<b>Mont Calls</b>	<b>54</b>	
<b>Away Calls</b>	<b>11</b>	
<b>Total Calls</b>	<b>65</b>	



## Montgomery Township Inter-Office Memo

**To:** Carolyn McCreary, Township Manager  
**From:** Richard Grier, Director of IT  
**Date:** October 20, 2022  
**Subject:** September 2022 Information Technology activities

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The following are the activities of the IT Department for September 2022.

- Completed rollout of all tablet devices for the Department of Fire Service staff.
- Created new logins and email for each planning inspector
- Reconfigured payroll associates PC and wiring to accommodate new work surfaces
- Attended and processed the September 12<sup>th</sup> and 26<sup>th</sup> BOS meetings for broadcast.
- Rolled out new smartphone for Township Manager
- Setup OneDrive dashboard to monitor any issues with cloud document sync and backups
- Finalized Microsoft Volume Licensing agreement
- Ordered new iPads for DPW staff
- Complete the 2023 IT Budget
- Met with Omega to plan and coordinate firewall migration
- Purchased and configured push-to-talk devices for Autumn Fest
- Resolved issue with mobile app management server pushing and updating applications
- Purchase new firewall for Battalion 2

### Scheduled Projects for October 2022

- Present 2023 IT Budget
- Upgrade Fire Chief PC
- Complete cutover to the new firewall and fiber circuit for the Township building
- Start DPW iPad roll outs

# DEPARTMENT OF PLANNING & ZONING

## September 2022

**Permits Submitted – 116**

*(September 2021 – 112)*

**YTD Permits Submitted – 973**

*(2021 YTD – 114)*

**Permit Fees Collected - \$ 49,864**

*(September 2021 – \$44,322)*

**2022 YTD Permit Fees - \$ 440,502**

*(YTD 2021 - \$ 509,325)*

**Violations / Complaints Investigated – 17**

**Permits Issued – 117**

**Zoning Hearing Board Applications heard: 1**

### Non-Residential Certificates of Occupancies Issued - 3

Paletti USA LLC	108 D Park Drive	Storage & Assembly – Aluminum Extrusion
Asurion Tech Repair & Solutions	917 Bethlehem Pike	Name / Ownership Change only
Salt Korean BBQ	1222 Welsh Road	restaurant

### Active Land Development Projects:

PROJECT NAME	LDS#	LOCATION	APP. DATE	MTPC	STATUS	
510 Bethlehem Pike – King	688	Bethlehem Pike	4/22/16	5/16/19	REVISED PLANS SUBMITTED	Approved On Hold by Developer
Higher Rock – Phase 1 & 2	694	Bethlehem Pike	12/18/17		Phase 1 Completed Phase 2 Under Construction	Design Center and Office Building under construction
Montgomery Realty Assoc. - 744 Bethlehem Pike	701	740 Bethlehem Pike	10/29/18		Building Permits Issued	Project Under Construction
Villages at Windsor	704	Horsham and North Wales – Vacant Lot	3/22/19		Under Review	Preliminary Approved July 2022
Bharatiya Temple – phase 2	707	County Line Road	8/14/19		Approved with conditions Jan 2022	Pending Resubmission
Fahy – 276 Stump Road – 2 Lot Subdivision	708	Stump Road	10/31/19		Conditional Approval 6.14.21	Awaiting Bldg Plans
Redners Gasoline Filling Station	709	1200 Welsh Road	12/16/19		Conditional Use & LD Approval Granted	Project cancelled by Applicant
Shake Shack	716	804 Bethlehem Pike	9/9/21		Approved with Conditions 1.28.22	Bldg Permit issued site work underway
Walnut Knoll	713	1109-1107 Vilsmeier Road	2/3/21		Conditional Approval 2-Lot Subd. 5.21.21	Under construction
Krispy Kreme	714	Montgomery Square Shopping Center	2/16/21		Approved with Conditions 9.9.21	Pending Final Submission
Westrum Lifestyle Apartments	717	13-17 Bethlehem Pk behind Roadway Inn	12/28/21	3/17/22	BOS Approval 3.28.22	Plans recorded 10/20/22
Caliber Carwash / LUV Car Wash	722	739 Bethlehem Pike	7/21/22	9/15/22	CU Approval 2.28.21 BOS agenda 10/24	
Pecan Properties	719	901 Lansdale Ave	1/4/22	3/17/22	LD Cond. Approval Granted	Pending Resubmission
Harbor Freight	720W	978 Bethlehem Pike	1/24/22	n/a	BOS waiver approval 2/14/22	Project completed
Higher Rock Townhouses	721	Bethlehem Pike	3/30/22	9/15/22	BOS 10/24 agenda	
Allman Lot Line Adjustment	723	Kenas Road	8/3/22	8/18/22	BOS approved 9/12/22	



# MONTGOMERY TOWNSHIP POLICE DEPARTMENT



## Monthly Activity Report for September 2022

<b>Crime Data:</b>	Total Calls for Service:	2,499
	Total Part I Crimes:	26
	Total Part II Crimes:	104
	Total Criminal Arrests:	58
<b>Crash Data:</b>	Total Crashes:	88
	Reportable Crashes:	27
	Non Reportable Crashes:	61
	Injuries:	21
<b>Traffic Enforcement Activities:</b>	Traffic Stops:	713
	Traffic Citations:	398
	Warning Notices:	14
	Field Contact Cards:	446
	Traffic Complaints Received:	35
	Selective Enforcements:	163
<b>Other Police Activities:</b>	Assist Fire Department:	32
	Building Alarms:	95
	Direct Patrols:	346
	Lockouts:	11
	Medical Assistance:	156
	School Walk-Through:	15
	Vacant Home Checks:	8
	Training Hours:	771
<b>Specialty Unit Usage:</b>	Canine Unit:	12
	Mobile Incident Response Team:	0
	Montgomery County SWAT-CR:	1
<b>Personnel Overtime:</b>	Court Overtime:	15
	Regular Overtime:	73.25
	Reimbursed Highway Grant Overtime:	136
	Reimbursed Special Duty Overtime:	26
	Non-Sworn Overtime:	261
	Sworn Comp Time:	56
	Non-Sworn Comp Time:	0

**Montgomery Township Police Department**  
**Monthly Activity Report**  
**September 2022**

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**COMMENDATIONS:**

On September 6, 2022, a note was received from Brian Lovna thanking officers for their service to the Montgomery Township Community.

On September 10, 2022, a message was received from Vice-Principal John DeSimone thanking officers for their assistance at a recent event at Bridle Path Elementary.

On September 21, 2022, a call was received from Richard Lepps thanking Officer Seydel for his professionalism during a recent call for service.

On September 27, 2022, a message was received from Mohammad Kahn thanking Officer Shearer for his assistance when his vehicle became disabled.

On September 30, 2022, a message was received from Michael Gormley thanking Officer Dobson for her compassion and professionalism during a medical assistance call.

**EDUCATION:**

From September 5, 2022, to September 30, 2022, Officer Haber and canine Riggs attended Canine Patrol and Narcotic training at Tarheel Canine Training in Sanford, North Carolina.

From September 6, 2022, to September 8, 2022, Officer Moran and Officer Orrison attended Montgomery County Emergency Services Crisis Intervention Specialist training in Norristown, PA.

On September 7, 2022, Officer Rushin attended SWAT-CR training at the Montgomery County Public Safety Training Campus.

From September 26, 2022, to September 30, 2022, Detective Sergeant Davis and Sergeant Ward attended the Federal Bureau of Investigations' Executive Leadership Institute training at the Bucks County Public Safety Training Center.

On September 28, 2022, Officer Schreiber, Officer Woch, and Officer Rose attended Canine In-Service training in Montgomery Township, PA.

During September, officers from the department attended Active Shooter training at the Chester County Public Training Safety Campus Tactical Village facility.

**Montgomery Township Police Department  
Monthly Activity Report  
September 2022**

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**NOTED INCIDENTS:**

On September 1, 2022, officers responded to the area of Bethlehem Pike and Route 202 Parkway for a suicidal subject with a handgun. Officers were advised that the subject stated he was in an abandoned restaurant in the area. Upon arrival, officers located the subjects' vehicle at a vacant restaurant on Garden Golf Boulevard, with the driver's door standing open. Officers spoke with the subject by phone and asked him to exit the building. The subject was despondent, refused to exit the facility, and terminated the phone call. Officers continued to contact the subject, who advised that he planned to take his life by forcing officers to shoot him. Negotiators were requested from Montgomery County SWAT-CR in an effort to have the subject surrender. Additional resources, including additional less lethal munitions and drone surveillance equipment, were requested. After nearly five hours, officers were able to take the subject safely into custody. The subject was immediately treated on scene by paramedics and then transported to the appropriate professionals for mental health treatment.

On September 3, 2022, officers responded to the Quality Inn on Bethlehem Pike for a domestic in progress. Upon arrival, officers met with the caller, who advised that a male and female were involved in a physical altercation. Officers made contact with the victim, who stated that the male made verbal threats towards her before striking her in the face and choking her. The male was no longer on location. Officers observed recent physical injury indicative of a struggle. Officers obtained an arrest warrant for the male charging him with simple assault and related offenses. The male was subsequently taken into custody by Chester County officials for the arrest warrant.

On September 3, 2022, officers responded to Bethlehem Pike and Doylestown Road for a vehicle crash in which the vehicle fled from the scene. Upon arrival, officers located a streetlamp and utility pole on the northeast corner of the intersection that had been sheared off at the base. A passenger side view mirror from a large pick-up and a Ford emblem were located at the scene. Officers utilized the fixed license plate reader on Bethlehem Pike to locate a possible vehicle that was involved. Officers were able to track the striking vehicle to a business in the 1200 block of Bethlehem Pike. The vehicle had damage to the front end, consistent with hitting a pole, and the passenger mirror was also missing. Officers located the owner and operator of the striking vehicle, who stated that he did not contact or wait for police because he had to open his business. The operator was charged with leaving the scene of an accident involving damage to unattended property.

**Montgomery Township Police Department**  
**Monthly Activity Report**  
**September 2022**

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On September 9, 2022, officers conducted a traffic stop of a red Nissan on Bethlehem Pike at Line Street for a motor vehicle violation. As the vehicle began to pull over, officers observed the three occupants in the car making furtive movements. Officers cautiously approached the car and instructed the occupants to exit the vehicle. Two of the occupants complied, while one did not. Officers learned from the compliant occupants that the rear-seat passenger was under the influence of PCP. Officers were able to detain the back-seat passenger safely, and a consent search of the vehicle was conducted. The search yielded twenty-eight bags of heroin. One subject was taken into custody for violations of the Drug Act, while the other occupants were released from the scene.

On September 10, 2022, officers responded to Rite Aid Pharmacy on Dekalb Pike for a retail theft that had just occurred. Upon arrival, officers spoke with the caller, who advised that she observed a subject pass all points of sale carrying a red and white reusable shopping bag containing items belonging to the store. The subject proceeded across the front parking lot and entered a white Toyota. The manager also advised that she received an internal intelligence bulletin about the subject earlier in the day from Rite Aid's Organized Internal Retail Crime Investigation Team, advising that he had been involved in numerous retail thefts in the Philadelphia area. The manager identified items totaling over \$700.00 that the subject stole during this incident. Upon review of the store video, officers recognized the subject as the same subject our department wanted for another retail theft. Cheltenham Township Police Department later stopped the subject's vehicle as it exited Southbound Route 309. The subject was taken into custody and charged with multiple retail thefts and related offenses.

On September 14, 2022, officers responded to Wegman's on Bethlehem Pike for the report of a retail theft in progress. Wegman's Asset Protection observed a subject load over \$600.00 in baby formula into reusable bags and place them inside her shopping cart. Asset Protection related that this subject is known to Wegmans as she and an accomplice had committed retail thefts inside other stores. The subject was observed walking through the self-checkout, passing all points of sale without rendering payment for the items she selected. The subject exited the store and entered a waiting silver Pontiac driven by a second subject. Officers located the vehicle traveling south on Bethlehem Pike. A traffic stop was conducted at Gwynedd Crossing Shopping Center. Officers observed the stolen merchandise lying in plain view inside the vehicle. Wegman's Asset Protection was transported to the traffic stop and positively identified the subjects in the retail theft. Both suspects were taken into custody for retail theft and related offenses.

On September 17, 2022, officers responded to the Montgomery Mall on Bethlehem Pike for a suspicious person. Mall security called the police stating a subject was wearing a Halloween mask and carrying a weapon. Upon arrival, officers determined there was no danger to

**Montgomery Township Police Department**  
**Monthly Activity Report**  
**September 2022**

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the public. The subject had special needs and was wearing a Halloween costume. The subject was with his mother, who was having difficulty getting her child to leave with her. Officers retrieved sensory toys from their vehicles to establish a rapport with the subject. The subject was not interested, but officers noticed the subject was interested in the police canine. Officers introduced the subject to the police canine. After a short period of petting the canine and discussing the canine's roles in the department, the subject got in his mother's vehicle and left.

On September 20, 2022, officers conducted a traffic stop on a black Toyota on North Wales Road and Knapp Road for a motor vehicle violation. Officers approached the vehicle and spoke with the driver and front-seat passenger, who both appeared visibly nervous. While speaking with the occupants, officers observed an infant in the rear seat, an open beer container, and a glass pipe with suspected methamphetamine residue inside. While officers conducted a routine record check in their patrol vehicle, they noted the passenger was making furtive movements toward the floorboard. Officers returned to the vehicle and inquired about what was being concealed in the vehicle. The passenger became argumentative, and the occupants began to give inconsistent stories to officers. Officers believed illegal contraband was being concealed in the vehicle. Officers impounded the vehicle and applied for a search warrant. The search warrant was granted, and the vehicle was searched. The search yielded a handgun that was not registered to either occupant, 60 grams of methamphetamine packaged for sale, 75 Diazepam and Dilaudid pills and 130 grams of marijuana packaged for sale. Officers charged the passenger with weapons violations and violations of the Drug Act, including possession with intent to deliver.

On September 22, 2022, officers responded to a residence on Dayton Drive for a report of a completed burglary. Upon arrival, officers spoke with the homeowner, who stated she left her residence at 9:30 am for work. She and her husband returned home at 9:45 pm. The homeowners went upstairs and discovered that their bedroom had been ransacked. The homeowners reported that \$8,000.00 in cash and \$14,000.00 in jewelry had been taken. The actor(s) entered the home by shattering a rear glass sliding door. Detectives responded to the residence, photographing and processing the scene. DNA swabs were collected and submitted to the Pennsylvania State Police Lab for analysis. The neighborhood was canvassed to obtain further information, and residents were requested to check their security cameras for suspicious activity. This investigation is ongoing.

On September 27, 2022, officers responded to the Home Depot on Horsham Road for a theft. The caller advised that he had witnessed several subjects leave the Lowe's Home Improvement store with stolen merchandise and enter a green Chevrolet. The subjects then drove to Water

**Montgomery Township Police Department**  
**Monthly Activity Report**  
**September 2022**

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Tower Square Shopping Center and entered the Home Depot. Upon arrival, officers observed the green Chevrolet attempting to leave the shopping center. Officers stopped the vehicle and made contact with three subjects matching the descriptions provided by the witness. The front passenger was identified and admitted to committing a theft at Lowe's. Further investigation revealed he had an active arrest warrant for a probation violation from Delaware County. The rear passenger had several outstanding warrants from Georgia and Florida and was found to be in possession of marijuana. Over \$500.00 of stolen merchandise was located in the vehicle and returned to Lowe's. Upon further investigation, it was determined that all three vehicle occupants conspired to commit the retail theft at Lowe's. All three occupants were charged with retail theft and related offenses.

**ITEMS OF INTEREST:**

On September 10, 2022, Officer Johnson conducted a child fingerprinting event at Montgomery Township Community Recreation Center.

On September 12, 2022, Officer Moran successfully completed the Field Training Program and was assigned to Squad 3.

On September 20, 2022, Officer Johnson conducted a Fraud Prevention seminar at the Village of Neshaminy Falls Clubhouse.

On September 26, 2022, Officer Orrison successfully completed the Field Training Program and was assigned to Squad 1.

On September 29, 2022, members of the department attended Representative Todd Stephens Senior Expo held at the Montgomery Township Community Recreation Center.

**UPCOMING EVENTS:**

October 10, 2022: Emergency Services Night at Wegmans

October 15, 2022: Montgomery Township Autumn Festival

October 27, 2022: Gettysburg Supervisor Leadership Retreat

October 31, 2022: Halloween Candy Distribution

# Montgomery Township Public Works Department

## Monthly Report – September 2022

### PARKS/OPEN SPACE:

- Routine maintenance & repairs, mowing & trimming, trash removal, playground inspection and equipment maintenance
- Larry & Scott D. repaired the water fountain at Fellowship Park.
- Larry & Scott D. sprayed weed control around all the fences and trees at William F. Maul Park at Windlestrae and Windlestrae Park – Rose Twig.
- Placed the second new hockey net on the courts at Windlestrae Park – Rose Twig.
- Larry & Scott D. repaired the emergency entrance gate at William F. Maule Park at Windlestrae for Autumn Festival.
- Dale took the Pesticide Core Test on September 12, 2022.
- Scott D., Scott Y., Greg & Larry attended classes to obtain pesticide credits to maintain their licenses.
- Larry slit-seeded the athletic fields at all Township owned parks.
- The following tree work was done throughout the Township:
  - ✓ Scott D., Scott Y., Dale, Chris & Larry took down one (1) dead Oak tree from Township property on Claremont Drive.
  - ✓ Trimmed dead branches for the tot-lot at Spring Valley Park (Upper) with a rented aerial lift.
- Josh, John & Chris attended the First Aid and CPR training held at CRC on September 21, 2022.
- Larry, Dale, Josh, Chris & Scott Y. spread wood carpet on all the Township owned park tot-lots.
- Musco Sports Lighting repaired outages for the athletic fields at William F. Maule Park at Windlestrae & Spring Valley Park

### ROADS:

- Scott S., Steve, Bill, Bryan & Joe repaired several sinkholes around the Township due to failing storm water pipes.
- Steve, Bill, Bryan, Joe & Josh finished curb sealing the newly paved Township roads.
- Bill, Bryan & Joe began sweeping Township roads as part of the MS4 Stormwater requirements.
- Scott S., Steve, Joe & Bill painted several sets of vascar lines for the Police Department throughout the Township to aid in the reduction of speeders.
- Josh & Bryan performed routine pre-storm drainage cleanouts.
- The entire Road crew attended the Confined Space Refresher Course on September 13<sup>th</sup>.
- Scott S. measured the roads to be paved in the 2023 Paving Project.
- Scott S. & Steve dug a 200' swale at Friendship Park to redirect runoff from the walking path.
- Bill & Joe dug a 120' swale along Line Street to redirect runoff into the creek.
- Scott S., Steve, Bill, Bryan, Joe & Josh continued painting several intersections throughout the Township.
- Scott S. inspected various road occupancy permits throughout the month.
- Steve & Joe performed miscellaneous storm sewer inlet rebuilds throughout the Township.
- Kevin performed routine maintenance and inspections on several Township vehicles and trailers.

### FACILITIES:

- Interstate Building Maintenance Corporation continued cleaning the Administration & Police Department complex.
- Dave turned on the MMR School lights for the 2022-2023 school year.

- Todd & Dave installed automatic flushers on the toilets and urinals in the men's and women's restrooms at William F. Maule Park at Windlestrae.
- 9/7/22 – Doylestown Road & County Line Road – Inoperable Pedestrian Push Button - Armour & Sons Repaired
- 9/14/22 – Streetlight at Bell Run Boulevard & Freedom Drive – Struck by Vehicle – Repaired wiring, replaced metal base and pole.
- K J Door installed a new door with an electronic lock for the future safe room.
- 9/22/22 – Scatton's H & C installed a new AC unit in the basement IT room.
- Removed 3 streetlights on Tree Line Drive to pour new concrete bases and reinstall the streetlights.
- The entire Facilities crew attended the Confined Space Refresher Course on September 13<sup>th</sup>.
- Peter Erndwein performed the Annual Risk Control Survey of the Township on September 29, 2022.
- Dave, Don & Larry responded to a total of 225 PA One Calls throughout the month.
- Dave worked with Gilmore, Rhythm Engineering and Tony Still to address ongoing traffic signal issues.

Filters **Scene Zone** MONTGOMERY - MONTGOMERY TOWNSHIP (46940) | **Months in ESO Record Created Date** Last Month

TOTAL ZONE CALLS: **172**

TOTAL VMSC CALLS: **925**

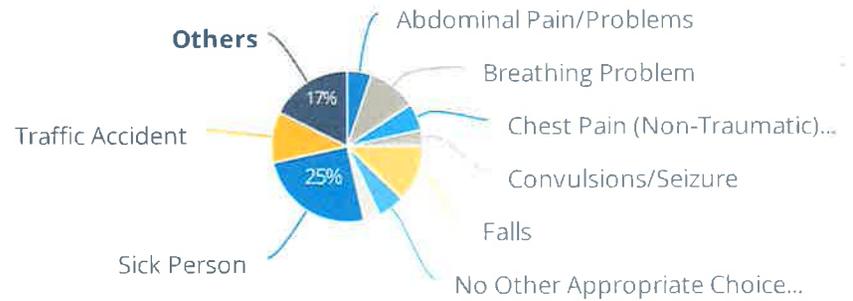
Average Chute Time: **77.40**

Average Response Time: **08m:19s**

Top 5 Call Types

Type of Incident	#
Sick Person	43
Falls	21
Traffic Accident	19
Breathing Problem	18
Chest Pain (Non-Traumatic)	10

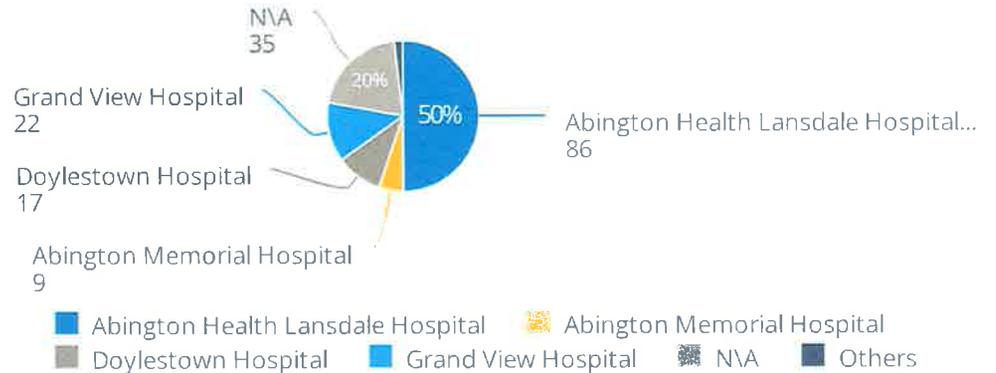
Dispatched Complaint Percentages



Call Disposition

Disposition	#
Transported No Lights/Siren	94
Transported Lights/Siren	43
Patient Refused Evaluation/Care (Without Transport)	16
Patient Treated, Released (per protocol)	10
Assist, Unit	5
Cancelled (No Patient Contact)	3
Cancelled on Scene/No Patient Found	1

Hospital Transports





Custom v Sep 1, 2022 - Sep 30, 2022 v

85%

FIRE  
Percentage of Total Incidents

15%

EMS  
Percentage of Total Incidents

65

INCIDENTS  
in Selected Time-Period

30

DAYS  
in Selected Time-Period



	Counts	% Rows	% Columns	% All
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Week Ending	9/4/22	9/11/22	9/18/22	9/25/22	10/2/22	10/9/22	10/16/22	10/23/22	10/30/22	11/6/22	11/13/22	11/20/22	11/27/22	Total
(11) Structure Fire			1											1
(13) Mobile property (vehicle) fire				1										1
(14) Natural vegetation fire	1													1
(15) Outside rubbish fire				1										1
(31) Medical assist	1	2	1	1	2									7
(32) Emergency medical service (EMS) incident		2			1									3
(41) Combustible/fl... spills & leaks	2	5			3									10
(44) Electrical wiring/equipm... problem		1	1	1	1									4
(50) Service call, other		1												1
(55) Public service assistance		1	1	1	1									4
(60) Good intent call, other			1											1
(61) Dispatched and canceled en route	2	1		1	1									5
(65) Steam, other gas mistaken for smoke			3	1	1									5
(70) False alarm and false call, other	1	2												3
(73) System or detector malfunction		2	2											4

Week Ending	9/4/22	9/11/22	9/18/22	9/25/22	10/2/22	10/9/22	10/16/22	10/23/22	10/30/22	11/6/22	11/13/22	11/20/22	11/27/22	Total
(74) Unintentional system/detect... operation (no fire)	1	3	3	5	2									14
Total	8	20	13	12	12									65

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

Item #20

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SUBJECT: New Business – Committee Board Liaison Reports  
MEETING DATE: October 24, 2022  
BOARD LIAISON:  
INITIATED BY: Tanya C. Bamford, Chairwoman

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BACKGROUND:

This is an opportunity for any Supervisors who are liaisons to volunteer committees or boards who may have met in the month of September to provide an update on those meetings.