

UPPER MORELAND TOWNSHIP
Public Hearing and Regular Meeting
May 5, 2025 at 7:00 p.m.
AGENDA ITEMS ARE SUBJECT TO CHANGE

INSTRUCTIONS TO JOIN:

Go to Zoom.us. Click "Join a Meeting"

Webinar ID: 917 5771 7982

Password: 182130

Join by Phone: Dial 1-929-205-6099

Webinar ID: 917 5771 7982

Password: 182130

***Residents requiring special accommodations:
please call the Township during normal business hours at 215-659-3100 x1058 or x1057***

I. Call Meeting to Order

II. Moment of Silent Meditation/Pledge of Allegiance

III. Roll Call

IV. Presentations:

A. **Motion to Approve** the conditional appointment of Michael Daly as a Police Cadet. Such appointment is conditional upon the successful completion of the medical and psychological examinations. This conditional appointment is also based upon the successful completion of the Temple University Police Academy and passing the Municipal Police Officers Education and Training Commission's (MPOETC) certification examination.

B. **Motion to Approve** the conditional appointment of Michael Capobianco as a Probationary Police Officer. Such appointment is conditioned upon the successful completion of the medical and psychological examinations.

C. Commendations

1. **Unit Commendation** Awarded to the following Police Department employees:

Detective Sergeant Todd Smith
Detective Michael Davido
Detective Mark Bouldin
Officer Preston Moyer

2. **Unit Commendation** Awarded to the following Police Department employees:

Sergeant James Robb
Detective Sergeant Todd Smith
Detective Francis Gallagher
Detective Vincent Small
Detective Mark Bouldin
Officer Joseph Staufenberg

3. **Commendation of Merit** Awarded to Detective Mark Bouldin

4. **Official Certificate of Commendation** Awarded to Sergeant James Robb

5. **Unit Commendation** Awarded to the following Police Department employees:

Lieutenant James Kelly
Sergeant Pamela Cordura
Sergeant Timothy Lynch
Detective Mark Bouldin
Officer Andrew Misner

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Officer William Nagy
Officer Kevin Kramer
Officer Mark Woltemate
Officer Joseph Halbherr

PUBLIC HEARING

PUBLIC HEARING #1973 – Continued from April 7, 2025 - To receive public comments regarding the Conditional Use Application for 91 N. York Road submitted by JERC Partners XXXIX LLC and J.G. Petrucci Co., Inc., to convert approximately 9,000sf of space on the 2nd floor originally designated for medical office use, to ten (10) 1 BR/Studio apartments, for an overall total of 285 apartment units.

REGULAR MEETING

- V. **Public Comments – Non-Agenda Items Only**
- VI. **Treasurer’s Activity Report – April 2025**
- VII. **Approval of Meeting Minutes –April 7, 2025 (attachment)**
- VIII. **Committee Recommendations**
 - A. **Community Development Committee – April 14, 2025** – The Committee recommends the Board of Commissioners take action on the following:
 - 1. Code Enforcement
 - 2. Land Development/Subdivision Applications
 - 3. Zoning Hearing Board Meeting – May 8, 2025 (attachment)
 - 4. Other Items
 - a. **Motion to approve** Right-of-way Agreement with Pennypack Ecological Restoration Trust – Pedestrian Crossings (attachments)
 - b. **Motion to approve** Authorization to advertise a Public Hearing – Amendments to Zoning Ordinance No. 1754 (attachments)
 - c. **Motion to approve** Bid Award for Route 611/263 Traffic Signal System Upgrades (attachments)
 - d. **Motion to approve** Resolution R-2025-11 Approving the Removal of the property located at 3110 Davisville Road from the Upper Moreland Township Historical Resource Inventory.

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- e. **Motion to approve** Conditional Use Decision and Order for 91 N. York Road submitted by JERC Partners XXXIX LLC and J.G. Petrucci Co., Inc., to convert approximately 9,000sf of space on the 2nd floor originally designated for medical office use, to ten (10) 1 BR/Studio apartments, for an overall total of 285 apartment units

B. **Public Health & Safety Committee – April 21, 2025** – The Committee does not have any recommendations for the Board of Commissioners.

C. **Finance & Administrative Committee – April 21, 2025** – The Committee recommends the Board of Commissioners take action on the following:

1. Appointments/Reappointments

- a. The appointment of **Anthony J. Trofe** on the **Parks and Recreation Advisory Council** to fill a vacancy left by Margaret Holscher and the remaining two-year At-Large term to expire on December 31, 2025.

2. List of Bills Payable (attachment) – The Committee recommends the approval of:

General Funds Checks:

Beginning Check No.: 143995

Ending Check No.: 144298

General: \$ 1,442,761.59

Debt: \$ 3,320.59 (Check No. 144040, 144119)

Capital: \$ -----

Total: \$ 1,446,082.18

Voids: 144139, 144174

Escrow Fund Checks:

Beginning Check No.: 9887

Ending Check No.: 9913

Total: \$ 13,839.54

Voids: 0

Liquid Fuel Fund Checks:

Beginning Check No.: 3185

Ending Check No.: 3189

Total: \$ 41,341.51

Voids: 0

3. Other Items

- a. **Motion to approve** Amendment for CHA Consulting Construction Manager Agreement for Township Building Renovations (attachments)

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4. New Business

- a. **Motion to approve** Resolution R-2025-9 to approve Capital Improvement Funding Source (attachments)
- b. **Motion to approve** Resolution R-2025-10 Authorizing Notice to Bidders for the Sale of Surplus Vehicles (attachments)
- c. **Motion to approve** Agreement with Clifton Larson Allen LLP Audit Services (attachments)

D. **Parks & Recreation Committee – April 21, 2025** - The Committee does not have any recommendations for the Board of Commissioners.

IX. **Commissioner Comments:**

A. Upcoming Township Meetings (based on Township calendar):

Date	Subject	Location	Time
5/12/2025	Community Development Committee Public Health & Safety Committee Finance & Administrative Committee Parks and Recreation Committee	Council Room	7 pm
5/13/2025	Shade Tree Commission Parks and Recreation Advisory Council	Council Room	6 pm 7 pm
5/15/2025	Advisory Planning Agency	Council Room	7 pm
5/26/2025	Township Building Closed – Holiday – Memorial Day Observance		
5/28/2025	Democratic Committee	Council Room	7 pm
6/2/2025	Regular Meeting of the Board of Commissioners	Council Room	7 pm
6/3/2025	Historical Commission	Council Room	7 pm
6/4/2025	Environmental Advisory Council	Caucus Room	7 pm

X. **Adjournment**

TOWNSHIP of UPPER MORELAND

Montgomery County, Pennsylvania

117 Park Avenue, Willow Grove, PA 19090-3215

Telephone (215) 659-3100 / Fax (215) 659-7363

COMMISSIONERS

KIP McFATRIDGE

President

CHERYL LOCKARD

Vice President

ANTHONY BENVENUTTI

DEMOND MULLEN

BENJAMIN W. OLSZEWSKI

NICHOLAS O. SCULL

CHARLES M. WHITING



OFFICIALS

PATRICK T. STASIO

Interim Township Manager

JOHN D. BATES

Assistant Township Manager/

Director of Finance

ALEX H. LEVY

Township Treasurer

SEAN P. KILKENNY, ESQ.

Township Solicitor

Agenda Summary

Community Development Committee Meeting – March 10, 2025

Public Hearing – April 7, 2025

Public Hearing (Continued from April 7, 2025) – May 5, 2025

Agenda Item:	Public Hearing No. 1973 – Conditional Use Application submitted by JERC Partners XXXIX LLC for property located at 91 N. York Road and known as Station at WG
Prepared By:	Paul Purtell, Director of Code Enforcement
Attachments:	Application & Site Plan, MCPC review and APA minutes
Background/Analysis:	The applicant and property owner, JERC Partners XXXIX LLC, are proposing to amend the previous conditional use approval with filing of a new application to convert the approved 9,000 square foot office area on the 2 nd floor into ten (10) 1 bedroom/studio apartments.
Fiscal Impact/Source:	Permit fees & earned income tax from future tenants.
Alternatives:	N/A
Staff Recommendation:	The Board of Commissioner approve the Conditional Use application.

Equal Opportunity Employer

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LOCALiQ

Erie Times-News | The Intelligencer
Bucks County Courier Times
The Daily American | Beaver County Times
Pocono Record | Burlington County Times

PO Box 630531 Cincinnati, OH 45263-0531

AFFIDAVIT OF PUBLICATION

Tina Simone
ATTN: Vicky Sykes
Upper Moreland Township
117 Park AVE
Willow Grove PA 19090-3209

STATE OF PENNSYLVANIA, COUNTY OF BUCKS

The Intelligencer, a newspaper of general circulation, published and having its place of business at Doylestown, Bucks County, PA and Horsham, Montgomery County, PA; that said newspaper was established in 1886; that attached hereto is a facsimile of the printed notice which is exactly as printed and published in said newspaper issue dated on:

03/23/2025, 03/30/2025

That said newspaper was regularly issued and circulated on those dates.

Sworn to and subscribed before on 03/30/2025

Legal Clerk

Notary, State of WI, County of Brown

My commission expires

Publication Cost: \$518.20

Tax Amount: \$0.00

Payment Cost: \$518.20

Order No: 11146551

Customer No: 790952

PO #:

of Copies:
1

THIS IS NOT AN INVOICE!

Please do not use this form for payment remittance.

AMY KOKOTT
Notary Public
State of Wisconsin

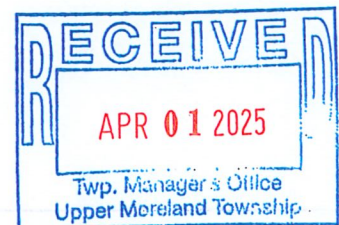
NOTICE UPPER MORELAND TOWNSHIP

NOTICE IS HEREBY GIVEN THAT THE UPPER MORELAND TOWNSHIP BOARD OF COMMISSIONERS WILL HOLD A PUBLIC HEARING ON MONDAY APRIL 7, 2025, AT 7:00 P.M. AT THE TOWNSHIP BUILDING LOCATED AT 117 PARK AVENUE, WILLOW GROVE, PA, 19090, TO CONSIDER THE CONDITIONAL USE APPLICATION OF JERC PARTNERS XXXIX, LLC ("APPLICANT").

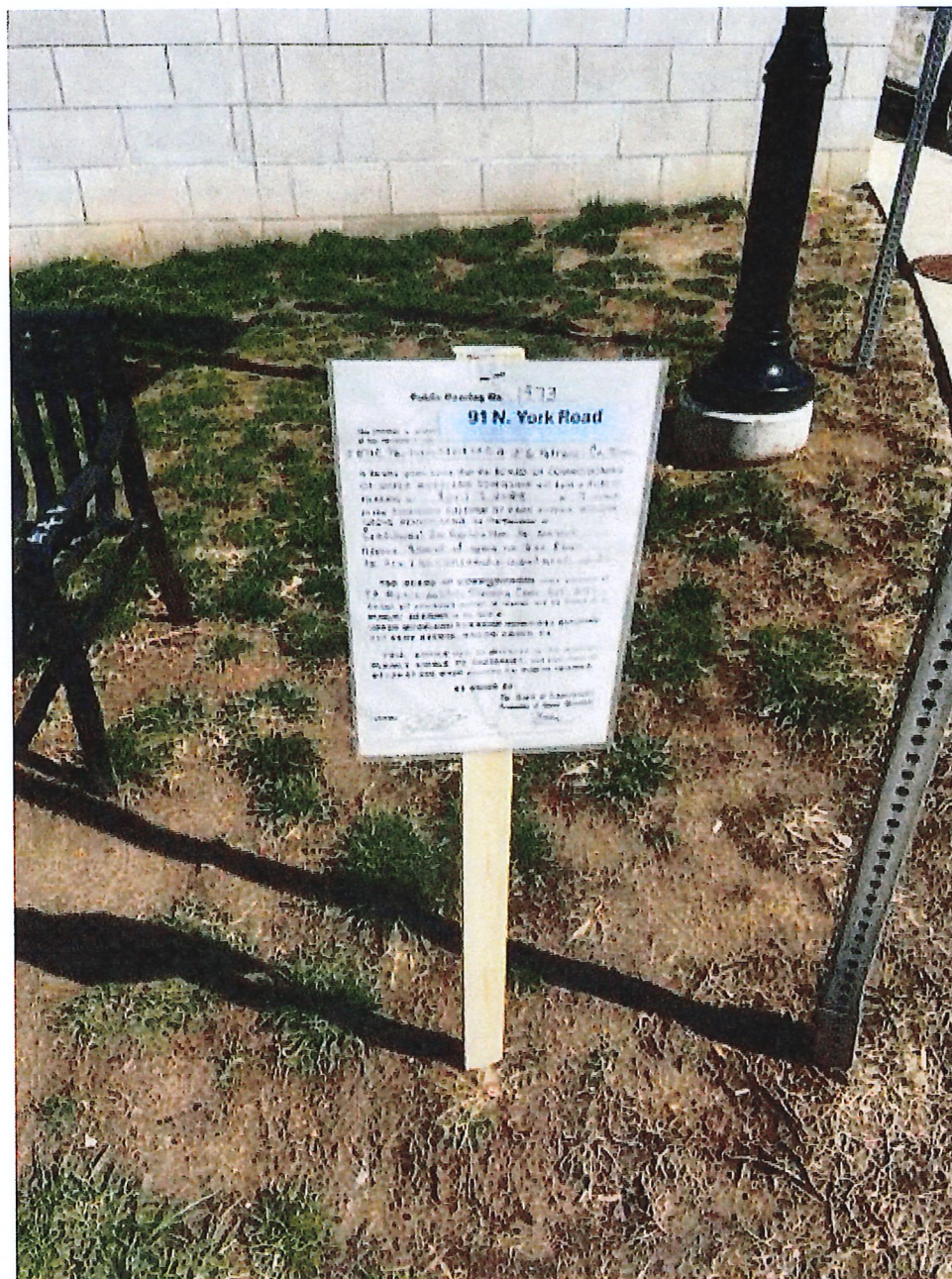
The application involves Tax Parcel No. 59-00-19807-00-6, which consists of 5.394 acres, and which is located at 91 North York Road, Willow Grove, PA 19090 and contains the Station at Willow Grove Apartment Complex. Conditional Use approval was previously granted to Applicant by the Board of Commissioners in 2017, 2019 and 2022, to use and develop the property for a five-story mixed use apartment complex which contains specific square footage allocations for retail and office uses. The apartment complex is currently fully constructed. The subject amended conditional use application proposes to convert approximately 9,000 square feet of the building dedicated to office space use located on the second floor to a total of ten (10) 1 bedroom/studio apartments. The conditional use application is on file at the Code Enforcement Office at the Township Building and may be inspected during regular business hours.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation should contact Township Manager, Patrick Stasio at (215) 659-3100.

Alex J. Baumler
Upper Moreland Township Solicitor









Upper Moreland Township
117 Park Avenue
Willow Grove, PA 19090
215-659-3100
215-659-8899 (fax)
www.uppermoreland.org

Conditional Use Application

PROPERTY OWNER:

(List legal owner, equitable owner and/or lessee of property)

JERC Partners XXXIX LLC

Name

171 State Route 173, Suite 201, Asbury NJ 08802

Owner's Address

908-730-6909, Attn: Peter Polt

Owner's Telephone Number

NAME OF APPLICANT:

Same as Owner

MAILING ADDRESS:

TELEPHONE NO.:

PREMISES DETAILS:

The Station at Willow Grove, North York & Davisville Roads

Address of Premises

59-00-19807-00-6

Tax Parcel Block and Unit Identification

5.394 acres; 5-story mid-rise apartment complex

Size of Property and Building Dimensions

**APPLICANT'S
ATTORNEY
INFORMATION:**

Gregory J. Davis, Esquire

Name

Saul Ewing LLP

Firm

1200 Liberty Ridge Drive, Suite 200, Wayne, PA 19087

Address

610-251-5065; Email: greg.davis@saul.com

Telephone Number

ZONING DISTRICT:

TC-1 Town Center

Conditional Use Application

REQUEST: 1. Applicant shall state sections which provide authorization for a conditional use pursuant to the Zoning Code.

2. Applicant shall state specific proposal:

a. **Type of use:** See Attachment #1

b. **Size of use:** See Attachment #1

c. **Size and dimensions of lot area to be occupied or utilized by the conditional use:** See Attachment #1

d. **Anticipated hours of operation:** See Attachment #1

e. **Number of employees:** See Attachment #1

f. **If residential, number and type of dwelling use:** See Attachment #1

g. **Commercial or industrial vehicles associated with the use:** _____

See Attachment #1

3. Specific conditions or restrictions offered by the applicant to be considered by the Board of Commissioners:

See Attachment #1

Conditional Use Application

4. Has a previous conditional use application been filed on this property?

a. If Yes, give date and disposition of previous application:

See Attachment #1

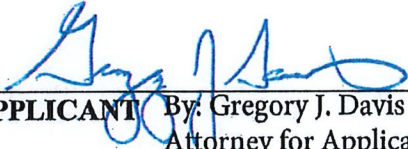
5. Has a previous application been filed in connection with this property?

a. If Yes, give date and disposition of previous application:

See Attachment #1

Applicant shall comply with conditional use procedures as set forth in the Upper Moreland Township Zoning Code.

Submit three copies of plans, 24"x 36" (11"x17" at Director's discretion), which shall show existing conditions and nature of proposed use.



APPLICANT By: Gregory J. Davis
Attorney for Applicant

February 20, 2025

DATE

OWNER

DATE

Received by UMT staff member:



NAME

2-21-25

DATE

Attachment #1 to Application to Amend Conditional Use

1. Section(s) **350-67 and Attachment #2 "Table of Uses"** of the Upper Moreland Township Zoning Ordinance provide authorization for a conditional use.
2. a. Type of use:

Existing Use: Mid-rise apartment complex containing 275 residential units, designated office space, courtyards, pool, fitness center, structured parking garage with approx. 481 spaces (including 20 reserved parking spaces for passengers of Willow Grove Septa Train Station Regional Rail System) and stormwater management facilities.

Proposed Use: Same as existing use except proposing to convert approximately 9,000sf of space on the 2nd floor originally designated for medical office use, to ten (10) 1 BR/Studio apartments, for an overall total of 285 apartment units.
- b. Size of use: **5.394 acres**
- c. Size and dimensions of lot area to be occupied or utilized by the conditional use:

Proposing to convert approximately 9,000sf of space on 2nd floor originally designated for medical office use to ten (10) 1 BR/Studio apartments.
- d. Anticipated hours of operation: **N/A**
- e. Number of employees: **N/A**
- f. If residential, number and type of dwelling: **285 apartments**
- g. Commercial or industrial vehicles associates with use: **None**
3. Specific conditions or restrictions offered by the Applicant to be considered by Board of Commissioners: **None**
4. Has a previous conditional use application been filed on this property?
 - a. If yes, give date and disposition of previous application:

Conditional Use Resolution No. R-2017-09, dated 3/29/2017, which Applicant is proposing to amend by way of the current Application.
5. Has a previous application been filed in connection with this property?
 - a. If yes, give date and disposition of previous application:

Land Development Approval Resolution No. R-2017-35, dated 11/28/2017

**UPPER MORELAND TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA
RESOLUTION NO. R-2017-09**

**A RESOLUTION SETTING FORTH THE DECISION OF THE
UPPER MORELAND TOWNSHIP BOARD OF
COMMISSIONERS ON THE CONDITIONAL USE
APPLICATION OF JERC PARTNERS XXXVIII, LLC, AND J.G.
PETRUCCI CO., INC. FOR PROPERTIES LOCATED AT
NORTH YORK ROAD AND DAVISVILLE ROAD**

WHEREAS, the Board of Commissioners of Upper Moreland Township enacted Ordinance No. 1674 making technical amendments to the Zoning Ordinance as it pertains to the TC Town Center Zoning District and rezoning certain parcels, owned by the Applicants or for which the Applicants are the equitable owners, to TC-1 Town Center District in order to facilitate a proposed apartment complex, and

WHEREAS, the Board of Commissioners of Upper Moreland Township also enacted Ordinance No. 1675 on February 6, 2017, vacating a "paper street" on the land owned or equitably owned by the Applicants in order to facilitate the proposed plan for an apartment complex and mixed use, and

WHEREAS, the Board of Commissioners received a Conditional Use Application from JERC Partners XXXVIII, LLC and J.G. Petrucci, Co., Inc. ("Applicants") who filed an Application for Conditional Use Approval under the TC-1 Town Center Zoning District Zoning Ordinance in order to permit a transit oriented midrise apartment redevelopment with a parking structure including sufficient parking for the development itself as well as extra spaces designated to be available for the Willow Grove SEPTA Train Station across the street, averring that the proposed development complies with all applicable requirements of the Zoning

Ordinance and further complies with sections of the Zoning Ordinance involving development standards, design standards, streetscape and green area standards in order to qualify the development for certain bonus provisions under the TC-1 Zoning Ordinance, and

WHEREAS, pursuant to Resolution No. R-2017-02, the Board of Commissioners scheduled a hearing date on the Conditional Use Application of the Applicants and directed that public notice and posting in accordance with law give public notice of the proposed hearing, and

WHEREAS, pursuant to public notice and posting of affected properties, a hearing on the Conditional Use Application was held on March 6, 2017 before the start of a regular Board of Commissioners meeting, and

WHEREAS, the Board of Commissioners of Upper Moreland Township, pursuant to the Findings of Fact and Conclusions of Law stated herein, as well as the testimony and exhibits entered into evidence at the hearing, has determined to grant the conditional use to allow the Applicants to redevelop the site as a midrise transit oriented apartment complex with an associated structured parking garage, under certain conditions expressly stated herein, as well as the requirement that the Applicants pursue land development approval under the Township's Zoning and Subdivision and Land Development Ordinance ("SALDO"),

NOW THEREFORE, the Board of Commissioners of Upper Moreland Township hereby resolves to adopt the following Findings of Fact, Conclusions of Law, and Order granting the Conditional Use pursuant to the conditions stated herein:

I. FINDINGS OF FACT.

1. The subject premises consists of several parcels and several tax parcel numbers including the following:

a. 55 York Road, Montgomery County Tax Parcel No. 59-00-19801-00-3, currently owned by the Estate of George Goodman;

- b. 65 N. York Road, Montgomery County Tax Parcel No. 59-00-19804-00-9,
currently owned by Three Star Associates;
- c. 73 N. York Road, Montgomery County Tax Parcel No. 59-00-19807-00-6,
currently owned by Three Star Associates;
- d. 75 N. York Road, Montgomery County Tax Parcel No. 59-00-19810-00-3,
currently owned by Three Star Associates;
- e. 81 N. York Road, Montgomery County Tax Parcel No. 59-00-19813-00-9,
currently owned by Three Star Associates;
- f. 91 N. York Road, Montgomery County Tax Parcel No. 59-00-19816-00-6,
currently owned by Three Star Associates;
- g. 215 Davisville Road, Montgomery County Tax Parcel No. 59-00-04516-
00-6, currently owned by Three Star Associates;
- h. 217 N. York Road, Montgomery County Tax Parcel No. 59-00-04519-00-
3, currently owned by Three Star Associates;
- i. 5 Woodlawn Avenue, Montgomery County Tax Parcel Nos. 59-00-19150-
00-6 and 59-00-19153-00-3, currently owned by LaGrass Enterprises, LLC;
- j. Woodlawn Avenue, Montgomery County Tax Parcel No. 59-00-19156-
00-9, currently owned by LaGrass Enterprises, LLC;
- k. 3 Woodlawn Avenue, Montgomery County Tax Parcel No. 59-00-04525-
00-6, currently owned by Willow Grove Lodge 1101; and
- l. 221 Davisville Road, Montgomery County Tax Parcel No. 59-00-04522-
00-9, currently owned by Leonard A. & Bonnie Winegrad;
- 2. The Premises consists of 13 separate tax parcels, approximately 5.394 acres, and
contains 12 existing buildings or related improvements which are scheduled to be removed. The

properties have frontage on York Road, and Davisville Road, and are directly across the street from the SEPTA Willow Grove Train Station on Davisville Road.

3. The Applicants' Conditional Use Application proposed a mixed use transit-oriented development of 241 one-bedroom, two-bedroom and studio apartment units, designated office and retail space on the first floor, landscaped courtyards with a pool, and a parking garage/structure containing approximately 411 parking spaces, with a certain number of those parking spaces reserved for access for passengers of the Willow Grove SEPTA Train Station Regional Rail System.

4. By letter amendment, the Applicants amended their Application to state that the correct number of apartment units proposed was 275 residential units, "all market rate, not subsidized in any way." N.T. 12

5. The Applicants introduced an exhibit packet which was marked A-1 and entered into evidence at the Conditional Use hearing, and upon which the Board of Commissioners relied in reaching its decision on the Conditional Use Application.

6. The Applicants also introduced into evidence a multi-page exhibit prepared by Minno & Wasko Architects and Planners which contains several exhibits including an Illustrative Perspective, a Concept Building Plan (one for each floor), Concept Theme Imagery for interior amenities, Concept Theme Imagery for courtyard amenities, and photograph examples of bench and refuse receptacles, streetlight, sidewalk and crosswalks, and a decorative crosswalk across a public street. The Board of Commissioners relied upon Exhibit A-2 and these "concept" documents in reaching its decision upon the Conditional Use Application.

7. The complex also includes "a fitness center, pool, two interior courtyards with benches and landscaping and other amenities, retail space, offices for buildings' management, 18-foot wide sidewalks, and some outdoor public gathering space and restaurant area." N.T. 12

8. Also marked and admitted into evidence were several review comments from the Township's professionals, and the Township Board of Commissioners relied upon these exhibits in reaching their Conditional Use decision.

9. Exhibit T-8, a letter from Gilmore & Associates, Inc. Engineering and Consulting Services, the Township's own engineer, dated January 18, 2017, stated that the firm had reviewed the proposed Conditional Use Plan for the Petrucci and JERC Partners Application and had comments on the proposed Application including the following:

a. That the Board of Commissioners should approve a rendering of proposed streetscape for the development, to ensure that it is in keeping with the intent of the Town Center District and further that "considering the limited space on-site [for stormwater management] and the redevelopment nature of the project, a creative stormwater design will be necessary and off-site improvements may be required to 'offset' the on-site impervious [coverage]. It should be noted that some waivers from strict compliance with the requirements and provisions of the current Upper Moreland Township Stormwater Ordinance will likely be necessary in order to develop the site as depicted on the Conditional Use Plan. We recommend that the Applicants review the constraints of the stormwater design with the Board during the conditional use phase to ensure the Board is supportive of the alternative approach prior to the submission of land development plans."

b. Since the Board was not given evidence of stormwater management plans for the site during the conditional use hearing, stormwater management must be submitted and approved during the land development process.

10. The Township's Traffic Engineers, McMahon Transportation Engineers & Planners, also issued a letter reviewing the project on February 28, 2017 which was marked as Exhibit T-9 and entered into evidence at the hearing. This exhibit noted that the Applicants have

proposed to create a new site access road which intersects both York Road and Davisville Road and provides direct access to the proposed structured parking garage to be utilized with the development, and McMahon Transportation Engineers & Planners noted that the Applicants propose to make improvements to York Road by providing a minimum 12-foot wide curbed ingress lane and a minimum 12-foot wide curbed egress lane and to restrict York Road and the site access road on York Road to right-in/right-out movements only; to provide a stop control along the site access road as it approaches York Road; and to provide ADA (Americans with Disabilities Act) compliant ramps and crossings for the sidewalk system crossing the site access road and a depressed curb given for the site driveway adjacent to the Enterprise Car Dealership. Other improvements proposed by the developer include a minimum 12-foot curbed ingress lane and a minimum 12-foot wide curbed egress lane on Davisville Road to provide full access to the site along with restriping on Davisville Road to provide a center-lane-for-left-turns, and installing ADA compliant ramps and crossings for the sidewalk system. The Davisville Road intersection with the access road is planned to allow left and right turns in and out of the access road.

11. The Board finds that intersectional improvements will be necessary to the signalized intersection of York Road and Easton Road/Memorial Park Drive, consisting principally of timing the signals and also to the signalized intersection of York Road and Davisville Road with extended highway improvements including widening to York Road to provide a northbound right turn lane, with installing ADA compliant ramps and crossings for the sidewalk system, as detailed in Exhibit T-9, and also that any improvements to York and Davisville Roads must consider turning radii appropriate to the traffic in the design.

12. The McMahon Transportation Engineers & Planners review letter also recommended that the Applicants' sidewalk, curb, and road improvements include installing a

missing pedestrian crossing of York Road on the north side of the SEPTA railroad tracks for access from the proposed development side of the street to the other side of York Road for annex to the Montgomery County access on the other side of the street, together with pedestrian signalization suitable for Americans with Disabilities Act purposes.

13. The McMahon Transportation Engineers & Planners review letter, labeled T-9, also calculated the Township Transportation Impact Fee at \$109,000.00, for the interim impact fee of \$1,000 for each new vehicular trip generated during the weekday afternoon peak hour, calculating the site trips at 161 trips entering and exiting during the weekday afternoon peak hour and providing a credit for 52 existing site trips, for a total of 109 net "new" trips generated by the redeveloped site.

14. AECOM, the Township's redevelopment consultant, and specifically Marion Hull, the Redevelopment Coordinator, also reviewed the Conditional Use Application and issued a review letter dated January 31, 2017 which was entered into evidence as Exhibit T-9. In pertinent part, the AECOM review letter stated that "The project is generally consistent with the Town Center (TC) Zoning and the goals and objectives of the 2012 Upper Moreland Revitalization Plan," and also that "The application appears to meet all requirements for conditional uses under the proposed zoning amendments, so the Redevelopment Coordinator recommends approval of the conditional use application."

15. Marian Hull, Township Redevelopment Coordinator, also commented, "It is the opinion of the Redevelopment Coordinator that a mid-rise apartment building with structured parking would be an asset to the Town Center and has the potential to add foot traffic to the area to support existing businesses and encourage new ones. Apartments are a transit-oriented use that could also build transit ridership in the area."

16. Before the hearing, the Township's Advisory Planning Agency (APA) met on January 19, 2017 and reviewed the Conditional Use Application. After a discussion with the Applicants and the Applicants' attorney, the Advisory Planning Agency recommended approval of the Conditional Use Application unanimously.

17. Township landscape architects, McCloskey & Faber, P.C., also issued a review letter of the Conditional Use Application and this letter, dated January 17, 2017, was entered into evidence at the hearing, and considered by the Commissioners in reaching the decision on the Conditional Use Application. In pertinent part, McCloskey & Faber, P.C. stated "We have no objection to the proposed Conditional Use," but did recommend that the Applicants provide more information with regard to their streetscape and green area proposals and further noted a concern that with the proposed building height no higher than 65 feet, rooftop mechanical equipment and other appurtenances above this height may impact views from nearby (uphill) residential properties, and recommended that "the relationship of the roof elevation and views thereof are reviewed and special treatment provided in order to provide pleasing sight lines."

18. The Board of Commissioners carefully reviewed the proposed Minno & Wasko Illustrative Perspective, noting that the Applicants' proposed design incorporates streetscape and architectural elements; wide (18 feet) sidewalks to encourage outdoor and pedestrian uses; has concealed the view of the parking garage; has proposed substantial traffic, streetscape and sidewalk improvements; and has proposed additional parking for patrons of the SEPTA Regional Rail Train Station across the street to enhance its development as a "Transit Oriented" plan.

19. The Board of Commissioners specifically took note that the Applicants propose 411 parking spaces in the structured parking garage and will reserve 20 of the spaces on the first floor for customers of the SEPTA Regional Rail Train across the street.

20. Applicants' witnesses testified that the parking garage would have an access to each floor of the apartment building, both for the convenience of the residents who are expected to park on the floor closest to their units, and to ensure that spaces would be available on the first floor for SEPTA Regional Rail customers.

21. In response to questions and comments from Upper Moreland Commissioner Joseph Lavalley, Chair of the Community Development Committee, the Applicants agreed to enhance the streetscape around the project with brick inlays on the sidewalk, rather than stamped concrete.

22. In response to questions from the audience members, the Applicants' witnesses testified that they did not expect the apartment redevelopment project to draw a lot of children, indicating that their target audience were "empty nesters" and "millennials." The Applicants' engineer testified that, in his expert opinion, that "these will be professionals and that they would not have a large number of school aged children." N.T. 20.

23. An issue arose regarding a mid-block pedestrian crosswalk from the parking garage to the SEPTA Regional Rail Station, and the Applicants agreed to install such a crosswalk, if the Pennsylvania Department of Transportation agreed to it.

24. The Commissioners and the community members who spoke evidenced a concern that the design keep a lively streetscape, make provisions for historic markers where appropriate, and praised the design element over the corner of the apartment complex for its attractiveness and pedestrian scale.

25. The Applicants' witnesses testified the four story building would not exceed 65 feet, that the entire property was now zoned TC-1 and that it had 950 feet of frontage on major roads. (N.T. 23, 36).

26. The Applicants acknowledged that a Conditional Use approval would not encompass approval of any particular stormwater management design, or signage for the complex unless that signage were strictly in accordance with the Zoning Ordinance, or, the ability to have rooftop appurtenances without addressing the concerns raised by the APA and McCloskey & Faber. The Applicants also acknowledged that sewage capacity for the development must be directed to the Upper Moreland Hatboro Joint Sewer Authority, and that the issue of deliveries and pedestrians being picked up or dropped off in front of the apartment complex must be addressed during the land development process.

27. Several members of the audience spoke up regarding the proposal and asked questions, and expressed concerns regarding traffic.

28. Jonathan DeJong, a long time member of the Township's Advisory Planning Agency, and a professional of regional planning at Temple University, indicated that he supported the project.

29. The Township's lighting consultant indicated that he had not received enough information regarding lighting for the complex to render a recommendation; accordingly, lighting also remains an issue for the land development process.

30. The Board of Commissioners finds that if the concerns raised by the Township's professionals and the Board at the hearing can be satisfactorily addressed, that the proposed redevelopment is consistent with the Township's goals for the TC-1 District and in the public interest.

II. CONCLUSIONS OF LAW

1. Under Section 913.2 of the Pennsylvania Municipalities Planning Code (MPC), the governing body, the Upper Moreland Board of Commissioners, has jurisdiction to hear an Application for Conditional Use where the Zoning Ordinance has stated Conditional Use is to be

granted or denied by the governing body pursuant to express standards and criteria. MPC Section 913.2(a).

2. Under the Upper Moreland Zoning Ordinance, as amended by Ordinance 1674, the Upper Moreland Zoning Ordinance provides that apartments, including mid-rise and high-rise apartments are permitted by conditional use in the TC Zoning District under Section 350-260B.

3. In addition, under Section 350-265, "Bonus Provisions for Conditional Uses," buildings located in the TC District and served by structured or underground parking are entitled to certain design bonuses by conditional use approval.

4. Under Section 350-266, in considering a Conditional Use Application, the Board of Commissioners is required to "consider the suitability of the property for the use desired, [and] assure itself that the proposal is consistent with the spirit, purpose, and intent of the Zoning Ordinance, Subdivision and Land Development Ordinance, the Comprehensive Plan, and any other relative plans adopted by the Board of Commissioners such as the 2007 Upper Moreland Township Comprehensive Parks and Recreations Plan, the 2003 Willow Grove Redevelopment Area Plan, and the 2003 Willow Grove Revitalization Plan as amended." Upper Moreland Township Zoning Ordinance Section 350-266A. The Board has so found.

5. The Board is also required to make other determinations including, but not limited to considering "the probable effects upon highway traffic and pedestrian movements, and assure adequate access and circulation arrangements in order to protect major roads from undue congestion and hazard." Section 350-266E.

6. Section 350-267 of the Zoning Ordinance requires the Board to consider "design standards" in approving a Conditional Use Application, and to prohibit "windowless walls, if visible from a right-of-way or vehicular or pedestrian circulation area," and to encourage the use

of "streetscaping and green areas to enhance the Town Center District." Section 350-267C and G.

7. The Zoning Ordinance specifically provides that design bonus provisions are applicable "provided that Applicant submits a traffic study with its Conditional Use Application and proposes adequate and appropriate traffic improvements and modifications to streets impacted by new traffic generated by the development."

8. The Zoning Ordinance allows for an increase of 20 feet for a total maximum building height of 65 feet in the TC-1 Town Center Zoning District provided that the building has defining characteristics "such as a clock tower, turret, or other feature deemed similar in nature by the governing body," and is "visible from two streets and located at a prominent corner such as Easton and York Roads." Section 350-265B and C.

9. The same section allows, by Conditional Use Approval, for a design to be exempt from step back requirements contained in Section 350-262A.(7) "provided that the substituted design elements are approved by the Board of Commissioners by Conditional Use in keeping with the intent of the Town Center District."

10. The same section requires that the Board find that the proposed Application include "design oriented to public streets," "building orientation and entrances oriented to a pedestrian scale and local amenities including the Willow Grove Train Station," as well as "frequent doorways and entrances to encourage a pedestrian scaled environment," and attention to be paid to the roofs, building character and facade articulation.

11. The Applicants demonstrated standing to bring the Conditional Use Application by showing it was the owner or equitable owner of all of the properties involved in the redevelopment. No one objected to the Applicants' standing.

12. No one requested party status at the hearing.

13. The Board specifically finds that the Application was advertised in accordance with law and posted as required to provide notice of the upcoming public hearing.

14. Once an Applicant for Conditional Use has met its burden of proving that the requirements of the Zoning Ordinance have been met, the Application for Conditional Use must be granted unless objectors present sufficient evidence that the proposed use has a detrimental effect on the public health, safety and welfare. *In Re Thompson*, 896 A.2d 659 (Pa. Cmwlth. 2005).

15. Moreover, an anticipated increase in traffic from a proposed use is not a sufficient reason to deny a Conditional Use. To deny a Conditional Use, "There must be a high probability that the proposed use will generate traffic patterns not normally generated by [the proposed] type of use and that this abnormal traffic will pose a substantial threat to the health and safety of the community." *Joseph v. North Whitehall Twp*, 16 A.3d 1209 (Pa. Cmwlth. 2011) citing *Orthodox Minyan of Elkins Park v. Cheltenham Zoning Hearing Board*, 552 A.2d 772, 774 (Pa. Cmwlth. 1989).

16. The Applicants' willingness to comply with the recommendations of the Township's consultants, including, but not limited to, roadway improvements, pedestrian connectivity, design elements, streetscape elements, decorative enhancements to the streetscapes, and to pay the interim traffic impact fee were all factors that influenced the Board of Commissioners' decision on the Conditional Use Application.

III. ORDER

And now, this 3rd Day of April, 2017, based on the Findings of Fact and Conclusions of Law stated herein, as well as the testimony and exhibits entered into evidence at the hearing, the Board of Commissioners of Upper Moreland Township hereby grants the Conditional Use Application of JERC Partners XXXVIII, LLC and J.G. Petrucci Co., Inc. to construct a mid-rise

apartment and mixed use development on 13 parcels with frontage on York Road, Davisville Road and Woodlawn Avenue in accordance with the testimony and exhibits at the hearing, and specifically to construct one four-story mid-rise apartment building with a height not exceeding 65 feet, containing 275 apartments including one-bedroom, two-bedroom and studio apartment units, no less than 2,000 square feet of designated office and retail space on the first floor, landscaped courtyards and pools, as well as a structured parking garage containing no fewer than 411 parking spaces, including no fewer than 20 parking spaces available for use by SEPTA Regional Rail passengers for the Willow Grove Train Station, based on the following conditions:

1. The Applicants are required to file for, and receive, land development approval in accordance with the Upper Moreland Township Zoning and Subdivision and Land Development Ordinance. The Plan ultimately submitted for subdivision and land development review shall be substantially in accordance with Exhibit A-2 entered into evidence at the Conditional Use hearing consisting of a multi-page exhibit prepared by Minno & Wasko Architects and Planners, depicting the pedestrian friendly streetscape environment, architectural characteristics such as canopies, stoops and other pedestrian-friendly streetscapes in a pleasing configuration of the apartment buildings, garage and courtyard and pool, and providing amenities as depicted in the exhibits;

2. The Applicants shall make adequate provision for stormwater management as approved by the Township Engineer during the land development review process including, if approved by the Board of Commissioners, offsite stormwater improvements in lieu of strict compliance with the Township's Stormwater Management Ordinance;

3. The Applicants will construct the improvements detailed in the letter of January 19, 2017 of McMahon Transportation Engineers & Planners, including without limitation, dedicated new right turn lanes along York Road and Davisville Road, pedestrian and traffic

signal improvements, and the payment of a transportation impact fee calculated, in accordance with the information presently available, at \$109,000.00;

4. In addition to the foregoing traffic improvements, the Applicants shall install a new pedestrian crossing on the northern leg of the signalized intersection of York Road (State Route 611) and Davisville Road in order to provide connectivity from the SEPTA Regional Rail Station on the northwest corner of the intersection to the existing commercial properties and Montgomery County Courthouse Annex on the northwest corner of the intersection;

5. Provided PennDOT approval is obtained, the Applicant will install a crosswalk on Davisville Road from the new parking garage to the SEPTA Regional Rail Station.

6. The Applicants shall install sidewalks no less than a minimum of 18 feet wide with a minimum six foot width planting strip and streetscape enhancements as proposed in the exhibits and testimony at the Conditional Use hearing, including the use of brick inlay in the sidewalk, and decorative street lighting to continue the streetscape improvements of the WAWA development west of Memorial Drive;

7. The Applicants shall provide no fewer than 20 parking spaces on the first floor of the garage accessible to passengers of the Regional Rail line and Willow Grove Train Station;

8. Nothing in this decision of the Board of Commissioners on the Conditional Use Application shall be construed as either an express or implied waiver of any provision of any applicable ordinance of Upper Moreland Township, and in particular the Upper Moreland Township's Zoning or Subdivision and Land Development Ordinance;

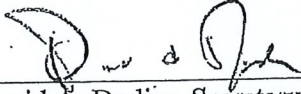
9. During the land development process, and to the satisfaction of the Board of Commissioners, the Applicants shall demonstrate the location, screening, and other mitigation factors for the proposed redevelopment have been designed so as to buffer neighboring residential properties from unattractive views, sounds, fumes, or disturbance;

10. This Conditional Use Decision does not guarantee land development approval of any plan for 275 apartments or 411 parking spaces in a structured parking garage unless fully engineered subdivision and land development plans for the properties demonstrate compliance with all applicable zoning and subdivision regulations of Upper Moreland Township, as well as any statute or regulation of any county, state or federal government agency having jurisdiction over the development;

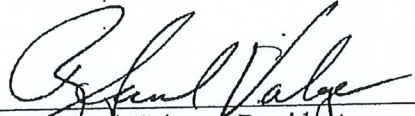
11. During the land development process, Applicant shall demonstrate that the Board of Commissioners' concerns regarding police, fire and emergency safety for the residents of the proposed complex can be satisfactorily addressed.

ATTEST:

BOARD OF COMMISSIONERS
UPPER MORELAND TOWNSHIP



David A. Dodies, Secretary

By: 

R. Samuel Valenza, President

**UPPER MORELAND TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA**

RESOLUTION R-2017-35

**A RESOLUTION GRANTING PRELIMINARY/FINAL LAND DEVELOPMENT
APPROVAL WITH CONDITIONS TO JERC PARTNERS XXXVIII AND J.G. PETRUCCI
CO, INC. FOR THE 'STATION AT WILLOW GROVE' ON ITS SITE LOCATED AT YORK
ROAD AND DAVISVILLE ROAD**

WHEREAS, an application for review and approval of a Preliminary/Final Land Development Plan was filed with Upper Moreland Township for a site consisting of thirteen separate parcels totaling almost six acres located in the Township on Davisville Road near its intersection with York Road, consisting of the following properties and tax map parcel numbers:

- A. 55 York Road, Montgomery County Tax Parcel No. 59-00-19801-00-3, currently owned by the Estate of George Goodman (partially included and partially to be subdivided and excluded as part of the development);
- B. 65 N. York Road, Montgomery County Tax Parcel No. 59-00-19804-00-9, currently owned by Three Star Associates;
- C. 73 N. York Road, Montgomery County Tax Parcel No. 59-00-19807-00-6, currently owned by Three Star Associates;
- D. 75 N. York Road, Montgomery County Tax Parcel No. 59-00-19810-00-3, currently owned by Three Star Associates;
- E. 81 N. York Road, Montgomery County Tax Parcel No. 59-00-19813-00-9, currently owned by Three Star Associates;
- F. 91 N. York Road, Montgomery County Tax Parcel No. 59-00-19816-00-6, currently owned by Three Star Associates;
- G. 215 Davisville Road, Montgomery County Tax Parcel No. 59-00-04516-00-6, currently owned by Three Star Associates;
- H. 217 N. York Road, Montgomery County Tax Parcel No. 59-00-04519-00-3, currently owned by Three Star Associates;
- I. 5 Woodlawn Avenue, Montgomery County Tax Parcel Nos. 59-00-19150-00-6 and 59-00-19153-00-3, currently owned by LaGrass Enterprises, LLC;
- J. Woodlawn Avenue, Montgomery County Tax Parcel No. 59-00-19156-00-9, currently owned by LaGrass Enterprises, LLC;
- K. 3 Woodlawn Avenue, Montgomery County Tax Parcel No. 59-00-04525-00-6, currently owned by Willow Grove Lodge 1101; and
- L. 221 Davisville Road, Montgomery County Tax Parcel No. 59-00-04522-00-9, currently owned by Leonard A. & Bonnie Winegrad;

(collectively, "the Property") with Plans prepared by Bohler Engineering, Chalfont, PA for JERC Partners XXXVIII, LLC of 171 State Route 173, Suite 201, Asbury, NJ 08802 for the construction of a mixed use Transit Oriented Development (TOD) a 5-story mid-rise apartment complex with approximately 275 units. Room types are to consist of one-bedroom, two-bedroom, and studio apartments. In addition, the complex is to contain 2,350 SF of retail space and two floors (2nd & 3rd) of medical office space, with each floor containing 9,000 SF. The Applicant proposes 481 parking

stalls within the attached 5-story parking garage, of which 20 will be designated for SEPTA rider parking, pursuant to an agreement between SEPTA and the Applicant. The application consists of Plans (collectively hereinafter the "Plans") as follows:

- A. Preliminary/Final Land Development Plans prepared by Bohler Engineering, dated July 17, 2017, last revised September 5, 2017, consisting of sheets 1 to 38 of 38.
- B. General Project Description & Stormwater Management Calculations prepared by Bohler Engineering, dated July 17, 2017, last revised September 5, 2017.
- C. Traffic Impact Study prepared by McMahon Transportation Engineers & Planners, dated January 2017, last revised July 2017.
- D. Cross-Sections Exhibit prepared by Bohler Engineering, dated July 17, 2017.
- E. Proposed Luminaire Report, prepared by Bohler Engineering, dated September 5, 2017.

WHEREAS, the Township had previously enacted Ordinance No. 1674 amending the Zoning Code to revise regulations pertaining to mixed use developments in the Town Center and also Ordinance No. 1675 vacating a portion of Woodlawn Avenue in order to facilitate the mixed use, transit-oriented redevelopment of the Property, and

WHEREAS, the Applicant had obtained conditional use approval for the use by Resolution No. 2017- 09 which is incorporated herein as fully as though set forth verbatim, and

WHEREAS, the Plans have been presented to the Community Development Committee of the Upper Moreland Township Board of Commissioners and to the Upper Moreland Township Advisory Planning Agency, and

WHEREAS, Township staff and consultants, and the Montgomery County Planning Commission have all reviewed the Plans, and their revisions, heard the Applicant at public meetings, and now the Board of Commissioners, after due consideration, desires to take action on the application for Preliminary/Final Subdivision and Land Development.

NOW THEREFORE, BE IT RESOLVED by the Board of Commissioners of Upper Moreland Township this 13th day of November, 2017, that the Applicant is granted Preliminary/Final Land Development Approval, subject to the conditions and waivers stated herein, for the Plans entitled: Preliminary/Final Land Development Plan for Station at Willow Grove prepared by Bohler Engineering, dated July 17, 2017, last revised September 5, 2017 and also granted Preliminary/Final Subdivision approval for the Goodman parcel incorporated in the Plans noted above, all of which are incorporated herein upon the following terms and conditions:

A. Plan Conditions:

- 1. Except as modified herein, the Applicant shall comply with the Gilmore & Associates review letter dated October 3, 2017, attached hereto as Exhibit A;
- 2. Except as modified herein, the Applicant shall comply with the McMahon Associates review letter dated October 4, 2017, attached hereto as Exhibit B;

3. Except as modified herein, the Applicant shall comply with the McCloskey & Faber, PC review letter dated September 27, 2017, attached hereto as Exhibit C;

4. Except as modified herein, the Applicant shall comply with the Suburban Lighting Consultants review letter dated August 17, 2017, attached hereto as Exhibit D;

5. The Applicant shall comply with Resolution No. 2017-09, setting forth the decision of the Upper Moreland Township Board of Commissioners on the conditional use application.

6. The Applicant shall separately record an approved Subdivision Plan for 55 York Road, owned N/L Estate of George Goodman, TMP #59-00-19810-00-3, along with a consolidation deed for the combined parcels and a new deed for the remainder of the Goodman parcel in forms satisfactory to the Township Engineer and Township Solicitor.

B. Transportation Improvements

To address traffic impacts from the development, and except as waived herein, the Applicant shall provide those improvements recommended by McMahon Transportation Engineers in their January 22, 2017 and October 5, 2017 letters including:

1. Dedicated new right turn lane along the northbound approach of York Road at Davisville Road, at a width appropriate to accommodate the traffic and consistent with the Township Subdivision and Land Development Ordinance (SALDO) with ADA compliant ramps as recommended by the Township's Transportation Consultant, Mahon Associates, Inc. and Pennsylvania Department of Transportation (PennDOT).
2. Extend the existing left turn lane on the southbound Davisville Road approach from 175 feet to 250 feet by restriping the existing cartway, as recommended by the Township's transportation consultant, McMahon Associates, Inc., and the Pennsylvania Department of Transportation (PennDOT).
3. Restripe the existing Davisville Road cartway from the SEPTA driveway to Abbeyview Avenue to provide a three-lane cross section consisting of an 11 foot travel lane in the southbound direction, a 12 foot travel lane in the northbound direction, and a 10 foot center two-way left-turn lane, which will transition back to the existing two-lane cross section starting at the Abbeyview Avenue intersection, as recommended by the Township's transportation consultant, McMahon Associates, Inc., and the Pennsylvania Department of Transportation (PennDOT).
4. Pedestrian and traffic signal improvements to York Road and Davisville Road as recommended by the Township's transportation consultant, McMahon Associates, Inc. and the Pennsylvania Department of Transportation (PennDOT).
5. A new pedestrian crossing on the northern leg of the signalized intersection of York Road (state route 611) and Davisville Road in order to provide a connection from the SEPTA Regional Rail Station on the northwest corner of the intersection to the existing commercial uses and the Montgomery County Courthouse Annex on the northwest corner of the intersection as recommended by the Township's transportation

consultant, McMahon Associates, Inc., and the Pennsylvania Department of Transportation (PENNDOT).

6. A Transportation Impact Fee in the amount of \$164,000.00, based on the McMahon Associates, Inc. analysis at the interim rate of \$1000 per afternoon peak hour trip.
7. Applicant agrees to make a contribution of \$45,000 to help provide the needed match for a future PennDOT Green-Light Go grant application to provide rail pre-emption and traffic signal interconnection including the intersections of York Road at Davisville Road and Easton Road/Memorial Park Drive at the Township's discretion.
8. Installation of a crosswalk from the Property or the parking garage to the SEPTA Regional Rail Station provided it is approved by PennDOT.

C. Waivers. The Subdivision and Land Development Ordinance gives the Board of Commissioners the power to waive certain requirements of the SALDO where the Applicant shows that strict compliance with the SALDO is an undue hardship. The following Waivers, requested by the Applicant and discussed by the Community Development Committee (CDC) in a public meeting, are hereby granted or denied as stated below:

1. The requirement in the Subdivision and Land Development Ordinance ("SALDO") of **§300-52.C (1)** regarding showing existing features within 400 feet of the site is hereby waived to the extent necessary to accept an aerial photograph in lieu thereof, provided the Applicant physically locates and depicts all storm sewer appurtenances within 400 feet of the site, noting that the plan set itself shows many features beyond the property boundary.

X Approved Denied

2. The requirement in SALDO **§300-15.A(9)** regarding the requirement that no tree, fences, hedges, walls, plantings, or other obstruction shall be located within, or be permitted to grow in the right of way, is hereby waived in order to allow the Applicant to provide "streetscaping" such as trees, bollards, lighting and other improvements in the right of way where appropriate and permissible, subject to the right of the Township and/or PENNDOT to require removal without compensation of any obstructions in their respective rights of way and a right of way agreement with the appropriate party.

X Approved Denied

3. The requirement in SALDO **§300-15.B(1)(b)2** that secondary streets shall have a minimum paved width of 40 feet is hereby waived in order to allow the Applicant to meet PENNDOT standards for Davisville Road with a proposed cartway width of 32 to 33 feet.

X Approved Denied

4. The requirement in **SALDO §300-15.F(7)** that a 35-foot pavement radii be provided at intersection within secondary classified streets is hereby waived in order to allow the radii for the intersection of the proposed driveway with York Road to be less than that as York Road is under PennDOT's jurisdiction and is proposed to be designed in accordance with their standards.

 X Approved

Denied

5. The requirement in **SALDO §300-50.B** that a preliminary plan is required for all subdivisions and land developments is waived in order to allow approval of a Preliminary/Final Subdivision Plan.

 X Approved

Denied

6. The requirement in **SALDO §287-18.X(6)** that a minimum grade of 2% be maintained within the stormwater basin bottom is hereby waived in order to allow the Applicant to utilize a bioretention basin with a flat bottom as approved by the PA Department of Environmental protection (PADEP).

 X Approved

Denied

7. The requirement in **SALDO §300-15.C(3)** that the Applicant offer for dedication to the Township the land between the right of way being offered to PENNDOT and the ultimate right of way along Davisville and York Roads is hereby waived in order to allow the Applicant to be responsible for and maintain the streetscape elements proposed to be installed in that space, provided however the Applicant grants a variable width pedestrian easement for the public to the Township.

 X Approved

Denied

8. The requirement in **SALDO §300-42.H** which requires, in part, that the landscaping plan show the location of existing individual trees with trunks eight inches in caliper or more measured at 12 inches above the ground is hereby waived for the area outside of the disturbance area only.

 X Approved

Denied

9. The requirement in **SALDO §300-42.I** which requires, in part, that the landscaping plan show the location, caliper and common name of all trees 24 inches or greater in caliper measured 12 inches above the ground is hereby waived for the area outside the area of disturbance only.

☒ Approved ☐ Denied

10. The requirement in **SALDO §300-44.A.(1)** which requires that Heritage trees are to be preserved is hereby waived in order to allow four heritage trees to be destroyed to allow for the development to occur.

☒ Approved ☐ Denied

11. The requirement in **SALDO §300-45.A** that every tree that is alive and reasonably healthy in the judgment of the Township Landscape Architect, and with a trunk diameter of eight inches to 36 inches, measured at 12 inches above the natural ground line, which is to be removed or destroyed because of street alignment, building placement, parking area location, grading or other construction activities shall be replaced with one or more new shade trees, is hereby waived due to site constraints provided the Applicant proves to the satisfaction of the Township Landscape Consultant that 66 trees cannot be replanted on site and offers a fee in lieu of tree replacements in the amount of **\$24,750.00**, as calculated by the Township Landscape Consultant.

☒ Approved ☐ Denied

12. The requirement in **SALDO §300-45.B** which requires that every heritage tree which is irreparably damaged, removed or destroyed be replaced with new shade trees of a similar variety recommended by the Township Landscape Architect with a trunk diameter of not less than four inches measured at six inches above the ground line with the quantity of replacement trees calculated on a caliper inch basis such that the total caliper inches of replacement trees is equal to or greater than the total caliper inches of existing heritage tree(s) removed is hereby waived because the four Heritage Trees being removed measure a total size of 184 caliper inches, which would require no less than 46 four-inch caliper replacement trees and due to limited amount of space on site, replacement for these trees cannot be provided on site.

☒ Approved ☐ Denied

13. The requirement in **SALDO §300-43.H.(3)** which requires groundcover plantings, selected from a township list, to be provided on slopes three-to-one (33%) or greater is hereby waived in order to allow the use of alternate, native, species in the form of a meadow mix, as acceptable by the Township's Landscape Architecture Consultant.

☒ Approved ☐ Denied

14. The requirement in SALDO §300-43.F.(5) which requires that basin floors be landscaped with low-maintenance wildflowers and meadow grasses supplemented with shrubs and trees in compliance with the Pennsylvania BMP requirements is hereby waived in order to allow riverstone to be used on the basin floor instead.

 X Approved Denied

15. The requirement that the Applicant comply strictly with the stormwater management requirements of the SALDO, including §287-23.A.(2)(b) and §287-25.B which require that one hundred percent of existing impervious area, when present, shall be considered meadow in the model for existing conditions and that stormwater rate reductions be provided from the existing conditions are hereby waived in order to allow the Applicant to use the requirements of PADEP, which requires 20% of existing impervious to be considered meadow, provided that a fee in lieu thereof in the amount of \$155,239.02 is provided to allow the Township to make off-site stormwater improvements.

 X Approved Denied

16. The requirement that the Applicant comply strictly with the SALDO in order to subdivide the property owned n/l Estate of George Goodman, TPN # 59-00-19801-003 to add a portion of that parcel to the Property being developed herein, provided however, sheet #2 "Subdivision and Lot Consolidation Plan" is removed from the Plans and is, instead, recorded separately, with new Deeds prepared for the parcel acceptable to the Township Engineer and Township Solicitor and recorded thereafter.

 X Approved Denied

17. The requirement that the Applicant comply with SALDO §287-18.X.(2) that requires that the maximum slope of the earth and detention basin embankment be three to one is hereby waived in order to allow two to one slopes properly stabilized in the detention basin.

 X Approved Denied

D. Further Conditions:

1. The Applicant shall comply with all other applicable Township Ordinances, County, State and Federal Rules, Regulations, Ordinances and Statutes and obtain all applicable permits and approvals, including but not limited to DEP, Montgomery County Conservation District, and PennDOT.

2. The Applicant shall submit necessary Highway Occupancy and Traffic Signal Permit Plans, and obtain approvals from the Township Traffic Engineer and the Pennsylvania Department for any roadway improvements that are required as part of this Resolution, and shall submit supplicate copies of any communications to or from PENNDOT on its behalf to the Township for its review.

3. The Applicant shall comply with Resolution No. 2017- 09 setting forth the decision of the Upper Moreland Township Board of Commissioners on the Conditional Use Application of JERC Partners XXXV III and J.G. Petrucci Co. Inc. for the Station at Willow Grove including but not limited to providing the design features, amenities, and structured parking with 20 spaces for SEPTA which were made a part of the record for that Decision.

4. Prior to obtaining a Certificate of Occupancy, the Applicant has agreed to contribute the sum of \$147,675.00 in lieu of providing required open space based on 20,350 square feet of leasable space and 275 dwelling units.

5. Prior to the recording of the Plans, and construction, the Applicant shall enter into a developer's agreement with the Township, prepared by the Township Solicitor, providing for financial security in the form of an irrevocable letter of credit or other financial security approved by the Township Solicitor from a bank or other approved financial institution in an amount deemed sufficient by the Township Engineer to assure the construction of all of those improvements on the approved Plans deemed to be in the public interest including but not limited to stormwater drainage improvements, paving, curbing, sedimentation and erosion control measures, inspection fees, grading, monuments, roadway improvements, required landscaping, and any other such improvements required by the approved Plans. Any letter of credit shall have an "Evergreen Clause" providing that the letter of credit shall not expire without sixty (60) days advance notice to the Township. The Township shall release the financial security, less retainage, as the work proceeds in each phase and shall release the financial security in full for that phase when the improvements are completed to the satisfaction of the Township Engineer.

6. The Applicant shall provide seven paper copies of the final Plans executed by the Applicant. The Township will sign the Plans upon review of the Township Engineer.

7. Unless the Applicant has obtained a building permit, this Resolution will expire in two years from the date of this Resolution unless extended in writing by the Township.

8. The 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. Provided financial security has been posted for the demolition work, the Township Zoning Officer may permit demolition of existing buildings and structures and limited grading activities in the area of the demolished buildings and structures prior to the recording of the Plans, provided that all necessary sedimentation and control have been correctly installed for the work to be undertaken.

9. Prior to the recording of the Plans, the Applicant shall provide and record stormwater facilities easements as prepared by the Township Solicitor, providing that the stormwater facilities are to be the responsibility of the owner of the property on which they are located and shall be

maintained by the owner; provided however that the Township retains the right to maintain the stormwater facilities at its sole option with the costs thereof to be borne by the property owner.

10. Prior to the recording of the Plans, the Applicant shall pay all costs incurred by the Township in the review of this application, including, engineering, legal and administrative costs.

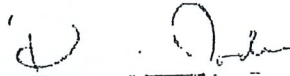
11. Prior to recording the Plans, the Applicant shall demonstrate agreements with the Upper Moreland Hatboro Joint Sewer Authority and AQUA, evidencing the availability of public water and sewer to serve the development.

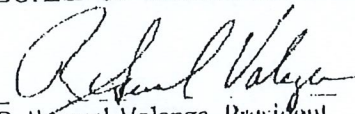
12. This approval is further conditioned upon the acceptance of the conditions contained herein by the Applicant and signifying acceptance by signing a copy of this Resolution.

The Officers of the Township are authorized to sign the Land Development Plan for the above-referenced parcels at or near the intersection of Davisville and York Roads for the Applicant, upon satisfactory resolution of the above conditions and are directed to affix the corporate seal thereto.

Attest:

UPPER MORELAND TOWNSHIP
BOARD OF COMMISSIONERS

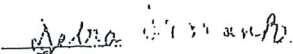

David A. Dodies, Secretary

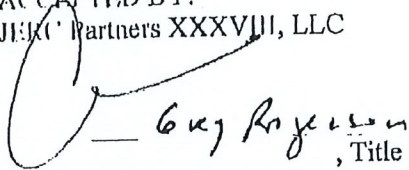
By: 
R. Samuel Valenza, President

In the event the executed Resolution is not delivered to the Township ten (10) days from receipt, it shall be deemed that the Applicant does not accept these conditions and approvals conditioned upon its acceptance are revoked, and application considered to be denied for the reasons set forth above.

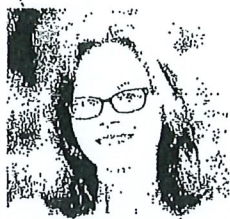
ACCEPTED BY:
JERK Partners XXXVIII, LLC

Attest:


Jerk Partners, LLC

By:  Guy Royce, Title

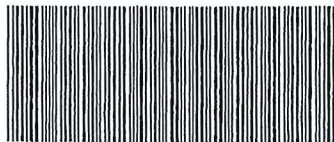
Dated: 11-28-17



**RECORDER OF DEEDS
MONTGOMERY COUNTY**
Jeanne Sorg

One Montgomery Plaza
Swede and Airy Streets ~ Suite 303
P.O. Box 311 ~ Norristown, PA 19404
Office: (610) 278-3289 ~ Fax: (610) 278-3869

DEED BK 6081 PG 01114 to 01121.2
INSTRUMENT # : 2018013129
RECORDED DATE: 02/28/2018 03:39:40 PM



3747380-0011R

MONTGOMERY COUNTY ROD

OFFICIAL RECORDING COVER PAGE

Page 1 of 10

Document Type: Deed of Consolidation
Document Date: 02/27/2018
Reference Info:

Transaction #: 3887427 - 6 Doc
(s)
Document Page Count: 7
Operator Id: msanabia

RETURN TO: (Mail)
LAND SERVICES USA, INC
1 South Church Street
Suite 300
West Chester, PA 19382

PAID BY:
LAND SERVICES USA INC

*** PROPERTY DATA:**

Parcel ID #: 59-00-19801-01-2
Address: 215 DAVISVILLE RD

59-00-04516-00-6
91 N YORK RD

59-00-19816-00-6
217 DAVISVILLE RD

PA

WILLOW GROVE PA
19090

PA

Municipality: Upper Moreland Township
(100%)

Upper Moreland
Township (0%)

Upper Moreland
Township (0%)

School District: Upper Moreland

Upper Moreland

Upper Moreland

*** ASSOCIATED DOCUMENT(S):**

CONSIDERATION/SECURED AMT: \$1.00

FEES / TAXES:

Recording Fee: Deed of Consolidation	\$86.75
Affidavit Fee	\$1.50
Additional Pages Fee	\$6.00
Additional Parcels Fee	\$180.00
Affordable Housing Pages	\$6.00
Affordable Housing Parcels	\$6.00
Total:	\$286.25

DEED BK 6081 PG 01114 to 01121.2

Recorded Date: 02/28/2018 03:39:40 PM

I hereby CERTIFY that this document is recorded in the Recorder of Deeds Office in Montgomery County, Pennsylvania.



Jeanne Sorg

**Jeanne Sorg
Recorder of Deeds**

Rev1a 2016-01-29

PLEASE DO NOT DETACH

THIS PAGE IS NOW PART OF THIS LEGAL DOCUMENT

NOTE: If document data differs from cover sheet, document data always supersedes.

*COVER PAGE DOES NOT INCLUDE ALL DATA, PLEASE SEE INDEX AND DOCUMENT FOR ANY ADDITIONAL



PREPARED BY & RETURN TO:
Fitzpatrick Lentz & Bubba, P.C.
4001 Schoolhouse Lane
Center Valley, PA 18034
610-797-9000

RECORDER OF DEEDS
MONTGOMERY COUNTY

2018 FEB 28 P 2:58

Tax Parcel No.: 59-00-19801-01-2 – (New Parcel) **REGISTERED NEW**
Tax Parcel No.: 59-00-04516-00-6 – 215 Davisville Road
Tax Parcel No.: 59-00-19816-00-6 – 91 N. York Road ✓
Tax Parcel No.: 59-00-04519-00-3 – 217 Davisville Road
Tax Parcel No.: 59-00-19804-00-9 – 65 N. York Road ✓
Tax Parcel No.: 59-00-19807-00-6 – 73 N. York Road ✓
Tax Parcel No.: 59-00-19810-00-3 – 75 N. York Road ✓
Tax Parcel No.: 59-00-19813-00-9 – 81 N. York Road ✓
Tax Parcel No.: 59-00-19153-00-3 – 5 Woodlawn Ave. ✓
Tax Parcel No.: 59-00-19150-00-6 – 5 Woodlawn Ave. ✓
Tax Parcel No.: 59-00-19156-00-9 – Woodlawn Ave.
Tax Parcel No.: 59-00-04522-00-9 – 221 Davisville Road
Tax Parcel No.: 59-00-04525-00-6 – 3 Woodlawn Ave. ✓
PAF 5025A
Upper Moreland Twp., County of Montgomery

DEED OF CONSOLIDATION

THIS DEED is made the 29th day of February, in the year Two Thousand Eighteen (2018)

BETWEEN

JERC PARTNERS XXXIX LLC, a Pennsylvania limited liability company ("Grantor")

AND

JERC PARTNERS XXXIX LLC, a Pennsylvania limited liability company ("Grantee")

WITNESSETH, that in consideration of One (\$1.00) Dollar, in hand truly paid by Grantee at or before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, the Grantor does hereby grant and convey to the Grantee, its successors and assigns,

See Exhibit "A" attached hereto and made a part hereof

BEING THE SAME PREMISES which Willow Grove Lodge No. 1101, Loyal Order of Moose, a Pennsylvania non profit corporation, by Deed dated January 29, 2018 and recorded February 1, 2018 in the Office of the Recorder of Deeds of Montgomery County, Pennsylvania, in Record Book Volume 6078 Page 2292 granted and conveyed to JERC PARTNERS XXXIX LLC, a Pennsylvania limited liability company.



BEING THE SAME PREMISES which Lagrass Enterprises, LLC, a Pennsylvania limited liability company, by Deed dated February 5, 2018 and recorded February 16, 2018 in the Office of the Recorder of Deeds of Montgomery County, Pennsylvania, in Record Book Volume 6080 Page 666 granted and conveyed to JERC PARTNERS XXXIX LLC, a Pennsylvania limited liability company.

BEING THE SAME PREMISES which Leonard A. Winegrad and Bonnie Winegrad, by Deed dated February 6, 2018 and recorded February 9, 2018 in the Office of the Recorder of Deeds of Montgomery County, Pennsylvania, in Record Book Volume 6079 Page 2087 granted and conveyed to JERC PARTNERS XXXIX LLC, a Pennsylvania limited liability company.

BEING THE SAME PREMISES which Lonna G. Ettelson, Sole Executor, Trustee and Beneficiary, Joan B. Goodman, Trustee and Beneficiary, Susan Goodman, Beneficiary, Jane L. Goodman, Beneficiary and Bonnie Goodman Beneficiary, all of the Estate of George Goodman, Deceased, by Deed dated February 14, 2018 and recorded February 21, 2018 in the Office of the Recorder of Deeds of Montgomery County, Pennsylvania, in Record Book Volume 6080 Page 1531 granted and conveyed to JERC PARTNERS XXXIX LLC, a Pennsylvania limited liability company.

BEING THE SAME PREMISES which Three Stars Associates, a Pennsylvania general partnership by Deed dated February _____, 2018 and recorded February _____, 2018 in the Office of the Recorder of Deeds of Montgomery County, Pennsylvania, in Record Book Volume _____ Page _____ granted and conveyed to JERC PARTNERS XXXIX LLC, a Pennsylvania limited liability company.

UNDER AND SUBJECT to all easements and restrictions, if any, as may appear of record.

THIS IS A CONVEYANCE from Grantor to themselves to consolidate multiple parcels into one description and is not subject to Pennsylvania Realty Transfer Tax.

TOGETHER with all and singular the buildings, improvements, ways, waters, water courses, rights, liberties, privileges, hereditaments and appurtenances whatsoever thereunto belonging, or in anywise appertaining, and the reversions and remainders, rents, issues and profits thereof; and all the estate, right, title, interest, property, claim and demand whatsoever of the Grantor, its successors and assigns, in law, equity or otherwise, of, in and to the same, and every part thereof, **subject as aforesaid.**

TO HAVE AND TO HOLD the lot or piece of ground above described, with the improvements thereon erected, hereditaments and premises hereby granted or mentioned, and intended so to be, with the appurtenances, unto the Grantee, its successors and assigns, to and for the only proper use and behoof of the Grantee, its successors and assigns, forever, **subject as aforesaid.**

THE GRANTOR, for itself, its successors and assigns, do by these presents covenant, grant and agree to and with the Grantee, its successors and assigns, that they, the Grantor, and its successors and assigns, all and singular the hereditaments and premises hereinabove described and granted, or mentioned, and intended so to be, with the appurtenances, unto the Grantee, its



successors and assigns, against it, the Grantor and its successors and assigns, and against all and every other person or persons whomsoever, lawfully claiming or to claim the same, or any part thereof, by, from or under said Grantor,

SHALL AND WILL, SUBJECT AS AFORESAID, SPECIALLY WARRANT AND FOREVER DEFEND.

IN WITNESS WHEREOF, the Grantor has caused this Deed to be executed on the day and year first above written.

JERC PARTNERS XXXIX LLC

By: Turnkey Associates X LLC, a New Jersey limited liability company, its sole member

By:

Name:

Title:

Gregory
*Gregory
*Member Rochester

MONTGOMERY COUNTY COMMISSIONERS REGISTRY

59-00-04516-00-6 UPPER MORELAND

215 DAVISVILLE RD

THREE STARS ASSOC

B 017 U 008 L 4275 DATE: 02/28/2018 \$15.00 JW

PART OF

MONTGOMERY COUNTY COMMISSIONERS REGISTRY

59-00-19816-00-6 UPPER MORELAND

91 N YORK RD

THREE STARS ASSOC

B 017 U 007 L 4100 DATE: 02/28/2018 \$15.00 JW

MONTGOMERY COUNTY COMMISSIONERS REGISTRY

59-00-04519-00-3 UPPER MORELAND

217 DAVISVILLE RD

THREE STARS ASSOC

B 017 U 009 L 1140 DATE: 02/28/2018 \$15.00 JW

MONTGOMERY COUNTY COMMISSIONERS REGISTRY

59-00-19804-00-9 UPPER MORELAND

65 N YORK RD

THREE STARS ASSOCIATES

B 017 U 004 L 4240 DATE: 02/28/2018 \$15.00 JW

MONTGOMERY COUNTY COMMISSIONERS REGISTRY

59-00-19807-00-6 UPPER MORELAND

73 N YORK RD

THREE STARS ASSOCIATES

B 017 U 005 L 4100 DATE: 02/28/2018 \$15.00 JW

MONTGOMERY COUNTY COMMISSIONERS REGISTRY

59-00-19810-00-3 UPPER MORELAND

75 N YORK RD

THREE STARS ASSOCIATES

B 017 U 040 L 4100 DATE: 02/28/2018 \$15.00 JW

MONTGOMERY COUNTY COMMISSIONERS REGISTRY

59-00-19813-00-9 UPPER MORELAND

81 N YORK RD

THREE STARS ASSOCIATES

B 017 U 006 L 4100 DATE: 02/28/2018 \$15.00 JW

MONTGOMERY COUNTY COMMISSIONERS REGISTRY

59-00-19150-00-6 UPPER MORELAND

5 WOODLAWN AVE

LAGRASS ENTERPRISES LLC

B 017 U 010 L 3321 DATE: 02/28/2018 \$15.00 JW

MONTGOMERY COUNTY COMMISSIONERS REGISTRY

59-00-19156-00-9 UPPER MORELAND

WOODLAWN AVE

LAGRASS ENTERPRISES LLC

B 017 U 026 L 1 2206 DATE: 02/28/2018 \$15.00 JW

MONTGOMERY COUNTY COMMISSIONERS REGISTRY

59-00-04522-00-9 UPPER MORELAND

221 DAVISVILLE RD

JERC PARTNERS XXXIX LLC

B 017 U 012 L 4100 DATE: 02/28/2018 \$15.00 JW

MONTGOMERY COUNTY COMMISSIONERS REGISTRY

59-00-04525-00-6 UPPER MORELAND

3 WOODLAWN AVE

JERC PARTNERS XXXIX LLC

B 017 U 011 L 5980 DATE: 02/28/2018 \$15.00 JW

MONTGOMERY COUNTY COMMISSIONERS REGISTRY

59-00-19153-00-3 UPPER MORELAND

5 WOODLAWN AVE

LAGRASS ENTERPRISES LLC

B 017 U 039 L 3321 DATE: 02/28/2018 \$15.00 JW

eCertified copy of recorded # 2018013129 (page 4 of 10)
Montgomery County Recorder of Deeds



STATE OF NJ :
COUNTY OF Hudson : SS.

On this the 27 day of Feb, 2018, before me, a Notary Public, the undersigned officer, personally appeared Guy Dugan, who acknowledged himself to be member of Turnkey Associates X LLC, a New Jersey limited liability company, Sole Member of JERC PARTNERS XXXIX LLC, a Pennsylvania limited liability company, and that he as such officer, being authorized to do so, executed the foregoing Deed for the purposes therein contained on behalf of the limited liability company.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

[Signature]
Notary Public
My Commission Expires:

MICHAEL H. SCHWERTFEGER
NOTARY PUBLIC OF NEW JERSEY
I.D. # 2335117
My Commission Expires 9/28/2020

I hereby certify that the correct address
of the Grantee herein is:

171 State Route 173, Suite 201
Asbury NJ 08802

[Signature]



Exhibit "A"



**"EXHIBIT A".
LEGAL DESCRIPTION**

UPPER MORELAND TOWNSHIP, MONTGOMERY COUNTY
COMMONWEALTH OF PENNSYLVANIA

BEGINNING AT THE INTERSECTION OF THE TITLE LINE IN BED OF DAVISVILLE ROAD (A.K.A. S.R. 2042, 46' WIDE LEGAL RIGHT-OF-WAY), AND THE TITLE LINE IN THE BED OF YORK ROAD (A.K.A. OLD YORK ROAD, A.K.A. PENNSYLVANIA STATE HIGHWAY ROUTE 611, VARIABLE WIDTH LEGAL RIGHT-OF-WAY), AND FROM SAID POINT OF BEGINNING RUNNING, THENCE;

THE FOLLOWING FIVE (5) COURSES AND DISTANCES ALONG THE TITLE LINE IN THE BED OF DAVISVILLE ROAD:

1. NORTH 38 DEGREES - 45 MINUTES - 00 SECONDS EAST, A DISTANCE OF 369.52 FEET TO A POINT, THENCE;
2. SOUTH 52 DEGREES - 16 MINUTES - 00 SECONDS EAST, A DISTANCE OF 23.37 FEET TO A POINT, THENCE;
3. NORTH 39 DEGREES - 27 MINUTES - 04 SECONDS EAST, A DISTANCE OF 45.15 FEET TO A POINT, THENCE;
4. NORTH 50 DEGREES - 32 MINUTES - 35 SECONDS WEST, A DISTANCE OF 23.36 FEET TO A POINT, THENCE;
5. NORTH 39 DEGREES - 33 MINUTES - 25 SECONDS EAST, A DISTANCE OF 195.00 FEET TO A POINT, THENCE;
6. ALONG THE DIVIDING LINE BETWEEN UNITS 11, 13 & 14, BLOCK 17, LANDS NOW OR FORMERLY WILLOW GROVE LODGE NO. 1101, LOYAL ORDER OF MOOSE AND UNIT 15 & 16, BLOCK 17' LANDS NOW OR FORMERLY UPPER MORELAND TOWNSHIP, SOUTH 50 DEGREES - 32 MINUTES - 35 SECONDS EAST, A DISTANCE OF 253.78 FEET TO A POINT, THENCE;
7. ALONG THE DIVIDING LINE BETWEEN UNITS 11, 13 & 14, BLOCK 17 AND UNIT 10, BLOCK 35, LANDS NOW OR FORMERLY LAGRASS ENTERPRISES, LLC, SOUTH 39 DEGREES - 15 MINUTES - 25 SECONDS WEST, A DISTANCE OF 34.22 FEET TO A POINT, THENCE;
8. ALONG THE COMMON DIVIDING LINE BETWEEN UNIT 39, BLOCK 17, LANDS NOW OR FORMERLY LAGRASS ENTERPRISES, LLC; UNIT 50, BLOCK 17, LANDS NOW OR FORMERLY BENEK; UNIT 51, BLOCK 17, LANDS NOW OR FORMERLY BERNARD AND UNIT 52, BLOCK 17, LANDS NOW OR FORMERLY MOORE, SOUTH 51 DEGREES - 30 MINUTES - 35 SECONDS EAST, A DISTANCE OF 168.62 FEET TO A POINT, THENCE;

THE FOLLOWING THREE (3) COURSES AND DISTANCES ALONG THE DIVIDING LINE BETWEEN UNIT 26, BLOCK 17 AND UNIT 57, BLOCK 17' LANDS NOW OR FORMERLY BLUCAS:

9. SOUTH 39 DEGREES - 18 MINUTES - 19 SECONDS WEST, A DISTANCE OF 89.76 FEET TO A POINT, THENCE;
10. SOUTH 19 DEGREES - 46 MINUTES - 55 SECONDS EAST, A DISTANCE OF 78.63 FEET TO A POINT, THENCE;



11. SOUTH 11 DEGREES - 19 MINUTES - 41 SECONDS EAST, A DISTANCE OF 91.71 FEET TO A POINT, THENCE;
12. ALONG THE COMMON DIVIDING LINE BETWEEN UNIT 26, BLOCK 17; UNIT 31, BLOCK 17, LANDS NOW OR FORMERLY WIPPLINGER AND UNIT 68, BLOCK 17, LANDS NOW OR FORMERLY GANNON, SOUTH 39 DEGREES - 24 MINUTES - 49 SECONDS WEST, A DISTANCE OF 144.24 FEET TO A POINT, THENCE;
13. ALONG THE DIVIDING LINE BETWEEN UNITS 42 & 43, BLOCK 17 AND UNIT 3, BLOCK 17, LANDS NOW OR FORMERLY 45 SOUTH YORK ROAD ASSOCIATES, LLC, NORTH 60 DEGREES - 41 MINUTES - 57 SECONDS WEST, A DISTANCE OF 107.34 FEET TO A POINT, THENCE;
14. ALONG THE DIVIDING LINE BETWEEN UNITS 42 & 43, BLOCK 17 AND UNIT 26, BLOCK 17, NORTH 10 DEGREES - 49 MINUTES - 22 SECONDS EAST, A DISTANCE OF 39.89 FEET TO A POINT, THENCE;

THE FOLLOWING FOUR (4) COURSES AND DISTANCES ALONG A LINE RUNNING THROUGH UNITS 42 & 43, BLOCK 17, LANDS NOW OR FORMERLY GOODMAN, ALSO BEING THE DIVIDING LINE BETWEEN PROPOSED LOT 1 AND PROPOSED LOT 2:

15. NORTH 50 DEGREES - 24 MINUTES - 38 SECONDS WEST, A DISTANCE OF 19.01 FEET TO A POINT, THENCE;
16. SOUTH 39 DEGREES - 35 MINUTES - 22 SECONDS WEST, A DISTANCE OF 74.74 FEET TO A POINT, THENCE;
17. NORTH 50 DEGREES - 38 MINUTES - 39 SECONDS WEST, A DISTANCE OF 11.00 FEET TO A POINT, THENCE;
18. SOUTH 39 DEGREES - 35 MINUTES - 22 SECONDS WEST, A DISTANCE OF 125.29 FEET TO A POINT ON THE TITLE LINE IN THE BED OF YORK ROAD, THENCE;

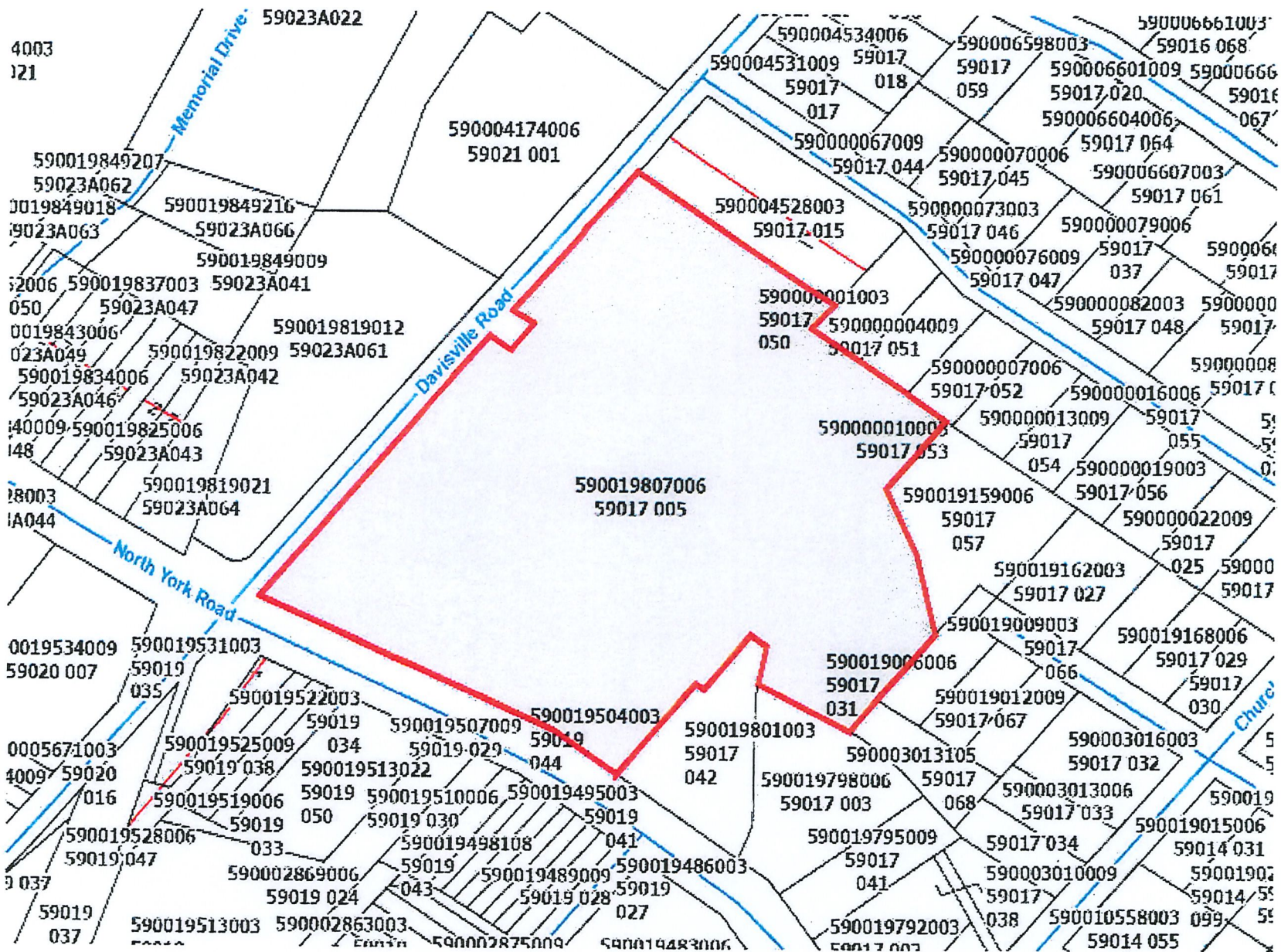
THE FOLLOWING THREE (3) COURSES AND DISTANCES ALONG THE TITLE LINE IN THE BED OF YORK ROAD:

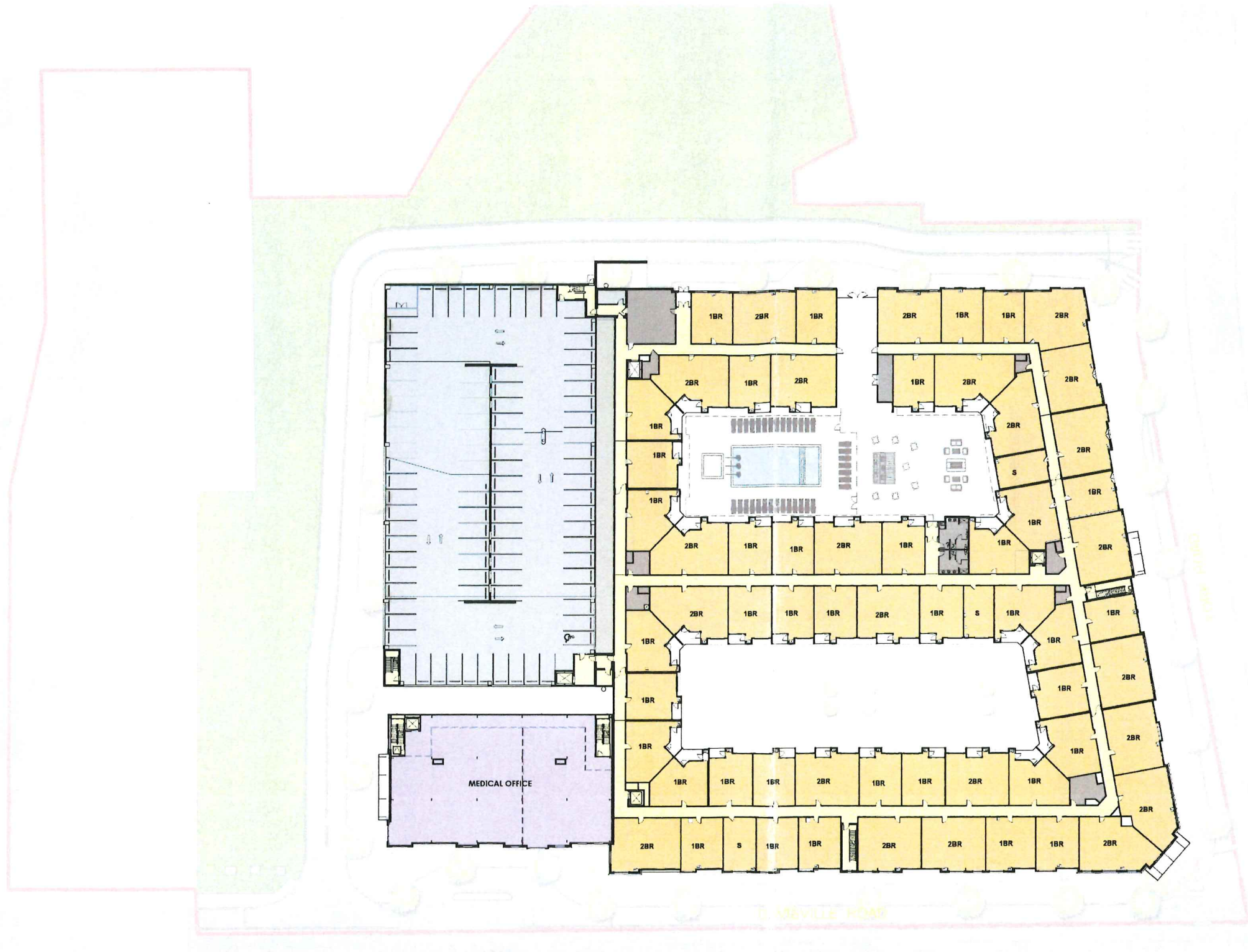
19. NORTH 50 DEGREES - 46 MINUTES - 00 SECONDS WEST, A DISTANCE OF 63.79 FEET TO A POINT, THENCE;
20. NORTH 60 DEGREES - 22 MINUTES - 00 SECONDS WEST, A DISTANCE OF 88.05 FEET TO A POINT, THENCE;
21. NORTH 61 DEGREES - 25 MINUTES - 00 SECONDS WEST, A DISTANCE OF 131.71 FEET TO A POINT, THENCE;
22. NORTH 61 DEGREES - 05 MINUTES - 00 SECONDS WEST, A DISTANCE OF 124.21 FEET TO THE POINT AND PLACE OF BEGINNING.

CONTAINING 260,688 SQUARE FEET OR 5.985 ACRES

THIS DESCRIPTION WAS WRITTEN BASED UPON A MAP ENTITLED "LOT CONSOLIDATION PLAN, JERC PARTNERS XXXIX LLC, STATION AT WILLOW GROVE, DAVISVILLE ROAD & YORK ROAD, UPPER MORELAND TOWNSHIP, MONTGOMERY COUNTY, COMMONWEALTH OF PENNSYLVANIA", PREPARED BY BOHLER ENGINEERING, DATED 1/9/2018, REVISION NO. 1 DATED 1/15/2018, REVISION NO. 2 DATED 1/22/2018, PROJECT NO. PC151241, SHEET 1 OF 1, recorded in Plan Book _____, Page _____.







PROJECT SUMMARY

RESIDENTIAL UNIT CALCULATIONS

	RESIDENTIAL FLOORS					UNIT MIX TOTAL	UNIT MIX %
	1ST.	2ND.	3RD.	4TH.	5TH.		
STUDIO - S01	02	03	03	03	02	13	5%
1BR - UAI	20	38	43	43	28	172	62%
2BR - UBI	7	23	23	23	14	90	33%
TOTAL	29	64	69	69	44	275 D.U.	100%

GARAGE PARKING CALCULATIONS

	TOTAL
LEVEL 1 PARKING	077 PS
LEVEL 2 PARKING	088 PS
LEVEL 3 PARKING	090 PS
LEVEL 4 PARKING	090 PS
LEVEL 5 PARKING	104 PS
LEVEL 6 PARKING	33 PS
TOTAL	482 PS

DEVELOPMENT PROGRAM

TOTAL No. DWELLING UNITS	275 D.U.
DWELLING UNIT MIX	
• 2 BR	90 D.U.
• 1 BR	172 D.U.
• STUDIO	13 D.U.
TOTAL PARKING	482 SPACES
• RESIDENTIAL	358 SPACES (1.34 PS/DU)
• RETAIL	14 SPACES
• SEPTA	20 SPACES

SECOND LEVEL FLOOR PLAN
SCALE: 1" = 30'

Advisory Planning Agency
March 20, 2025

Minutes

A meeting of the APA was held on March 20, 2025 at 5:00 PM in the UMT Building. Members present included Vice-Chair George Hartman, Jay Silverman, Fred Standaert, Landon Synnestvedt, Arlene Rubin & Claire Warner from the MCPC. Absent: Chair Jennifer Mullen & Christian Henderson.

Zoning

91 N. York Road. Conditional Use application by JERC Partners XXXIX, LLC to convert the existing 9,000 square feet office area to 10, 1-bedroom and studio apartments. Greg Davis, Esq., attorney for applicant, was present along with Peter Polk & Mike Duffy from JERC Partners, owners of Station at WG. Mr. Davis gave an introduction and brief overview of application and purpose. Peter Polk gave a PowerPoint presentation on the proposed application, history of the Station at WG project and the previously approved office areas. The 2nd floor office area where the apartments are proposed has been difficult to rent and is vacant. The current apartment building has 275 apartments and their proposal will bring the total to 285 apartments. The studio and 1-bedroom apartments in original building rented quickly and they feel these will too.

There was discussion from the APA on proposed rent but Mr. Polk was unsure at this time. The APA also discussed access to the proposed units. Mr. Polk explained that there will be access to the proposed apartments from the main entrance and amenity area/lounge but not from the existing apartments. The prospective tenants will have access to the parking garage and all other amenities. Mr. Polk went on to say that the complex is currently operating at a 96% occupancy rate.

Claire Warner from the MCPC discussed her 3/5/25 247 review and commented that the proposal is consistent with the MONTCO 2040 as a regional mixed-use center.

Fred Standaert made a motion to recommend approval of the CU application; seconded by George Hartman. All in favor.

New Business

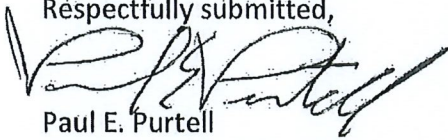
Walkability Audit. Claire Warner from the MCPC discussed her 1/6/25 memo (attached) concerning the walkability of the WG area as part of the UM Comprehensive Plan projects. The walk audit would help identify areas of the Twp that would provide pedestrians safer access to and from areas of WG by way of sidewalks, pedestrians crossings and other safety features. Safer access to areas of WG could encourage active transportation and economic growth if these areas were more accessible to pedestrians.

Discussion was held on which areas of the Twp should the audit start with and it was recommended that the downtown area be the focus of the audit for now. Discussion was also

held on who should be on the audit committee and Paul Purtell suggested members of the APA, MCPC staff, Twp staff along with Parks & Rec Committee members. Claire Warner will provide a sidewalk audit preview for the next scheduled APA meeting for review and comment.

There being no further business the meeting was adjourned at 5:57 PM.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "P. E. Purtell", written over the printed name.

Paul E. Purtell
Director, Code Enforcement

**MONTGOMERY COUNTY
BOARD OF COMMISSIONERS**

JAMILA H. WINDER, CHAIR
NEIL K. MAKHIJA, VICE CHAIR
THOMAS DIBELLO, COMMISSIONER

WWW.MONTGOMERYCOUNTYPA.GOV



**MONTGOMERY COUNTY
PLANNING COMMISSION**

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

610-278-3722
PLANNING@MONTGOMERYCOUNTYPA.GOV

SCOTT FRANCE, AICP
EXECUTIVE DIRECTOR

Date: January 6, 2025
SUBJECT: Upper Moreland Comprehensive Plan Implementation Projects
TO: Paul Purtell, Director of Planning, Zoning & Inspections
FROM: Claire Warner, Senior Community Planner, Montgomery County Planning Commission

Upper Moreland Township recently competed and adopted a new zoning ordinance which addressed many of the recommendations from the Upper Moreland 2040 Comprehensive Plan. To continue in the efforts to implement the comprehensive plan, the township could consider a Walk Audit of the Willow Grove area or other places that have been identified for safety improvements.

What is a Walk Audit?

A walk audit is a review of walking conditions along specified streets conducted with a group of community members, which can include: commissioners, township staff, residents, business owners, emergency responders, developers, and other interested parties. Key areas of interest and concern are visited and analyzed for both positive and negative conditions, and the conditions are documented with photographs. During a walk audit, it is noted where people are crossing the street, driveways, sidewalk conditions, and what it feels like to walk in that environment.

Based on the comprehensive plan recommendations, a Walk Audit would help identify projects that the township can implement in the short-term to improve walkability in Willow Grove. The comprehensive plan recommends updates to the subdivision and land development ordinance that the township could pursue in the longer-term to ensure consistency with the zoning and to modernize any outdated standards. However, the township may want to consider conducting a Walk Audit before undertaking updates to the SALDO because the Walk Audit would identify specific changes to SALDO requirements related to walkability in the township.

Some of the key recommendations in the comprehensive plan are for projects to support revitalization efforts in Willow Grove, some of which were addressed as part of the zoning update, such as better building and streetscape design. Walkability is addressed in many chapters of the comprehensive plan, but is especially important in relation to transportation as a form of active transportation as well as to economic development and how it relates to placemaking. In particular, the comprehensive plan proposes that revitalization through placemaking is directly related to walkability (pg. 210):

“Using “placemaking” to strengthen the sense of place and image of downtown Willow Grove can mean pedestrian improvements, façade and streetscaping enhancements or using zoning to make the area more vibrant and attractive. That can, in turn, improve quality of life, draw more arts and recreation businesses and organizations, and make Willow Grove and Upper Moreland more socially sustainable.”

The Upper Moreland comprehensive plan has a number of transportation and economic development recommendations related to walkability, some of which are listed below.

10C. Prioritize crosswalk improvements in downtown Willow Grove, near schools, parks and other critical areas.

10K. Systematically fill gaps in the sidewalk network by identifying existing gaps, categorizing gaps in terms of funding sources and approaching property owners to implement a plan.

10L. Upgrade Subdivision and Land Development Ordinance (SALDO) to better provide for crosswalks. Sidewalk patterns and/or decorative crosswalks will be required to continue across driveway aprons. This would eliminate breaks in the network that sometimes occur where curb cuts are present.

- a. Verge. A few zoning districts require a verge area, such as the Town Center Districts. The SALDO will be amended to add provisions requiring these in all zoning districts (with appropriate variation depending upon the zoning district or area). These would address appropriate width and planting or paving materials, and can greatly affect the appearance and character of a neighborhood or area.
- b. Crosswalk Specifications. The SALDO requires a minimum crosswalk width, but does not specify design or materials. We recommend the requirements specify a highly-visible design consistent with PennDOT (Federal Highway Administration) recommendations (in the image of crosswalk designs, "continental", "ladder" and "zebra" would be considered "highly-visible").

11J. Pursue a "placemaking" strategy in downtown Willow Grove. This would include:

- a. Providing and strengthening incentives for provision of pedestrian accommodations and amenities, with the foundation for such improvements being created by preparing a "walk audit", examining and documenting the pedestrian system in downtown Willow Grove on foot, in coordination with MCPC.

13L. In downtown Willow Grove, use "placemaking" to strengthen "sense of place" and image, and draw more residents, visitors and restaurant or entertainment patrons downtown. Continue to create linkages between the two sides of Route 611 with pedestrian connections, safety measures, signage and development, while using zoning to strengthen mixed-use development on each side of the road.

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SCOTT FRANCE, AICP
EXECUTIVE DIRECTOR

March 5, 2025

Mr. Paul Purtell, Director, Planning, Zoning & Inspections
Upper Moreland Township
117 Park Avenue
Willow Grove, Pennsylvania 19090-3215

Re: MCPC # 22-0218-002
Plan Name: 91 N York Road
(1 lot comprising approximately 5.39 acres)
Situate: N. York Road (cross street: Davisville Road)
Upper Moreland Township

Dear Mr. Purtell:

We have reviewed the above-referenced conditional use proposal as you requested on February 25, 2025. We forward this letter as a report of our review.

BACKGROUND

The applicant, JERC Partners XXXIX, LLC, is proposing a modification to the conditional use approval for the Station at Willow Grove to convert approximately 9,000 square feet of space originally designated for medical office use to ten residential units. The applicant was granted conditional use approval in 2017 and in 2019, which included the condition that the ground floor space must be used for office and retail. The applicant is requesting a modification of the prior Conditional Use Approval language to permit additional 1-bedroom and studio units on the second floor.

The property is located in the TC Town Center District, which permits mid-or high-rise apartment buildings by conditional use. The development is complete and residential units are rented; however, the applicant has been unsuccessful in finding a tenant for the office portion of the building. We reviewed a previously submitted proposal to allow office as well as retail uses on the ground floor in a letter dated August 23, 2022.

COMPREHENSIVE PLAN COMPLIANCE

The proposed modifications to the conditional use approval is generally consistent with *MONTCO 2040: A Shared Vision*, which designates the area as "Regional Mixed Use Center" future land use category. Regional Mixed-Use centers typically generate an abundance of jobs and overall activity. These centers are intensely developed suburban cores with significant office, retail, and residential land uses. Land uses should be mixed,



and developments and public improvements should make it easier to walk to public transportation and other destinations. The Station at Willow Grove is located in an area identified as the Town Center future land use category of the *Upper Moreland 2040* Comprehensive Plan. Development in the Town Center should be a dense, intense, and transit-and pedestrian-oriented area, exhibiting high-quality design.

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 issue that the applicant and township may wish to consider prior to conditional use approval. Our comments are as follows:

REVIEW COMMENTS

STREETSCAPE ACTIVATION

The applicant's experience of being unable to find a tenant for the required ground-floor commercial or office space is becoming a more common challenge. Many municipalities require a certain percentage of ground-floor commercial with the intent of leveraging the uses and tenants to generate streetscape activity and enliven downtowns and town centers. It is important to consider how to activate these vacant spaces with other uses to create the same lively effect. As Willow Grove continues to experience residential growth, the density of people may help to sustain the non-residential uses.

CONCLUSION

We wish to reiterate that MCPC generally supports the applicant's proposal but we believe that our suggested revisions will better achieve Upper Moreland's planning objectives for development in the Town Center District. 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.

Sincerely,

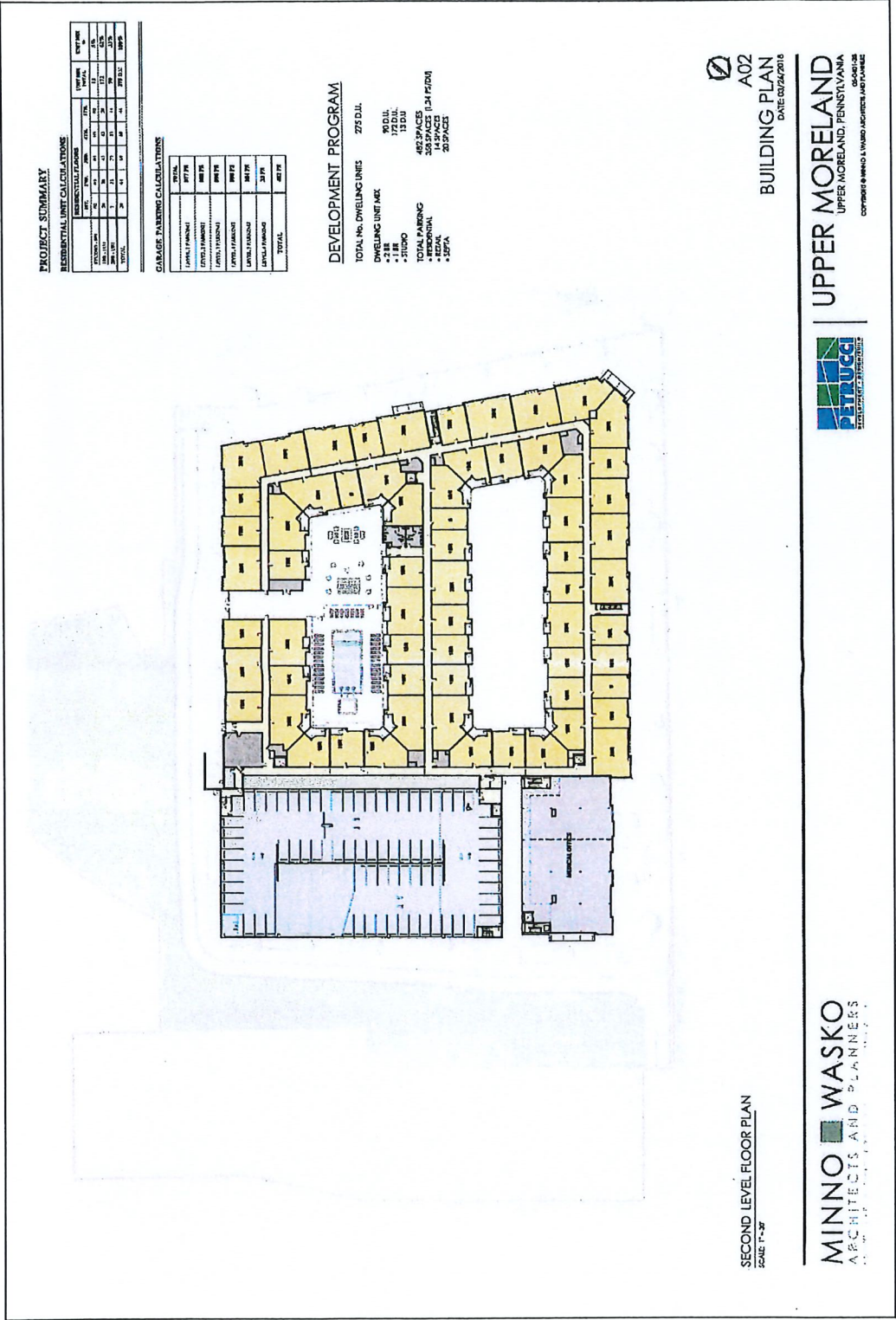


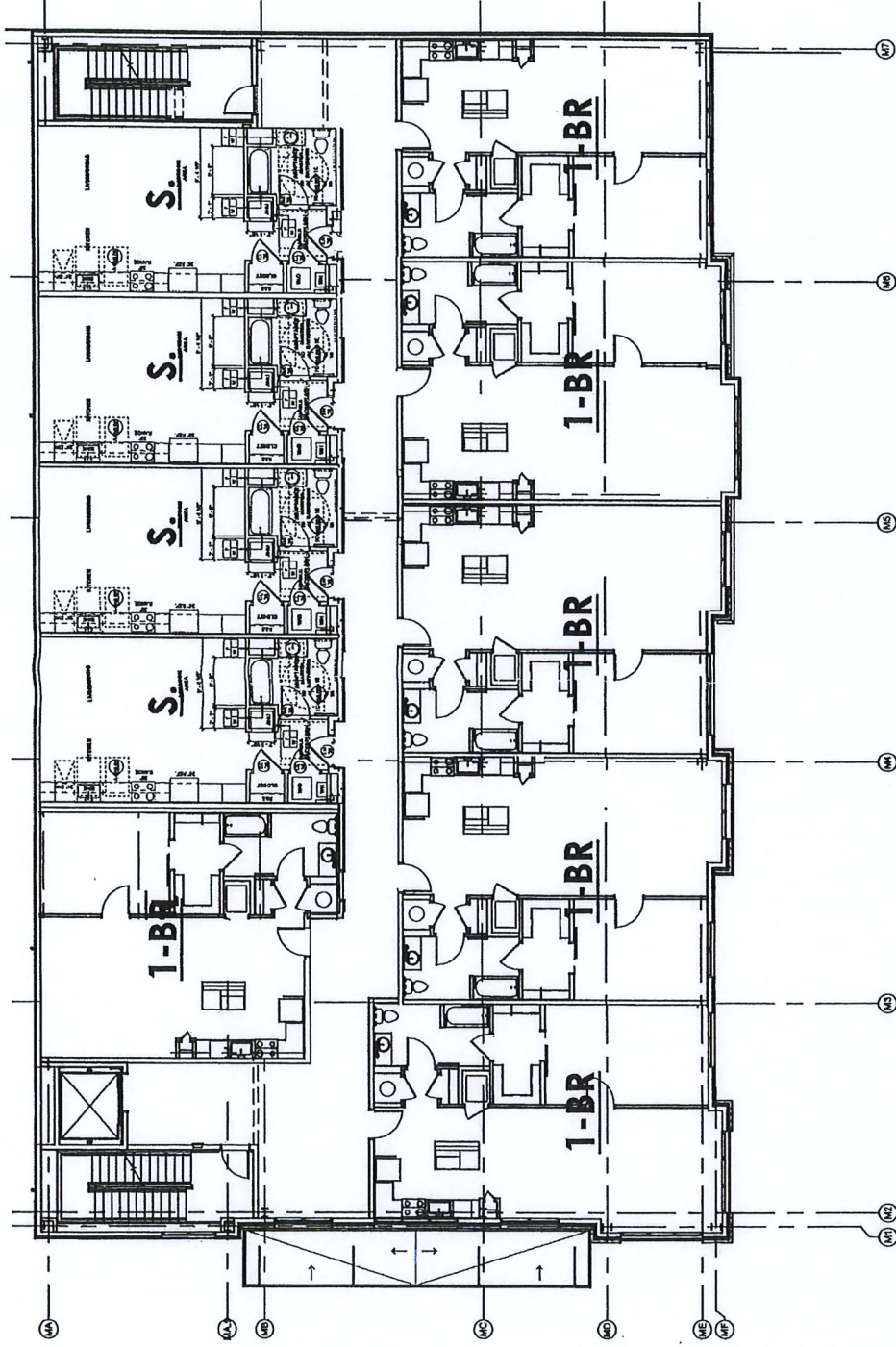
Claire Warner, Senior Community Planner
Claire.Warner@montgomerycountypa.gov – 610-278-3755

c: Gregory J. Davis, Esq., Applicant's Representative
Patrick Stasio, Township Manager, Upper Moreland Township
Jennifer Mullen, Chair, Advisory Planning Agency, Upper Moreland Township
Alex Baumlert, Township Solicitor

Attachment A: Reduced Copy of Applicant's Proposed Building Plan
Attachment B: Reduced Copy of Applicant's Proposed Second Floor Conversion Plan

ATTACHMENT(S) A, B





01 - SECOND FLOOR PLAN - MOB TO MULTIFAMILY CONVERSION

CONCEPT BUILDING PLAN
DATE: 01/20/2025

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ARCHITECTS AND PLANNERS
204 UNION STREET, SUITE 401, LANCASTER, PA 17601
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THE STATION AT WILLOW GROVE
UPPER MORELAND TOWNSHIP, PENNSYLVANIA
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