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

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

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

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

MEETINGS	DATE AND TIME
Planning Commission Committee	August 23, 2016 @ 7:30 p.m.
Code Enforcement Committee	August 29, 2016 @ 7:00 p.m.
Board of Commissioners	September 8, 2016 @ 7:30 p.m.

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

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

Mark A. Penecale
Planning & Zoning Officer

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

Township of Abington
APPLICATION FOR APPROVAL OF PLAN

Submission Date 7/25/16 Application No. SD-16-07

To the Board of Commissioners of the Township of Abington:

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

Signature of Applicant

Signature of Land Owner

Title of Plan Submitted: Plan of Subdivision prepared for Robert Morris

A. Plan Type:

X Minor Subdivision
____ Preliminary Major Subdivision
____ Final Major Subdivision
____ Preliminary Major SD & LD
____ Minor Land Development
____ Pre Major Land Development
____ Final Major Land Development
____ Final Major SD & LD

B. Plan Identification:

Plan Dated: 6/28/16 Engineer: Nick T. Rose, P.E., ProTract Engineering, Inc.

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

Split two lots into three, one lot (#1) is to continue to support existing dwelling, one lot (#2) will have an existing dwelling replaced, and the other (#3) contains a house under construction.

C. Property Identification:

Address/Location 1511 Susquehanna Road, Rydal, PA 19046

between streets Rydal Road and Cherry Lane/Sewell Lane

(continued on next page)

Township of Abington
APPLICATION FOR MODIFICATION OF PLAN

Submission Date 7/25/16 Application No. SD-16-07

To the Board of Commissioners of the Township of Abington:

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

Signature of Applicant

Signature of Land Owner

Title of Plan Submitted: Plan of Subdivision prepared for Robert Morris

A. Plan Type:

X Minor Subdivision
___ Preliminary Major Subdivision
___ Final Major Subdivision
___ Preliminary Major SD & LD
___ Minor Land Development
___ Pre Major Land Development
___ Final Major Land Development
___ Final Major SD & LD

Regulation Topic	Section #	Extent of Modification Requested
Property Identification	146-11.A & 146-11.B	(Partial Waiver) To not include all properties & existing features within 400 feet of the site.
Street Plan	146-11.F.b	To not require profile plans, as no new streets are proposed
Phasing Plan	146-11.I	To not require a phasing plan with defined timelines
Recreational Facilities Plan	146-11.J	To not require a recreational facilities plan
Architectural Plan	146-11.L	To not require tentative architectural plans (architecture is unknown at this time & a tentative plan would provide no benefit)
Right of Way Width	146-24.D.1	To allow the existing 22' and 33' wide cartways in lieu of the required widths
Curb, Gutter & Sidewalk	146-27	To not require sidewalks and curbs along Susquehanna Road or along Rydal Road
Lots	146-30.1	To allow the lot shapes as shown
Street Lighting	146-38	To not require additional street lighting

Fees acknowledged and modification request received:

RECEIVED
JUL 25 2016
BY:

Signature of Official

Date

D. Applicant Identification:

Applicant Robert Morris
Address 1000 Dekalb Pike, Ambler, PA 19002 Phone 215-

Land Owner same as applicant, and Rydal Project LLC
Address 1511 Susquehanna Road, Rydal, PA 19046 Phone

Equitable Land Owner
Address Phone

Architect
Address Phone

Engineer Nick T. Rose, P.E., ProTract Engineering, Inc.
Address P.O. Box 58, Hatboro, PA 19040 Phone 215-442-9230

Attorney
Address Phone

IMPROVEMENTS PROPOSED	UNITS	ESTIMATED COST
Streets		
Street Widening		
Street Signs		
Street Lighting		
Curbs		
Sidewalks		
Storm Sewers		
Water Supply		
Fire Hydrants		
Sanitary Sewers		
Monuments		
Shade Trees		
Open Space		
Park Lane		
Other		
Total Cost:		

Fees received from applicant:

Rec # 882185
Rec # 882186

Application Fee 300.00 Check # 1050
Review Escrow 2500.00 Check # 1049
Total 2800

RECEIVED
JUL 25 2016
BY:

Fees acknowledged and application accepted as complete:

Signature of Official

Date

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

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

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

August 10, 2016

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

Dear Mr. Rose,

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

Code Enforcement Department:

1. The plan calls for the demolition for the existing carriage house and the construction of a new single family dwelling on Lot #2. If this plan is approved, the applicant is required to submit sealed architectural plans that comply with the residential construction code adopted by the Township of Abington at the time of submission. (BP)

2. All contractors and sub-contractors working on this site are required to be registered with Attorney General's Office of the Commonwealth of Pennsylvania. (BP)

3. Separate permits are required for all electrical, heating, air conditioning and the construction of any structures. (BP)

Plumbing Inspector's Office:

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

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

Fire Marshal's Office:

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

Engineering Office:

7. Sanitary sewers flow to the Rydal Pumping Station on Valley Road which pumps to the Pennypack Interceptor; which flows to the Northeast Philadelphia treatment facility. Therefore, sanitary sewers are available for this area and are NOT affected by the DEP/Cheltenham Township moratorium.

8. Upon approval of this plan, the applicant shall provide the township with three (3) new executed (signed, notarized and recorded) deeds. This is a requirement of the subdivision process. The Township Engineer will not sign the final plan unless this is completed.

9. The plan does not indicate Concrete Monuments to be set at any of the new property corners. The plan must show Concrete Monuments (Iron Pins are not acceptable) for any new property corners. Additionally, upon approval of this plan, the applicant shall install said concrete monuments. This is a requirement of the subdivision process. According to my calculations, there are nine (9) corners where monuments will be needed.

10. Susquehanna Road is a State Road (SR 2017). All work in the State Road and the R.O.W. must be approved/permitted with PennDOT prior to start of construction.

11. All sanitary pipe placed within the R.O.W. & street areas shall be ductile iron pipe. Plastic/PVC is not acceptable within the R.O.W. area.

12. The applicant has indicated the abandoning several on-site sewer pipes and/or manholes. All on-site sewer apparatus (septic tanks, sewer manholes, pipes, etc.) that is to be abandoned or removed shall be done so in accordance with state and county guidelines. The applicant will need to contact the Director of Wastewater Utilities to schedule the capping of said pipe.

13. With regards to the sanitary laterals for both Lots #1 and #2, the plans indicate them being connected into a manhole in Susquehanna Rd. We would rather see a 6" pipe extended from the existing manhole and a new manhole positioned off the cart-way, near the ROW line, and then both laterals connected to it.

14. We suggest that the Director of Wastewater Utilities, George Wrigley, have an opportunity to review these plans.

15. Proposed Lot #1 will now encompass the sanitary sewer lateral for 1112 Rydal Rd (Lot #3). An easement will have to be created and filed with the deeds for both properties.

16. The plans indicate a gas line and communication line crossing the top-right property (which is labeled incorrectly) for Proposed Lot #1. An easement will have to be created and filed with the deeds for both properties.

17. The property above "Lot 3" is identified incorrectly. The correct parcel number is 30-00-64468-02-3 and is addressed as 1140 Rydal Ave.

18. The "FEMA 100 Year Floodplain" line has changed as of March 2, 2016. The applicant should make the change on these plans.

19. The plans indicate many grates around the existing dwelling on Prop Lot 1. We would like to know where these storm pipes (assumedly) extend and discharge. We cannot allow storm lines to traverse another property without their knowledge or without ROW.

20. The proposed/conceptual Storm Water Management (SWM) design/seepage pit for "Lot 2" is adequate for the subdivision process. However, as per the Township SWM Ordinance (Ord. No. 1910), the applicant must submit a SWM design plan and SWM report that includes both properties.

21. Before a Building Permit is issued, the applicant is required to apply for a Storm Water Management (SWM) permit from the Engineer's Office. The fee for said permit is $110/ per property. The applicant will also need to provide an escrow in the sum of $250/per property, for inspection of the SWM system for the next five (5) years [$50 inspection fee per year times five years = $250.] The seepage pit will be the responsibility of the new homeowner and will be inspected by the Township on a yearly basis. The contractor must schedule with the Engineering Department an inspection of the storm-water collection system(s) during the construction.

22. The address for Lot 1 will remain 1511 Susquehanna Road. The address for Lot 2 will be 1523 Susquehanna Road.

Planning Zoning Office:

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

24. Demolition permits are required for the removal of the existing carriage house, shed and barn located on Lot #2.

25. Architectural plans are required to be submitted for the proposed new single family dwelling.

26. Engineering Comment #18 states that the limits of the 100 year flood plain have been revised. The plan needs to reflect this change and the review of this application cannot be completed until the location of flood plain has been plotted.

27. Tree protection measures need to be shown for the 54 inch Beech tree plotted on Lot #2. The tree protection detail shown on sheet #4 will not work for this tree. The proposed single family dwelling is plotted as being as much as 10 feet within the drip line of the Beech tree.

28. The required easement language for the sanitary sewer and other utilities must be submitted for review and approval by the Township Solicitor.

29. The applicant is required to submit the details of the proposed on-site storm water management system proposed to be used on Lot #2.

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

    A. **Section 146-11.A - Property Identification Plan** – The plan is required to supply the tax parcel information, owner's name & lot area for all properties within 400 feet of the site(s) involved in this application. Staff supports this request.

    B. **Section 146-11.B – Existing Features Plan** – The plan is required to plot the location of all utilities on the sites and within 400 feet of the properties involved in this application. Staff supports this request.

    C. **Section 146-11.C – Proposed Layout Plan** – The plan is required to plot the location of all existing utilities, to include the size, type and depth of all existing improvements proposed to remain and be removed. Staff supports this request.

    D. **Section 146.11.E – Soil Erosion Control Plan** – The applicant is required to include soil erosion control measures for this application. Staff is not in favor of this waiver.

    E. **Section 146-11.F – Street Improvement Plan** – The applicant is required to submit a profile plan of the streets involved in this application. No profile plan has been submitted. Staff is in favor of this waiver.

F. **Section 146-11.I – Phasing Plan** – No phasing plan has been submitted. Staff is in favor of this waiver.

G. **Section 146-11.L – Architectural Plan** – An architectural plan is required to be submitted with this subdivision plan. A rendering of the proposed single family dwelling has been submitted. Staff is not in favor of this request.

H. **Section 146-24 – Right-of-Way Width** – To allow the paved surfaces within the right-of-way to remain as currently installed. Staff is in favor of this request.

I. **Section 146-27 – Sidewalks, Curbs & Gutter –** The applicant is required to install full street improvements along the frontages of Susquehanna Road and Rydal Road for the lots involved in this applications. This request was approved on the prior application.

J. **Section 146-30 – Lot Shape** – The Ordinance states that irregular shape lots are to be avoided. Lot #1 and Lot #3 are considered to have an irregular shaped. Irregular shape lots can be problematic when installing fences, accessory structures and with property maintenance related issues.

K. **Section 146-38 – Street Lighting** – The applicant has requested a waiver for the installation of additional street lighting. Staff is in favor of this request.

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

Sincerely,

Mark A. Penecale
Planning & Zoning Officer

Cc: Lawrence T. Matteo, Jr.; Director of Planning & Code Enforcement
Michael E. Powers; Abington Township Engineer
Jon Messina; Abington Township Building Inspector
Ken Clark; Abington Township Fire Marshal
File Copy (2)

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

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

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

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

Present at the hearing were:

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

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

Findings of Fact

1. The name and address of the applicant and owner is Robert Morris, 1000 Dekalb Pike, Ambler, PA 19002.

2. The applicant was represented by John Filice, Esq., law firm of Rubin, Glickman, Steinberg and Gifford.

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

4. The Applicant is a builder.

5. After proper advertising and posting, a hearing was held on Tuesday, March 15, 2016.

6. The following exhibits were submitted at the hearing on March 15, 2016:

   B-1 Proof of Publication
   B-2 Certification of Posting of the Property by Mark Penecale
   A-1 Formal Application
   A-2 Site Plan prepared by ProTract Engineering dated 2-2-16.

7. The applicant's Engineer testified that the Property is about three acres of land. AT the rear of the property there is a large house and in the front of the property right on Susquehanna Road is a carriage house that is also occupied as a residence (Carriage House).

8. This Property was created by a three (3) lot subdivision of a property in 2014.

9. That subdivision created three (3) lots within the Property consisting of the existing home and Carriage house and two other undeveloped building lots.

10. The LLC of which the Applicant is a member is currently building houses on those two lots.

11. The LLC purchased the two building lots and the applicant purchased the Property which is the subject of this application on the same day.

12. The applicant's Engineer testified that the Applicant wants to further subdivide the Property into two parcels each of which would have a residential dwelling.

13. The Applicant then intends to raze the Carriage House and build a new residential dwelling.

14. The result of the above would be to accomplish what the original subdivision could not accomplish which is to have a four (4) lot subdivision rather than a three lot subdivision.

15. When the original subdivision was approved the Applicant's Property contained the house and the Carriage House.

16. When the Applicant purchased the Property he knew that the Property contained the house and the Carriage House.

17. The Property can continue to be used for the house and the Carriage House.

18. The Applicant stated his hardship is that the Carriage House residents need to walk up the long driveway to pay their rent.

19. The Applicant has no legal hardship and can continue to use the Property as a house and a Carriage House.

20. Section 801.B.7 states that every lot must abut a street for the minimum required district lot width and Section 301.3 of the Abington Township Zoning Ordinance (the Ordinance) requires a minimum lot width of 200 feet in the R-1 Residence District.

21. Section 201 of the Ordinance defines Lot Width as "the distance measured between lot lines, other than the front and rear lot lines, at the building setback line.

22. The lot width of the Applicant's proposed lot A is 42.51 feet. Therefore a variance is required from Section 801.B.7.

23. The Applicant did not meet his burden of proving entitlement to a variance.

24. The Property which contains the house and the Carriage House has been used for decades and can continue to be used.

25. Any hardship would be self imposed since the Applicant purchased the Property knowing how it was permitted to be used and the Property can continue to reasonably be used as a single family dwelling with a Carriage house as it has been used without any zoning relief being required.

26. A landowner's desire to subdivide land from an existing lot or maximize development potential is not a legal hardship creating entitlement to a variance.

27. The Applicant testified that if yhe variance was not granted that the status quo would continue and the tenant would continue to remain in the Carriage House under the current agreement.

28, The Property can be used as presently zoned as a single family home with the Carriage House.

Conclusions of Law

1. The Board finds that granting this application would adversely affect the health, safety, and welfare of the neighborhood.

2. The Owners of the Property have the reasonable use of the Property as it is presently zoned and used.

3. The Board finds that the Applicant has failed to demonstrate a hardship necessary for the granting of the requested variance in this application.

4. The Applicant did not establish entitlement to a variance under the standards set forth in the Municipalities Planning Code and the Abington Township Zoning Ordinance.

5. Even under the relaxed standards of Hertzberg, the Applicant has not established a hardship.

6. Under the circumstances of this matter, the Applicant has not met the burden in establishing a hardship in this application.

7. Approving this application would necessitate a potential violation of Section 801.B.5 of the Ordinance.

Opinion and Order of the Board

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

Zoning Hearing Board of the Township of Abington

(Aye)
Michael O'Connor, Chairperson

(Aye)
Barbara M. Wertheimer, Esq., Vice Chair

(Aye)
John DiPrimio, Member

Linda J. Kates (Aye)
Linda J. Kates, Member

Gertrude M. Hackney, Esq. Member

Decision Date
April 19, 2016

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

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

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