WHITEMARSH TOWNSHIP
ZONING HEARING BOARD AGENDA
JANUARY 14, 2026
6:30 PM

___ Behr ___ Doran ___ Nester (Chair) ___ Tone ___ Weinstein (Vice-Chair)

---

1. **CALL TO ORDER**
2. **ANNOUNCEMENTS & CORRESPONDENCE**

- ***Applicants are requested not to remove signs after the hearing at this time; Township staff will remove them once the hearing is completed.***

3. **ZONING HEARING BOARD APPLICATIONS**

- **ZHB #2024-19:** James J. & Theresa C. Smith, Mathew, Joseph & Francis V. Smith; 717 Ridge Pike, Lafayette Hill, PA 19444; Parcel #65-00-09628-00-9; Block 038; Unit 004; AA – Residential – Institutional Overlay District; The Applicants are proposing to redevelop the Property as a 3-story, 500 bed nursing home. The following relief is requested: **Special Exception under Section 116-175.L.** in the Institutional Overlay District to redevelop the Property for a nursing home as allowed by said section. ***[Please note: this hearing was concluded on December 10, 2025, but continued to January 14, 2026 for a decision to be voted upon.]***

- **ZHB #2025-38:** Cadence Development Partners, LLC; 318 Whitemarsh Valley Road, Fort Washington, PA 19034; Parcel #65-00-12916-00-6; Block 049D, Unit 009; AAA-Residential District; The Applicant is proposing to construct a new single-family home and related improvements on this vacant lot approved as a building lot by agreement between record owner and Whitemarsh Township in 1997. The following relief is requested: **Special Exceptions pursuant to Sections 116-31.1.A. and 116-31.1.B.** to allow a portion of the proposed detention/retention facility between the front lot line and front principal building plane and a portion of said facility within a required side yard; **Special Exception pursuant to Section 116-166.B.** to allow a detention basin (rain garden) to be located in the Floodplain Conservation District or Riparian Corridor Conservation District; **Variance from Section 116-259.A.** to allow required front yards, side yards and rear yards within the Riparian Conservation District and to permit the proposed single family home and related accessory improvements (as shown on the plans) to be located within the Riparian Corridor Conservation District; **Variance from Section 116-259.C.** to permit the proposed residential dwelling use to be located within Zone 2 of the Riparian Corridor Conservation District; **Variance from Section 116-259.C.(4)** to permit residential accessory structures (as shown on the plans) greater than 200 square feet to be located within Zone 2 of the Riparian Corridor Conservation District; **Variance from Section 116-260.A.** to permit the applicant to not show all of the existing vegetation in the area to be cleared for the proposed single family home development and to allow clearing as proposed on the plans; **Variance from Section 116-260.I.** which prohibits stormwater basins, berms and outfall structures in Zone 2 of the Riparian Corridor Conservation District to permit the stormwater basin, berms and outfall structures to be designed and installed as proposed on the plans. ***[Please Note: At the meeting on December 3, 2025, a continuance to January 14, 2026 was announced.]***

- **ZHB #2025-51:** David A. Schneider & Charlotte Robertson; 7017 Redcoat Drive, Flourtown, PA 19031; Parcel # 65-00-09368-51-2**;** Block 057A, Unit 039; A – Residential; The Applicants would like to install a generator in a front yard of their property. The following relief is requested: **Variance from Section 116-24.E.(3)(a)** to allow an accessory structure (generator) to be located in the front yard along the street (Redcoat Drive) where the side of the house faces; this is a corner property.

4. **ADJOURNMENT**

PUBLIC PARTICIPATION

It is the practice of the Zoning Hearing Board to hear public comment and entertain questions on each application at the public meeting. However, any person or entity who wishes to obtain formal party status in any application before the Zoning Hearing Board shall fill out a 'Request for Entry of Appearance as a Party' form, available on the Township website or at the public meeting. The completed form should be presented to the Board when the application is called by the Chair for consideration at the public hearing. A determination will be made at the public hearing as to whether party status will be granted. Party status will be generally explained at the public meeting, but those who have more specific questions regarding party status should consult with an attorney.

WHITEMARSH TOWNSHIP ZONING HEARING BOARD
REQUEST FOR ENTRY OF APPEARANCE AS A PARTY

I request to be granted party status in Application No. _____

Applicant: _____

Please print name, address, phone number, and email address below:

Name: _____

Address: _____

_____

Phone Number: _____

Email Address: _____

Please sign below:

_____

ZHB APPEAL #2024-19
SUMMARY

APPLICANTS: James J. & Theresa C. Smith, Mathew, Joseph & Francis V. Smith

PROPERTY LOCATIONS: Parcel #65-00-09628-00-9
Block 038, Unit 004
717 Ridge Pike
Lafayette Hill, PA 19444

ZONING DISTRICT: AA – Residential
Institutional Overlay District

SUMMARY OF RELIEF REQUEST:

The Applicants are proposing to redevelop the Property as a 3-story, 500 bed nursing home. The following relief is requested:

Special Exception under Section 116-175.L. in the Institutional Overlay District to redevelop the Property for a nursing home as allowed by said section.

PRIOR DECISIONS:
None

Respectfully Submitted,

Charles L. Guttenplan, AICP
Director of Planning and Zoning/Zoning Officer

APPEAL TO ZONING HEARING BOARD
WHITEMARSH TOWNSHIP
COMMONWEALTH OF PENNSYLVANIA

APPEAL NO:_____

Applicant/Appellant: James J & Theresa C. Smith, Mathew, Joseph and Francis V. Smith

Address: 717 Ridge Pike, Lafayette Hill, PA 19444

Phone #: _____ **Cell Number:** _____ **E-Mail:** [redacted]

Owner: James J & Theresa C. Smith, Mathem, Joseph and Francis V. Smith

Address: 717 Ridge Pike, Lafayette Hill, PA 19444

Phone #: _____ **Cell Number:** _____ **E-Mail:** [redacted]

Location of the Property Involved: 717 Ridge Pike, Lafayette Hill, PA

Block #: _____ **Unit #:** _____ **Parcel #:** 650009628009

NATURE OF APPLICATION (Describe proposed use and/or construction: type of appeal requested and specific section(s) of Whitemarsh Township Zoning Code which is (are) relied upon):

- See Attached Addendum for Description of Project and Requested Relief.

GROUNDS FOR APPEAL (State reasons for appeal and nature of hardship, if claimed):
****Attach additional sheets if necessary**

- See Attached Addendum -

Legal Counsel (if represented): Craig Robert Lewis, Kaplin Stewart

Address: 910 Harvest Drive, Suite 200, Blue Bell, PA 19422

Phone #: (610) 941-2584 **E-Mail:** rlewis@kaplaw.com

My (Our) signature(s) authorize(s) permission to pose my (our) property and permission to the Zoning Hearing Board and their representative to enter thereon for inspection purposes.

I (We) certify the information provided on this application and supporting documentation and plans are true and correct to the best of my (our) knowledge, information, and belief. You are required to submit proof that you are one of the following:

I am (We are)

- [X] **Owner(s) of Legal Title**
- [ ] **Owner(s) of Equitable Title**
- [ ] **Tenant(s) with permission of Owner(s) of Title (Enclose letter attesting to same)**

Date: 4/22/24

Signature of Applicant/Appellant:

Attorney for Applicant

Signature of Applicant/Appellant:

Addendum to Zoning Appeal Application

Application of James J & Theresa Smith, Mathew, Joseph and Francis V. Smith
717 Ridge Pike, Lafayette Hill, Whitemarsh Township, PA

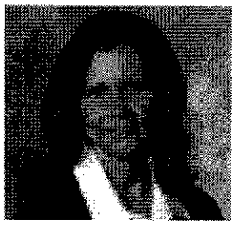
In accordance with a deed dated December 17, 2009, James J & Theresa Smith, Mathew, Joseph and Francis V. Smith (collectively the "Smiths"), are the owner of the property located at 717 Ridge Pike, Lafayette Hill, Whitemarsh Township, PA ("**Property**").[1] The Property is more particularly identified as Parcel No. 65-00-09628-00-9. The Property is an approximately 14.4 acre (+/-) irregularly shaped parcel located along Ridge Pike. The Property is presently developed with a single-family detached residence. In accordance with the Whitemarsh Township Zoning Ordinance ("**Zoning Ordinance**") and Whitemarsh Township Zoning Map, the Property is located in the AA-Residence District and is subject to the Institutional Overlay District.

As depicted on the attached plans, prepared by Anthony Hibbeln of Gorski Engineering, Inc., including an Illustrative Site Plan, Site Layout Plan, and Typical Floor Plan, all dated November 15, 2023 last revised February 26, 2024 (collectively the "**Plans**"), Smiths propose to redevelop the property as a 3-story, 500 bed Nursing Home ("**Proposed Development**"). As depicted on the Plans, the Proposed Development complies with all applicable area and bulk requirements set forth in Section 116-176 of the Zoning Ordinance.

Pursuant to Section 116-175.L, the Proposed Development is a permitted use of the Property by Special Exception. As will be demonstrated through exhibits and testimony at the hearing in this matter, the Proposed Development complies with the applicable objective criteria for special exception approval. Therefore, Smiths request Special Exception approval for the Proposed Use in accordance with Section 116-175.L of the Zoning Ordinance

In addition to the above, Smiths hereby request such other and further relief from the Zoning Ordinance as the Zoning Hearing Board determines is required to proceed with the Proposed Development as depicted on the Plans.

[1] A copy of the Deed to the Property is attached hereto.



RECORDER OF DEEDS
MONTGOMERY COUNTY
Nancy J. Becker

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 5754 PG 00417 to 00422.1
INSTRUMENT # : 2009131190
RECORDED DATE: 12/17/2009 03:52:53 PM

1143925-0009R

MONTGOMERY COUNTY ROD

OFFICIAL RECORDING COVER PAGE

Document Type:	Deed	**Transaction #:**	1042227 - 1 Doc(s)
Document Date:	12/17/2009	**Document Page Count:**	5
Reference Info:		**Operator Id:**	jmacgreg

RETURN TO: (Mail)
SCHUBERT, BELLWOAR, CAHILL, &QUINN
1500 JFK BLVD SUITE 1400
PHILADELPHIA, PA 19102-1890

SUBMITTED BY:
SCHUBERT, BELLWOAR, CAHILL, &QUINN
1500 JFK BLVD SUITE 1400
PHILADELPHIA, PA 19102-1890

*** PROPERTY DATA:**

Parcel ID #:	65-00-09628-00-9
Address:	717 RIDGE PIKE
	PA
	19444
Municipality:	Whitemarsh Township (100%)
School District:	Colonial

*** ASSOCIATED DOCUMENT(S):**

CONSIDERATION/SECURED AMT: [redacted]

FEES / TAXES:
Recording Fee:Deed
Affidavit Fee
Additional Pages Fee
Additional Names Fee
Affordable Housing Pages
Affordable Housing Names
Total: [redacted]

DEED BK 5754 PG 00417 to 00422.1
Recorded Date: 12/17/2009 03:52:53 PM

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

RECORDER'S OFFICE • MONTGOMERY COUNTY, PA •

Nancy J. Becker
Recorder of Deeds

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 INFORMATION.**

5
67

Montgomery County

DEC 17 2009

Recorder of Deeds

Prepared by and Return to:

Kathleen M. O'Connell, Esquire
Schubert, Bellwoar, Cahill & Quinn
1500 John F. Kennedy Boulevard
Suite 1400
Philadelphia, PA 19102-1890
(215) 587-0119

Parcel Number: 65-00-09628-00-9

MONTGOMERY COUNTY COMMISSIONERS REGISTRY
65-00-09628-00-9 WHITEMARSH
717 RIDGE PIKE
HANNIGAN MARY V
B 038 U 004 L 0319 DATE: 12/17/2009 [redacted]
JG

DEED

THIS INDENTURE made the 17th day of December, in the year of our Lord, two thousand One (2009).

BETWEEN JAMES J. SMITH AND FRANCIS V. SMITH, EXECUTORS OF THE ESTATE OF MARY V. HANNIGAN, DECEASED, (hereinafter called the Grantors) of the one part,

AND

JAMES J. SMITH, THERESA C. SMITH, MATTHEW SMITH, JOSEPH SMITH AND FRANCIS V. SMITH, (hereinafter called the Grantees) of the other part,

WITNESSETH that the said Grantors for and in consideration of the sum of One ($1.00) Dollar, lawful money of the United States of America unto them well and truly paid by the said Grantees, at or before the sealing and delivery, hereof, the receipt whereof is hereby acknowledged, have granted, bargained and sold, released and confirmed, and by these presents do grant, bargain and sell, release and confirm unto the said Grantees, their heirs, and assigns, in the following portions or shares of: one-fifth (1/5) to James J. Smith, one-fifth (1/5) to Theresa C. Smith, one-fifth (1/5) to Matthew Smith, one-fifth (1/5) to Joseph Smith and one fifth (1/5) to Francis V. Smith, in fee, as tenants in common.

ALL THAT CERTAIN lot or piece of ground with the buildings and improvements thereon erected, **SITUATE** in the Township of Whitemarsh, Montgomery County, Pennsylvania.

BEGINNING at a post of the East side of Ridge Pike at the distance of one hundred twenty-four and five tenths feet Southward from the South side of a Public Road thirty-three feet wide leading into and from the said Ridge Pike a corner of this and property of D.L. Duhring; thence along the same and property now or late of Barren Hill Congregation North sixty-five degrees thirty minutes East five hundred fifty-five and three tenths feet to a stone a corner of this and property of the said Barren Hill Congregation and on a line with land now or late of H.H. Houston; thence along said land South forty-four degrees seven

minutes East seven hundred ninety-two and sixty-three one hundredths feet to a corner in the line of land of William M. Boenning; thence along the same South forty-four degrees forty-five minutes West seven hundred seventy-eight and twenty-one hundredths feet to a point on the East side of Ridge Turnpike; thence along the same North thirty-six degrees forty minutes West two hundred forty-two and ninety-six one hundredths feet to a stake; thence following a bend in said Turnpike North thirty-four degrees twenty-two minutes West seventy six and nine tenths feet to a stake; thence following a further bend in said Ridge Turnpike North twenty-five degrees forty-five minutes West seven hundred sixteen and nine tenths feet to the place of beginning.

BEING Parcel Number 65-00-09628-00-9.

BEING 717 Ridge Pike.

BEING the same premises which Mary V. Hannigan and John Hannigan, Executors under the Will of Catherine M. Hannigan, Deceased, by Indenture dated the 19th day of June A.D. 1979, and recorded the 21st day of June A.D. 1979 in Montgomery County in Deed Book 4421, Page 376 &c., conveyed unto Mary V. Hannigan, in fee.

AND, WHEREAS, the said Mary V. Hannigan, being so seized thereof departed this life the 9th day of February, 2005 leaving a Last Will and Testament dated August 22, 2001, duly proven and admitted to probate in the Office of the Register of Wills of Montgomery County as of No. 46-05-0755, wherein Testatrix appointed James J. Smith and Francis V. Smith, Executors thereof to whom Letters Testamentary were granted on March 4, 2005 and also **WHEREIN**:

> **"SECOND. I give, devise and bequeath my real property in Lafayette Hill, Pennsylvania with the household contents therein to such of the children of my sister, THERESA C. SMITH, who survive me subject to any existing lease for such property."**

AND, WHEREAS, Mary V. Hannigan was survived by the following children of her sister, Theresa C. Smith; namely, James J. Smith, Theresa C. Smith, Matthew Smith, Joseph Smith, Francis Smith and Michael T. Smith.

AND, WHEREAS, Michael T. Smith exercised the rights granted to him in Chapter 62 of the Probate, Estates and Fiduciaries Code, 10 Pa. C.S.A. §§6201-6207 and unconditionally and irrevocably disclaimed his right, title and interest as a one-sixth (1/6) beneficiary under Item FIRST and Item SECOND of the Will of Mary V. Hannigan, Deceased, which included a one-sixth (1/6) interest in the real property 717 Ridge Pike, Lafayette Hill, Pennsylvania, herein conveyed. Said Disclaimer having been filed of record in the Orphans Court Division of the Court of Common Pleas of Montgomery County No. 05-0755 on November 9, 2005.

THIS IS A CONVEYANCE FOR NO OR NOMINAL CONSIDERATION OF PROPERTY FROM THE PERSONAL REPRESENTATIVES OF A DECEDENT TO THE DECEDENT'S HEIRS AND AS SUCH IS WHOLLY EXEMPT FROM REALTY TRANSFER TAX.

UNDER AND SUBJECT to building restrictions and agreements and conditions as now appear of record.

TOGETHER with all and singular the buildings, improvements, ways, streets, alleys, driveways, passages, waters, water-courses, rights, liberties, privileges, hereditaments and appurtenances, whatsoever

442446-1
eCertified copy of recorded # 2009131190 (page 3 of 7)
Montgomery County Recorder of Deeds

unto the hereby granted premises belonging, or in any wise appertaining, and the reversions and remainders, rents, issues, and profits thereof; and all the estate, right, title, interest, property, claim and demand whatsoever of them, the said Grantors, as well at law as in equity, of, in, and to the same.

TO HAVE AND TO HOLD the said lot or piece of ground described with the buildings and improvements thereon erected, and the hereditaments and premises hereby granted, or mentioned and intended so to be, with the appurtenances, unto the said Grantees, their heirs and assigns, to and for the only proper use and behoof of the said Grantees, their heirs, executors, administrators and assigns forever, in the following portions or shares of: one-fifth (1/5) to James J. Smith, one-fifth (1/5) to Theresa C. Smith, one-fifth (1/5) to Matthew Smith, one-fifth (1/5) to Joseph Smith and one fifth (1/5) to Francis V. Smith, in fee, as tenants in common.

UNDER AND SUBJECT AS AFORESAID.

AND the said Grantors, for themselves and their heirs, successors and assigns do covenant, promise and agree, to and with the said Grantees, their heirs and assigns, by these presents, that they the said Grantors and their heirs, successors and assigns, have not heretofore done or committed any act, matter or thing whereby the premises hereby granted, or any part thereof, is, are, shall or may be impeached, charged or encumbered in title, charge, estate or otherwise howsoever.

IN WITNESS WHEREOF, the parties of the first part, in their fiduciary capacity as aforesaid, have caused this Deed to be signed and sealed the day and year first above written.

WITNESS:

Colleen Arnold

Colleen Arnold

ESTATE OF MARY V. HANNIGAN, DECEASED

_____(SEAL)
JAMES J. SMITH, EXECUTOR

_____(SEAL)
FRANCIS V. SMITH, EXECUTOR

442446-1
eCertified copy of recorded # 2009131190 (page 4 of 7)
Montgomery County Recorder of Deeds

COMMONWEALTH OF PENNSYLVANIA :
: SS
COUNTY OF :

On this, the 17 day of DECEMBER, 2009, before me, a Notary Public, the undersigned officer, personally appeared JAMES J. SMITH, Executor of the Estate of Mary V. Hannigan, Deceased, known to me (or satisfactorily proven) to be the person described in the foregoing instrument, and acknowledged that he executed the same in the capacity therein stated and for the purposes therein contained.

I hereunto set my hand and official seal.

NOTARY PUBLIC

COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Helen Portale, Notary Public
Warminster Twp., Bucks County
My Commission Expires Sept. 26, 2010
Member, Pennsylvania Association of Notaries

COMMONWEALTH OF PENNSYLVANIA :
: SS
COUNTY OF :

On this, the 17 day of DECEMBER, 2009, before me, a Notary Public, the undersigned officer, personally appeared FRANCIS V. SMITH, Executor of the Estate of Mary V. Hannigan, Deceased, known to me (or satisfactorily proven) to be the person described in the foregoing instrument, and acknowledged that he executed the same in the capacity therein stated and for the purposes therein contained.

I hereunto set my hand and official seal.

NOTARY PUBLIC

COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Helen Portale, Notary Public
Warminster Twp., Bucks County
My Commission Expires Sept. 26, 2010
Member, Pennsylvania Association of Notaries

442446-1
eCertified copy of recorded # 2009131190 (page 5 of 7)
Montgomery County Recorder of Deeds

DEED

JAMES V. SMITH AND FRANCIS V. SMITH, EXECUTORS OF THE ESTATE OF MARY V. HANNIGAN, DECEASED

TO

JAMES J. SMITH, THERESA C. SMITH, MATTHEW SMITH, JOSEPH SMITH AND FRANCIS V. SMITH, TENANTS IN COMMON

PREMISES: 717 RIDGE PIKE, WHITEMARSH TOWNSHIP, MONTGOMERY COUNTY, LAFAYETTE HILL, PA 19444
TAX PARCEL NUMBER: 65-00-09628-00-9

The address of the within named Grantees is:

717 Ridge Pike
Lafayette Hill, PA 19444

KATHLEEN M. O'CONNELL, ESQUIRE
SCHUBERT, BELLWOAR, CAHILL & QUINN
SUITE 1400 TWO PENN CENTER PLAZA
1500 JOHN F. KENNEDY BOULEVARD
PHILADELPHIA, PA 19102
(215) 587-0119

442446-1
eCertified copy of recorded # 2009131190 (page 6 of 7)
Montgomery County Recorder of Deeds

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF REVENUE
BUREAU OF INDIVIDUAL TAXES
DEPT. 280603
HARRISBURG, PA 17128-0603

REALTY TRANSFER TAX STATEMENT OF VALUE

See Reverse for Instructions

RECORDER'S USE ONLY

State Tax Paid	0
Book Number	5754
Page Number	417
Date Recorded	12-17-09

Complete each section and file in duplicate with Recorder of Deeds when (1) the full value/consideration is not set forth in the deed, (2) when the deed is without consideration, or by gift, or (3) a tax exemption is claimed. A Statement of Value is not required if the transfer is wholly exempt from tax based on: (1) family relationship or (2) public utility easement. If more space is needed, attached additional sheet(s).

A. CORRESPONDENT – All inquiries may be directed to the following person:

Name	Telephone Number:
Kathleen M. O'Connell, Esquire	(215) 587-0119

Street Address	City	State	Zip Code
1500 John F. Kennedy Boulevard, Suite 1400	Philadelphia	PA	19102

B. TRANSFER DATA

Date of Acceptance of Document

Grantor(s)/Lessor(s)	Grantee(s)/Lessee(s)
James V. Smith & Francis V. Smith, Executors of the Estate of Mary v. Hannigan , Deceased	James J. Smith, Theresa C. Smith, Matthew Smith, Joseph Smith & Francis V. Smith
Street Address: c/o 1500 John F. Kennedy Blvd., Suite 1400	Street Address: 717 Ridge Pike
City: Philadelphia State: PA Zip Code: 19102	City: Lafayette Hill State: PA Zip Code: 19444

C. PROPERTY LOCATION

Street Address	City, Township, Borough	
717 Ridge Pike	Whitemarsh	
County: Montgomery	School District: Whitemarsh	Tax Parcel Number: 65-00-09628-00-9

D. VALUATION DATA

1. Actual Cash Consideration	2. Other Consideration	3. Total Consideration
[redacted]	+ -0-	= [redacted]
4. County Assessed Value	**5. Common Level Ratio Factor**	**6. Fair Market Value**
[redacted]	x 1.85	= [redacted]

E. EXEMPTION DATA

1a. Amount of Exemption Claimed	1b. Percentage of Interest Conveyed
100%	100%

2. Check Appropriate Box Below for Exemption Claimed

☒ **Will or Intestate succession** Mary V. Hannigan (Name of Decedent) 46-05-0755 (Estate File Number)

☐ **Transfer to Industrial Development Agency.**

☐ **Transfer to a trust. (Attach complete copy of trust agreement identifying all beneficiaries.)**

☐ **Transfer between principal and agent. (Attach complete copy of agency/straw party agreement.)**

☐ **Transfers to the Commonwealth, the United States and Instrumentalities by gift, dedication, condemnation or in lieu of condemnation. (If condemnation or in lieu of condemnation, attach copy of resolution.)**

☐ **Transfer from mortgagor to a holder of a mortgage in default. Mortgage Book Number_____, Page Number_____.**

☐ **Corrective or confirmatory deed. (Attach complete copy of the prior deed being corrected or confirmed.)**

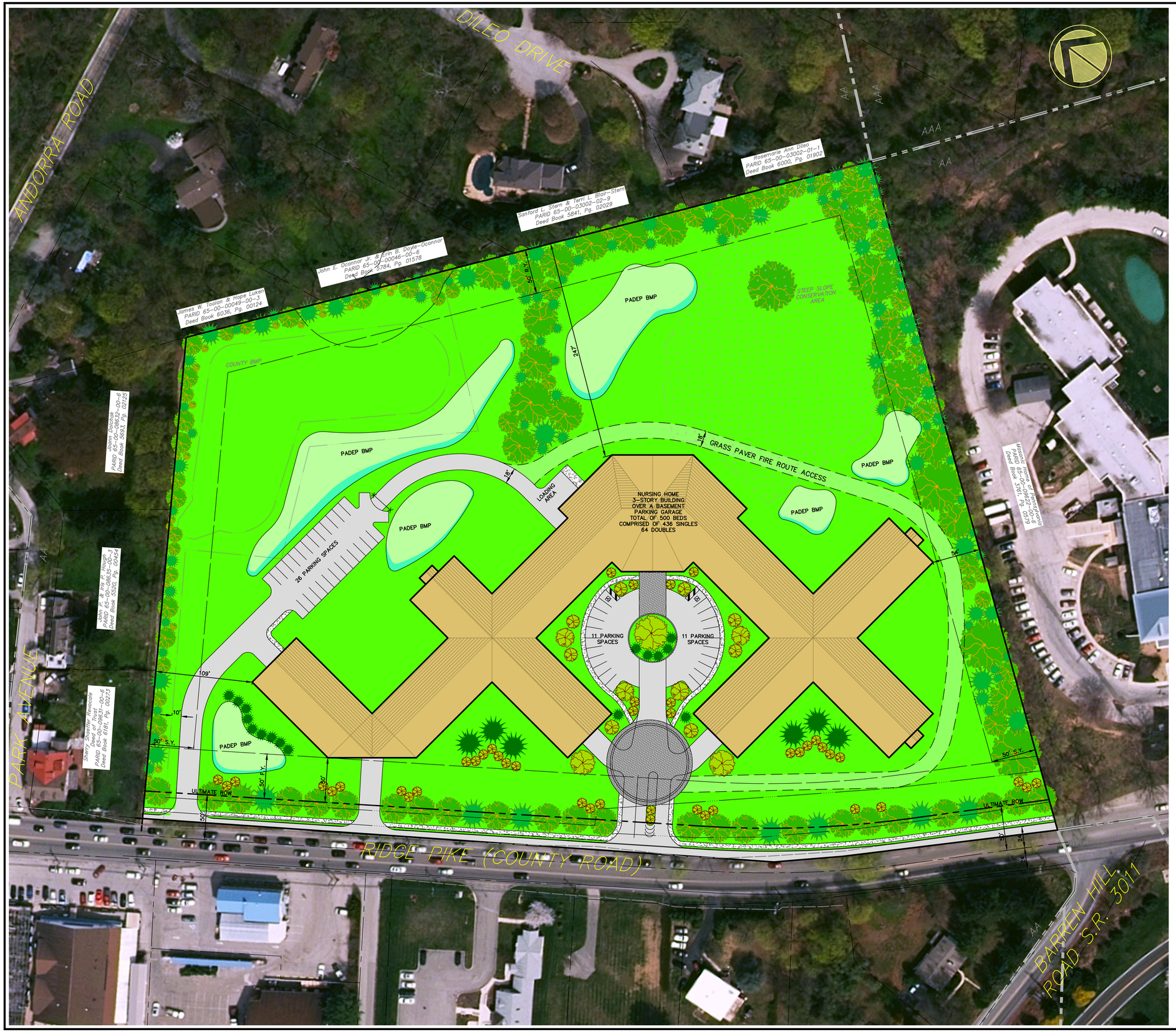
☐ **Statutory corporate consolidation, merger or division. (Attach copy of articles.)**

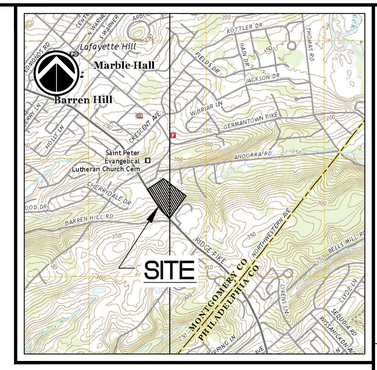
☐ **Other (Please explain exemption claimed, if other than listed above.)_____**

Under penalties of law, I declare that I have examined this Statement, including accompanying information, and to the best of my knowledge and belief, it is true, correct and complete.

Signature of Correspondent or Responsible Party	Date
Kathleen M O'Connell	12/17/09

FAILURE TO COMPLETE THIS FORM PROPERLY OR ATTACH APPLICABLE DOCUMENTATION MAY RESULT IN THE RECORDER'S REFUSAL TO RECORD THE DEED.





NORRISTOWN & GERMANTOWN, PA U.S.G.S. 7.5 Minute Series Quadrangles

0' 1,000' 2,000' 4,000'
GRAPHIC SCALE

SITE LOCATION MAP 1"= 2,000'

SITE STATISTICS

1. SUBJECT TRACT MAY BE IDENTIFIED BY MONTGOMERY COUNTY TAX ASSESSMENT INFORMATION AS FOLLOWS:

   WHITEMARSH TOWNSHIP
   (PARID 65-00-09628-00-9)

2. RECORDED DEED DATA IS AS FOLLOWS:

   AS RECORDED IN THE OFFICE FOR THE RECORDING OF DEEDS, ETC., IN AND FOR THE COUNTY OF MONTGOMERY IN NORRISTOWN, PENNSYLVANIA IN DEED BOOK 5754, PAGE 00417.

3. NAME AND ADDRESS OF THE OWNER OF THE SUBJECT TRACT:

   JAMES J. & THERESA C. SMITH &
   MATHEW & JOSEPH & FRANCIS V. SMITH
   717 RIDGE PIKE
   LAFAYETTE HILL, PA 19444

4. ADDRESS OF THE SUBJECT TRACT:

   717 RIDGE PIKE
   LAFAYETTE HILL, PA 19444

5. AREA STATISTICS:

   GROSS TRACT AREA = 14.04 Ac. (TO DEED TITLE LINES)

6. WATER AND SEWER:

   WATER = PUBLIC WATER

   SEWER = PUBLIC SEWER PROPOSED

ZONING DATA

DATA OBTAINED FROM WHITEMARSH TOWNSHIP ZONING ORDINANCE CHAPTER 116; REFERENCE ARTICLE XXIV, SECTION 116-176

DISTRICT CLASSIFICATION: "I" – INSTITUTIONAL OVERLAY DISTRICT

PROPOSED USE: NURSING HOME (SPECIAL EXCEPTION)

	REQUIRED	EXISTING	PROVIDED
MIN. LOT AREA:	2.0 AC.	14.04 AC.	14.04 AC.
MIN. LOT WIDTH @ BUILDING LINE:	200 FT.	998.15 FT.	998.15 FT.
MIN. FRONT YARD SETBACK:	50 FT.	N/A	50 FT.
MIN. SIDE YARD SETBACK:	50 FT.	N/A	54 FT.
MIN. REAR YARD SETBACK:	50 FT.	N/A	247 FT.
MAX. BUILDING HEIGHT:	40 FT.	40 FT.	40 FT.

NOTES

1. TITLE AND TOPOGRAPHY DEPICTED HEREON HAS BEEN SUPPLIED VIA:
   SPATIAL DATABASE: AERIAL PHOTO, CONTOURS, ROADWAYS
   -DEED: TITLE BOUNDARY PLOT, PARENTHESIS ( ) INDICATES DEED BEARINGS.
   [A FIELD SURVEY BY A STATE PROFESSIONAL LICENSED SURVEYOR SHALL BE REQUIRED PRIOR TO ANY AND ALL SUBDIVISION AND/OR LAND DEVELOPMENT.]
2. PURSUANT TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) MAPS:
   NO 100 YEAR FLOOD LIMITS ARE CONTAINED WITHIN THE SUBJECT TRACT.
3. THE U.S. FISH AND WILDLIFE SERVICES' NATIONAL WETLANDS INVENTORY WAS REVIEWED IN SPECIFIC REGARD TO THE SUBJECT PARCEL AND WAS FOUND NOT TO LIST THE PRESENCE OF WETLANDS HEREON. PRIOR TO CONSTRUCTION, A WETLAND EVALUATION SHOULD BE PERFORMED.
4. ALL UTILITY LOCATIONS DEPICTED HEREON ARE APPROXIMATE, CONTRACTOR IS RESPONSIBLE FOR LOCATION VERIFICATION PRIOR TO COMMENCEMENT OF ANY WORK.

COVERAGE RATIOS

THE TOWNSHIP ZONING CODE DOES NOT REGULATE SPECIFIC MAXIMUM COVERAGE RATIOS, HOWEVER AS A SIMPLE MATTER OF INFORMATION THE PROJECT HEREWITH PROPOSES:

BUILDING COVERAGE = 16.89%

IMPERVIOUS COVERAGE = 25.38%

PLAN SHEET INDEX

Sheet Number	Sheet Title
1 OF 3	ILLUSTRATIVE PLAN
2 OF 3	SITE LAYOUT PLAN
3 OF 3	TYPICAL FLOOR PLAN

AERIAL PHOTO NOTE

THE AERIAL PHOTO HEREON IS SUPPLIED VIA THE SPATIAL DATA ACCESS WEB SITE. PHOTO PROVIDED BY REGIONAL PLANNING COMMISSION 2015 DIGITAL ORTHOIMAGERY.

GORSKI ENGINEERING, INC.
1 IRON BRIDGE DRIVE,
COLLEGEVILLE, PA 19426
610 489 9131; FAX 610 489 6850

NURSING HOME USE BY SPECIAL EXCEPTION

PREPARED FOR

SMITH, ET. AL.

SITE SITUATE IN

WHITEMARSH TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA

NO.	REVISIONS	PLAN ORIGINATION DATE
1	REV PER CLIENT MEETING	FEBRUARY 26, 2024
2		NOVEMBER 15, 2023

THIS DRAWING IS THE PROPERTY OF GORSKI ENGINEERING, INC. AND IS PROTECTED BY COPYRIGHT LAWS. ALL RIGHTS RESERVED. NO PART OF THIS DRAWING MAY BE REPRODUCED, STORED IN A RETRIEVAL SYSTEM, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC, MECHANICAL, PHOTOCOPYING, RECORDING, OR OTHERWISE, WITHOUT THE PRIOR WRITTEN PERMISSION OF GORSKI ENGINEERING, INC. FROM ALL USAGE, CHANGES, EDITS, AND REVISIONS.

ILLUSTRATIVE PLAN

NURSING HOME USE BY SPECIAL EXCEPTION
SITE SITUATE IN
WHITEMARSH TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA

PROJECT MANAGER: AJH	DRAFTED BY: MNR
PROJECT NUMBER: 7873	DRAWING FILE: 7873 SHT01 ILLUSTR
PLAN SCALE: 1" = 50'	PLAN SHEET NUMBER 1 OF 3

0' 25' 50' 100'
GRAPHIC SCALE

LEGEND

- EXIST ADJOINING OWNER LINE
- EXIST PROPERTY BOUNDARY
- EXIST CONTOUR LINE
- EXIST INDEX CONTOUR LINE
- EXIST EASEMENT
- EXIST SOILS
- EXIST ZONING BORDER
- PROP ROAD CENTERLINE
- PROP RIGHT-OF-WAY
- PROP BUILDING
- PROP DRIVEWAY
- PROP GRASS PAVER FIRE ROUTE

STEEP SLOPE

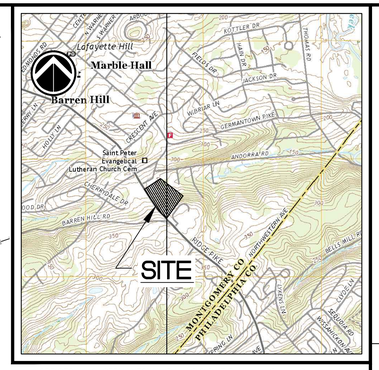
STEEP SLOPE CONSERVATION AREA = 72,190 SF
OVERALL SITE AREA = 611,582 SF
STEEP SLOPE RATIO = 11.80%

THE SITE HEREUPON HAS A STEEP SLOPE RATIO OF 11.80% ,WHICH FALLS BELOW THE REQUIRED STEEP SLOPE RATIO MODIFICATION REGULATIONS, AS DELINEATED IN TOWNSHIP ZONING ORDINANCE SECTION 116-169, EXEMPTING THE SITE FROM THE MAXIMUM IMPERVIOUS GROUND COVER REGULATIONS OF TOWNSHIP ORDINANCE 116-169.

SOIL LEGEND

THE SOILS LOCATED ON-SITE ACCORDING TO THE NCRS WEB SOIL SURVEY (SOILS.USDA.GOV/SURVEY) ARE AS FOLLOWS:

- CaB – CALIFON LOAM, 3 TO 8 PERCENT SLOPES (HYDROLOGIC SOIL GROUP D)
- GdB – GLADSTONE GRAVELLY LOAM, 3 TO 8 PERCENT SLOPES (HYDROLOGIC SOIL GROUP B)
- GdC – GLADSTONE GRAVELLY LOAM, 8 TO 15 PERCENT SLOPES (HYDROLOGIC SOIL GROUP B)
- PaD – PARKER GRAVELLY LOAM, 15 TO 25 PERCENT SLOPES (HYDROLOGIC SOIL GROUP A)
- UgB – URBAN LAND, 0 TO 8 PERCENT SLOPES (HYDROLOGIC SOIL GROUP NOT SPECIFIED)
- UrlD – URBAN LAND-GLADSTONE COMPLEX, 8 TO 25 PERCENT SLOPES (HYDROLOGIC SOIL GROUP A)



NORRISTOWN & GERMANTOWN, PA U.S.G.S. 7.5 Minute Series Quadrangles

0' 1,000' 2,000' 4,000'
GRAPHIC SCALE

SITE LOCATION MAP 1"= 2,000'

SITE STATISTICS

1. SUBJECT TRACT MAY BE IDENTIFIED BY MONTGOMERY COUNTY TAX ASSESSMENT INFORMATION AS FOLLOWS:

   WHITEMARSH TOWNSHIP
   (PARID 65-00-09628-00-9)

2. RECORDED DEED DATA IS AS FOLLOWS:

   AS RECORDED IN THE OFFICE FOR THE RECORDING OF DEEDS, ETC., IN AND FOR THE COUNTY OF MONTGOMERY IN NORRISTOWN, PENNSYLVANIA IN DEED BOOK 5754, PAGE 00417.

3. NAME AND ADDRESS OF THE OWNER OF THE SUBJECT TRACT:

   JAMES J. & THERESA C. SMITH &
   MATHEW & JOSEPH & FRANCIS V. SMITH
   717 RIDGE PIKE
   LAFAYETTE HILL, PA 19444

4. ADDRESS OF THE SUBJECT TRACT:

   717 RIDGE PIKE
   LAFAYETTE HILL, PA 19444

5. AREA STATISTICS:

   GROSS TRACT AREA = 14.04 Ac. (TO DEED TITLE LINES)

6. WATER AND SEWER:

   WATER = PUBLIC WATER

   SEWER = PUBLIC SEWER PROPOSED

ZONING DATA

DATA OBTAINED FROM WHITEMARSH TOWNSHIP ZONING ORDINANCE CHAPTER 116; REFERENCE ARTICLE XXIV, SECTION 116-176

DISTRICT CLASSIFICATION: "I" – INSTITUTIONAL OVERLAY DISTRICT

PROPOSED USE: NURSING HOME (SPECIAL EXCEPTION)

	REQUIRED	EXISTING	PROVIDED
MIN. LOT AREA:	2.0 AC.	14.04 AC.	14.04 AC.
MIN. LOT WIDTH @ BUILDING LINE:	200 FT.	998.15 FT.	998.15 FT.
MIN. FRONT YARD SETBACK:	50 FT.	N/A	50 FT.
MIN. SIDE YARD SETBACK:	50 FT.	N/A	54 FT.
MIN. REAR YARD SETBACK:	50 FT.	N/A	247 FT.
MAX. BUILDING HEIGHT:	40 FT.	40 FT.	40 FT.

NOTES

1. TITLE AND TOPOGRAPHY DEPICTED HEREON HAS BEEN SUPPLIED VIA: SPATIAL DATABASE: AERIAL PHOTO, CONTOURS, ROADWAYS
   -DEED: TITLE BOUNDARY PLOT, PARENTHESIS ( ) INDICATES DEED BEARINGS.
   [A FIELD SURVEY BY A STATE PROFESSIONAL LICENSED SURVEYOR SHALL BE REQUIRED PRIOR TO ANY AND ALL SUBDIVISION AND/OR LAND DEVELOPMENT.]
2. PURSUANT TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) MAPS:
   NO 100 YEAR FLOOD LIMITS ARE CONTAINED WITHIN THE SUBJECT TRACT.
3. THE U.S. FISH AND WILDLIFE SERVICES' NATIONAL WETLANDS INVENTORY WAS REVIEWED IN SPECIFIC REGARD TO THE SUBJECT PARCEL AND WAS FOUND NOT TO LIST THE PRESENCE OF WETLANDS HEREON. PRIOR TO CONSTRUCTION, A WETLAND EVALUATION SHOULD BE PERFORMED.
4. ALL UTILITY LOCATIONS DEPICTED HEREON ARE APPROXIMATE, CONTRACTOR IS RESPONSIBLE FOR LOCATION VERIFICATION PRIOR TO COMMENCEMENT OF ANY WORK.

GORSKI ENGINEERING, INC.
1 IRON BRIDGE DRIVE,
COLLEGEVILLE, PA 19426
610 489 9131; FAX 610 489 6850

NURSING HOME USE BY SPECIAL EXCEPTION

PREPARED FOR

SMITH, ET. AL.

SITE SITUATE IN

WHITEMARSH TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA

NO.	REVISIONS	PLAN ORIGINATION DATE
1	REV PER CLIENT MEETING	FEBRUARY 26, 2024
2		
3		
4		
5		
6		
7		
8		
9		
10		
11		
12		
13		

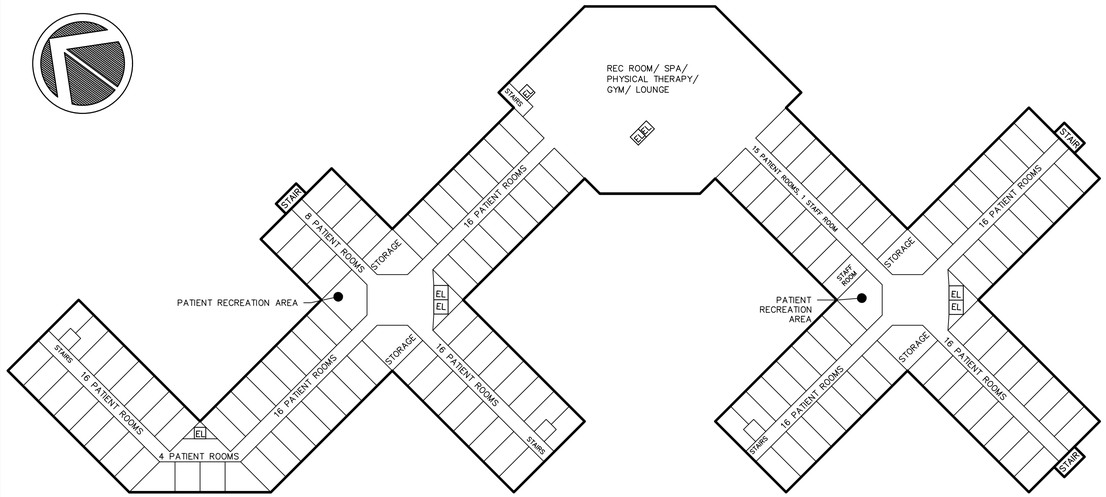
ALL DRAWINGS AND WRITTEN MATERIAL APPEARING HEREIN CONSTITUTE ORIGINAL AND UNPUBLISHED WORK OF GORSKI ENGINEERING, INC. AND THE USE OF ANY OF THESE DRAWINGS, OR PORTIONS THEREOF, IS NOT PERMITTED WITHOUT THE EXPRESS WRITTEN CONSENT OF GORSKI ENGINEERING, INC. ANY UNAUTHORIZED USE OF THESE DRAWINGS, OR PORTIONS THEREOF, WILL BE CONSIDERED AN INFRINGEMENT OF COPYRIGHT AND APPROPRIATE LEGAL ACTION WILL BE TAKEN.

SITE LAYOUT PLAN

NURSING HOME USE BY SPECIAL EXCEPTION
SITE SITUATE IN
WHITEMARSH TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA

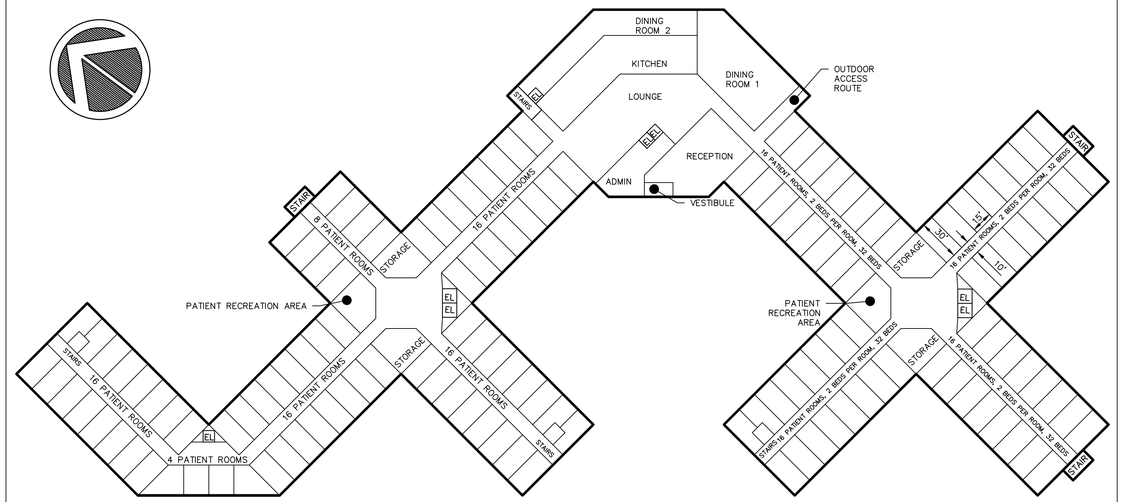
PROJECT MANAGER:	DRAFTED BY:
AJH	MNR
PROJECT NUMBER:	DRAWING FILE:
7873	7873 SHT02 SITE
PLAN SCALE:	PLAN SHEET NUMBER
1" = 50'	2 OF 3

0' 25' 50' 100'
GRAPHIC SCALE



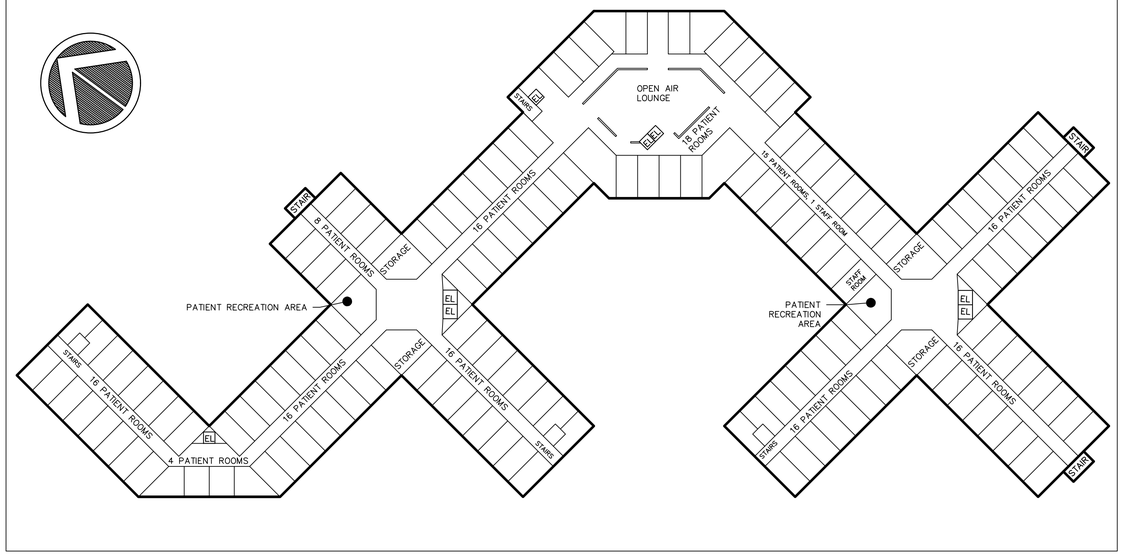
2ND FLOOR LAYOUT

139 PATIENT ROOM PROVIDED
139 BEDS PROVIDED
+1 STAFF ROOM



1ST FLOOR LAYOUT

140 PATIENT ROOMS PROVIDED
204 BEDS PROVIDED
0 STAFF ROOMS



3RD FLOOR LAYOUT

157 PATIENT ROOMS PROVIDED
157 BEDS PROVIDED
+1 STAFF ROOM

PARKING REQUIREMENTS

PER TOWNSHIP ZONING ORDINANCE,
NURSING HOME USE REQUIRES 1 PER 2 PATIENT BEDS AND 1 PER 2 EMPLOYEES.

PROPOSED PATIENT BEDS: 500 BEDS
PROPOSED NUMBER OF PATIENTS (ALSO REFERRED TO AS RESIDENTS): 500

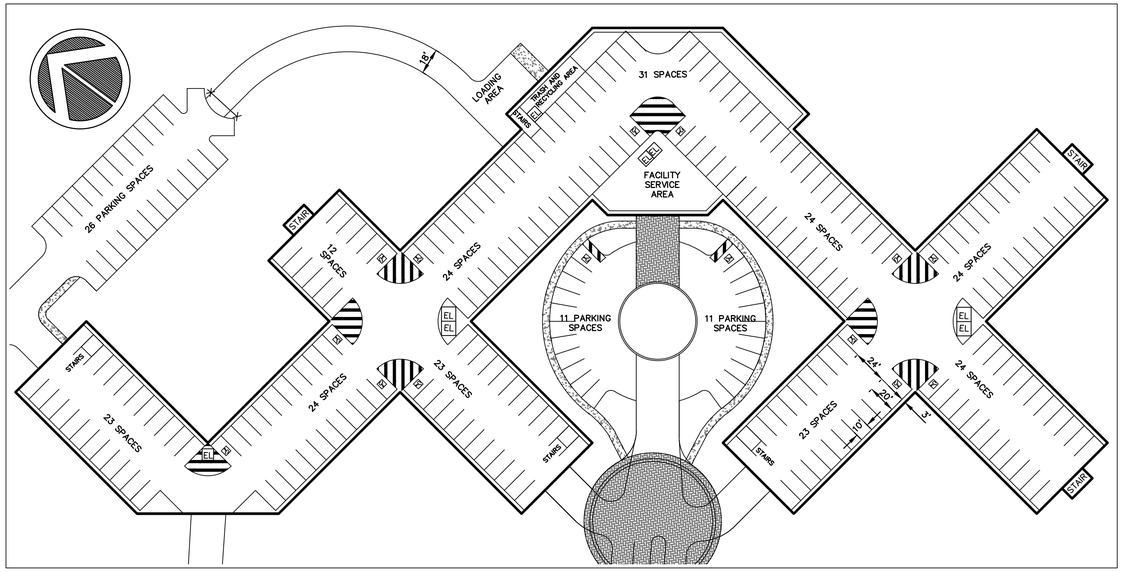
PER STATE DEPARTMENT OF HEALTH LONG TERM CARE FACILITY REGULATIONS
"IN ADDITION TO THE DIRECTOR OF NURSING SERVICES, A FACILITY SHALL PROVIDE ALL OF THE FOLLOWING: NURSING SERVICES PERSONNEL ON EACH RESIDENT FLOOR..."
"A MINIMUM OF 1 NURSE AIDE PER 10 RESIDENTS..."
"A MINIMUM OF 1 RN PER 250 RESIDENTS DURING ALL SHIFTS."

500 RESIDENTS / 10 = 50 NURSE AIDES
500 RESIDENTS / 250 = 2 REGISTERED NURSES

1 DIRECTOR OF NURSING DIRECTOR
+3 NURSING SERVICES PERSONNEL
+50 NURSE AIDES
+2 REGISTERED NURSES
TOTAL: 56 EMPLOYEES PROPOSED EMPLOYEES: 56 EMPLOYEES

500/2 = 250
56/2 = 28

REQUIRED PARKING=278 SPACES PROPOSED PARKING SPACES: 279 SPACES



PARKING LOT LAYOUT

279 SPACES PROVIDED
15 ACCESSIBLE ADA SPACES PROVIDED
231 INTERNAL SPACES PROVIDED
22 OUTSIDE FRONT
26 OUTSIDE REAR

PATIENT CAPACITY CALCULATION

BASEMENT FLOOR:	0 PATIENT ROOMS PROVIDED	0 PATIENT BEDS	0 STAFF ROOMS
FIRST FLOOR:	140 PATIENT ROOMS PROVIDED	204 PATIENT BEDS	0 STAFF ROOMS
SECOND FLOOR:	139 PATIENT ROOMS PROVIDED	139 PATIENT BEDS	1 STAFF ROOM
THIRD FLOOR:	157 PATIENT ROOMS PROVIDED	157 PATIENT BEDS	1 STAFF ROOM
TOTAL:	436 PATIENT ROOMS PROVIDED	500 PATIENT BEDS	2 STAFF ROOMS

GORSKI ENGINEERING, INC.
1 IRON BRIDGE DRIVE,
COLLEGEVILLE, PA 19426
610 489 9131; FAX 610 489 6850

NURSING HOME USE BY SPECIAL EXCEPTION

PREPARED FOR
SMITH, ET. AL.
SITE SITUATE IN
WHITEMARSH TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA

© COPYRIGHT GORSKI ENGINEERING, INC. THE DRAWINGS AND SPECIFICATIONS AS INSTRUMENTS OF SERVICE ARE AND SHALL REMAIN THE PROPERTY OF GORSKI ENGINEERING, INC. WHETHER THE PROJECT FOR WHICH THEY ARE MADE IS EXECUTED OR NOT. THE DRAWINGS AND SPECIFICATIONS ARE NOT TO BE CHANGED OR COPIED IN ANY FORM OR MANNER WHATSOEVER, NOR ARE THEY TO BE ASSIGNED TO ANY THIRD PARTY, WITHOUT FIRST OBTAINING THE EXPRESS WRITTEN PERMISSION AND CONSENT OF GORSKI ENGINEERING, INC. AND WITHOUT LEGAL ACKNOWLEDGEMENT FROM ALL LAWFUL OWNERS, ASSIGNS AND EMPLOYEES.

NO.	REVISIONS	DATE
1	REV PER CLIENT MEETING	FEBRUARY 26, 2024
	PLAN ORIGINATION DATE	NOVEMBER 15, 2023

TYPICAL FLOOR PLAN

NURSING HOME USE BY SPECIAL EXCEPTION
SITE SITUATE IN
WHITEMARSH TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA

PROJECT MANAGER: AJH	DRAFTED BY: MNR
PROJECT NUMBER: 7873	DRAWING FILE: 7873 SHT03 FLOOR
PLAN SCALE: 1" = 50'	PLAN SHEET NUMBER 3 OF 3

0' 25' 50' 100'
GRAPHIC SCALE



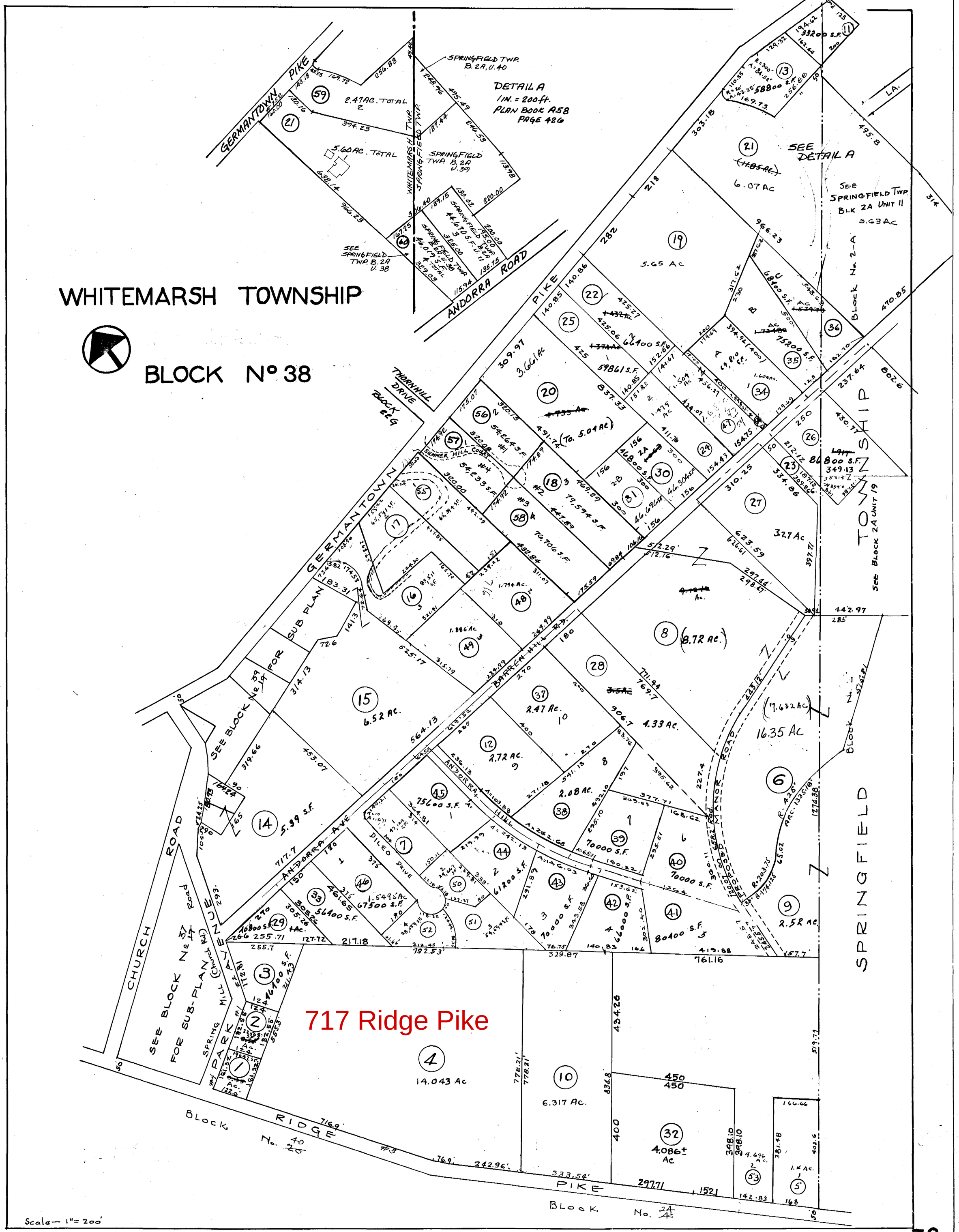



Ford

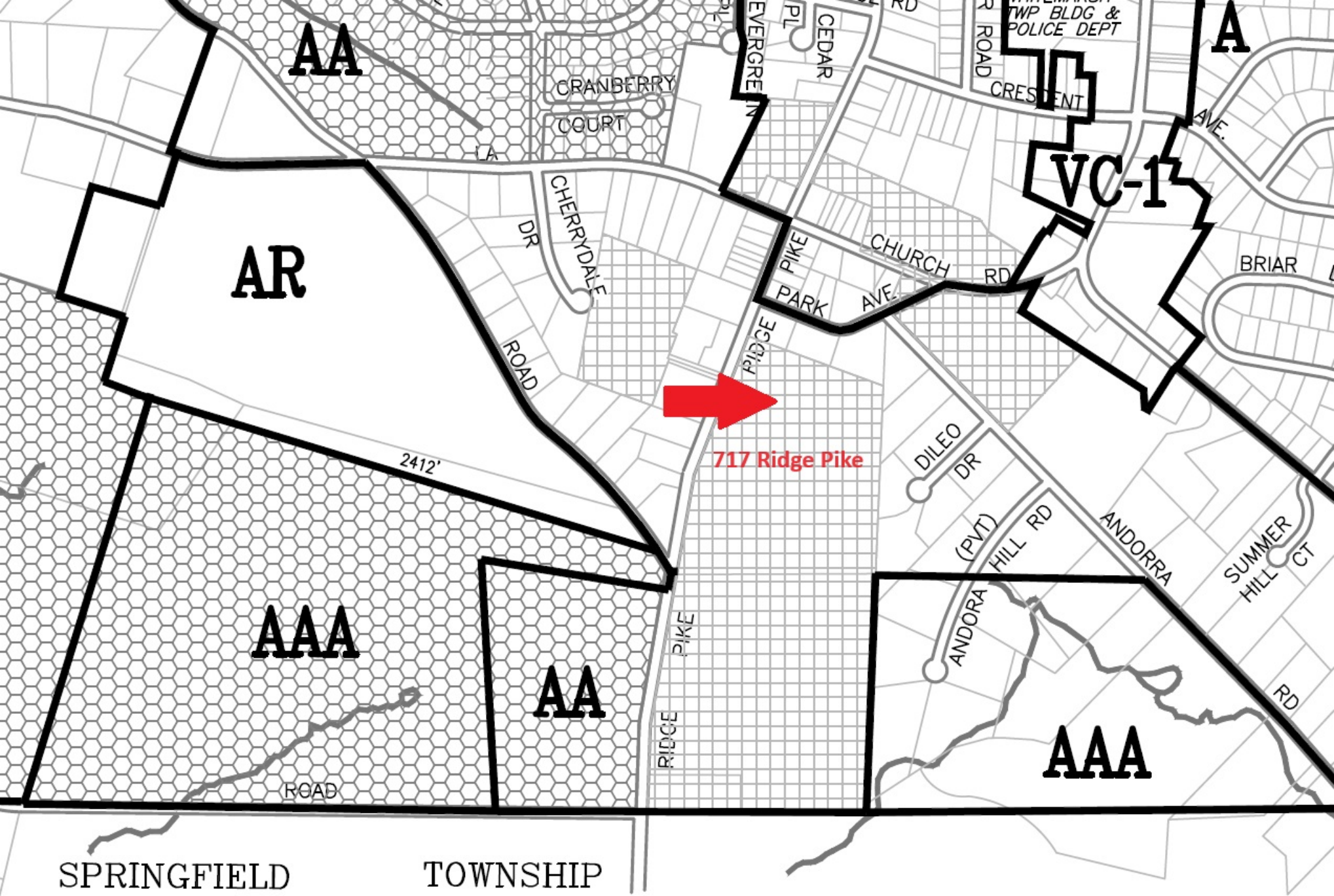


WHITEMARSH TOWNSHIP

BLOCK Nº 38



38


AA
CRANBERRY
COURT
EVERGREEN
CEDAR
PL
RD
ROAD
CRESCENT
TWP BLDG &
POLICE DEPT
A
AVE.
VC-1
AR
DR
CHERRYDALE
PIKE
CHURCH
RD
PARK
AVE.
BRIAR
RIDGE
ROAD
2412'
717 Ridge Pike
DILEO
DR
(PVT)
HILL RD
ANDORRA
SUMMER
HILL CT
ANDORA
RD
AAA
AA
RIDGE
PIKE
AAA
ROAD
SPRINGFIELD
TOWNSHIP

APPLICATION OF JAMES J & THERESA SMITH, MATHEW, JOSEPH AND FRANCIS V. SMITH

Whitemarsh Township
717 Ridge Pike
Tax Parcel ID # 65-00-09628-00-9
Appeal No. _____

Application for Special Exception

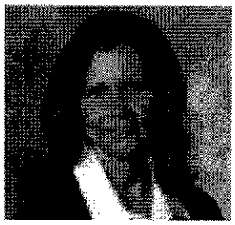
WHITEMARSH TOWNSHIP ZONING HEARING BOARD
MONTGOMERY COUNTY, PENNSYLVANIA

December 11, 2024
7:00 p.m.

EXHIBITS

A-1 Deed to Subject Property
A-2 Application to Zoning Hearing Board
A-3 Aerial Photograph
A-4 Site Layout Plan
A-5 Illustrative Special Exception Plan
A-6 Zoning Ordinance – Institutional Overlay
A-7 Zoning Ordinance Definition of Nursing Home
A-8 Typical Floor Plan
A-9 Conceptual Stormwater Management Report
A-10 Conceptual Stormwater Shed Plan
A-11 Conceptual Stormwater Management Plan
A-12 Soil Infiltration and Carbonate Assessment Plan
A-13 Summary Stormwater Chart
A-14 C.V. of Anthony Hibbeln, P.E.
A-15 Caselaw re: Special Exception Standards

Counsel for Applicant
Craig R. Lewis, Esquire
Kaplin Stewart
910 Harvest Drive, Suite 200
Blue Bell, PA 19422
rlewis@kaplaw.com



RECORDER OF DEEDS
MONTGOMERY COUNTY
Nancy J. Becker

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 5754 PG 00417 to 00422.1
INSTRUMENT # : 2009131190
RECORDED DATE: 12/17/2009 03:52:53 PM

1143925-0009R

MONTGOMERY COUNTY ROD

OFFICIAL RECORDING COVER PAGE

Document Type:	Deed	**Transaction #:**	1042227 - 1 Doc(s)
Document Date:	12/17/2009	**Document Page Count:**	5
Reference Info:		**Operator Id:**	jmacgreg

RETURN TO: (Mail)
SCHUBERT, BELLWOAR, CAHILL, &QUINN
1500 JFK BLVD SUITE 1400
PHILADELPHIA, PA 19102-1890

SUBMITTED BY:
SCHUBERT, BELLWOAR, CAHILL, &QUINN
1500 JFK BLVD SUITE 1400
PHILADELPHIA, PA 19102-1890

*** PROPERTY DATA:**

Parcel ID #:	65-00-09628-00-9
Address:	717 RIDGE PIKE
	PA
	19444
Municipality:	Whitemarsh Township (100%)
School District:	Colonial

*** ASSOCIATED DOCUMENT(S):**

CONSIDERATION/SECURED AMT: **$1.00**

FEES / TAXES:

Recording Fee:Deed	$65.00
Affidavit Fee	$1.50
Additional Pages Fee	$2.00
Additional Names Fee	$2.00
Affordable Housing Pages	$2.00
Affordable Housing Names	$2.00
Total:	$74.50

DEED BK 5754 PG 00417 to 00422.1
Recorded Date: 12/17/2009 03:52:53 PM

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

RECORDER'S OFFICE • MONTGOMERY COUNTY, PA •

Nancy J. Becker
Recorder of Deeds

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 INFORMATION.**

5
67

Montgomery County

DEC 17 2009

Recorder of Deeds

Prepared by and Return to:

Kathleen M. O'Connell, Esquire
Schubert, Bellwoar, Cahill & Quinn
1500 John F. Kennedy Boulevard
Suite 1400
Philadelphia, PA 19102-1890
(215) 587-0119

Parcel Number: 65-00-09628-00-9

MONTGOMERY COUNTY COMMISSIONERS REGISTRY
65-00-09628-00-9 WHITEMARSH
717 RIDGE PIKE
HANNIGAN MARY V
B 038 U 004 L 0319 DATE: 12/17/2009 $10.00
JG

DEED

THIS INDENTURE made the 17th day of December, in the year of our Lord, two thousand Nine (2009).

BETWEEN JAMES J. SMITH AND FRANCIS V. SMITH, EXECUTORS OF THE ESTATE OF MARY V. HANNIGAN, DECEASED, (hereinafter called the Grantors) of the one part,

AND

JAMES J. SMITH, THERESA C. SMITH, MATTHEW SMITH, JOSEPH SMITH AND FRANCIS V. SMITH, (hereinafter called the Grantees) of the other part,

WITNESSETH that the said Grantors for and in consideration of the sum of One ($1.00) Dollar, lawful money of the United States of America unto them well and truly paid by the said Grantees, at or before the sealing and delivery, hereof, the receipt whereof is hereby acknowledged, have granted, bargained and sold, released and confirmed, and by these presents do grant, bargain and sell, release and confirm unto the said Grantees, their heirs, and assigns, in the following portions or shares of: one-fifth (1/5) to James J. Smith, one-fifth (1/5) to Theresa C. Smith, one-fifth (1/5) to Matthew Smith, one-fifth (1/5) to Joseph Smith and one fifth (1/5) to Francis V. Smith, in fee, as tenants in common.

ALL THAT CERTAIN lot or piece of ground with the buildings and improvements thereon erected, **SITUATE** in the Township of Whitemarsh, Montgomery County, Pennsylvania.

BEGINNING at a post of the East side of Ridge Pike at the distance of one hundred twenty-four and five tenths feet Southward from the South side of a Public Road thirty-three feet wide leading into and from the said Ridge Pike a corner of this and property of D.L. Duhring; thence along the same and property now or late of Barren Hill Congregation North sixty-five degrees thirty minutes East five hundred fifty-five and three tenths feet to a stone a corner of this and property of the said Barren Hill Congregation and on a line with land now or late of H.H. Houston; thence along said land South forty-four degrees seven

minutes East seven hundred ninety-two and sixty-three one hundredths feet to a corner in the line of land of William M. Boenning; thence along the same South forty-four degrees forty-five minutes West seven hundred seventy-eight and twenty-one hundredths feet to a point on the East side of Ridge Turnpike; thence along the same North thirty-six degrees forty minutes West two hundred forty-two and ninety-six one hundredths feet to a stake; thence following a bend in said Turnpike North thirty-four degrees twenty-two minutes West seventy six and nine tenths feet to a stake; thence following a further bend in said Ridge Turnpike North twenty-five degrees forty-five minutes West seven hundred sixteen and nine tenths feet to the place of beginning.

BEING Parcel Number 65-00-09628-00-9.

BEING 717 Ridge Pike.

BEING the same premises which Mary V. Hannigan and John Hannigan, Executors under the Will of Catherine M. Hannigan, Deceased, by Indenture dated the 19th day of June A.D. 1979, and recorded the 21st day of June A.D. 1979 in Montgomery County in Deed Book 4421, Page 376 &c., conveyed unto Mary V. Hannigan, in fee.

AND, WHEREAS, the said Mary V. Hannigan, being so seized thereof departed this life the 9th day of February, 2005 leaving a Last Will and Testament dated August 22, 2001, duly proven and admitted to probate in the Office of the Register of Wills of Montgomery County as of No. 46-05-0755, wherein Testatrix appointed James J. Smith and Francis V. Smith, Executors thereof to whom Letters Testamentary were granted on March 4, 2005 and also **WHEREIN**:

> **"SECOND. I give, devise and bequeath my real property in Lafayette Hill, Pennsylvania with the household contents therein to such of the children of my sister, THERESA C. SMITH, who survive me subject to any existing lease for such property."**

AND, WHEREAS, Mary V. Hannigan was survived by the following children of her sister, Theresa C. Smith; namely, James J. Smith, Theresa C. Smith, Matthew Smith, Joseph Smith, Francis Smith and Michael T. Smith.

AND, WHEREAS, Michael T. Smith exercised the rights granted to him in Chapter 62 of the Probate, Estates and Fiduciaries Code, 10 Pa. C.S.A. §§6201-6207 and unconditionally and irrevocably disclaimed his right, title and interest as a one-sixth (1/6) beneficiary under Item FIRST and Item SECOND of the Will of Mary V. Hannigan, Deceased, which included a one-sixth (1/6) interest in the real property 717 Ridge Pike, Lafayette Hill, Pennsylvania, herein conveyed. Said Disclaimer having been filed of record in the Orphans Court Division of the Court of Common Pleas of Montgomery County No. 05-0755 on November 9, 2005.

THIS IS A CONVEYANCE FOR NO OR NOMINAL CONSIDERATION OF PROPERTY FROM THE PERSONAL REPRESENTATIVES OF A DECEDENT TO THE DECEDENT'S HEIRS AND AS SUCH IS WHOLLY EXEMPT FROM REALTY TRANSFER TAX.

UNDER AND SUBJECT to building restrictions and agreements and conditions as now appear of record.

TOGETHER with all and singular the buildings, improvements, ways, streets, alleys, driveways, passages, waters, water-courses, rights, liberties, privileges, hereditaments and appurtenances, whatsoever

442446-1
eCertified copy of recorded # 2009131190 (page 3 of 7)
Montgomery County Recorder of Deeds

unto the hereby granted premises belonging, or in any wise appertaining, and the reversions and remainders, rents, issues, and profits thereof; and all the estate, right, title, interest, property, claim and demand whatsoever of them, the said Grantors, as well at law as in equity, of, in, and to the same.

TO HAVE AND TO HOLD the said lot or piece of ground described with the buildings and improvements thereon erected, and the hereditaments and premises hereby granted, or mentioned and intended so to be, with the appurtenances, unto the said Grantees, their heirs and assigns, to and for the only proper use and behoof of the said Grantees, their heirs, executors, administrators and assigns forever, in the following portions or shares of: one-fifth (1/5) to James J. Smith, one-fifth (1/5) to Theresa C. Smith, one-fifth (1/5) to Matthew Smith, one-fifth (1/5) to Joseph Smith and one fifth (1/5) to Francis V. Smith, in fee, as tenants in common.

UNDER AND SUBJECT AS AFORESAID.

AND the said Grantors, for themselves and their heirs, successors and assigns do covenant, promise and agree, to and with the said Grantees, their heirs and assigns, by these presents, that they the said Grantors and their heirs, successors and assigns, have not heretofore done or committed any act, matter or thing whereby the premises hereby granted, or any part thereof, is, are, shall or may be impeached, charged or encumbered in title, charge, estate or otherwise howsoever.

IN WITNESS WHEREOF, the parties of the first part, in their fiduciary capacity as aforesaid, have caused this Deed to be signed and sealed the day and year first above written.

WITNESS:

Colleen Arnold

Colleen Arnold

ESTATE OF MARY V. HANNIGAN, DECEASED

_____(SEAL)
JAMES J. SMITH, EXECUTOR

_____(SEAL)
FRANCIS V. SMITH, EXECUTOR

442446-1
eCertified copy of recorded # 2009131190 (page 4 of 7)
Montgomery County Recorder of Deeds

COMMONWEALTH OF PENNSYLVANIA :
: SS
COUNTY OF :

On this, the 17 day of DECEMBER, 2009, before me, a Notary Public, the undersigned officer, personally appeared JAMES J. SMITH, Executor of the Estate of Mary V. Hannigan, Deceased, known to me (or satisfactorily proven) to be the person described in the foregoing instrument, and acknowledged that he executed the same in the capacity therein stated and for the purposes therein contained.

I hereunto set my hand and official seal.

NOTARY PUBLIC

COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Helen Portale, Notary Public
Warminster Twp., Bucks County
My Commission Expires Sept. 26, 2010
Member, Pennsylvania Association of Notaries

COMMONWEALTH OF PENNSYLVANIA :
: SS
COUNTY OF :

On this, the 17 day of DECEMBER, 2009, before me, a Notary Public, the undersigned officer, personally appeared FRANCIS V. SMITH, Executor of the Estate of Mary V. Hannigan, Deceased, known to me (or satisfactorily proven) to be the person described in the foregoing instrument, and acknowledged that he executed the same in the capacity therein stated and for the purposes therein contained.

I hereunto set my hand and official seal.

NOTARY PUBLIC

COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Helen Portale, Notary Public
Warminster Twp., Bucks County
My Commission Expires Sept. 26, 2010
Member, Pennsylvania Association of Notaries

442446-1
eCertified copy of recorded # 2009131190 (page 5 of 7)
Montgomery County Recorder of Deeds

DEED

JAMES V. SMITH AND FRANCIS V. SMITH, EXECUTORS OF THE ESTATE OF MARY V. HANNIGAN, DECEASED

TO

JAMES J. SMITH, THERESA C. SMITH, MATTHEW SMITH, JOSEPH SMITH AND FRANCIS V. SMITH, TENANTS IN COMMON

PREMISES: 717 RIDGE PIKE, WHITEMARSH TOWNSHIP, MONTGOMERY COUNTY, LAFAYETTE HILL, PA 19444
TAX PARCEL NUMBER: 65-00-09628-00-9

The address of the within named Grantees is:

717 Ridge Pike
Lafayette Hill, PA 19444

KATHLEEN M. O'CONNELL, ESQUIRE
SCHUBERT, BELLWOAR, CAHILL & QUINN
SUITE 1400 TWO PENN CENTER PLAZA
1500 JOHN F. KENNEDY BOULEVARD
PHILADELPHIA, PA 19102
(215) 587-0119

442446-1
eCertified copy of recorded # 2009131190 (page 6 of 7)
Montgomery County Recorder of Deeds

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF REVENUE
BUREAU OF INDIVIDUAL TAXES
DEPT. 280603
HARRISBURG, PA 17128-0603

REALTY TRANSFER TAX STATEMENT OF VALUE

See Reverse for Instructions

RECORDER'S USE ONLY

State Tax Paid	0
Book Number	5754
Page Number	417
Date Recorded	12-17-09

Complete each section and file in duplicate with Recorder of Deeds when (1) the full value/consideration is not set forth in the deed, (2) when the deed is without consideration, or by gift, or (3) a tax exemption is claimed. A Statement of Value is not required if the transfer is wholly exempt from tax based on: (1) family relationship or (2) public utility easement. If more space is needed, attached additional sheet(s).

A. CORRESPONDENT – All inquiries may be directed to the following person:

Name	Telephone Number:
Kathleen M. O'Connell, Esquire	(215) 587-0119

Street Address	City	State	Zip Code
1500 John F. Kennedy Boulevard, Suite 1400	Philadelphia	PA	19102

B. TRANSFER DATA

Date of Acceptance of Document

Grantor(s)/Lessor(s)	Grantee(s)/Lessee(s)
James V. Smith & Francis V. Smith, Executors of the Estate of Mary v. Hannigan , Deceased	James J. Smith, Theresa C. Smith, Matthew Smith, Joseph Smith & Francis V. Smith
Street Address: c/o 1500 John F. Kennedy Blvd., Suite 1400	Street Address: 717 Ridge Pike
City: Philadelphia State: PA Zip Code: 19102	City: Lafayette Hill State: PA Zip Code: 19444

C. PROPERTY LOCATION

Street Address	City, Township, Borough
717 Ridge Pike	Whitemarsh

County	School District	Tax Parcel Number
Montgomery	Whitemarsh	65-00-09628-00-9

D. VALUATION DATA

1. Actual Cash Consideration	2. Other Consideration	3. Total Consideration
$1.00	+ -0-	= $1.00
4. County Assessed Value	**5. Common Level Ratio Factor**	**6. Fair Market Value**
$109,020.00	x 1.85	= $201,687.00

E. EXEMPTION DATA

1a. Amount of Exemption Claimed	1b. Percentage of Interest Conveyed
100%	100%

2. Check Appropriate Box Below for Exemption Claimed

- ☒ **Will or Intestate succession** Mary V. Hannigan (Name of Decedent) 46-05-0755 (Estate File Number)
- ☐ **Transfer to Industrial Development Agency.**
- ☐ **Transfer to a trust. (Attach complete copy of trust agreement identifying all beneficiaries.)**
- ☐ **Transfer between principal and agent. (Attach complete copy of agency/straw party agreement.)**
- ☐ **Transfers to the Commonwealth, the United States and Instrumentalities by gift, dedication, condemnation or in lieu of condemnation. (If condemnation or in lieu of condemnation, attach copy of resolution.)**
- ☐ **Transfer from mortgagor to a holder of a mortgage in default. Mortgage Book Number_____, Page Number_____.**
- ☐ **Corrective or confirmatory deed. (Attach complete copy of the prior deed being corrected or confirmed.)**
- ☐ **Statutory corporate consolidation, merger or division. (Attach copy of articles.)**
- ☐ **Other (Please explain exemption claimed, if other than listed above.)_____**

Under penalties of law, I declare that I have examined this Statement, including accompanying information, and to the best of my knowledge and belief, it is true, correct and complete.

Signature of Correspondent or Responsible Party	Date
Kathleen M O'Connell	12/17/09

FAILURE TO COMPLETE THIS FORM PROPERLY OR ATTACH APPLICABLE DOCUMENTATION MAY RESULT IN THE RECORDER'S REFUSAL TO RECORD THE DEED.

APPEAL TO ZONING HEARING BOARD
WHITEMARSH TOWNSHIP
COMMONWEALTH OF PENNSYLVANIA

APPEAL NO:_____

Applicant/Appellant: James J & Theresa C. Smith, Mathew, Joseph and Francis V. Smith
Address: 717 Ridge Pike, Lafayette Hill, PA 19444
Phone #: **Cell Number:** **E-Mail:** jsmithtreeservice@gmail.com

Owner: James J & Theresa C. Smith, Mathem, Joseph and Francis V. Smith
Address: 717 Ridge Pike, Lafayette Hill, PA 19444
Phone #: **Cell Number:** **E-Mail:** jsmithtreeservice@gmail.com

Location of the Property Involved: 717 Ridge Pike, Lafayette Hill, PA
Block #: **Unit #:** **Parcel #:** 650009628009

NATURE OF APPLICATION (Describe proposed use and/or construction: type of appeal requested and specific section(s) of Whitemarsh Township Zoning Code which is (are) relied upon):
- See Attached Addendum for Description of Project and Requested Relief.

GROUNDS FOR APPEAL (State reasons for appeal and nature of hardship, if claimed):
****Attach additional sheets if necessary**
- See Attached Addendum -

Legal Counsel (if represented): Craig Robert Lewis, Kaplin Stewart
Address: 910 Harvest Drive, Suite 200, Blue Bell, PA 19422
Phone #: (610) 941-2584 **E-Mail:** rlewis@kaplaw.com

My (Our) signature(s) authorize(s) permission to pose my (our) property and permission to the Zoning Hearing Board and their representative to enter thereon for inspection purposes.

I (We) certify the information provided on this application and supporting documentation and plans are true and correct to the best of my (our) knowledge, information, and belief. You are required to submit proof that you are one of the following:

I am (We are)

- [x] **Owner(s) of Legal Title**
- [ ] **Owner(s) of Equitable Title**
- [ ] **Tenant(s) with permission of Owner(s) of Title (Enclose letter attesting to same)**

Date: 4/22/24

Craig Robert Lewis

Signature of Applicant/Appellant:
Attorney for Applicant

Signature of Applicant/Appellant:

RECEIVED
APR 23 2024
WHITEMARSH TOWNSHIP

Zoning Hearing Board Application Checklist

- [x] Application (sheet titled, "Appeal to Zoning Hearing Board")
- [ ] Code Enforcement Letter/Denial Letter (if applicable) NA
- [x] Site Plan
- [x] Photos (2 or 3 of existing conditions)
- [ ] Elevation Drawing (if applicable) NA
- [x] Floor Plan (if applicable) NA
- [ ] Letters of Support (Optional; may be submitted at *any time* prior to hearing) NA

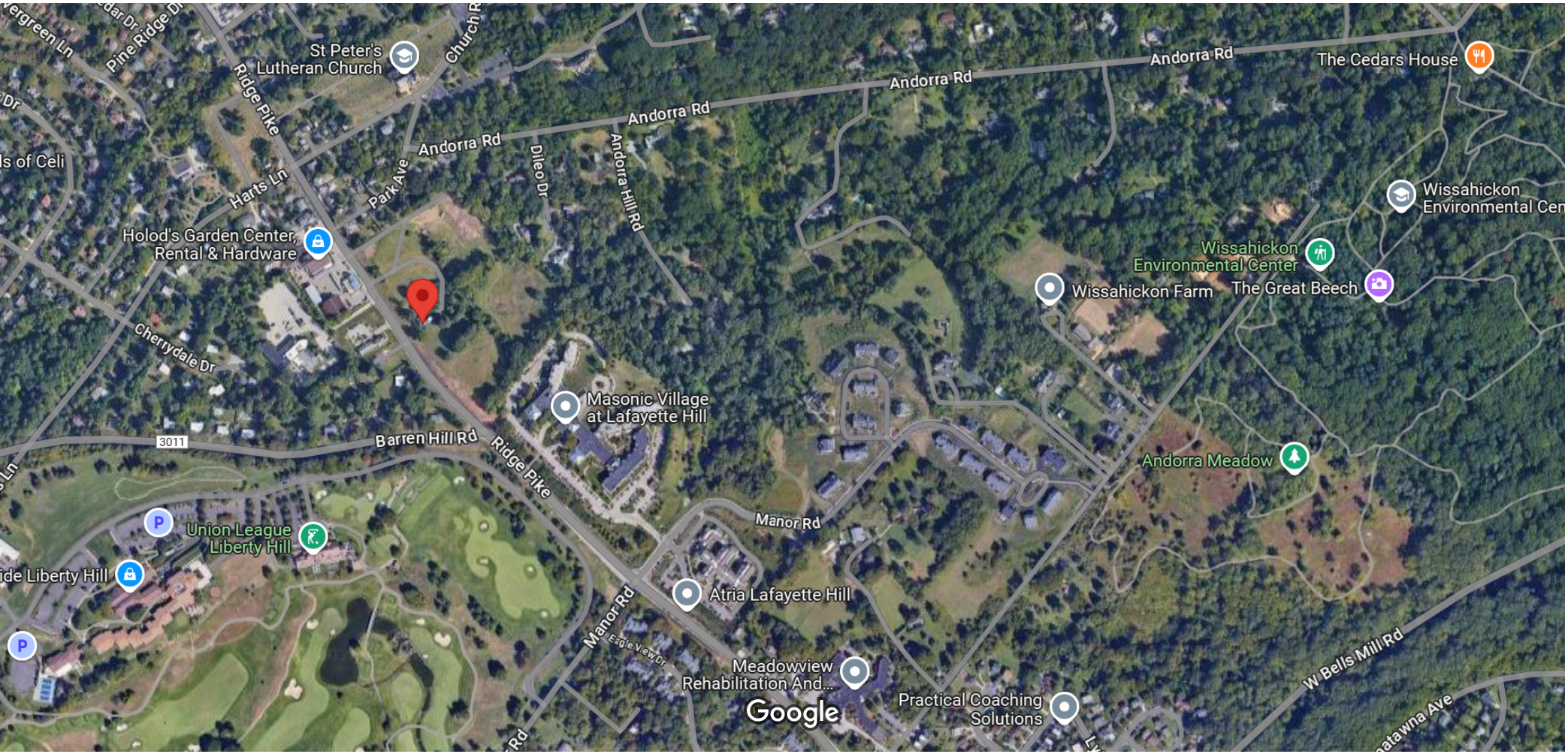
Request from Township:

- [x] Zoning Map
- [x] Tax Map
- [ ] Prior Zoning Hearing Board Decisions None
- [ ] Engineering Review Letter (if applicable, Township requests after submission) N/A

ALL APPLICATION PACKETS MUST BE COLLATED;
SIX PACKETS REQUIRED

Clearly identify packet with original signatures.
If full size plans are being submitted, we require two full size and four reduced scale.

Google Maps 717 Ridge Pike



Imagery ©2024 Airbus, Maxar Technologies, Map data ©2024 500 ft

LEGEND

- EXIST ADJOINING OWNER LINE
- EXIST PROPERTY BOUNDARY
- EXIST CONTOUR LINE
- EXIST INDEX CONTOUR LINE
- EXIST EASEMENT
- EXIST SOILS
- EXIST ZONING BORDER
- PROP ROAD CENTERLINE
- PROP RIGHT-OF-WAY
- PROP BUILDING
- PROP DRIVEWAY
- PROP GRASS PAVER FIRE ROUTE

STEEP SLOPE

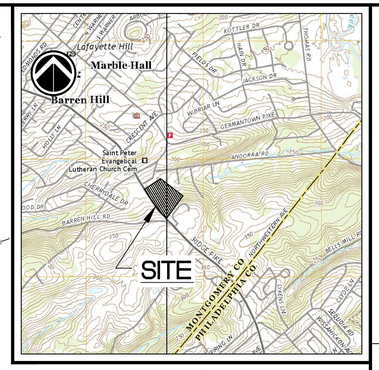
STEEP SLOPE CONSERVATION AREA = 72,190 SF
OVERALL SITE AREA = 611,582 SF
STEEP SLOPE RATIO = 11.80%

THE SITE HEREUPON HAS A STEEP SLOPE RATIO OF 11.80% ,WHICH FALLS BELOW THE REQUIRED STEEP SLOPE RATIO MODIFICATION REGULATIONS, AS DELINEATED IN TOWNSHIP ZONING ORDINANCE SECTION 116-169, EXEMPTING THE SITE FROM THE MAXIMUM IMPERVIOUS GROUND COVER REGULATIONS OF TOWNSHIP ORDINANCE 116-169.

SOIL LEGEND

THE SOILS LOCATED ON-SITE ACCORDING TO THE NCRS WEB SOIL SURVEY (SOILS.USDA.GOV/SURVEY) ARE AS FOLLOWS:

- CaB – CALIFON LOAM, 3 TO 8 PERCENT SLOPES (HYDROLOGIC SOIL GROUP D)
- GdB – GLADSTONE GRAVELLY LOAM, 3 TO 8 PERCENT SLOPES (HYDROLOGIC SOIL GROUP B)
- GdC – GLADSTONE GRAVELLY LOAM, 8 TO 15 PERCENT SLOPES (HYDROLOGIC SOIL GROUP B)
- PaD – PARKER GRAVELLY LOAM, 15 TO 25 PERCENT SLOPES (HYDROLOGIC SOIL GROUP A)
- UgB – URBAN LAND, 0 TO 8 PERCENT SLOPES (HYDROLOGIC SOIL GROUP NOT SPECIFIED)
- UrlD – URBAN LAND-GLADSTONE COMPLEX, 8 TO 25 PERCENT SLOPES (HYDROLOGIC SOIL GROUP A)



NORRISTOWN & GERMANTOWN, PA U.S.G.S. 7.5 Minute Series Quadrangles

0' 1,000' 2,000' 4,000'
GRAPHIC SCALE

SITE LOCATION MAP 1"= 2,000'

SITE STATISTICS

1. SUBJECT TRACT MAY BE IDENTIFIED BY MONTGOMERY COUNTY TAX ASSESSMENT INFORMATION AS FOLLOWS:

   WHITEMARSH TOWNSHIP
   (PARID 65-00-09628-00-9)

2. RECORDED DEED DATA IS AS FOLLOWS:

   AS RECORDED IN THE OFFICE FOR THE RECORDING OF DEEDS, ETC., IN AND FOR THE COUNTY OF MONTGOMERY IN NORRISTOWN, PENNSYLVANIA IN DEED BOOK 5754, PAGE 00417.

3. NAME AND ADDRESS OF THE OWNER OF THE SUBJECT TRACT:

   JAMES J. & THERESA C. SMITH &
   MATHEW & JOSEPH & FRANCIS V. SMITH
   717 RIDGE PIKE
   LAFAYETTE HILL, PA 19444

4. ADDRESS OF THE SUBJECT TRACT:

   717 RIDGE PIKE
   LAFAYETTE HILL, PA 19444

5. AREA STATISTICS:

   GROSS TRACT AREA = 14.04 Ac. (TO DEED TITLE LINES)

6. WATER AND SEWER:

   WATER = PUBLIC WATER

   SEWER = PUBLIC SEWER PROPOSED

ZONING DATA

DATA OBTAINED FROM WHITEMARSH TOWNSHIP ZONING ORDINANCE CHAPTER 116; REFERENCE ARTICLE XXIV, SECTION 116-176

DISTRICT CLASSIFICATION: "I" – INSTITUTIONAL OVERLAY DISTRICT

PROPOSED USE: NURSING HOME (SPECIAL EXCEPTION)

	REQUIRED	EXISTING	PROVIDED
MIN. LOT AREA:	2.0 AC.	14.04 AC.	14.04 AC.
MIN. LOT WIDTH @ BUILDING LINE:	200 FT.	998.15 FT.	998.15 FT.
MIN. FRONT YARD SETBACK:	50 FT.	N/A	50 FT.
MIN. SIDE YARD SETBACK:	50 FT.	N/A	54 FT.
MIN. REAR YARD SETBACK:	50 FT.	N/A	247 FT.
MAX. BUILDING HEIGHT:	40 FT.	40 FT.	40 FT.

NOTES

1. TITLE AND TOPOGRAPHY DEPICTED HEREON HAS BEEN SUPPLIED VIA: SPATIAL DATABASE: AERIAL PHOTO, CONTOURS, ROADWAYS
   -DEED: TITLE BOUNDARY PLOT, PARENTHESIS ( ) INDICATES DEED BEARINGS.
   [A FIELD SURVEY BY A STATE PROFESSIONAL LICENSED SURVEYOR SHALL BE REQUIRED PRIOR TO ANY AND ALL SUBDIVISION AND/OR LAND DEVELOPMENT.]
2. PURSUANT TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) MAPS:
   NO 100 YEAR FLOOD LIMITS ARE CONTAINED WITHIN THE SUBJECT TRACT.
3. THE U.S. FISH AND WILDLIFE SERVICES' NATIONAL WETLANDS INVENTORY WAS REVIEWED IN SPECIFIC REGARD TO THE SUBJECT PARCEL AND WAS FOUND NOT TO LIST THE PRESENCE OF WETLANDS HEREON. PRIOR TO CONSTRUCTION, A WETLAND EVALUATION SHOULD BE PERFORMED.
4. ALL UTILITY LOCATIONS DEPICTED HEREON ARE APPROXIMATE, CONTRACTOR IS RESPONSIBLE FOR LOCATION VERIFICATION PRIOR TO COMMENCEMENT OF ANY WORK.

GORSKI ENGINEERING, INC.
1 IRON BRIDGE DRIVE,
COLLEGEVILLE, PA 19426
610 489 9131; FAX 610 489 6850

NURSING HOME USE BY SPECIAL EXCEPTION

PREPARED FOR

SMITH, ET. AL.

SITE SITUATE IN

WHITEMARSH TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA

NO.	REVISIONS	PLAN ORIGINATION DATE
1	REV PER CLIENT MEETING	FEBRUARY 26, 2024
2		
3		
4		
5		
6		
7		
8		
9		
10		
11		
12		
13		

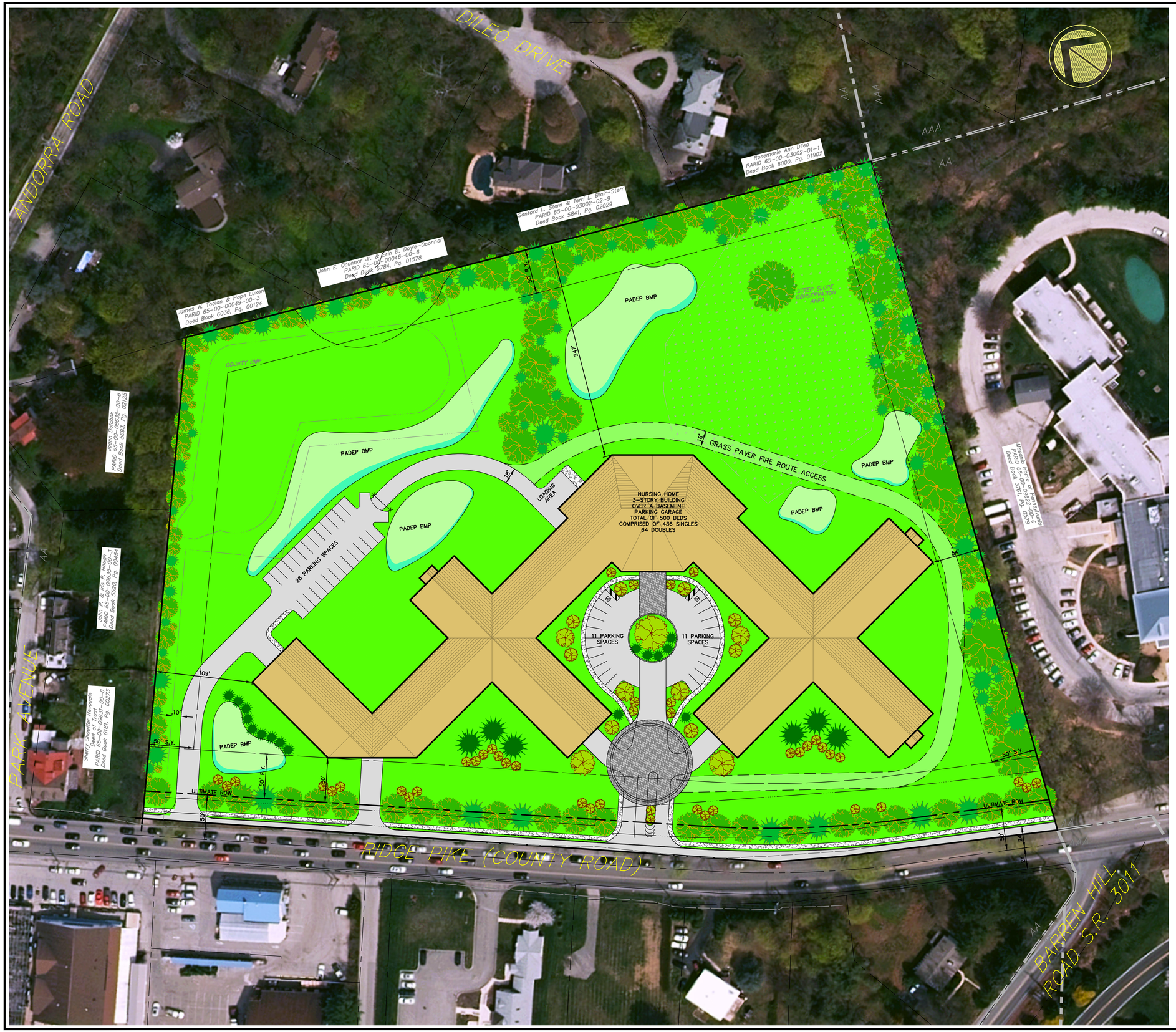
ALL DRAWINGS AND WRITTEN MATERIAL APPEARING HEREIN CONSTITUTE ORIGINAL AND UNPUBLISHED WORK OF GORSKI ENGINEERING, INC. AND THE USE OF ANY OF THESE DRAWINGS, OR PORTIONS THEREOF, IS NOT PERMITTED WITHOUT THE EXPRESS WRITTEN CONSENT OF GORSKI ENGINEERING, INC. ANY UNAUTHORIZED USE OF THESE DRAWINGS, OR PORTIONS THEREOF, WILL BE CONSIDERED AN INFRINGEMENT OF COPYRIGHT AND APPROPRIATE LEGAL ACTION WILL BE TAKEN.

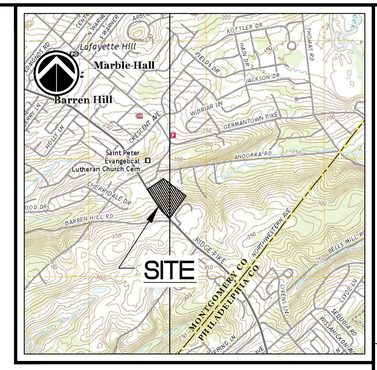
SITE LAYOUT PLAN

NURSING HOME USE BY SPECIAL EXCEPTION
SITE SITUATE IN
WHITEMARSH TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA

PROJECT MANAGER:	DRAFTED BY:
AJH	MNR
PROJECT NUMBER:	DRAWING FILE:
7873	7873 SHT02 SITE
PLAN SCALE:	PLAN SHEET NUMBER
1" = 50'	2 OF 3

0' 25' 50' 100'
GRAPHIC SCALE





NORRISTOWN & GERMANTOWN, PA U.S.G.S. 7.5 Minute Series Quadrangles

0' 1,000' 2,000' 4,000'
GRAPHIC SCALE

SITE LOCATION MAP 1"= 2,000'

SITE STATISTICS

1. SUBJECT TRACT MAY BE IDENTIFIED BY MONTGOMERY COUNTY TAX ASSESSMENT INFORMATION AS FOLLOWS:

   WHITEMARSH TOWNSHIP
   (PARID 65-00-09628-00-9)

2. RECORDED DEED DATA IS AS FOLLOWS:

   AS RECORDED IN THE OFFICE FOR THE RECORDING OF DEEDS, ETC., IN AND FOR THE COUNTY OF MONTGOMERY IN NORRISTOWN, PENNSYLVANIA IN DEED BOOK 5754, PAGE 00417.

3. NAME AND ADDRESS OF THE OWNER OF THE SUBJECT TRACT:

   JAMES J. & THERESA C. SMITH &
   MATHEW & JOSEPH & FRANCIS V. SMITH
   717 RIDGE PIKE
   LAFAYETTE HILL, PA 19444

4. ADDRESS OF THE SUBJECT TRACT:

   717 RIDGE PIKE
   LAFAYETTE HILL, PA 19444

5. AREA STATISTICS:

   GROSS TRACT AREA = 14.04 Ac. (TO DEED TITLE LINES)

6. WATER AND SEWER:

   WATER = PUBLIC WATER

   SEWER = PUBLIC SEWER PROPOSED

ZONING DATA

DATA OBTAINED FROM WHITEMARSH TOWNSHIP ZONING ORDINANCE CHAPTER 116; REFERENCE ARTICLE XXIV, SECTION 116-176

DISTRICT CLASSIFICATION: "I" – INSTITUTIONAL OVERLAY DISTRICT

PROPOSED USE: NURSING HOME (SPECIAL EXCEPTION)

	REQUIRED	EXISTING	PROVIDED
MIN. LOT AREA:	2.0 AC.	14.04 AC.	14.04 AC.
MIN. LOT WIDTH @ BUILDING LINE:	200 FT.	998.15 FT.	998.15 FT.
MIN. FRONT YARD SETBACK:	50 FT.	N/A	50 FT.
MIN. SIDE YARD SETBACK:	50 FT.	N/A	54 FT.
MIN. REAR YARD SETBACK:	50 FT.	N/A	247 FT.
MAX. BUILDING HEIGHT:	40 FT.	40 FT.	40 FT.

NOTES

1. TITLE AND TOPOGRAPHY DEPICTED HEREON HAS BEEN SUPPLIED VIA:
   SPATIAL DATABASE: AERIAL PHOTO, CONTOURS, ROADWAYS
   -DEED: TITLE BOUNDARY PLOT, PARENTHESIS ( ) INDICATES DEED BEARINGS.
   [A FIELD SURVEY BY A STATE PROFESSIONAL LICENSED SURVEYOR SHALL BE REQUIRED PRIOR TO ANY AND ALL SUBDIVISION AND/OR LAND DEVELOPMENT.]
2. PURSUANT TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) MAPS:
   NO 100 YEAR FLOOD LIMITS ARE CONTAINED WITHIN THE SUBJECT TRACT.
3. THE U.S. FISH AND WILDLIFE SERVICES' NATIONAL WETLANDS INVENTORY WAS REVIEWED IN SPECIFIC REGARD TO THE SUBJECT PARCEL AND WAS FOUND NOT TO LIST THE PRESENCE OF WETLANDS HEREON. PRIOR TO CONSTRUCTION, A WETLAND EVALUATION SHOULD BE PERFORMED.
4. ALL UTILITY LOCATIONS DEPICTED HEREON ARE APPROXIMATE, CONTRACTOR IS RESPONSIBLE FOR LOCATION VERIFICATION PRIOR TO COMMENCEMENT OF ANY WORK.

COVERAGE RATIOS

THE TOWNSHIP ZONING CODE DOES NOT REGULATE SPECIFIC MAXIMUM COVERAGE RATIOS, HOWEVER AS A SIMPLE MATTER OF INFORMATION THE PROJECT HEREWITH PROPOSES:

BUILDING COVERAGE = 16.89%

IMPERVIOUS COVERAGE = 25.38%

PLAN SHEET INDEX

Sheet Number	Sheet Title
1 OF 3	ILLUSTRATIVE PLAN
2 OF 3	SITE LAYOUT PLAN
3 OF 3	TYPICAL FLOOR PLAN

AERIAL PHOTO NOTE

THE AERIAL PHOTO HEREON IS SUPPLIED VIA THE SPATIAL DATA ACCESS WEB SITE. PHOTO PROVIDED BY REGIONAL PLANNING COMMISSION 2015 DIGITAL ORTHOIMAGERY.

GORSKI ENGINEERING, INC.
1 IRON BRIDGE DRIVE,
COLLEGEVILLE, PA 19426
610 489 9131; FAX 610 489 6850

NURSING HOME USE BY SPECIAL EXCEPTION

PREPARED FOR

SMITH, ET. AL.

SITE SITUATE IN

WHITEMARSH TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA

NO.	REVISIONS	PLAN ORIGINATION DATE
1	REV PER CLIENT MEETING	FEBRUARY 26, 2024
2		NOVEMBER 15, 2023

THIS DRAWING IS THE PROPERTY OF GORSKI ENGINEERING, INC. AND IS PROTECTED BY COPYRIGHT LAWS. ALL RIGHTS RESERVED. NO PART OF THIS DRAWING MAY BE REPRODUCED, STORED IN A RETRIEVAL SYSTEM, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC, MECHANICAL, PHOTOCOPYING, RECORDING, OR OTHERWISE, WITHOUT THE PRIOR WRITTEN PERMISSION OF GORSKI ENGINEERING, INC. FROM ALL USAGE, CHANGES, EDITS, AND REVISIONS.

ILLUSTRATIVE PLAN

NURSING HOME USE BY SPECIAL EXCEPTION
SITE SITUATE IN
WHITEMARSH TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA

PROJECT MANAGER: AJH	DRAFTED BY: MNR
PROJECT NUMBER: 7873	DRAWING FILE: 7873 SHT01 ILLUSTR
PLAN SCALE: 1" = 50'	PLAN SHEET NUMBER 1 OF 3

0' 25' 50' 100'
GRAPHIC SCALE

Chapter 116. Zoning

Article XXIV. Institutional Overlay District

[Added 10-21-1982 by Ord. No. 442]

[1] *Editor's Note: This article title was amended, to include the word "overlay," 1-28-2010 by Ord. No. 893. Said ordinance also provided that all references to said district would be construed to be the name as amended.*

§ 116-170. Title.

This article shall be known and may be cited as the "Whitemarsh Township Institutional District Ordinance."

§ 116-171. Legislative intent.

In amplification of § **116-2**, the specific intent of this article is as follows:

A. To provide suitable areas within the Township to accommodate institutional uses.

B. To provide appropriate design standards for institutional uses.

§ 116-172. District description.

The Institutional District shall include those areas described on a map or maps designated as the "Whitemarsh Township Institutional Map," which is hereby made a part of this article and which shall be made available to the public at the Township Building.

§ 116-173. Overlay concept; conflicts.

[Amended 9-25-2008 by Ord. No. 862]

Priority of application of overlay shall be as described in § **116-33.2** of this chapter.

§ 116-174. District boundary changes.

The delineation of the Institutional District may be revised by the Board of Supervisors pursuant to § **116-236** et seq.

§ 116-175. Special exception uses.

[Amended 8-30-1984 by Ord. No. 494; 2-24-1994 by Ord. No. 659; 9-25-2008 by Ord. No. 862]

In the Institutional District, the following uses and activities, and no others, are permitted by special exception:

A. Place of worship: Access shall be to major collector or arterial streets.

B. School: Minimum lot size is 10 acres with access to major collector or arterial. Outdoor play areas shall be sufficiently screened and insulated so as to protect the neighborhood from inappropriate noise and other disturbances.

C. Commercial school.

D. Library.

E. Museum.

F. Park or recreational facility: subject to the following additional provisions:

(1) A minimum lot size of five acres is required.

(2) Amusement parks, wild animal parks, zoos, gun ranges and race courses shall not be included in this use.

(3) Day camp shall operate between 9:00 a.m. and 5:00 p.m., excluding Saturdays and Sundays.

(4) Outdoor play areas shall be sufficiently screened and insulated so as to protect the neighborhood from inappropriate noise and other disturbances.

G. Private club: subject to the following additional provisions:

(1) The use shall not be conducted as a private gainful business.

(2) The use shall be for members and their authorized guests only.

H. Community center: subject to the following additional provisions:

(1) The use shall not be conducted as a private gainful business.

(2) No outdoor recreation area shall be located nearer to any lot line than 100 feet.

I. Child day-care center: Outdoor play areas shall be sufficiently screened and insulated so as to protect the neighborhood from inappropriate noise and other disturbances.

J. Hospital: subject to the following provisions:

(1) Any such establishment providing convalescent care or care for the chronically sick shall provide an additional lot area of not less than 1,000 square feet per each bed in use for long-term care. For the purposes of this article, "long-term care" shall mean care in excess of one month.

(2) Emergency and service entrances shall be located where they are not offensive to adjoining neighbors.

(3) Said use shall take access from major collector or arterial streets.

K. Clinic.

L. Nursing home.

M. Cemetery.

N. Monastery or convent: subject to the following provisions:

(1) When situated on the same lot as a place of worship, four acres is required for both uses.

O. Conference center: subject to the following provisions:

(1) A minimum lot size of 25 acres is required.

(2) Recreational facilities, service stores and other similar facilities for use by conference participants and employees shall be permitted in conjunction with this use.

P. (Reserved)[1]

[1] *Editor's Note: Former Subsection P, Community residential facility, was repealed 3-28-2013 by Ord. No. 925.*

Q. (Reserved)

§ 116-176. Dimensional requirements.

A. Minimum lot and area regulations. Unless more restrictive provisions are required hereinabove, the following minimum lot and area regulations shall apply:
[Amended 8-30-1984 by Ord. No. 494]

(1) Uses described in § **116-175A** through **O**:

(a) Lot area: two acres, except in the case of conference center use, where the minimum lot area shall be 25 acres.
[Amended 9-23-1993 by Ord. No. 649]

(b) Front yard: 50 feet.

(c) Side yards: 50 feet.

(d) Rear yard: 50 feet.

(e) Lot width: 200 feet.

(2) Uses described in § **116-175P**:
[Amended 2-24-1994 by Ord. No. 659]

(a) Lot area: 30,000 square feet.

(b) Front yard: 50 feet.

(c) Side yards: 25 feet.

(d) Rear yard: 50 feet.

(e) Lot width: 135 feet.

B. Height requirements. The maximum height of any building erected or used for any use permitted in an Institutional District shall be 40 feet.

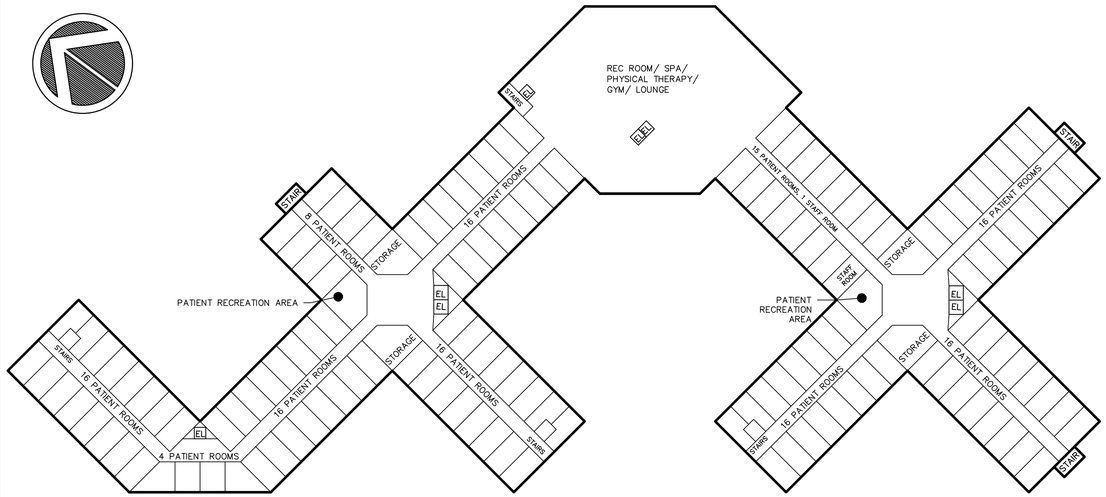
Whitemarsh Township Zoning Ordinance

Section 116-11 - Definitions

NURSING HOME

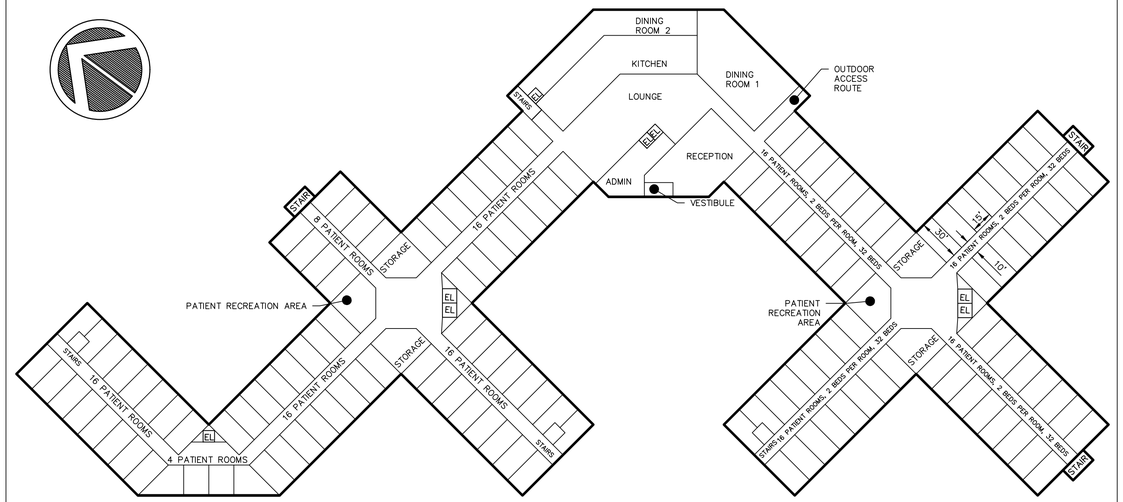
A building, or part thereof, used for the lodging, boarding and nursing care, on a twenty-four-hour basis, of four or more persons who, because of mental or physical incapacity, may be unable to provide for their own needs and safety without the assistance of another person.

[Added 9-25-2008 by Ord. No. 862]



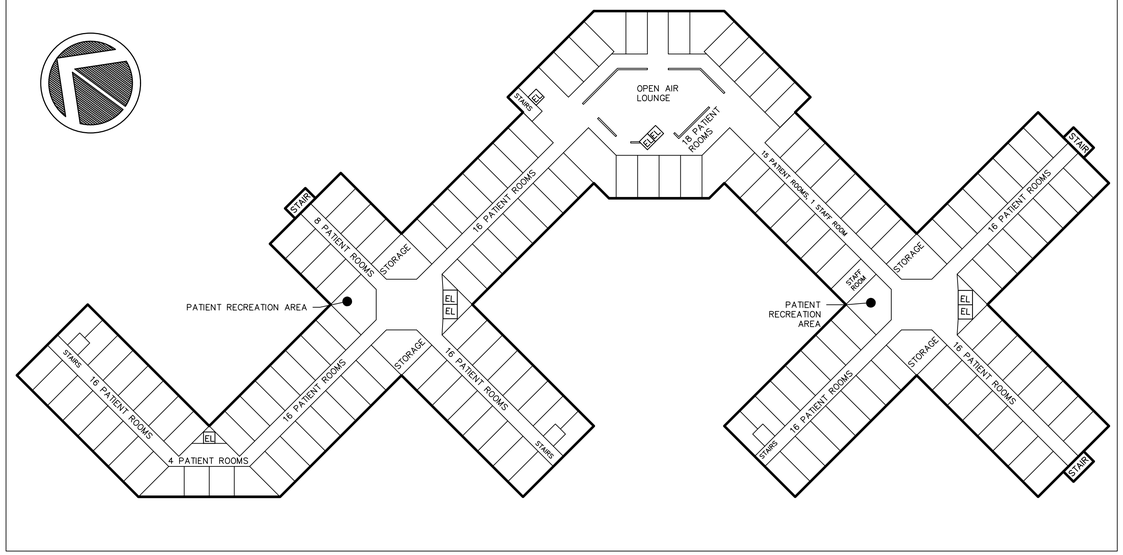
2ND FLOOR LAYOUT

139 PATIENT ROOM PROVIDED
139 BEDS PROVIDED
+1 STAFF ROOM



1ST FLOOR LAYOUT

140 PATIENT ROOMS PROVIDED
204 BEDS PROVIDED
0 STAFF ROOMS



3RD FLOOR LAYOUT

157 PATIENT ROOMS PROVIDED
157 BEDS PROVIDED
+1 STAFF ROOM

PARKING REQUIREMENTS

PER TOWNSHIP ZONING ORDINANCE,
NURSING HOME USE REQUIRES 1 PER 2 PATIENT BEDS AND 1 PER 2 EMPLOYEES.

PROPOSED PATIENT BEDS: 500 BEDS
PROPOSED NUMBER OF PATIENTS (ALSO REFERRED TO AS RESIDENTS): 500

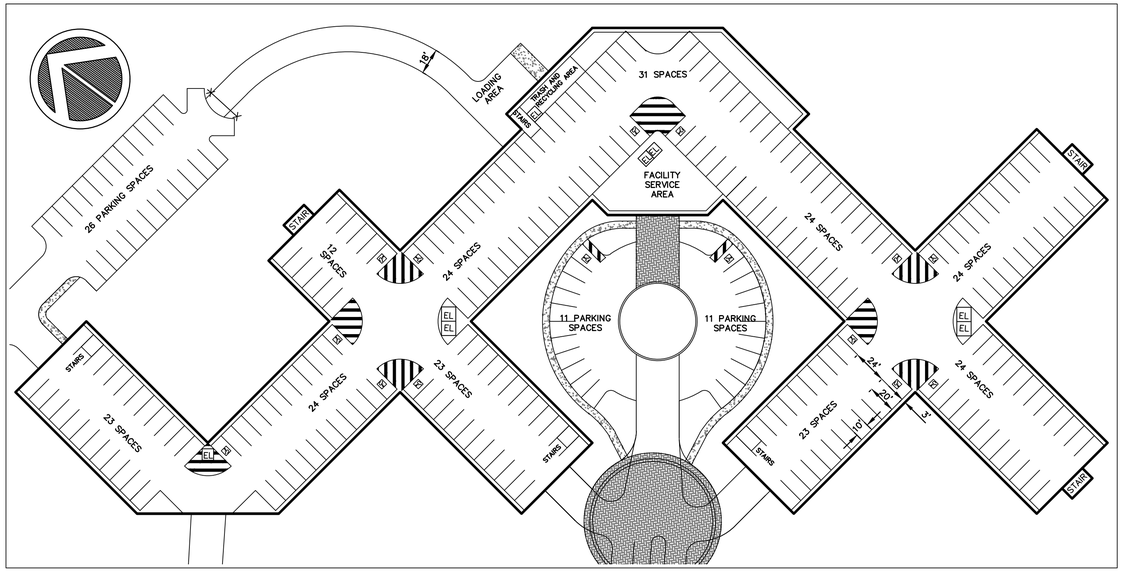
PER STATE DEPARTMENT OF HEALTH LONG TERM CARE FACILITY REGULATIONS
"IN ADDITION TO THE DIRECTOR OF NURSING SERVICES, A FACILITY SHALL PROVIDE ALL OF THE FOLLOWING: NURSING SERVICES PERSONNEL ON EACH RESIDENT FLOOR..."
"A MINIMUM OF 1 NURSE AIDE PER 10 RESIDENTS..."
"A MINIMUM OF 1 RN PER 250 RESIDENTS DURING ALL SHIFTS."

500 RESIDENTS / 10 = 50 NURSE AIDES
500 RESIDENTS / 250 = 2 REGISTERED NURSES

1 DIRECTOR OF NURSING DIRECTOR
+3 NURSING SERVICES PERSONNEL
+50 NURSE AIDES
+2 REGISTERED NURSES
TOTAL: 56 EMPLOYEES PROPOSED EMPLOYEES: 56 EMPLOYEES

500/2 = 250
56/2 = 28

REQUIRED PARKING=278 SPACES PROPOSED PARKING SPACES: 279 SPACES



PARKING LOT LAYOUT

279 SPACES PROVIDED
15 ACCESSIBLE ADA SPACES PROVIDED
231 INTERNAL SPACES PROVIDED
22 OUTSIDE FRONT
26 OUTSIDE REAR

PATIENT CAPACITY CALCULATION

BASEMENT FLOOR:	0 PATIENT ROOMS PROVIDED	0 PATIENT BEDS	0 STAFF ROOMS
FIRST FLOOR:	140 PATIENT ROOMS PROVIDED	204 PATIENT BEDS	0 STAFF ROOMS
SECOND FLOOR:	139 PATIENT ROOMS PROVIDED	139 PATIENT BEDS	1 STAFF ROOM
THIRD FLOOR:	157 PATIENT ROOMS PROVIDED	157 PATIENT BEDS	1 STAFF ROOM
TOTAL:	436 PATIENT ROOMS PROVIDED	500 PATIENT BEDS	2 STAFF ROOMS

GORSKI ENGINEERING, INC.
1 IRON BRIDGE DRIVE,
COLLEGEVILLE, PA 19426
610 489 9131; FAX 610 489 6850

NURSING HOME USE BY SPECIAL EXCEPTION

PREPARED FOR
SMITH, ET. AL.
SITE SITUATE IN
WHITEMARSH TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA

© COPYRIGHT GORSKI ENGINEERING, INC. THE DRAWINGS AND SPECIFICATIONS AS INSTRUMENTS OF SERVICE ARE AND SHALL REMAIN THE PROPERTY OF GORSKI ENGINEERING, INC. WHETHER THE PROJECT FOR WHICH THEY ARE MADE IS EXECUTED OR NOT. THE DRAWINGS AND SPECIFICATIONS ARE NOT TO BE CHANGED OR COPIED IN ANY FORM OR MANNER WHATSOEVER, NOR ARE THEY TO BE ASSIGNED TO ANY THIRD PARTY, WITHOUT FIRST OBTAINING THE EXPRESS WRITTEN PERMISSION AND CONSENT OF GORSKI ENGINEERING, INC. AND WITHOUT LEGAL ACKNOWLEDGEMENT FROM ALL LAWFUL OWNERS, ASSIGNS AND EMPLOYEES.

NO.	REVISIONS	DATE
1	REV PER CLIENT MEETING	FEBRUARY 26, 2024
	PLAN ORIGINATION DATE	NOVEMBER 15, 2023

TYPICAL FLOOR PLAN

NURSING HOME USE BY SPECIAL EXCEPTION
SITE SITUATE IN
WHITEMARSH TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA

PROJECT MANAGER: AJH	DRAFTED BY: MNR
PROJECT NUMBER: 7873	DRAWING FILE: 7873 SHT03 FLOOR
PLAN SCALE: 1" = 50'	PLAN SHEET NUMBER 3 OF 3

0' 25' 50' 100'
GRAPHIC SCALE

GORSKI CONSTRUCTIONEERING™

CONCEPTUAL POST-CONSTRUCTION STORMWATER MANAGEMENT (CPCSM) REPORT

for

NURSING HOME USE IMPROVEMENTS

at

717 RIDGE PIKE TRACT

WHITEMARSH TOWNSHIP, MONTGOMERY COUNTY PENNSYLVANIA

prepared for

Smith, et. al.
717 Ridge Pike
LaFayette Hill, PA 19444

prepared by

GORSKI ENGINEERING, INC.
1 IRON BRIDGE DRIVE
COLLEGEVILLE, PA 19426-2058



PROJECT #7873

NOVEMBER 2024

TABLE OF CONTENTS

SECTION	DESCRIPTION	PAGE
CPCSM, CONCEPTUAL POST-CONSTRUCTION STORMWATER MANAGEMENT REPORT		
I.	**PRESERVE & PROTECT RECEIVING STREAM** Section 102.8(b)(ii)	1
II.	**PREVENT RATE INCREASE OF RUNOFF** Section 102.8(b)(iii)	1
III.	**MINIMIZE VOLUME INCREASE OF RUNOFF** Section 102.8(b)(iv)	1
IV.	**MINIMIZE IMPERVIOUS AREAS** Section 102.8(b)(v)	1
V.	**MAXIMIZE DRAINAGE AREA PROTECTION** Section 102.8(b)(vi)	1
VI.	**MINIMIZE LAND CLEARING & GRADING** Section 102.8(b)(vii)	1-2
VII.	**MINIMIZE SOIL COMPACTION** Section 102.8(b)(viii)	2
VIII.	**OTHER CONTROLS TO MINIMIZE RUNOFF** Section 102.8(b)(ix)	2
IX.	**USGS MAP** Section 102.8(f)(i)	3
X.	**SOIL INFO, USE LIMITATIONS AND RESOLUTIONS** Section 102.8(f)(2)	4-5
XI.	**PAST, PRESENT, AND PROPOSED LAND USES** Section 102.8(f)(3)	5
XII.	**AMOUNT OF RUNOFF** Section 102.8(f)(4)(i)	5
XIII.	**RECEIVING WATERS** Section 102.8(f)(5)(i)	6
XIV.	**DESCRIPTION OF PCSM BMPS USED** Section 102.8(f)(6)(i)	6
XV.	**PCSM BMP INSTALLATION** Section 102.8(f)(7)(i)	6
XVI.	**SUPPORTING CALCULATIONS** Section 102.8(f)(8)(i)	6
XVII.	**PLAN DRAWINGS** Section 102.8(f)(9)(i)	6
XVIII.	**PCSM BMP MAINTENANCE PROGRAM** Section 102.8(f)(10)(i)	7-9
XIX.	**RECYCLING PROCEDURES** Section 102.8(f)(11)(i)	9
XX.	**POTENTIAL POLLUTION IDENTIFICATION** Section 102.8(f)(12)(i)	9
XXI.	**THERMAL IMPACTS** Section 102.8(f)(13)(i)	9
XXII.	**E&S PLAN AND PCSM PLAN CONSISTENCY** Section 102.8(b)	9
XXIII.	**RIPARIAN FOREST BUFFERS** Section 102.8(f)(14)(i)	9
XXIV.	**ANTIDEGRADATION ANALYSIS** Section 102.8(f)(14)(ii)	9
XXV.	**CPCSM PLAN PREPARER** Section 102.8(b)(i)	10

APPENDICES

APPENDIX A – NPDES WORKSHEETS
APPENDIX B – PABMP DESCRIPTIONS
APPENDIX C – NOAA PRECIPITATION VALUES
APPENDIX D – NRCS SOIL RESOURCE REPORT
APPENDIX E – CARBONATE GEOLOGY REPORT
APPENDIX F – SOIL INFILTRATION REPORT
APPENDIX G – PROJECT PLANS

I. **PRESERVE & PROTECT RECEIVING STREAM** Section 102.8(b)(ii)

The proposed PCSM BMPs as part of the Conceptual Post Construction Stormwater Management Plan have been planned and provided in order to preserve the integrity of stream channels, and to maintain and protect the physical, biological and chemical qualities of the receiving stream.

II. **PREVENT RATE INCREASE OF RUNOFF** Section 102.8(b)(iii)

The proposed Post Construction Stormwater Management Plan will prevent a rate increase in stormwater runoff through the use of PCSM BMPs and by planting proposed native trees.

III. **MINIMIZE VOLUME INCREASE OF RUNOFF** Section 102.8(b)(iv)

The proposed Post Construction Stormwater Management Plan will minimize an increase in stormwater runoff volume for the 2-year 24-hour storm event through the use of PCSM BMPs and by planting proposed vegetation.

IV. **MINIMIZE IMPERVIOUS AREAS** Section 102.8(b)(v)

The proposed development layout provides an efficient configuration of impervious surfaces in order to minimize them. The layout is also ultimately a result of meeting site specific zoning constraints per Limerick Township. The majority of the site is well-drained soccer field natural grass lawn areas with a woodland forest and protected riparian conservation area. This allows preservation of existing vegetation while minimizing impervious areas.

V. **MAXIMIZE DRAINAGE AREA PROTECTION** Section 102.8(b)(vi)

The existing drainage features and vegetation shall be protected to the maximum extent practical. To achieve this goal, the areas on site outside of the limits of disturbance are subject to the following criteria:

- Areas shall not be subject to grading or movement of existing soil.
- Existing vegetation in a healthy condition may not be removed.
- Invasive non-native vegetation may be removed.
- Pruning or other required maintenance of vegetation is permitted. Additional planting is permitted.
- Areas shall be protected and delineated in the field.
- The areas not subject to grading are also delineated on the Stormwater Management Plan. If any future grading or disturbance of these areas occurs, subsequent stormwater management must be provided to address disturbance.

VI. **MINIMIZE LAND CLEARING & GRADING** Section 102.8(b)(vii)

In order to minimize land clearing and grading to the maximum extent practical, the areas between tree protection fencing and property boundaries are subject to the following criteria:

- Areas shall not be subject to grading or movement of existing soil.
- Existing vegetation in a healthy condition may not be removed.
- Invasive non-native vegetation may be removed.

- Pruning or other required maintenance of vegetation is permitted. Additional planting is permitted.
- Areas shall be protected and delineated in the field.
- The areas not subject to grading are also delineated on the Post Construction Stormwater Management Plan. If any future grading or disturbance of these areas occurs, subsequent stormwater management must be provided to address disturbance.

VII. **MINIMIZE SOIL COMPACTION** Section 102.8(b)(viii)

The limits of disturbance have been delineated as the minimum practical area and all other areas shall not be disturbed and are subject to the following criteria:

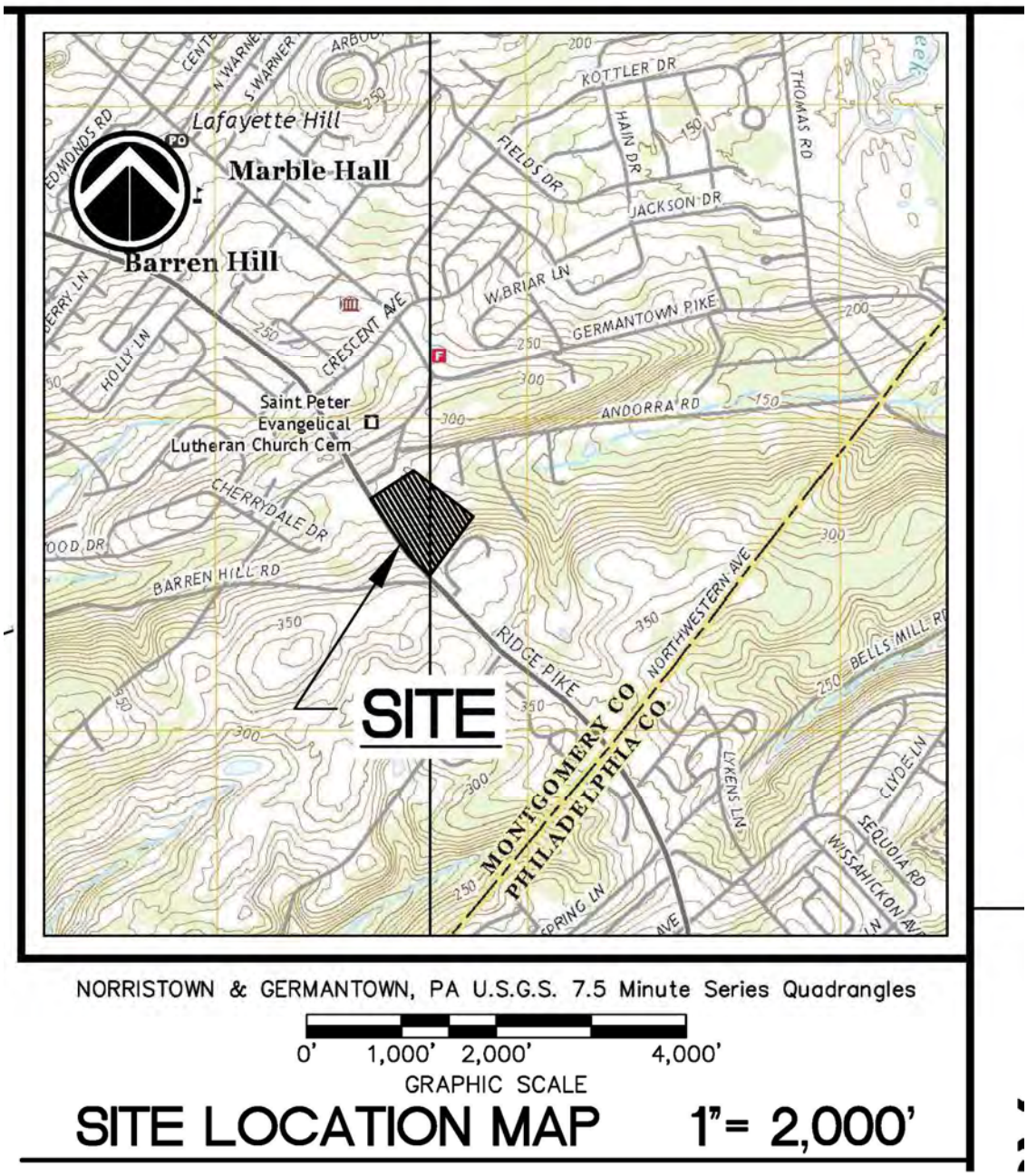
- Areas shall not be subject to grading or movement of existing soil.
- Existing vegetation in a healthy condition may not be removed.
- Invasive non-native vegetation may be removed.
- Pruning or other required maintenance of vegetation is permitted. Additional planting is permitted.
- Areas shall be protected and delineated in the field.
- The areas not subject to grading are also delineated on the Stormwater Management Plan. If any future grading or disturbance of these areas occurs, subsequent stormwater management must be provided to address disturbance.

VIII. **OTHER CONTROLS TO MINIMIZE RUNOFF** Section 102.8(b)(ix)

Other PCSM controls to minimize post-construction runoff
Other measures and controls shall be utilized to prevent or minimize the generation of post construction stormwater runoff.

- Protect/Conserve/Enhance Riparian Areas (BMP 5.4.2)
- Protect/Utilize Natural Flow Pathways in Overall Stormwater Planning & Design (BMP 5.4.3)
- Minimize total disturbed area (BMP 5.6.1)
- Perm. seeding & lawn aeration of undisturbed areas

IX. **USGS MAP** Section 102.8(f)(i)



X. **SOILS INFO, USE LIMITATIONS & RESOLUTIONS** Section 102.8(f)(2)

The soils located on-site according to the NRCS web soil survey (soils.usda.gov/survey) are as follows:

Table—Hydrologic Soil Group

Map unit symbol	Map unit name	Rating
CaB	Califon loam, 3 to 8 percent slopes	D
EcD	Edgemont channery loam, 15 to 25 percent slopes	A
GdB	Gladstone gravelly loam, 3 to 8 percent slopes	B
GdC	Gladstone gravelly loam, 8 to 15 percent slopes	B
PaD	Parker gravelly loam, 15 to 25 percent slopes	A
UgB	Urban land, 0 to 8 percent slopes	
UrlD	Urban land-Gladstone complex, 8 to 25 percent slopes	
UrmB	Urban land-Glenelg complex, 0 to 8 percent slopes	
Totals for Area of Interest		

Rating Options—Hydrologic Soil Group

Aggregation Method: Dominant Condition

Component Percent Cutoff: None Specified

Tie-break Rule: Higher

Soils Resolutions:

1. Low ph: for soils with ph values lower than 5.5, adjust ph by applying lime at rates determined by soils testing in combination with selecting and planting vegetative species tolerant of acidic conditions.
2. Low fertility: incorporate additional soil nutrients at rates determined by soil testing in combination with selecting and planting vegetative species tolerant of low fertility conditions.
3. Dry or droughty soils: select vegetative species tolerant of dry conditions.
4. High water table or wet/hydric soils prone to flooding: select vegetative species tolerant of wet conditions. If buildings are located in said soils provide sump pumps with back flow prevention devices in basements. If high water is encountered during construction, contractor shall utilize pumped water filtration methods (i.e. Dirt bag). For basin construction in areas of wet soils, preferably relocate stormwater and sediment basins and facilities in soils more conducive to such facilities. If facilities cannot be relocated, provide pumped water sediment removal facilities for basin construction, limit reservoir depths, and limit clean out elevations.
5. Erodible soils types: for soils with erodibility values higher than 0.36, contractor should incorporate some or all of the following stabilization techniques. In proposed channels, provide temporary linings until grass is established, provide permanent grass reinforced linings through the installation of sod or select permanent linings other than grasses. Decrease channel grades and increase channel widths to help reduce erosion.
6. Soils prone to sinkholes and solution channels: locate stormwater retention facilities, sediment traps and basins, on other soils types. If facilities must be located in sinkhole susceptible soils, line reservoir area with plastic, clay, bentonite, or other acceptable linings. Limit standing water depths and retention times.
7. Soils prone to instability piping and seeping: if stormwater or sediment basin/traps cannot be relocated to other soils types, limit embankment slope steepness, provide clay embankment cores and import other soils for construction of embankment facilities as necessary.
8. Soils unsuitable for winter grading, prone to frost action, or difficult to compact: grading during periods prone to frost should be limited. Construction of structural embankment should be performed during the period of May to October if such facilities cannot be relocated to an area with more conducive soils.
9. Unsuitable topsoil: if suitable topsoil is not found on-site, topsoil shall be imported.

XI. **PAST, PRESENT, AND PROPOSED LAND USES** Section 102.8(f)(3)

The proposed use of the land is to construct a Nursing Home with associated parking and stormwater management bmp facilities on a ~14-acre site located at 717 Ridge Pike, Whitemarsh Township, Montgomery County, Pennsylvania. The land use for the past 50 years has been an agriculture use with a farmstead residence. Both the present land use and the land use of the last 5 years has also been an agriculture use with a farmstead residence. The Whitemarsh Township zoning allows for a Nursing Home Use by Special Exception. The owners of this subject tract have filed a special exception application for this Nursing Home use.

XII. **AMOUNT OF RUNOFF** Section 102.8(f)(4)(i)

The drainage analysis consists of one (1) overall drainage shed to tributary 00853 to the Wissahickon Creek and watershed.

XIII. **RECEIVING WATERS** Section 102.8(f)(5)(i)

The project site limits of disturbance drain into tributary 00853 to the Wissahickon Creek and Watershed which is classified in PA Chapter 93 as having a designated and existing use of "WWF and "TSF".

WWF – Warm Water Fishes—Maintenance and propagation of fish species and additional flora and fauna which are indigenous to a warm water habitat.

TSF – Trout Stocking Fish: Maintenance of stocked trout from February 15 to July 31 and maintenance and propagation of fish species and additional flora and fauna which are indigenous to a warm water habitat.

XIV. **DESCRIPTION OF PCSM BMPs USED** Section 102.8(f)(6)(i)

The following post construction stormwater management BMPs are proposed to be utilized to prevent or minimize the generation of additional stormwater runoff:

- Subsurface Extended Detention Bed (6.6.3)
- Rain Gardens (6.4.5)
- Vegetated Filter Strips (6.4.9)
- Re-Vegetate Using Native Species (5.6.3)

XV. **PCSM BMP INSTALLATION** Section 102.8(f)(7)(i)

CRITICAL STAGES:

The DEP Chapter 102 regulations which became effective November 19, 2010 require a licensed professional or his/her designee be present on-site to observe, inspect and sign-off on the critical stages of the Post Construction Stormwater Management Plan (PCSM) implementation and facility installation. The licensed professional shall be present on-site for all critical stages of the PCSM plan implementation:

- Subsurface Extended Detention Bed (6.6.3)
- Rain Gardens (6.4.5)
- Vegetated Filter Strips (6.4.9)
- Re-Vegetate Using Native Species (5.6.3)

XVI. **SUPPORTING CALCULATIONS** Section 102.8(f)(8)(i)

CPCSM supporting calculations are provided in the appendices of the report.

XVII. **PLAN DRAWINGS** Section 102.8(f)(9)(i)

CPCSM Plans are provided in the appendices of the report.

XVIII. **PCSM BMP MAINTENANCE PROGRAM** Section 102.8(f)(10)(i)

Maintenance of BMP's is extremely important for the longevity and operation of the BMP. In the event of a complete failure of the BMP. The BMP may need to be removed and replaced or an alternative BMP system installed. MCCD does not oversee repairs, a licensed professional engineer shall be required to.

BMP 6.6.3 Subsurface Extended Detention Bed Operation and Maintenance

Maintenance is necessary to ensure proper functionality of the extended detention bed and should take place on a quarterly basis. The bed maintenance includes the following measures:

- All bed structures expected to receive and/or trap debris and sediment should be inspected for clogging and excessive debris and sediment accumulation at least four times per year, as well as after every storm greater than 1 inch.
    - Structures include outlets structures, trench drain, and inlets.
- Sediment removal from the structures shall be conducted when the bed is completely dry. Sediment should be disposed of properly and once sediment is removed, any and all disturbed areas need to be immediately stabilized and revegetated.
- It shall be the responsibility of the landowner to properly mechanically decompress the Syn-Turf BMP facility surface specified hereon.
- Decompression shall be performed on the Syn-Turf BMP facility a minimum of once per quarter making certain the Syn-Turf BMP is dry at the time of decompression.
- Decompression shall be performed during off hours of the Syn-Turf BMP facility so that the entire lot is cleaned.
- Large trash and debris shall be removed prior to decompression and at least once a week between the quarterly decompression.

BMP 6.4.5 Rain Garden Operation and Maintenance

Properly designed and installed rain garden areas require some regular maintenance:

- While vegetation is being established, pruning and weeding may be required.
- Detritus may also need to be removed every year. Perennial plantings may be cut down at the end of the growing season.
- BMP mowing shall be performed twice a year: once in spring and once in autumn.
- Mulch should be re-spread when erosion is evident and be replenished as needed. Once every 2 to 3 years the entire area may require mulch replacement.
- Rain garden areas should be inspected at least two times per year for sediment buildup, erosion, vegetative conditions, etc.
- During periods of extended drought, bioretention areas may require watering.
- Trees and shrubs should be inspected twice per year to evaluate health.
- All inspections and repairs shall be documented in a written report.

BMP 6.4.9 Vegetated Filter Strip Operation and Maintenance

- Vegetated filter strip BMPs should be properly maintained to ensure their effectiveness. In particular, it is critical that sheet flow conditions and infiltration are sustained throughout the life of the filter strip BMP. Field observations of strips in more urban settings show that their effectiveness can deteriorate due to lack of maintenance and poor vegetative cover. Vegetated filter strip BMPs require only minimal maintenance efforts, many of which may overlap with standard landscaping demands.
- Any and all mowing near the level spreaders shall be done in a manner to direct clippings away from and out of the level spreader. All spreaders shall be blown or vacuumed clean a minimum of once monthly during growing season.

- Vegetated filter strip BMP components that receive or trap sediment and debris should be inspected for clogging, density of vegetation, damage by foot or vehicular traffic, excessive accumulations and channelization. Inspections should be made on a quarterly basis for the first two years following installation, and then on a biannual basis thereafter. Inspections should also be made after every storm event greater than 1 inch during the establishment period. Facility owners are encouraged to keep an inspection log, where they can record all inspection dates, observations and maintenance activities.
- Sediment and debris should be routinely removed (but never less than biannually), or upon observation, when buildup exceeds 2 inches in depth in either the strip itself or the level spreader. If erosion is observed, measures should be taken to improve the level spreader or other dispersion method to address the source of erosion. Rills and gullies observed along the strip may be filled with topsoil, stabilized with erosion control matting, and either seeded or sodded, as desired. For channels less than 12 inches wide, filling with crushed gravel, which allows grass to creep in over time, is acceptable. For wider channels, i.e. greater than 12 inches, regrading and reseeding may be necessary. (small bare areas may only require overseeding). Regrading may also be required when pools of standing water are observed along the slope (in no case should standing water be tolerated for longer than 48-72 hours). Inlets or sediment sumps that drain to filter strips should be cleaned periodically or as needed. Sediment should be removed when the filter strip is thoroughly dry. Trash and debris removed from the site should be deposited only at suitable disposal/recycling sites and must comply with applicable local, state and federal waste regulations.
- Maintaining a vigorous vegetative cover on a filter strip BMP is critical for maximizing pollutant removal efficiency and erosion prevention. Refer to seeding specification. Grass cover should be mowed, with low ground pressure equipment, as needed to maintain a height of 4-12 inches. Mowing should be May through August and done only when the soil is dry, in order to prevent tracking damage to vegetation, soil compaction and flow concentrations. Generally speaking, grasses should be allowed to grow as high as possible but mowed frequently enough to avoid troublesome insects or noxious weeds. Fall (September through November) mowing should be controlled to a grass height of 6 inches, to provide adequate wildlife winter habitat. When and where cutting is desired for aesthetic reasons, a high blade setting should be used.
- If vegetative cover is not fully established within the designated time, it should be replaced with an alternative species. It is standard practice to contractually require the contractor to replace dead vegetation. Unwanted or invasive growth should be removed on an annual basis. Biweekly inspections are recommended for at least the first growing season, or until the vegetation is permanently established. Once the vegetation is established, inspections of health, diversity and density should be performed at least twice per year, during both the growing and non-growing season. Vegetative cover should be sustained at 85% and re-established if damage greater than 50% is observed. Whenever possible, deficiencies in vegetation are to be mollified without the use of fertilizers or pesticides. These treatment options, as well as any other methods used to achieve optimum vegetative health, should only be used under special circumstances and if they do not compromise the functionality of the filter strip & minimum soil compaction BMP.
- Two other maintenance recommendations involve soil aeration and drain down time. If a filter strip exhibits signs of poor drainage and/or vegetative cover, periodic soil aeration may be needed. In addition, depending on soil characteristics, the strip may need periodic slit seeding, liming, and/or addition of leaf compost or sand following aeration. The approximate time it should take for the system to “drain down” after a 2-year design storm runoff volume is 72 hours. Post-rainfall inspections should include evaluations of the filter's actual drain down time. If significant differences (either increase or decrease) are observed, or if the 72-hour maximum time is exceeded, strip characteristics such as soils, vegetation and groundwater levels should be re-evaluated. Measures should be taken to establish, or re-establish as the case may be, the specified drain down time of the system.

BMP 5.6.3 Re-Vegetate Using Native Species Operation and Maintenance

- It shall be the ultimate responsibility of successive landowners to insure that the required plantings are properly maintained. Install and properly maintain all deer browse resistant devices and sprays. Dead or diseased plant materials shall be removed or treated properly by the landowner(s) and

replaced during the next growing season.

- All sight distances shall remain clear, and any plant materials that could endanger safety such as unstable limbs shall be removed and the plant materials shall be replaced if necessary. It shall be the responsibility of property owner to maintain all plantings to insure a safe environment. Review of the plantings should be undertaken to determine if replacement plants should be provided (some modest rate of planting failure is usual). Inspections shall be made on a quarterly basis for the first two years following installation, then on a biannual basis, thereafter.
- Inspect trees for insect infestation. If necessary, apply insecticide per manufacturers guidelines.

XIX. **RECYCLING PROCEDURES** Section 102.8(f)(11)(i)

The potential or anticipated post-construction wastes for this project include those that are incidental to outdoor recreational facilities, including but not limited to common household wastes, single-use plastics, synthetics, etc. The owner shall remove from this site, recycle, or dispose of all wastes in accordance with the Department's Solid Waste Management Regulations at 25 Pa. Code 260.1 et seq., 271.1 et seq. The owner shall not illegally bury, dump, or discharge any wastes at this site.

XX. **POTENTIAL POLLUTION IDENTIFICATION** Section 102.8(f)(12)(i)

The geological formations on-site are such that the pollution potential is only slight and not considered a concern. The soil conditions on-site vary to some extent where the existing soils may have a potential for erosion. The soil erosion from the existing soils could potentially cause water pollution, and to minimize this potential the erosion and sediment control BMPs mentioned above are to be provided.

XXI. **THERMAL IMPACTS** Section 102.8(f)(13)(i)

Thermal impacts from the impervious surfaces within this site shall be mitigated. T he runoff which flows from the proposed impervious cover will be temporarily stored underground for an extended period so that the warmer surface water will be cooled by the naturally lower underground temperatures.

XXII. **E&S PLAN AND PCSM PLAN CONSISTENCY** Section 102.8(b)

The Erosion & Sediment Control Plan and the Post Construction Stormwater Management Plan shall be provided separately during the Land Development Application process; however, they shall be planned, designed and implemented to be consistent with one another.

XXIII. **RIPARIAN FOREST BUFFERS** Section 102.8(f)(14)(i)

A riparian forest buffer is not applicable nor provided as part of this project.

XXIV. **ANTIDEGRADATION ANALYSIS** Section 102.8(f)(14)(ii)

Since this project does not drain to HQ/EV Water or EV Wetlands, this analysis is not applicable.

XXV. **CPCSM PLAN PREPARER** Section 102.8(b)(i)

Anthony J. Hibbeln, P.E.
Gorski Engineering, Inc.
1 Iron Bridge Drive
Collegeville, PA 19426-2058

Education

University of Colorado, Boulder, CO
B.S. Civil Engineering

Saint Joseph's University, Philadelphia, PA
Masters of Business Administration

Licensure
Registered Professional Engineer in Pennsylvania

Employment History
Hibbeln Engineering Company
Principal Engineer / President
1997 to 2023

Gorski Engineering, Inc.
Director of Engineering
2023 to present

Experience
Preparer currently performs various duties within the Civil Engineering discipline in all areas of site development and stormwater management including, but not limited to, site planning, preparation of municipal zoning ordinances, subdivision and land development design and plan preparation, site circulation design and planning, grading and drainage design and plan preparation, erosion and sedimentation control methods and techniques, post construction stormwater management methods and techniques applicable to the size and scope of this project, NPDES permit application preparations, preparation of site construction bid specifications, construction observation, storm sewer (hydraulics) and stormwater management facility design (hydrology), as well as, sanitary sewer design.
The Preparer has had continuing education in the areas of stormwater best management practices, site terrain computer modeling, hydraulic and hydrologic computer modeling, computer programming, and computer aided design (AutoCAD), and network management.

APPENDIX A – NPDES WORKSHEETS

General Information

Instructions | *General* | Volume | Rate | Quality

Project Name: **Nursing Home**

Application Type: **Individual NPDES Application**

County: **Montgomery**

Municipality: **Whitemarsh Township**

Project Type: **Commercial Building**

◉ New Project ○ Minor / Major Amendment

Area: **13.91** acres
(In Watershed)

Total Earth Disturbance: **12.23** acres
(In Watershed)

No. of Post-Construction Discharge Points: **1**

Start DP Numbering at: **001**

Discharge Point (DP) No.	Drainage Area (DA) (acres)	Earth Disturbance in DA (acres)	Existing Impervious in DA (acres)	Proposed Impervious in DA (acres)	Receiving Waters	Ch. 93 Class	Structural BMP(s)
001	10.59		0.00	3.55			Yes
Undetained Areas	1.32		0.00	0.00			
Totals:	**11.91**			**3.55**			

Volume Management

Project: Nursing Home

Instructions | General | *Volume* | Rate | Quality

2-Year / 24-Hour Storm Event (NOAA Atlas 14): **3.26** inches

Alternative 2-Year / 24-Hour Storm Event [ ] inches

Alternative Source: [ ]

Pre-Construction Conditions: *No. Rows:* **3**

☐ *Exempt from Meadow in Good Condition* ☑ *Automatically Calculate CN, Ia, Runoff and Volume*

Land Cover	Area (acres)	Soil Group	CN	Ia (in)	Q Runoff (in)	Runoff Volume (cf)
Pervious as Meadow	3.77	A	30	4.667	0.00	0
Pervious as Meadow	5.77	B	58	1.448	0.36	7,594
Pervious as Meadow	2.68	D	78	0.564	1.32	12,827
TOTAL (ACRES):	**12.23**				**TOTAL (CF):**	**20,421**

Post-Construction Conditions: *No. Rows:* **4**

Land Cover	Area (acres)	Soil Group	CN	Ia (in)	Q Runoff (in)	Runoff Volume (cf)
Impervious Areas: Paved Parking Lots, Roofs, Driveways, Etc. (Excluding ROW)	3.55	N/A	98	0.041	3.03	39,011
Open Space (Lawns, Parks, Golf Courses, Cemeteries, Etc.) - Good Condition (Grass Cover > 75%)	3.31	A	39	3.128	0.00	13
Open Space (Lawns, Parks, Golf Courses, Cemeteries, Etc.) - Good Condition (Grass Cover > 75%)	3.68	B	61	1.279	0.47	6,262
Open Space (Lawns, Parks, Golf Courses, Cemeteries, Etc.) - Good Condition (Grass Cover > 75%)	1.69	D	80	0.500	1.45	8,884
TOTAL (ACRES):	**12.23**				**TOTAL (CF):**	**54,170**

NET CHANGE IN VOLUME TO MANAGE (CF): 33,749

Non-Structural BMP Volume Credits:

☐ Tree Planting Credit

☐ Other (attach calculations):

Structural BMP Volume Credits: *No. Structural BMPs:* 6 *Start BMP Numbering at:* 1

DP No.	BMP No.	BMP Name	MRC?	Discharge	Incremental BMP DA (acres)	Volume Routed to BMP (CF)	Infiltration / Vegetated Area (SF)	Infiltration Rate (in/hr)	Infiltration Period (hrs)	Vegeta-ted?	Media Depth (ft)	Storage Volume (CF)	Infiltration Credit (CF)	ET Credit (CF)
001	1	Wet Pond / Retention Basin		Off-Site	5.41	19,833	33,619	0.18	38	Yes	1.0	19,500	**17,630**	**2,203**
001	2	Rain Garden / Bioretention		Off-Site	0.52	2,807	4,144	0.15	53	Yes	1.0	2,800	**2,520**	**287**
001	3	Rain Garden / Bioretention		Off-Site	1.02	6,279	7,902	0.28	34	Yes	1.0	6,200	**5,642**	**637**
001	4	Rain Garden / Bioretention		Off-Site	2.61	1,449	14,103	0.44	12	Yes	1.0	1,400	**1,449**	**0**
001	5	Rain Garden / Bioretention		Off-Site	0.38	1,393	2,428	0.44	16	Yes	1.0	1,300	**1,276**	**117**
001	6	Rain Garden / Bioretention		Off-Site	1.46	4,042	7,381	0.81	12	Yes	1.0	4,000	**4,042**	**0**
												Totals:	**32,559**	**3,244**

INFILTRATION & ET CREDITS (CF): 35,803

NET CHANGE IN VOLUME TO MANAGE (CF): 33,749

TOTAL CREDITS (CF): 35,803

VOLUME REQUIREMENT SATISFIED

Rate Control

Project: Nursing Home

Instructions | General | Volume | *Rate* | Quality

Precipitation Amounts:

NOAA 2-Year 24-Hour Storm Event (in):	**3.26**	Alternative 2-Year 24-Hour Storm Event (in):	
NOAA 10-Year 24-Hour Storm Event (in):	**4.13**	Alternative 10-Year 24-Hour Storm Event (in):	
NOAA 50-Year 24-Hour Storm Event (in):	**6.7**	Alternative 50-Year 24-Hour Storm Event (in):	
NOAA 100-Year 24-Hour Storm Event (in):	**7.63**	Alternative 100-Year 24-Hour Storm Event (in):	

☐ **Report Summary of Peak Rates Only**

☑ **Time of Concentration (Tc) - Pre-Constructio** ☐ ***Use Default (0.1 hr)***

☑ Sheet Flow

Segment ID:	**A-B**	
Surface Description:	**Short Grass Prairie**	
Manning's n value:	**0.15**	
Flow Length (ft):	**100**	
Land slope (%):	**6.00%**	
Travel Time, 2-Year Storm (hr):	**0.10**	
Travel Time, 10-Year Storm (hr):	**0.09**	
Travel Time, 50-Year Storm (hr):	**0.07**	
Travel Time, 100-Year Storm (hr):	**0.07**	

☑ Shallow Concentrated Flow

Segment ID:	B-C	C-D
Surface Description:	Unpaved	Unpaved
Flow Length (ft):	369	490
Watercourse slope (%):	5.50%	12.00%
Average Velocity (fps):	3.800	5.520
Travel Time (hr):	0.027	0.025

☐ Channel Flow

Tc, 2-Year Storm (hr):	**0.16**	Tc, 2-Year Storm (min):	**9.35**
Tc, 10-Year Storm (hr):	**0.14**	Tc, 10-Year Storm (min):	**8.66**
Tc, 50-Year Storm (hr):	**0.12**	Tc, 50-Year Storm (min):	**7.46**
Tc, 100-Year Storm (hr):	**0.12**	Tc, 100-Year Storm (min):	**7.19**

☑ **Time of Concentration (Tc) - Post-Construction** ☑ ***Use Default (0.1 hr)***

☐ Sheet Flow

☐ Shallow Concentrated Flow

☐ Channel Flow

Tc, 2-Year Storm (hr):	**0.10**	Tc, 2-Year Storm (min):	**6.00**
Tc, 10-Year Storm (hr):	**0.10**	Tc, 10-Year Storm (min):	**6.00**
Tc, 50-Year Storm (hr):	**0.10**	Tc, 50-Year Storm (min):	**6.00**
Tc, 100-Year Storm (hr):	**0.10**	Tc, 100-Year Storm (min):	**6.00**

Peak Rate Analysis:

Pre-Construction	Post-Construction without BMPs

Disturbed Area (mi^2)	0.019	0.019
	Runoff Depth (inches)	
2-Year Storm:	0.23	0.79
10-Year Storm:	0.53	1.31
50-Year Storm:	1.82	3.21
100-Year Storm:	2.41	3.97
	Unit Peak Discharge (csm/in)	
2-Year Storm:	278.18	798.18
10-Year Storm:	534.63	844.89
50-Year Storm:	732.85	872.57
100-Year Storm:	790.16	872.57
	Peak Discharge Rate (cfs)	
2-Year Storm:	**1.24**	**11.97**
10-Year Storm:	**5.38**	**21.22**
50-Year Storm:	**25.55**	**53.53**
100-Year Storm:	**36.32**	**66.23**

Peak Rate Mitigation:

DP No.	BMP No.	BMP Name	MRC?	Inflow to BMP (cfs)				Outflow from BMP (cfs)			
				2-yr	10-yr	50-yr	100-yr	2-yr	10-yr	50-yr	100-yr
001	1	Wet Pond / Retention Basin		9.90	20.23	34.14	41.29	5.22	15.27	10.78	5.25
001	2	Rain Garden / Bioretention		1.39	2.52	3.92	4.62	0.00	0.00	0.10	0.36
001	3	Rain Garden / Bioretention		3.10	5.36	8.11	9.48	0.00	0.00	0.35	1.07
001	4	Rain Garden / Bioretention		0.14	2.44	6.79	9.29	0.00	0.00	0.00	0.00

001	5	Rain Garden / Bioretention		0.70	1.42	2.40	2.90	0.00	0.00	0.05	0.25
001	6	Rain Garden / Bioretention		1.98	4.52	8.01	2.47	0.00	0.00	0.09	0.71

	Peak Discharge Rates (cfs)			
	Pre-Construction	**Post-Construction without BMPs**	**Post-Construction with BMPs**	
2-Year Storm:	**1.24**	**11.97**	**0.00**	***Rate Control Satisfied***
10-Year Storm:	**5.38**	**21.22**	**0.00**	***Rate Control Satisfied***
50-Year Storm:	**25.55**	**53.53**	**1.53**	***Rate Control Satisfied***
100-Year Storm:	**36.32**	**66.23**	**3.82**	***Rate Control Satisfied***

Water Quality

Project: Nursing Home

PRINT

Instructions | General | Volume | Rate | *Quality*

Pre-Construction Pollutant Loads:

Land Cover (from Volume Worksheet)	Land Cover for Water Quality	Area (acres)	Soil Group	Runoff Volume (cf)	Pollutant Conc. (mg/L)			Pollutant Loads (lbs)		
					TSS	TP	TN	TSS	TP	TN
Pervious as Meadow	Grassland/Herbaceous	3.77	A	0	48.8	0.22	2.30	0.00	0.00	0.00
Pervious as Meadow	Grassland/Herbaceous	5.77	B	7,594	48.8	0.22	2.30	23.14	0.10	1.09
Pervious as Meadow	Grassland/Herbaceous	2.68	D	12,827	48.8	0.22	2.30	39.09	0.18	1.84
	TOTAL (ACRES):	**12.23**					**TOTALS:**	**62.23**	**0.28**	**2.93**

Post-Construction Pollutant Loads (without BMPs):

Land Cover (from Volume Worksheet)	Land Cover for Water Quality	Area (acres)	Soil Group	Runoff Volume (cf)	Pollutant Conc. (mg/L)			Pollutant Loads (lbs)		
					TSS	TP	TN	TSS	TP	TN
Impervious Areas: Paved Parking Lots, Roofs, Driveways, Etc. (Excluding ROW)	Residential	3.55	N/A	39,011	65.0	0.29	2.05	158.34	0.71	4.99
Open Space (Lawns, Parks, Golf Courses, Cemeteries, Etc.) - Good Condition (Grass Cover > 75%)	Open Space	3.31	A	13	78.0	0.25	1.25	0.06	0.00	0.00

Open Space (Lawns, Parks, Golf Courses, Cemeteries, Etc.) - Good Condition (Grass Cover > 75%)	Open Space	3.68	B	6,262	78.0	0.25	1.25	30.50	0.10	0.49
Open Space (Lawns, Parks, Golf Courses, Cemeteries, Etc.) - Good Condition (Grass Cover > 75%)	Open Space	1.69	D	8,884	78.0	0.25	1.25	43.27	0.14	0.69
	TOTAL (ACRES):	**12.23**					**TOTALS:**	**232.17**	**0.94**	**6.18**

POLLUTANT LOAD REDUCTION REQUIREMENTS (LBS): | **169.94** | **0.66** | **3.24**

☑ **Characterize Undetained Areas (for Untreated Stormwater)** *No. Rows:* **3**

Land Cover	Area (acres)	Soil Group	CN	Ia (in)	Q Runoff (in)	Runoff Volume (cf)
Open Space (Lawns, Parks, Golf Courses, Cemeteries, Etc.) - Good Condition (Grass Cover > 75%)	**0.37**	**A**	**39**	**3.128**	**0.00**	**1**
Open Space (Lawns, Parks, Golf Courses, Cemeteries, Etc.) - Good Condition (Grass Cover > 75%)	**0.09**	**B**	**61**	**1.279**	**0.47**	**153**
Open Space (Lawns, Parks, Golf Courses, Cemeteries, Etc.) - Good Condition (Grass Cover > 75%)	**0.37**	**D**	**80**	**0.500**	**1.45**	**1,945**

Non-Structural BMP Water Quality Credits:

☐ Pervious Undetained Area Credit

☐ Other (attach calculations)

Structural BMP Water Quality Credits:

☑ *Use default BMP Outflows and Median BMP Outflow Concentrations*

DP No.	BMP No.	BMP Name	MRC?	BMP DA (acres)	Vol. Routed to BMP (CF)	Inf. & ET Credits (CF)	Capture & Buffer Credits (CF)	Outflow (CF)	Outflow Conc. (mg/L)			Pollutant Loads (lbs)		
									TSS	TP	TN	TSS	TP	TN
001	1	Wet Pond / Retention Basin		5.41	19,833	19,833		0	12.00	0.12	1.20	0.00	0.00	0.00

001	2	Rain Garden / Bioretention		0.52	2,807	2,807		0	10.00	0.24	0.96	0.00	0.00	0.00
001	3	Rain Garden / Bioretention		1.02	6,279	6,279		0	10.00	0.24	0.96	0.00	0.00	0.00
001	4	Rain Garden / Bioretention		2.61	1,449	1,449		0	10.00	0.24	0.96	0.00	0.00	0.00
001	5	Rain Garden / Bioretention		0.38	1,393	1,393		0	10.00	0.24	0.96	0.00	0.00	0.00
001	6	Rain Garden / Bioretention		1.46	4,042	4,042		0	10.00	0.24	0.96	0.00	0.00	0.00

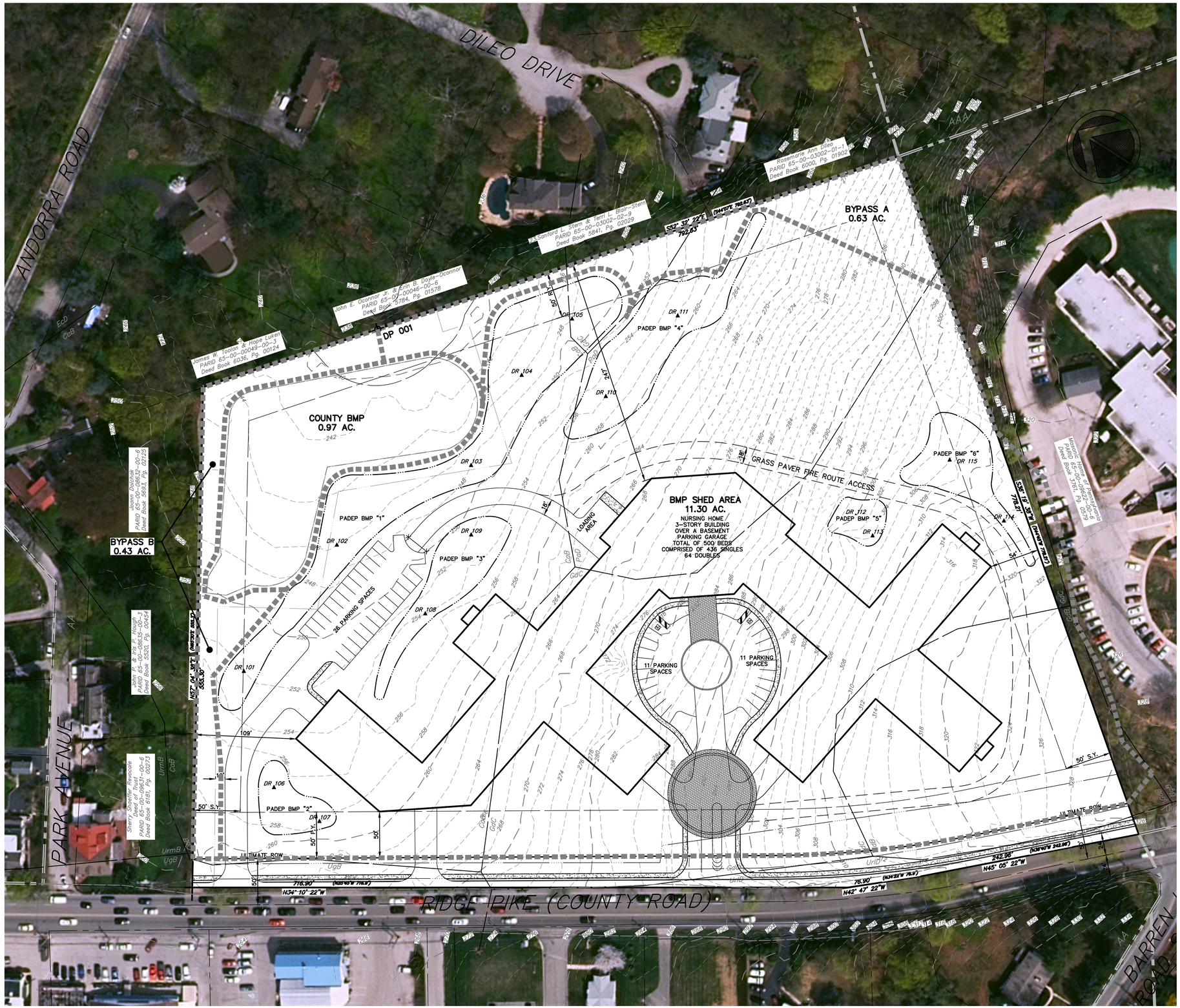
	TSS	TP	TN
POLLUTANT LOADS FROM STRUCTURAL BMP (TREATED) OUTFLOWS (LBS):	**0.00**	**0.00**	**0.00**
POLLUTANT LOADS FROM UNTREATED STORMWATER (LBS):	**10.23**	**0.03**	**0.16**
NON-STRUCTURAL BMP WATER QUALITY CREDITS (LBS):			
NET POLLUTANT LOADS FROM SITE, POST-CONSTRUCTION (LBS):	**10.23**	**0.03**	**0.16**
POLLUTANT LOADS FROM SITE, PRE-CONSTRUCTION (LBS):	**62.23**	**0.28**	**2.93**

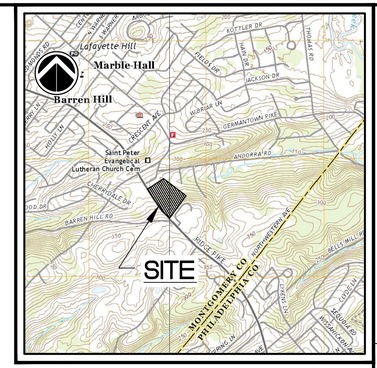
WATER QUALITY REQUIREMENT SATISFIED

CERTIFICATION

I certify under penalty of law and subject to the penalties of 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities) that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I further certify that the structure, function, and calculations contained in this spreadsheet have not been modified in comparison to the spreadsheet DEP has posted to its website or, if modifications were made, an explanation of the modifications made is attached to this spreadsheet.

Matt Soffera	11/14/2024
Spreadsheet User Name	Date





NORRISTOWN & GERMANTOWN, PA U.S.G.S. 7.5 Minute Series Quadrangles

0' 1,000' 2,000' 4,000'
GRAPHIC SCALE

SITE LOCATION MAP 1"= 2,000'

SOIL LEGEND

THE SOILS LOCATED ON-SITE ACCORDING TO THE NCRS WEB SOIL SURVEY (SOILS.USDA.GOV/SURVEY) ARE AS FOLLOWS:

- CaB – CALIFON LOAM, 3 TO 8 PERCENT SLOPES (HYDROLOGIC SOIL GROUP D)
- GdB – GLADSTONE GRAVELLY LOAM, 3 TO 8 PERCENT SLOPES (HYDROLOGIC SOIL GROUP B)
- GdC – GLADSTONE GRAVELLY LOAM, 8 TO 15 PERCENT SLOPES (HYDROLOGIC SOIL GROUP B)
- PaD – PARKER GRAVELLY LOAM, 15 TO 25 PERCENT SLOPES (HYDROLOGIC SOIL GROUP A)
- UgB – URBAN LAND, 0 TO 8 PERCENT SLOPES (HYDROLOGIC SOIL GROUP NOT SPECIFIED)
- UrlD – URBAN LAND-GLADSTONE COMPLEX, 8 TO 25 PERCENT SLOPES (HYDROLOGIC SOIL GROUP A)

STEEP SLOPE

STEEP SLOPE CONSERVATION AREA = 72,190 SF
OVERALL SITE AREA = 611,582 SF
STEEP SLOPE RATIO = 11.80%

THE SITE HEREUPON HAS A STEEP SLOPE RATIO OF 11.80% ,WHICH FALLS BELOW THE REQUIRED STEEP SLOPE RATIO MODIFICATION REGULATIONS, AS DELINEATED IN TOWNSHIP ZONING ORDINANCE SECTION 116-169, EXEMPTING THE SITE FROM THE MAXIMUM IMPERVIOUS GROUND COVER REGULATIONS OF TOWNSHIP ORDINANCE 116-169.

NOTES

1. TITLE AND TOPOGRAPHY DEPICTED HEREON HAS BEEN SUPPLIED VIA:
   SPATIAL DATABASE: AERIAL PHOTO, CONTOURS, ROADWAYS
   -DEED: TITLE BOUNDARY PLOT, PARENTHESIS ( ) INDICATES DEED BEARINGS.
   [A FIELD SURVEY BY A STATE PROFESSIONAL LICENSED SURVEYOR SHALL BE REQUIRED PRIOR TO ANY AND ALL SUBDIVISION AND/OR LAND DEVELOPMENT.]
2. PURSUANT TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) MAPS:
   NO 100 YEAR FLOOD LIMITS ARE CONTAINED WITHIN THE SUBJECT TRACT.
3. THE U.S. FISH AND WILDLIFE SERVICES' NATIONAL WETLANDS INVENTORY WAS REVIEWED IN SPECIFIC REGARD TO THE SUBJECT PARCEL AND WAS FOUND NOT TO LIST THE PRESENCE OF WETLANDS HEREON. PRIOR TO CONSTRUCTION, A WETLAND EVALUATION SHOULD BE PERFORMED.
4. ALL UTILITY LOCATIONS DEPICTED HEREON ARE APPROXIMATE, CONTRACTOR IS RESPONSIBLE FOR LOCATION VERIFICATION PRIOR TO COMMENCEMENT OF ANY WORK.

BMP DATA

BMP #	BMP SHED AREAS (Ac.)			BMP CONTACT SIZE (Ac.)	BMP % RATIO	
	IMP.	LAWN	TOTAL		IMP.	TOTAL
1	2.43	2.92	5.35	0.67	28%	12.5%
2	0.07	0.39	0.46	0.09	129%	20%
3	0.31	0.71	1.02	0.18	58%	18%
4	0.31	2.3	2.61	0.29	94%	11%
5	0.13	0.25	0.38	0.56	431%	147%
6	0.30	1.16	1.46	0.18	61%	12.5%
COUNTY BMP	0.00	0.97	0.97	0.86	–	–
BYPASS A	0.00	1.07	1.07	–	–	–
BYPASS B	0.00	0.43	0.43	–	–	–

*NOTE: MIN 5:1 (20%) OR 8:1 (12.5%)

BMP MANAGEMENT

THE PROPOSED BMP FACILITIES WILL TREAT AND MANAGE STORMWATER VOLUME, RATE AND WATER QUALITY FOR MORE THAN 90% OF THE PROJECT TRACT AREA. A SMALL PORTION OF THE PROJECT TRACT AREA WILL BYPASS THE NEW BMP'S, SUCH BYPASS AREA IS LESS THAN 10% OF THE SITE AND WILL REMAIN WOODLAND AND MEADOW AREA.

COVERAGE RATIOS

THE TOWNSHIP ZONING CODE DOES NOT REGULATE SPECIFIC MAXIMUM COVERAGE RATIOS, HOWEVER AS A SIMPLE MATTER OF INFORMATION THE PROJECT HEREWITH PROPOSES:

BUILDING COVERAGE = 16.89%

IMPERVIOUS COVERAGE = 25.38%

PLAN SHEET INDEX

Sheet No.	Sheet Title
1 OF 3	CONCEPTUAL STORMWATER SHED PLAN
2 OF 3	CONCEPTUAL STORMWATER MANAGEMENT PLAN
3 OF 3	SOIL INFILTRATION AND CARBONATE ASSESSEMENT PLAN

GORSKI ENGINEERING, INC.
1 IRON BRIDGE DRIVE,
COLLEGEVILLE, PA 19426
610 489 9131; FAX 610 489 6850

NURSING HOME USE BY SPECIAL EXCEPTION

PREPARED FOR
SMITH, ET. AL.
SITE SITUATE IN
WHITEMARSH TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA

NO.	REVISIONS	DATE
13		
12		
11		
10		
9		
8		
7		
6		
5		
4		
3		
2	REV. PER CLIENT MEETING	FEBRUARY 26, 2024
1	PLAN ORIGINATION DATE	NOVEMBER 15, 2023.

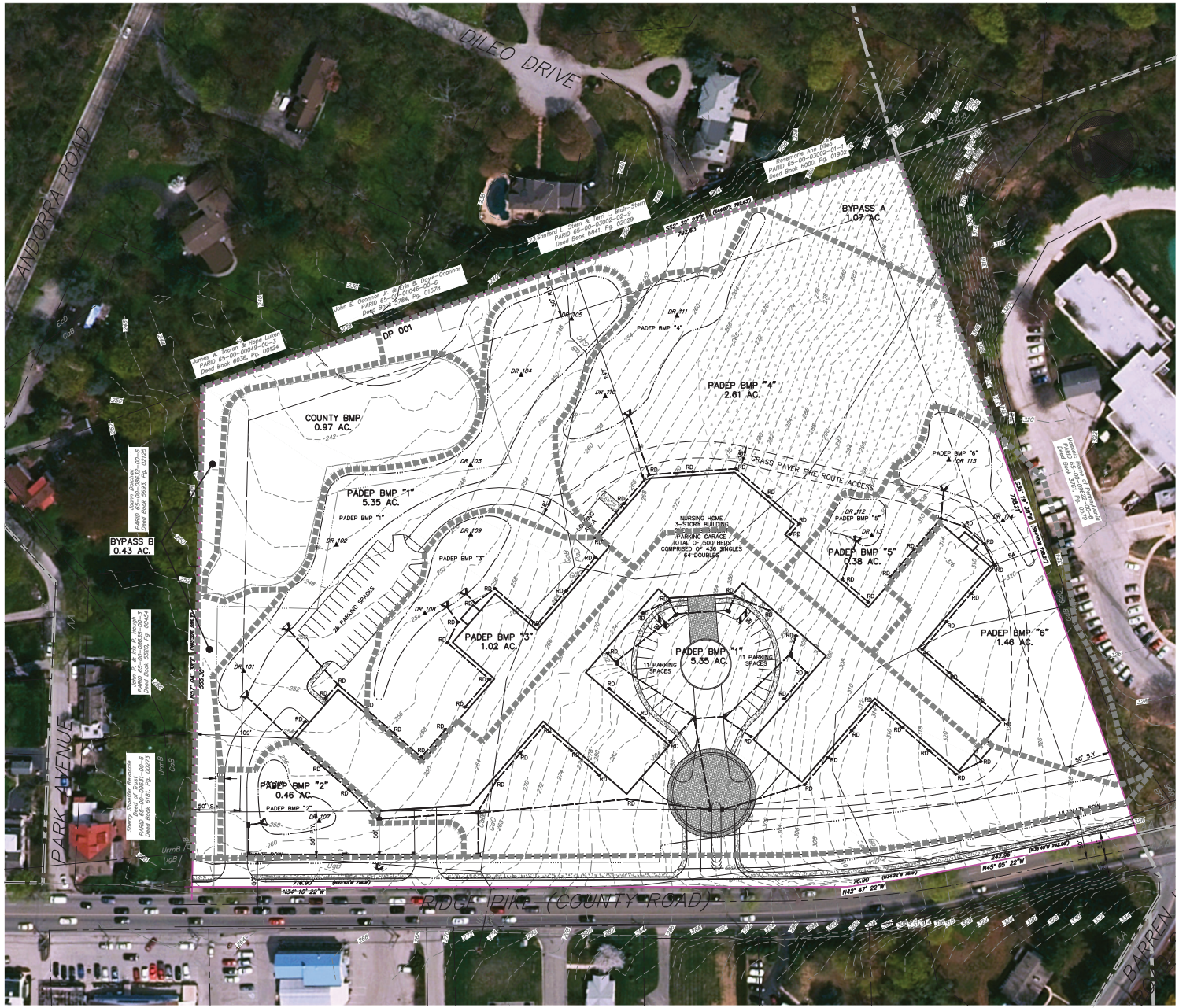
THE DESIGNS, DRAWINGS AND SPECIFICATIONS AS INSTRUMENTS OF SERVICE CREATED BY THE ENGINEER ARE AND SHALL REMAIN THE PROPERTY OF THE ENGINEER. ALL RIGHTS OF COPYRIGHT ARE RESERVED BY THE ENGINEER. THESE PLANS AND SPECIFICATIONS SHALL NOT BE USED BY ANY PERSON OR ENTITY FOR ANY PROJECT OTHER THAN THE PROJECT FOR WHICH THEY HAVE BEEN PREPARED, NOR SHALL THEY BE ASSIGNED TO ANY THIRD PARTY WITHOUT THE PRIOR WRITTEN CONSENT OF THE ENGINEER. ANY UNAUTHORIZED USE, REPRODUCTION OR ASSIGNMENT OF THESE PLANS AND SPECIFICATIONS, OR ANY PORTION THEREOF, WITHOUT THE PRIOR WRITTEN CONSENT OF THE ENGINEER, SHALL BE WRONGFUL AND WILL CONSTITUTE AN INFRINGEMENT OF THE COPYRIGHT AND OTHER PROPERTY RIGHTS OF THE ENGINEER. ALL RIGHTS ARE RESERVED, INCLUDING THE RIGHT TO INSTITUTE LEGAL ACTION TO PROTECT THE ENGINEER'S RIGHTS IN THE EVENT OF ANY UNAUTHORIZED USE, REPRODUCTION OR ASSIGNMENT OF THESE PLANS AND SPECIFICATIONS, OR ANY PORTION THEREOF, INCLUDING, BUT NOT LIMITED TO, THE RECOVERY OF ALL DAMAGES, COSTS AND EXPENSES, INCLUDING ATTORNEY'S FEES, RELATED TO SUCH UNAUTHORIZED USE, REPRODUCTION OR ASSIGNMENT.

CONCEPTUAL STORMWATER SHED PLAN

NURSING HOME USE BY SPECIAL EXCEPTION
SITE SITUATE IN
WHITEMARSH TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA

PROJECT MANAGER:	DRAFTED BY:
AJH	MNR
PROJECT NUMBER:	DRAWING FILE:
7873	7873 SHED PLAN 1
PLAN SCALE:	PLAN SHEET NUMBER
1"=50'	1 OF 3

0' 25' 50' 100'
GRAPHIC SCALE





NORRISTOWN & GERMANTOWN, PA U.S.G.S. 7.5 Minute Series Quadrangles

0' 1,000' 2,000' 4,000'
GRAPHIC SCALE

SITE LOCATION MAP 1"= 2,000'

SOIL LEGEND

THE SOILS LOCATED ON-SITE ACCORDING TO THE NCRS WEB SOIL SURVEY (SOILS.USDA.GOV/SURVEY) ARE AS FOLLOWS:

- CoB – CALIFON LOAM, 3 TO 8 PERCENT SLOPES (HYDROLOGIC SOIL GROUP D)
- GdB – GLADSTONE GRAVELLY LOAM, 3 TO 8 PERCENT SLOPES (HYDROLOGIC SOIL GROUP B)
- GdC – GLADSTONE GRAVELLY LOAM, 8 TO 15 PERCENT SLOPES (HYDROLOGIC SOIL GROUP B)
- PaD – PARKER GRAVELLY LOAM, 15 TO 25 PERCENT SLOPES (HYDROLOGIC SOIL GROUP A)
- UgB – URBAN LAND, 0 TO 8 PERCENT SLOPES (HYDROLOGIC SOIL GROUP NOT SPECIFIED)
- UnD – URBAN LAND-GLADSTONE COMPLEX, 8 TO 25 PERCENT SLOPES (HYDROLOGIC SOIL GROUP A)

STEEP SLOPE

STEEP SLOPE CONSERVATION AREA = 72,190 SF
OVERALL SITE AREA = 611,582 SF
STEEP SLOPE RATIO = 11.80%

THE SITE HEREUPON HAS A STEEP SLOPE RATIO OF 11.80% ,WHICH FALLS BELOW THE REQUIRED STEEP SLOPE RATIO MODIFICATION REGULATIONS, AS DELINEATED IN TOWNSHIP ZONING ORDINANCE SECTION 116–169, EXEMPTING THE SITE FROM THE MAXIMUM IMPERVIOUS GROUND COVER REGULATIONS OF TOWNSHIP ORDINANCE 116–169.

NOTES

1. TITLE AND TOPOGRAPHY DEPICTED HEREON HAS BEEN SUPPLIED VIA: SPATIAL DATABASE: AERIAL PHOTO, CONTOURS, ROADWAYS –DEED: TITLE BOUNDARY PLOT, PARENTHESIS ( ) INDICATES DEED BEARINGS. [A FIELD SURVEY BY A STATE PROFESSIONAL LICENSED SURVEYOR SHALL BE REQUIRED PRIOR TO ANY AND ALL SUBDIVISION AND/OR LAND DEVELOPMENT.]
2. PURSUANT TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) MAPS: NO 100 YEAR FLOOD LIMITS ARE CONTAINED WITHIN THE SUBJECT TRACT.
3. THE U.S. FISH AND WILDLIFE SERVICES' NATIONAL WETLANDS INVENTORY WAS REVIEWED IN SPECIFIC REGARD TO THE SUBJECT PARCEL AND WAS FOUND NOT TO LIST THE PRESENCE OF WETLANDS HEREON. PRIOR TO CONSTRUCTION, A WETLAND EVALUATION SHOULD BE PERFORMED.
4. ALL UTILITY LOCATIONS DEPICTED HEREON ARE APPROXIMATE, CONTRACTOR IS RESPONSIBLE FOR LOCATION VERIFICATION PRIOR TO COMMENCEMENT OF ANY WORK.

BMP DATA

BMP #	BMP SHED AREAS (Ac.)			BMP CONTACT SIZE (Ac.)	BMP % RATIO	
	IMP.	LAWN	TOTAL		IMP.	TOTAL
1	2.43	2.92	5.35	0.67	28%	12.5%
2	0.07	0.39	0.46	0.09	129%	20%
3	0.31	0.71	1.02	0.18	58%	18%
4	0.31	2.3	2.61	0.29	94%	11%
5	0.13	0.25	0.38	0.56	431%	147%
6	0.30	1.16	1.46	0.18	61%	12.5%
COUNTY BMP	0.00	0.97	0.97	0.86	–	–
BYPASS A	0.00	1.07	1.07	–	–	–
BYPASS B	0.00	0.43	0.43	–	–	–

*NOTE: MIN 5:1 (20%) OR 8:1 (12.5%)

BMP MANAGEMENT

THE PROPOSED BMP FACILITIES WILL TREAT AND MANAGE STORMWATER VOLUME, RATE AND WATER QUALITY FOR MORE THAN 90% OF THE PROJECT TRACT AREA. A SMALL PORTION OF THE PROJECT TRACT AREA WILL BYPASS THE NEW BMP'S, SUCH BYPASS AREA IS LESS THAN 10% OF THE SITE AND WILL REMAIN WOODLAND AND MEADOW AREA.

COVERAGE RATIOS

THE TOWNSHIP ZONING CODE DOES NOT REGULATE SPECIFIC MAXIMUM COVERAGE RATIOS, HOWEVER AS A SIMPLE MATTER OF INFORMATION THE PROJECT HEREWITH PROPOSES:

BUILDING COVERAGE = 16.89%

IMPERVIOUS COVERAGE = 25.38%

GORSKI ENGINEERING, INC.
1 IRON BRIDGE DRIVE,
COLLEGEVILLE, PA 19426
610 489 9131; FAX 610 489 6850

NURSING HOME USE BY SPECIAL EXCEPTION

PREPARED FOR
SMITH, ET. AL.
SITE SITUATE IN
WHITEMARSH TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA

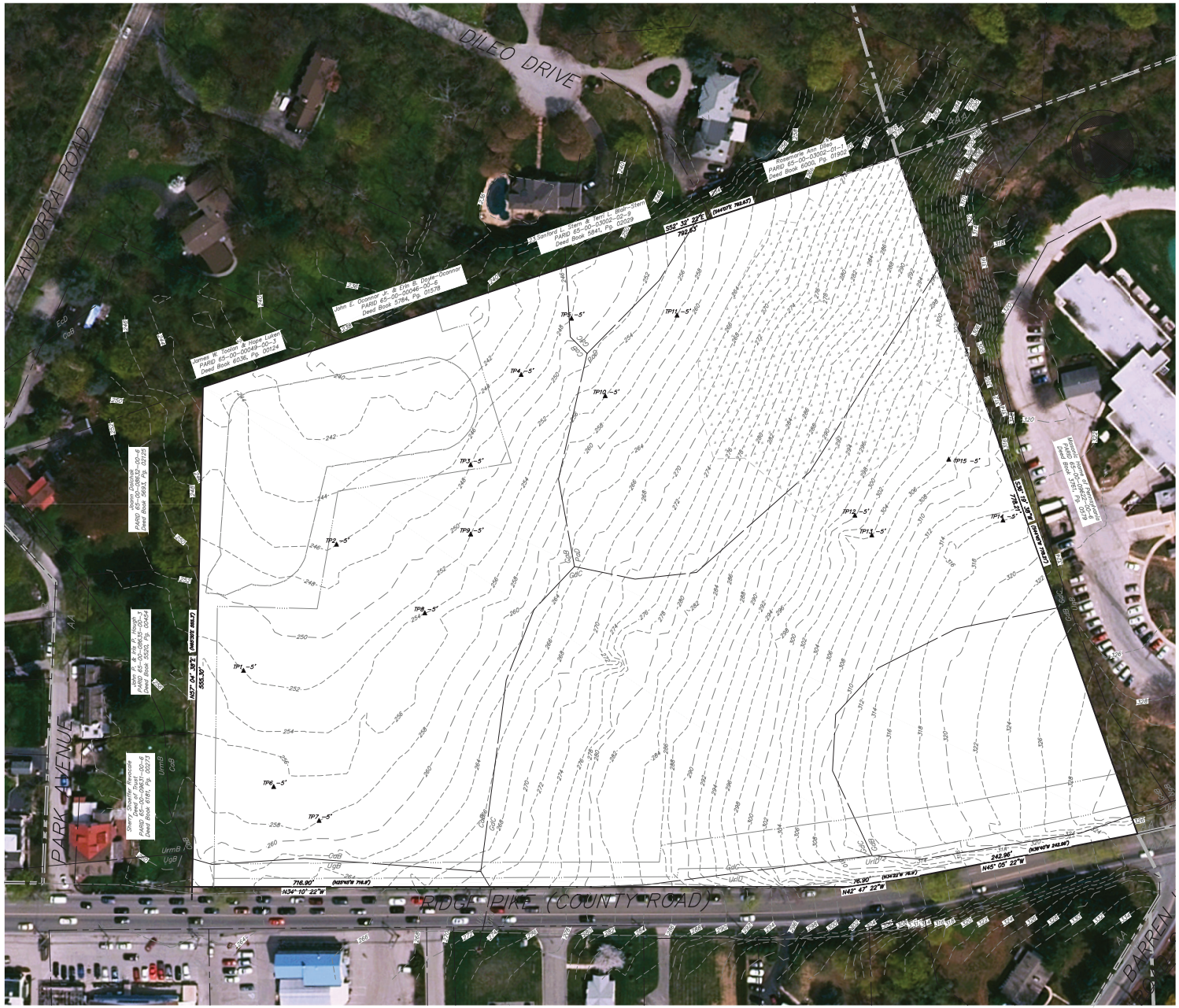
NO.	REVISION	DATE
1	PLAN ORIGINATION DATE	NOVEMBER 15, 2023
2	KEY PER CLIENT MEETING	FEBRUARY 26, 2024

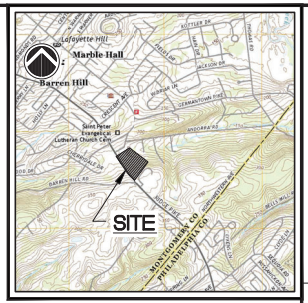
CONCEPTUAL STORMWATER MANAGEMENT PLAN

NURSING HOME USE BY SPECIAL EXCEPTION
SITE SITUATE IN
WHITEMARSH TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA

PROJECT MANAGER: AJH	DRAFTED BY: MNR
PROJECT NUMBER: 7670	DRAWING FILE: 7670 BMP PLAN 2
PLAN SCALE: 1"=50'	PLAN SHEET NUMBER 2 OF 3

0' 25' 50' 100'
GRAPHIC SCALE





NORRISTOWN & GERMANTOWN, PA U.S.G.S. 7.5 Minute Series Quadrangles

0' 1,000' 2,000' 4,000'

GRAPHIC SCALE

SITE LOCATION MAP 1"= 2,000'

SITE STATISTICS

1. SUBJECT TRACT MAY BE IDENTIFIED BY MONTGOMERY COUNTY TAX ASSESSMENT INFORMATION AS FOLLOWS:

   WHITEMARSH TOWNSHIP
   (PARID 65-00-09628-00-9)

2. RECORDED DEED DATA IS AS FOLLOWS:

   AS RECORDED IN THE OFFICE FOR THE RECORDING OF DEEDS, ETC., IN AND FOR THE COUNTY OF MONTGOMERY IN NORRISTOWN, PENNSYLVANIA IN DEED BOOK 5754, PAGE 00417.

3. NAME AND ADDRESS OF THE OWNER OF THE SUBJECT TRACT:

   JAMES J. & THERESA C. SMITH &
   MATHEW & JOSEPH & FRANCIS V. SMITH
   717 RIDGE PIKE
   LAFAYETTE HILL, PA 19444

4. ADDRESS OF THE SUBJECT TRACT:

   717 RIDGE PIKE
   LAFAYETTE HILL, PA 19444

5. AREA STATISTICS:

   GROSS TRACT AREA = 14.04 Ac. (TO DEED TITLE LINES)

6. WATER AND SEWER:

   WATER = PUBLIC WATER

   SEWER = PUBLIC SEWER PROPOSED

GORSKI ENGINEERING, INC.
1 IRON BRIDGE DRIVE,
COLLEGEVILLE, PA 19426
610 489 9131; FAX 610 489 6850

NURSING HOME USE BY SPECIAL EXCEPTION

PREPARED FOR

SMITH, ET. AL.

SITE SITUATE IN

WHITEMARSH TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA

NO.	REVISION	DATE
1	PER CLIENT MEETING	FEBRUARY 26, 2024
	PLAN ORIGINATION DATE	NOVEMBER 15, 2023

SOIL INFILTRATION AND CARBONATE ASSESSEMENT PLAN

NURSING HOME USE BY SPECIAL EXCEPTION
SITE SITUATE IN
WHITEMARSH TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA

PROJECT MANAGER: AJH	DRAFTED BY: MNR
PROJECT NUMBER: 7670	DRAWING FILE: 7670 INFILTRATION PLAN
PLAN SCALE: 1"=50'	PLAN SHEET NUMBER 3 OF 3

0' 25' 50' 100'

GRAPHIC SCALE

POST-CONSTRUCTION STORMWATER MANAGEMENT SUMMARY

project #7873
717 Ridge Pike
November 2024

RATE CONTROL	STORM EVENT			
Pre-Development (event yr)	2 Year	10 Year	50 Year	100 Year
Post-Development (event yr)	2 Year	10 Year	50 Year	100 Year
Pre-Development Flow (cfs)	1.24	5.38	25.55	36.32
Post-Development Flow (cfs)	0.00	0.00	1.53	3.82
Change in Runoff (cfs)	-1.24	-5.38	-24.02	-32.50
Percent REDUCTION in Runoff	**-100.00%**	**-100.00%**	**-94.01%**	**-89.48%**
	OK	OK	OK	OK

VOLUME CONTROL	STORM EVENT			
Pre-Development (event yr)	2 Year	10 Year	50 Year	100 Year
Post-Development (event yr)	2 Year	10 Year	50 Year	100 Year
Pre-Development Volume (cfs)	20,421	36,819	81,400	107,275
Post-Development Volume (cfs)	1,442	3,517	23,168	48,770
Change in Volume (cfs)	(18,979)	(33,302)	(58,232)	(58,505)
Percent REDUCTION in Volume	**-92.94%**	**-90.45%**	**-71.54%**	**-54.54%**
	OK	OK	OK	OK

WATER QUALITY	POLLUTANT LOADS (LBS)			
	suspended solids	phosphorus	nitrogen	
POLLUTANT TYPE	TSS	TP	TN	-
				-
Pre-Dev Pollutant Load (lbs)	62.23	0.28	2.93	-
Post-Dev Pollutant Load (lbs)	10.23	0.03	0.16	-
Change in Pollutant (lbs)	(52.00)	(0.25)	(2.77)	-
Percent REDUCTION in Pollutants	**-83.56%**	**-89.29%**	**-94.54%**	**-**

suspended solids are inorganic solids and/or sediment, silt, other, etc.

OK OK OK

GORSKI CONSTRUCTIONEERING™

CURRICULUM VITAE

Anthony John Hibbeln - Professional Civil Engineer

Mr. Anthony John Hibbeln has practiced in the engineering field for over thirty-two years and holds a Professional License in the Commonwealth of Pennsylvania and the States of New Jersey, Delaware and Maryland. Mr. Hibbeln is a member of the National Society of Professional Engineers, (NSPE). In 1986, he graduated from the University of Colorado at Boulder with a Bachelor of Science Degree in Civil Engineering and has earned a Masters of Business Administration Degree in Finance from Saint Joseph's University in Philadelphia, Pennsylvania. Beyond his formal business and engineering training, Mr. Hibbeln has had continuing education in the areas of stormwater best management practices, site terrain computer modeling, hydraulic and hydrologic computer modeling, computer programming, computer aided design (AutoCAD), and network management. Mr. Hibbeln was the Principal Engineer and owner of Hibbeln Engineering Company, L.L.C., a Pennsylvania Corporation established in 1997. In 2023, Hibbeln Engineering Company, L.L.C. merged into Gorski Engineering, Inc. and Mr. Hibbeln is now Director of Engineering at Gorski Engineering, Inc.

Mr. Hibbeln has working experience in soil sampling and analysis, materials testing (ASTM), construction site inspections as well as contract documents and bid specification preparation. Throughout the past thirty-two (32) years he has concentrated his efforts on site design and construction, particularly in Residential, Institutional, Industrial, Commercial/Retail and Recreational use types. Mr. Hibbeln assisted his employer acting Municipal Engineer, for Lansdale Borough and Assistant Engineer for Towamencin Township. Mr. Hibbeln has extensive local experience in the Philadelphia Suburban Metro area and surrounding counties.

Mr. Hibbeln currently performs various duties within the Civil Engineering discipline in all areas of site development and stormwater management including, but not limited to, site planning, preparation of municipal zoning ordinances, subdivision and land development design and plan preparation, site circulation design and planning, grading and drainage design and plan preparation, erosion and sedimentation control plan preparation, NPDES permit application preparations, preparation of site construction bid specifications, construction observation, storm sewer (hydraulics) and stormwater management facility design (hydrology), as well as, sanitary sewer design. Mr. Hibbeln provides expert testimony to zoning hearing boards and formal multimedia project presentations to municipal boards, commissions, agencies, authorities and the general public successfully relating the design elements of the project in laymen’s terms.

As a former assistant Municipal Engineer, responsibilities included the review of development plans and preparation of subsequent reports for the engineering improvements associated with zoning, subdivision and land development applications, attending various public and staff workshop meetings, responding to and resolving resident complaints and concerns, performing construction and pre-dedication inspections of public improvements, as well as involvement in public works projects, contract bids and construction oversight for road reconstruction, repair and recycling; sanitary sewer extensions; storm drainage remediation projects.

Mr. Hibbeln continues to practice Civil Engineering Design and Construction Observation while maintaining his licensure professional development hours.

309 A.3d 279
Commonwealth Court of Pennsylvania.

QUAKER VALLEY SCHOOL DISTRICT
v.
LEET TOWNSHIP ZONING HEARING BOARD, Leet Township, William Jasper, Michelle Antonelli, and Leet Township Municipal Authority
Appeal of: William Jasper and Michelle Antonelli

No. 1474 C.D. 2022
|
Argued October 10, 2023
|
Decided January 26, 2024

Synopsis

Background: Applicant seeking special exception to construct new public high school appealed application denial by town's zoning hearing board, and objectors to application, who owned property and residences in close proximity to and downhill from applicant's property, intervened. The Court of Common Pleas, Allegheny County, No. SA-22-000186, Joseph M. James, J., reversed board's decision. Objectors appealed.

Holdings: The Commonwealth Court, No. 1474 C.D. 2022, Bonnie Brigance Leadbetter, Senior Judge, held that:

[1] town's zoning ordinance governing special exceptions to residential zoning district restrictions did not provide any specific criteria required to grant special exception for school use, and thus, board could not rely on ordinance to deny application;

[2] objectors bore initial burden of rebutting presumption that applicant's proposed use was consistent with health, safety, and general welfare of the community;

[3] applicant's proposed use did not present abnormal risk for such use or have highly probable risk of serious injury to public;

[4] objectors failed to meet their initial burden, and thus, burden never switched to applicant; and

[5] trial court did not err in not imposing conditions that board would have required for use proposed by applicant.

Affirmed.

Procedural Posture(s): On Appeal; Review of Administrative Decision.

West Headnotes (22)

[1] **Zoning and Planning** Questions or errors of law

Zoning and Planning Matters of discretion

Where trial court does not take additional evidence for appeal of zoning board's decision, Commonwealth Court's scope of review is limited to determining whether zoning board committed error of law or manifest abuse of discretion.

[2] **Zoning and Planning** Decisions of boards or officers in general

Zoning and Planning Substantial evidence in general

Zoning board abuses its discretion only if its findings are not supported by substantial evidence.

[3] **Municipal Corporations** Intent

The primary objective of interpreting municipal ordinances is to determine the intent of the legislative body that passed the ordinance.

[4] **Statutes** Plain Language; Plain, Ordinary, or Common Meaning

A statute's plain language generally provides the best indication of legislative intent.

[5] **Municipal Corporations** Applicability of statutory construction rules

 © 2024 Thomson Reuters. No claim to original U.S. Government Works.

The rules of statutory construction are applicable to statutes and municipal ordinances alike.

[6] **Municipal Corporations** Ordinance as a whole

A municipal ordinance must be construed, if possible, to give effect to all of its provisions.

[7] **Municipal Corporations** Construction in view of effects, consequences, or results

An interpretation of a municipal ordinance which produces an absurd result is contrary to the rules of statutory construction.

[8] **Zoning and Planning** Schools and education

Town's **zoning** ordinance governing **special exceptions** to residential **zoning** district restrictions did not provide any specific criteria required to grant **special exception** for school use, and thus, town's **zoning** hearing board could not rely on ordinance to deny application by applicant seeking **special exception** to construct new public high school; most recent version of ordinance removed prior version's general requirement that certain conditions be met for grant of **special exception**, ordinance did not include explicit conditions that must be met for grant of **special exception** for school use, ordinance only provided what must be included for **special exception** application before board could consider it, and there was no challenge to sufficiency of application.

[9] **Zoning and Planning** Presumptions and **burden** of **proof**

Objectors to application for **special exception** to construct new public high school bore initial burden of rebutting presumption that applicant's proposed use was consistent with health, safety, and general welfare of the community under town's **zoning** ordinance governing **special exceptions** to residential **zoning** district restrictions, although ordinance shifted burden of persuasion with respect to health, safety, and general welfare of the community to applicant, where ordinance contained no objective criteria for **special exception** to construct school.

[10] **Zoning and Planning** Nature and necessity in general

Despite its name, "**special exception**" is not exception to **zoning** ordinance, but rather use to which applicant is entitled provided specific standards enumerated in ordinance are met.

[11] **Zoning and Planning** Presumptions and **burden** of **proof**

Generally, applicant for **special exception** has both duty of presenting evidence and burden of persuading **zoning** board that his proposed use satisfies objective or specific requirements of **zoning** ordinance for grant of **special exception**.

[12] **Zoning and Planning** Presumptions and **burden** of **proof**

Once applicant for **special exception** meets its **burden** of **proof** and persuasion regarding objective requirements for grant of **special exception**, presumption arises that proposed use is consistent with health, safety, and general welfare of community; the burden then normally shifts to the objectors to the application to present evidence and persuade the **zoning** hearing board that the proposed use will have a generally detrimental effect on health, safety, and welfare.

[13] **Zoning and Planning** Presumptions and **burden** of **proof**

In some instances, express language of **zoning** ordinance can alter parties' respective burdens in context of application for **special exception**.

[14] **Zoning and Planning** Presumptions and **burden** of **proof**

 © 2024 Thomson Reuters. No claim to original U.S. Government Works.

Where an ordinance specifically places the burden on a special exception applicant to show that the proposed use will not have a detrimental effect, the applicant only retains the burden of persuasion; objectors still retain the initial presentation burden with respect to the general matter of the detriment to health, safety, and general welfare.

[15] Zoning and Planning 🔑 Presumptions and burden of proof

The initial evidence presentation duty of an objector to show that a special exception applicant's proposed use will present a detriment to health, safety, and general welfare cannot be shifted by a zoning ordinance.

[16] Zoning and Planning 🔑 Weight and sufficiency of evidence

The burden of the initial evidence presentation duty to show that a special exception applicant's proposed use will present a detriment to health, safety, and general welfare placed on the objectors is a heavy one; evidence presented by objectors must show, to a high degree of probability, that the use will generate adverse impacts not normally generated by this type of use and that these impacts will pose a substantial threat to the health and safety of the community.

[17] Zoning and Planning 🔑 Weight and sufficiency of evidence

Objectors to a special exception applicant's proposed use must demonstrate more than unsubstantiated concerns or vague generalities, and mere speculation as to possible harm is insufficient to meet objector's initial evidence presentation duty to show that a proposed use will present a detriment to health, safety, and general welfare.

[18] Zoning and Planning 🔑 Schools and education

Special exception applicant's proposed use of residentially zoned property to construct new public high school did not present abnormal risk for such use or have highly probable risk of serious injury to public; concerns that teenage drivers would increase potential for more accidents on nearby roadways were too speculative and would apply to any ordinary high school, and general concerns regarding potential of increased risk of landslides and water-runoff issues would also apply to any ordinary high school.

[19] Zoning and Planning 🔑 Presumptions and burden of proof

Objectors to application for special exception to construct new public high school failed to meet their initial burden of rebutting presumption that applicant's proposed use was consistent with health, safety, and general welfare of the community under town's zoning ordinance governing special exceptions to residential zoning district restrictions, and thus, burden never switched to applicant; no first responders or emergency management experts testified as to need for emergency only road to access school, finding that road was needed was premature at zoning use stage, and proposed school would be regular public high school with normal curriculum and normal extra-curricular activities and sports, as would pose normally generated risks posed by using property for school.

[20] Zoning and Planning 🔑 Grounds for grant or denial in general

An increase in traffic is generally not grounds for denial of a special exception unless there is a high probability that the proposed use will generate traffic not normally generated by that type of use and that the abnormal traffic threatens safety.

[21] Zoning and Planning 🔑 Variances and exceptions

 © 2024 Thomson Reuters. No claim to original U.S. Government Works.

In appeal of town's **zoning** hearing board's denial of applicant's **special exception** application, trial court did not err in not imposing conditions that board would have required for school use proposed by applicant under town's **zoning** ordinance governing **special exceptions** to residential **zoning** district restrictions; board's suggested conditions were legal nullity since board denied application, and conditions were development issues that did not relate to application requirements under ordinance. 53 Pa. Stat. Ann. § 10912.1.

[22] Zoning and Planning Nature and necessity in general

Special exception proceedings involve only proposed use of land, and do not involve particular details of design of proposed development.

***282** Appealed from No. SA-22-000186, Common Pleas Court of the County of Allegheny, Joseph M. James, J.

Attorneys and Law Firms

Louis A. DePaul, Pittsburgh, for Appellants William Jasper and Michelle Antonelli.

Daniel F. Gramc, Sewickley, for Appellee Quaker Valley School District.

BEFORE: HONORABLE MICHAEL H. WOJCIK, Judge, HONORABLE ELLEN CEISLER, Judge, HONORABLE BONNIE BRIGANCE LEADBETTER, Senior Judge

Opinion

OPINION BY SENIOR JUDGE LEADBETTER

Objectors, William Jasper and Michelle Antonelli, appeal from an order of the Court of Common Pleas of Allegheny County which reversed a decision of the Leet Township **Zoning** Hearing Board ***283** (ZHB) that had denied Quaker Valley School District's (QVSD) application for a **special exception**. Upon review, we affirm.

I. Background

The pertinent facts are as follows. QVSD owns approximately 108 acres of land located at 200-210 Camp Meeting Road within Leet Township's AAA Residence **Zoning** District (AAA District). ZHB's Findings of Fact (F.F.) 3; Reproduced Record (R.R.) at 10a. The property "is situated at the top of a steep hill consisting in part of landslide-prone Pittsburgh Red Bed clay that is common throughout Western Pennsylvania." *Id.* Both Objectors own property and residences in close proximity to, and downhill from, QVSD's property.

A school is a use permitted by **special exception** in the AAA District pursuant to Section 27-301 of the Leet Township **Zoning** Ordinance. Leet Twp., Allegheny Cnty., Pa., **Zoning** Ordinance § 27-301 (1978). As such, QVSD filed an application for a **special exception** seeking to construct a new public high school on the property under Township Ordinance No. 2019-02. [1] F.F. 1; R.R. at 10a. Approximately 650 students will attend the school and about 47 of the 108 acres will be cleared for the project. F.F. 2, 4; R.R. at 10a. While the school will be served by only one road – Camp Meeting Road – the preliminary plans call for two access driveways off that road and into the school. F.F. 7-8; R.R. at 11a.

The ZHB held multiple hearings on the application between June 2021 and February 2022. [2] The following witnesses testified on behalf of QVSD: licensed professional engineer and traffic expert Charles Wooster; engineer, program manager, and feasibility expert Jon Thomas; and licensed professional engineers Geoffrey Phillips and Joseph Boward. QVSD submitted into evidence, among other things, Mr. Wooster's initial traffic impact study and rebuttal report, and Mr. Thomas's expert report.

Objectors, who were represented by counsel, presented testimony and evidence in opposition to the application, including the testimony and expert report of James French, a licensed engineer and traffic expert. Numerous residents testified throughout the hearings, some in support of the application and many in opposition. Those opposed to the application, including Objectors, cited such concerns as increased traffic, the steepness and poor sight lines of Camp Meeting Road, diminution of property values, and the enhanced risk of accidents due to the volume of teenage drivers on what Objectors characterized as an already problematic roadway. Objectors also voiced environmental

 © 2024 Thomson Reuters. No claim to original U.S. Government Works.

concerns due to the proposed leveling of the hilltop site and clear cutting of woodlands, and the risk of landslides due to the topography and geography of the site and the blasting ***284** that would most likely be involved during construction of the school. [3]

The ZHB subsequently issued its decision denying the application for **special exception**, along with findings of fact, conclusions of law, and a statement of reasons for the decision. R.R. at 1a-34a. [4] The ZHB stressed the concerns raised "that Camp Meeting Road was already congested during times of shift changes at nearby employers and that, with the addition of two-third[s] more student drivers and school buses [ ], first responders would be delayed in reaching the school" in the event of an emergency. R.R. at 21a. The ZHB determined that QVSD's failure to implement an emergency management plan that included an emergency only road (EOR) created substantial risks to public safety and welfare, and that such risks were abnormal for a school use. *See* R.R. at 23a-24a. Among the ZHB's findings of fact were the following:

> 10. The current high school has two roads serving it – Ohio River Boulevard and Beaver Street – that are available to first responders.
>
> ....
>
> 12. First responder delays of minutes or seconds in reaching the school can cost students and faculty members their lives.
>
> ....
>
> 15. *No first responders or emergency management experts testified*.
>
> ....
>
> 25. Based on Mr. Wooster's testimony, Mr. Thomas's testimony, and the objectors' testimony on the EOR issue, [the] ZHB determined [i]t is an abnormal risk for a school not to implement an emergency management plan that included an EOR *if reasonably recommended by the first responders*.
>
> 26. If a public high school's emergency management plan does not include an EOR reasonably recommended by first responders, the risks to public safety and welfare will be substantial, serious, highly probable and virtually certain, and will be abnormal for a school.
>
> 27. On February 9, 2022, [the] ZHB made its public oral decision denying the application but giving QVSD [30] days to amend the application with regard to the EOR.
>
> 28. Also on February 9, 2022, [the] ZHB announced [that] if an EOR amendment were made to the application, then it would convert the denial into an approval subject to the condition that the EOR would be implemented *if and as reasonably recommended by first responders*, and subject to several other conditions involving safety measures for landslides, water runoff, Camp Meeting Road, insurance, monitoring of conditions[,] and other matters unrelated to the EOR.
>
> ....
>
> 34. QVSD responded that it would commit to collaboration with first responders and to considering their recommendations in its plan. It stopped abruptly short of committing to implement the ***285** first responders' reasonable recommendations concerning an EOR.

F.F. 10, 12, 15, 25-28, 34 (emphasis added); R.R. at 11a, 13a-14a. The ZHB also issued 13 conclusions of law, including:

> 2. It is an abnormal risk for a school not to implement an emergency management plan that included an [ ]EOR[ ] *if reasonably recommended by the first responders*.
>
> 3. If an EOR reasonably recommended by first responders is not implemented by [ ]QVSD[ ], the risks to public safety and welfare would be substantial, serious, highly probable[,] and virtually certain.
>
> 4. [The] Township's **special exception** ordinance [Ordinance No. 2019-02] shifts the burden of persuasion in proving issues addressing risks to health, safety[,] and welfare from the objectors to the applicant as permitted by law.
>
> 5. The EOR issue is [a] matter of health, safety[,] and welfare.
>
> 6. QVSD failed to meet its burden of persuasion to prove that, if first responder reasonable EOR recommendations were not implemented, the risks would nevertheless be normal for a school without a resulting serious and highly probable risk of harm to public health, safety[,] and welfare.

 © 2024 Thomson Reuters. No claim to original U.S. Government Works.

> 7. Applicable case law does not permit a **zoning** hearing board to use a condition to rectify a failure to meet a **burden** of **proof** and, as a result, [the] ZHB could not simply grant the application with the EOR condition attached. Instead, it had to deny the application altogether. And even if [the] ZHB was mistaken about the burden shifting, [O]bjectors satisfied the burden of persuasion.
>
> 8. *The school will be a regular public high school with a normal curriculum and normal extra-curricular activities and sports*.

Conclusions of Law (COL) 2-8 (emphasis added); R.R. at 16a-17a.

The ZHB's decision explains that had QVSD agreed to amend its application to include the EOR provision, the ZHB would have approved the application with certain conditions. R.R. at 1a. These conditions include conducting a full watershed impact study and complying with its recommendations; naming the downhill property owners in QVSD's general liability insurance policy as direct additional insureds for personal injury and property damage resulting from landslides and water runoff caused by the project; monitoring of serious traffic accidents on Camp Meeting Road and monitoring to check for earth movement on the site for three years after construction of the project is completed; and implementing all of the conditions and safeguards "recommended" by QVSD's experts during their testimony before the ZHB. R.R. at 1a-3a.

QVSD appealed to the trial court, and the Township, Objectors, and the Leet Township Municipal Authority intervened. Without taking additional evidence, the trial court reversed the ZHB's decision. The trial court explained that while the previous Ordinance provision expressly required that certain conditions be met to grant a **special exception**, Ordinance No. 2019-02 does not set forth *any* specific or general criteria for review of an application for **special exception** and merely requires that an application address certain topics. Trial Ct. Op. 11/28/22 at 3. As such, it was improper for the ZHB to require QVSD to include an EOR provision in its application.

The trial court further determined that "[t]he record lacks evidence to support the [ZHB]'s finding that the failure to provide an [EOR] would, to a high degree of probability, pose a substantial threat to the ***286** health, safety[,] and welfare of the community beyond what would normally be expected by use of the [p]roperty for a school." *Id.* The ZHB incorrectly applied the **burden** of **proof** as to general welfare because "objectors must *first* raise an objection showing to a high degree of probability that the use as a school may cause a substantial harm beyond what is normally expected, and that the impact would pose a substantial threat to the community. This burden may not be shifted by the ordinance." *Id.* at 4 (emphasis added) [citing *Bray v.* ***Zoning*** *Bd. of Adjustment*, 48 Pa.Cmwlth. 523, 410 A.2d 909 (1980)]. While "recogniz[ing] that implementing an emergency plan is a legitimate concern to members of the community," the trial court reasoned that "the [EOR] is a matter to be addressed as part of the land development process, not **zoning** use approval." *Id.* at 5. Objectors now appeal to this Court. [5]

II. Issues

[1] **[2]** At bottom, Objectors argue that the ZHB did not commit an error of law or abuse of discretion in reaching its decision and, therefore, the trial court's order should be reversed. [6] The specific issues identified by Objectors can be distilled to the following: (1) whether Ordinance No. 2019-02 imposes *any* specific criteria that must be met to grant an application for a **special exception**; (2) whether Ordinance No. 2019-02 shifts the burden from Objectors to QVSD regarding issues affecting the health, safety, and welfare of the community; (3) whether the parties met their respective burdens; and (4) even if the trial court correctly held that the ZHB erred or abused its discretion in denying QVSD's application for a **special exception**, whether the trial court erred by granting the application without imposing the conditions that the ZHB would otherwise have imposed, including the EOR. *See* Objectors' Br. at 7-8.

III. Analysis

[3] **[4]** **[5]** **[6]** **[7]** As for the first issue raised by Objectors, "the primary objective of interpreting ordinances is to determine the intent of the legislative body that [passed] the ordinance. In pursuing that end, we are mindful that a statute's plain language generally provides the best indication of legislative intent." *Tri-Cnty. Landfill, Inc. v. Pine Twp.* ***Zoning*** *Hearing Bd.*, 83 A.3d 488, 509 (Pa. Cmwlth. 2014) (citations omitted). Moreover,

 © 2024 Thomson Reuters. No claim to original U.S. Government Works.

> [t]he rules of statutory construction are applicable to statutes and ordinances alike. One of the primary rules of statutory construction is that an ordinance must be construed, if possible, to give effect to all of its provisions. An interpretation of an ordinance which produces an absurd result is contrary to the rules of statutory construction.

In re Thompson, 896 A.2d 659, 669 (Pa. Cmwlth. 2006) (internal citations omitted).

[8] We begin, as we must, with the plain language of Ordinance No. 2019-02 ***287** and its predecessor. As mentioned in footnote one, *supra*, in 2019 the Township repealed and replaced former Chapter 27, Part 6 of the Ordinance pertaining to **special exceptions** with the current Ordinance No. 2019-02. The relevant repealed provision of the Ordinance expressly required that certain conditions be met. It stated, in pertinent part: "The following additional requirements *must be met* for the granting of a **[s]pecial [e]xception**." QVSD's Br. at 10, Appendix A (emphasis added). The ordinance applicable here, Ordinance No. 2019-02, in contrast, contains no such express language. Instead, under the heading "procedures for approval," it provides as follows:

> 2. Approval of uses by **special exception**. The Z[HB] shall hear and decide requests for uses by **special exception**. The Z[HB] shall not approve an application for a use by **special exception** unless and until:
>
> A. A written application for approval of a use by **special exception** is submitted to the Township. The application shall indicate the section of this chapter under which approval of the use by **special exception** is sought and shall state the grounds upon which it is requested. The application shall include the following ....

R.R. at 38a. Ordinance No. 2019-02 then lists 13 items to be included in an application for **special exception**, such as a current property survey, the application fee, and a traffic impact study when appropriate. R.R. at 38a-39a. What Ordinance No. 2019-02 does *not* include is express criteria which must be considered by the ZHB when reviewing an application for **special exception**.

Importantly, Ordinance No. 2019-02 also contains several subsections devoted to particular **special exception** uses – such as motels, gasoline stations and automobile dealerships, and mobile home parks – and enumerates very specific criteria that are to be considered for each use. For example, subsection 2 states that motels are permitted in certain **zoning** districts provided that 8 express requirements are met, including that no part of the building exceeds 2 stories, no more than 40% of the ground area on the lot is occupied by buildings, and no building is set nearer than 50 feet to the front, side, and rear lot lines, etc. R.R. at 40a-41a. Importantly, a school is *not* one of the uses for which explicit conditions are delineated.

Given the plain language of Ordinance No. 2019-02 – which was enacted by the Township within the last five years and which removed the explicit conditioning language of the former Ordinance provision – as well as the absence of a particular subsection discussing a school use, we must agree with the trial court that there simply are no specific requirements for the granting of a **special exception** for a school use. Unless the proposed **special exception** use is one for which there is a subsection enumerating express criteria, Ordinance No. 2019-02 merely provides what must be included in an application before it can be considered by the ZHB. [7]

[9] The remaining issues Objectors raise concern where the burdens lie with respect to the general criteria of detriment to health, safety, and public welfare, and whether those burdens have been met. Objectors point to subsection 2.D of Ordinance No. 2019-02, which states:

> D. In proceedings involving a request for a use by **special exception**, both the duty of initially presenting evidence and the burden of persuading the Z[HB] ***288** that the proposed use is available by **special exception** and satisfies the specific or objective requirements for the grant of a use by **special exception** as set forth in this chapter rest upon the applicant. *The burden of persuading the Z[HB] that the proposed use will*

 © 2024 Thomson Reuters. No claim to original U.S. Government Works.

> *not offend general public interest, such as the health, safety*[,] *and welfare of the neighborhood, rests upon the applicant.*

R.R. at 39a (emphasis added). Objectors maintain that the explicit language of subsection 2.D places the burden of persuasion regarding health, safety, and welfare on QVSD as the applicant, not on Objectors, and that QVSD failed to meet this burden. In support of their argument, they cite this Court's decisions in *Elizabethtown/Mt. Joy Associates, L.P. v. Mount Joy Township* ***Zoning*** *Hearing Board*, 934 A.2d 759, 764 n.6 (Pa. Cmwlth. 2007), and *Greaton Properties, Inc. v. Lower Merion Township*, 796 A.2d 1038, 1046 (Pa. Cmwlth. 2002). Objectors' argument, however, glosses over the preliminary issue of whether they met their *own* evidence presentation burden.

[10] **[11]** **[12]** As we have repeatedly explained, despite its name, "[a] **special exception** is not an exception to the **zoning** ordinance, but rather a use to which the applicant is entitled provided the specific standards enumerated in the ordinance ... are met[.]" *In re Thompson*, 896 A.2d at 670. *See also* *Greaton*, 796 A.2d at 1045. Generally, "an applicant for a **special exception** has both the duty of presenting evidence and the burden of persuading the board that his proposed use satisfies the *objective* [*or specific*] requirements of the **zoning** ordinance for the grant of a **special exception**." *Siya Real Est. LLC v. Allentown City* ***Zoning*** *Hearing Bd.*, 210 A.3d 1152, 1157 (Pa. Cmwlth. 2019) (quotation omitted) (emphasis added). Once the applicant meets its **burden** of **proof** and persuasion regarding the objective requirements, "a presumption arises that [ ] the proposed use [ ] is consistent with the health, safety[,] and general welfare of the community." *Id.* (quotation omitted). As explained above, there are no objective requirements for a **special exception** within Ordinance No. 2019-02. Therefore, it is presumed that QVSD's proposed use of the property as a school is consistent with the health, safety, and general welfare of the community. "The burden then normally shifts to the objectors to the application to present evidence and persuade the [**zoning** hearing] board[ ] that the proposed use will have a generally detrimental effect on health, safety, and welfare." *Id.* (quotation omitted). *See also* *Marr Dev. Mifflinville, LLC v. Mifflin Twp.* ***Zoning*** *Hearing Bd.*, 166 A.3d 479, 483 (Pa. Cmwlth. 2017) (*en banc*).

[13] **[14]** Objectors correctly assert that, in some instances, the express language of a **zoning** ordinance can alter the parties' respective burdens in the context of an application for **special exception**. *See, e.g.*, *Siya*, 210 A.3d at 1157; *Bray*, 410 A.2d at 912-13. However, regarding general detriment to the health, safety, and welfare of the community, this Court has repeatedly explained that the express terms of an ordinance "can place the burden on the applicant but cannot shift the duty." *Siya*, 210 A.3d at 1157 (citations omitted). Stated differently,

> [w]here, as here, [ ] the ordinance specifically places the burden on the applicant to show that the proposed use will not have a detrimental effect, **the applicant only retains the burden of persuasion. Objectors still retain the *initial* presentation burden with respect to the general matter of the detriment to health[,] safety, and general welfare**.

Greaton, 796 A.2d at 1046 (emphasis added) [citing ***289** *Manor Healthcare Corp. v. Lower Moreland Twp.* ***Zoning*** *Hearing Bd.*, 139 Pa.Cmwlth. 206, 590 A.2d 65, 70 (1991)]. *See also* *Siya*, 210 A.3d at 1160; *Bray*, 410 A.2d at 912 ("The objectors have the initial evidence presentation duty with respect to the general matter of detriment to health, safety[,] and general welfare, even if the ordinance has expressly placed the persuasion burden upon the applicant, where it remains *if* detriment is identified.") (emphasis added).

[15] Here, the ZHB correctly determined that the language of subsection 2.D of Ordinance No. 2019-02 shifts the burden of persuasion to QVSD with respect to the health, safety, and general welfare of the community. *See* R.R. at 39a. However, this determination is of no moment here as Objectors retain the *initial evidence presentation duty* in this regard, a duty which cannot be shifted by a **zoning** ordinance. *See, e.g.*, *Siya*; *Greaton*; *Bray*. [8]

 © 2024 Thomson Reuters. No claim to original U.S. Government Works.

[16] **[17]** This initial "burden placed on the objectors is a heavy one." *Marr Dev. Mifflinville, LLC*, 166 A.3d at 483. Crucial to the present matter, "[t]he evidence presented by objectors must show, to a high degree of probability, that the use will generate adverse impacts *not normally generated by this type of use* and that these impacts will pose a substantial threat to the health and safety of the community." *Siya*, 210 A.3d at 1157 (quotation omitted) (emphasis added); *see also In re Thompson*, 896 A.2d at 679 (citing *Manor Healthcare Corp.*). Moreover, the "[o]bjectors must demonstrate more than unsubstantiated concerns or vague generalities, and mere speculation as to possible harm is insufficient." *Siya*, 210 A.3d at 1160 (quotation omitted).

Again, Ordinance No. 2019-02 contains no objective criteria for a **special exception** and, therefore, a presumption arose that QVSD's proposed use is consistent with the health, safety, and general welfare of the community. As such, Objectors bore the initial burden of rebutting this presumption. If, *and only if*, Objectors satisfied this initial hurdle would the burden then shift to QVSD. *See, e.g.*, *Siya*; *Bray*.

[18] **[19]** **[20]** The crux of the ZHB's decision, truly the singular reason for its denial,[9] is the fact that QVSD's application for a **special exception** does not include an EOR for access to the school in case of an emergency. Specifically, the ZHB found: "If a public high school's emergency management ***290** plan does not include an EOR *reasonably recommended by first responders*, the risks to public safety and welfare will be substantial, serious, highly probable and virtually certain, and will be abnormal for a school." F.F. 26; R.R. at 13a (emphasis added).[10] We agree with the trial court that the record lacks substantial evidence to support this determination.

First, the ZHB's holding is premised purely on speculation as "[n]o first responders or emergency management experts testified," F.F. 15; R.R. at 11a, let alone *recommended* that failure to include an EOR presented an abnormal risk for a proposed school use. Objectors' assertion that the testimony of QVSD's own witnesses supports the ZHB's determination regarding an EOR is simply without merit. To the contrary, our review of the record reveals that QVSD's witnesses clearly stated they had not consulted any first responders or emergency management experts when preparing their reports. Moreover, QVSD's witnesses reiterated time and again that the site and proposed plan is safe, there is nothing unique about Camp Meeting Road, and they do not have any additional concerns for neighboring property owners above and beyond those normally inherent when a new school is built.[11] As QVSD's witnesses also explained, the ZHB's finding is premature since we are not at the land development stage and an emergency management plan for the proposed school has yet to be developed. *See In re Thompson*, 896 A.2d at 670 (noting well established principle that **special exceptions** involve only the proposed use of land, not the particular details of the design and development).

Further undermining the ZHB's determination is its own conclusion, which is amply supported by the record, that QVSD's proposed "school will be a regular public high school with a normal curriculum and normal extra-curricular activities and sports." COL 8; R.R. at 17a. Such a conclusion is directly at odds with the ZHB's ultimate decision. The conclusion also prevents Objectors from meeting their evidence presentation burden, that QVSD's proposed school use will generate adverse impacts *not normally generated* by this type of use.

Simply put, there is no evidence in the record that an EOR is required, let alone that failure to provide an EOR will, to a high degree of probability, generate adverse impacts to public health, safety, and welfare *not normally generated by* a school use. *See* *Siya*, 210 A.3d at 1157. Objectors' testimony and evidence "amounted to allegations of mere possibilities and fell far short of the high degree of probability standard necessary to sustain" their heavy burden of going forward. *Manor Healthcare Corp.*, 590 A.2d at 71. Therefore, the burden never switched to ***291** QVSD and the ZHB abused its discretion in determining otherwise. *See id.* at 70.

[21] Finally, Objectors argue that even if the trial court correctly held that the ZHB erred in denying QVSD's application for a **special exception**, the trial court should have imposed the conditions the ZHB would have required for the proposed school use. Objectors maintain that the ZHB was well within its authority to place conditions on approval of the **special exception** as subsection 2.E of Ordinance No. 2019-02 states: "In considering an application for approval of a use by **special exception**, the Z[HB] may prescribe appropriate conditions and safeguards in conformity with the spirit and intent of this article." R.R. at 39a.

Objectors' argument neglects the remainder of subsection 2.E of Ordinance No. 2019-02, which states: "A violation of such conditions and safeguards, when made a part of the terms

 © 2024 Thomson Reuters. No claim to original U.S. Government Works.

and conditions *under which approval of a use by* ***special exception*** *is granted*, shall be deemed a violation of this chapter." *Id.* Objectors similarly fail to address Section 912.1 of the Pennsylvania Municipalities Planning Code, which provides that "[*i*]*n granting a* ***special exception***, the [**zoning** hearing] board may attach such reasonable conditions and safeguards, in addition to those expressed in the ordinance, as it may deem necessary to implement the purposes of this act and the **zoning** ordinance." Act of July 31, 1968, P.L. 805, *as amended*, added by Section 91 of the Act of December 21, 1988, P.L. 1329, 53 P.S. § 10912.1. Here, the ZHB obviously *denied* QVSD's application for a **special exception**. Moreover, the conditions it would have imposed were premised upon QVSD amending its application to include an EOR, among other things, not on the application that was currently before it. As such, the conditions the ZHB theoretically would have imposed *if* QVSD had amended its application and *if* the ZHB had granted the application are a legal nullity.

[22] In addition, the conditions themselves seem to constitute development issues rather than **zoning** use issues. As stated earlier, it is well established that "**[s]pecial exception** ... proceedings involve only the proposed use of the land, and do not involve the particular details of the design of the proposed development." *In re Thompson*, 896 A.2d at 670 [citing *Schatz v. New Britain Twp.* ***Zoning*** *Hearing Bd. of Adjustment*, 141 Pa.Cmwlth. 525, 596 A.2d 294, 298 (1991) ("**Zoning** only regulates the *use* of land and not the particulars of development and construction.") (emphasis in original)]. As such, the specific details regarding development and construction outlined in the ZHB's proposed conditions should be addressed further along in the land development and permitting process. *See* *Elizabethtown/ Mt. Joy*, 934 A.2d at 768 (citing *Schatz*). Simply, the ZHB's proposed conditions do not relate to requirements under the Ordinance, but instead are essentially the ZHB's attempt to control development issues.

IV. Conclusion

In sum, we agree with the trial court that the ZHB's decision, specifically the determination regarding an EOR, was based on speculation and is not supported by substantial record evidence. Accordingly, we affirm the trial court.

ORDER

AND NOW, this 26th day of January, 2024, the order of the Court of Common Pleas of Allegheny County is AFFIRMED.

All Citations

309 A.3d 279

Footnotes

1 On March 11, 2019, the Leet Township Board of Commissioners passed Ordinance No. 2019-02, which provides the requirements for **special exceptions** within the Township. *See* R.R. at 35a. Ordinance No. 2019-02 repealed in its entirety and replaced former Chapter 27, Part 6 of the Leet Township **Zoning** Ordinance pertaining to **special exceptions**. *Id.*

2 It bears noting that at multiple times during the lengthy ZHB proceedings, QVSD's counsel objected to the scope and subject matter of the testimony and evidence presented, arguing that it went beyond the issue of the property's use and the parameters of the application for **special exception**, treading into development issues and details, consideration of which lies with the Planning Commission and Township Commissioners during the project's land development phase. *See* R.R. at 28a.

3 Leetsdale Borough initially objected to the application. As counsel for the Borough explained during the ZHB's October 26, 2021 public hearing, the Borough engaged in discussions with QVSD given concerns regarding the impact the proposed school use could have on downhill neighbors. Following these discussions, QVSD and the Borough entered into a Mutual Cooperation Agreement (MCA) outlining various agreed-upon

 © 2024 Thomson Reuters. No claim to original U.S. Government Works.

conditions. The Borough subsequently withdrew its objection to the application subject to the conditions approved through the MCA.

4 While not explicitly stated, it is apparent from the ZHB's statement of reasons for decision that it found the testimony of QVSD's experts to be credible. *See* R.R. at 30a-34a.

5 The ZHB filed a notice of non-participation with the Court on May 9, 2023. In addition, the Court issued an order precluding the Township and the Leet Township Municipal Authority from filing briefs and participating in oral argument given their failure to file briefs in compliance with previous orders. As such, Objectors, William Jasper and Michelle Antonelli, are the only remaining appellants participating in this matter.

6 Where, as in the present case, "the trial court does not take additional evidence, our scope of review is limited to determining whether the **zoning** board committed an error of law or a manifest abuse of discretion. A **zoning** board abuses its discretion only if its findings are not supported by substantial evidence." *Siya Real Est. LLC v. Allentown City **Zoning** Hearing Bd.*, 210 A.3d 1152, 1156 n.3 (Pa. Cmwlth. 2019) (quotations omitted).

7 There is no allegation that the application was in any way deficient. Further, it is undisputed that Ordinance No. 2019-02 does not mention an EOR.

8 Despite Objectors' argument, the trial court did *not* hold that a **zoning** ordinance cannot shift the burden of persuasion. To the contrary, the trial court properly stated and applied the parties' respective burdens here in keeping with both Ordinance No. 2019-02 and our courts' precedent.

9 Indeed, the ZHB found that Objectors did not prevail on their assertions that the increased traffic, water-runoff, and landslide potential due to QVSD's proposed school use presented an abnormal risk for this type of use, or that the risk of serious injury to the public was "highly probable or a virtual certainty." R.R. at 31a; *see also* R.R. at 30a. We discern no error in this regard.

By way of brief explanation, Objectors testified generally about the potential for more accidents given the topography of Camp Meeting Road and the increased numbers of young, inexperienced drivers that would frequent the roadway. "However, 'an increase in traffic is generally not grounds for denial of a **special exception** unless there is a high probability that the proposed use will generate traffic not normally generated by that type of use and that the abnormal traffic threatens safety.' " *Marr Dev. Mifflinville, LLC*, 166 A.3d at 484 [quoting *Accelerated Enters., Inc. v. The Hazle Twp. **Zoning** Hearing Bd.*, 773 A.2d 824, 827 (Pa. Cmwlth. 2001)]. Objectors' speculative testimony regarding teenage drivers fails to meet this standard and, at all events, would apply to any ordinary high school. Their general concerns regarding potential increased risk of landslides and water-runoff issues suffer the same deficiency.

10 *See also* COL 2; R.R. at 16a ("It is an abnormal risk for a school not to implement an emergency management plan that included an [ ]EOR[ ] if reasonably recommended by the first responders.").

11 *See, e.g.*, Notes of Testimony (N.T.) 8/20/21 at 17 (testimony of licensed professional engineer Geoffrey Phillips that the site can be safely developed as a school); N.T. 7/15/21 at 76 (testimony of traffic expert Charles Wooster that the traffic generated from this school would not be any greater than the traffic that would be expected from any other typical high school); *id.* at 184 (testimony of Mr. Wooster: "I wouldn't say there is anything that unique about [ ] this location."); *id.* at 198-99 (testimony of Mr. Wooster indicating he does not have any additional concerns for neighboring property owners above and beyond those normally inherent when a new school is built); *id.* at 203 (opinion of Mr. Wooster that when and if QVSD's proposed

 © 2024 Thomson Reuters. No claim to original U.S. Government Works.

school is built, Camp Meeting Road will not be materially more dangerous or materially more inconvenient than it is now).

End of Document

© 2024 Thomson Reuters. No claim to original U.S. Government Works.


Masonic Village at
Lafayette Hill
129,516 S.F., 2.97 Ac.
RIDGE PIKE

Additional Documents Since 12.11.24 ZHB Hearing

WHITEMARSH COMMUNITY AMBULANCE ASSOCIATION

SERVING WHITEMARSH TOWNSHIP SINCE 1956

P.O. BOX 376
4019 JOSHUA RD
LAFAYETTE HILL, PA 19444-1414

Charlie Guttenplan,
Director of Planning and Zoning

Whitemarsh Community Ambulance Association (WCAA) has many curiosities and some concerns regarding a 500 bed facility being placed on the Smith Property.

Our primary concern is the sudden demand on emergency services. The Hill at Whitemarsh (THAW) (470 current beds occupied) and the Masonic Village (277 current beds occupied) are the two facilities that come somewhat close to this size. These facilities did not begin at this size, they were developed much smaller with room to grow and the opportunity to grow at a controlled rate.

The 911 call volume for THAW in 2023 was 186 and the year to 12/1/24 is 182 911 calls.
The 911 call volume for Masonic Village in 2023 was 154 and the year to 12/1/24 is 149 911 calls.

The expected 911 volume coming from a 500-bed facility will be at minimum comparable, if not exceeding these facilities. There are many conversations to be had that could potentially affect the decision in the best interest of the Township and its residents.

I would welcome the opportunity to be part of the conversations.

Respectfully

Rebecca Werner, NRP
Chief of Operations, WCAA

Protestant Exhibits (P-3a,3b, 3c, and 3d not admitted)



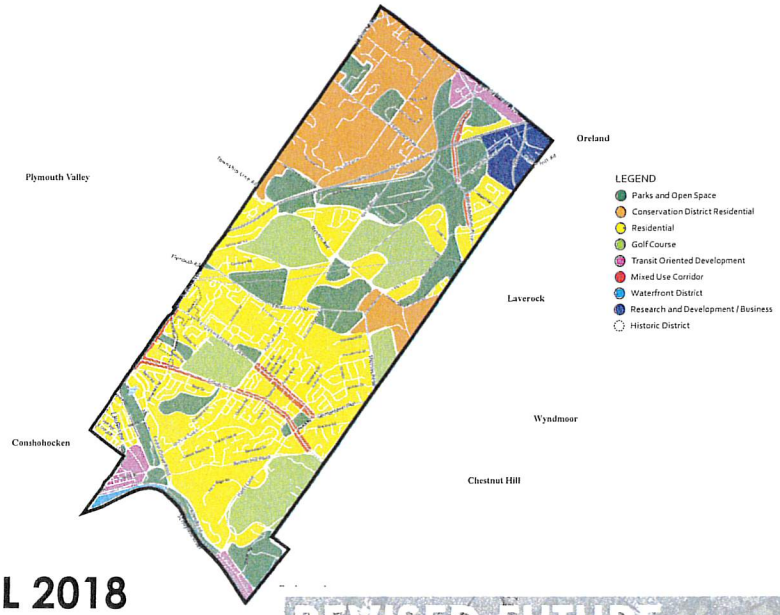
Whitemarsh Township

Selective Comprehensive Plan Update

FINAL PLAN
Adopted November 12, 2020

WHAT WE'VE HEARD FROM THE COMMUNITY

The 2028 Future Land Use Plan for Whitemarsh Township was created and modified with input from the Steering Committee as well as citizens at public meetings. The final plan includes additional designated parks and open space, expanded conservation district residential areas and defines targeted mixed-use nodes and corridors.

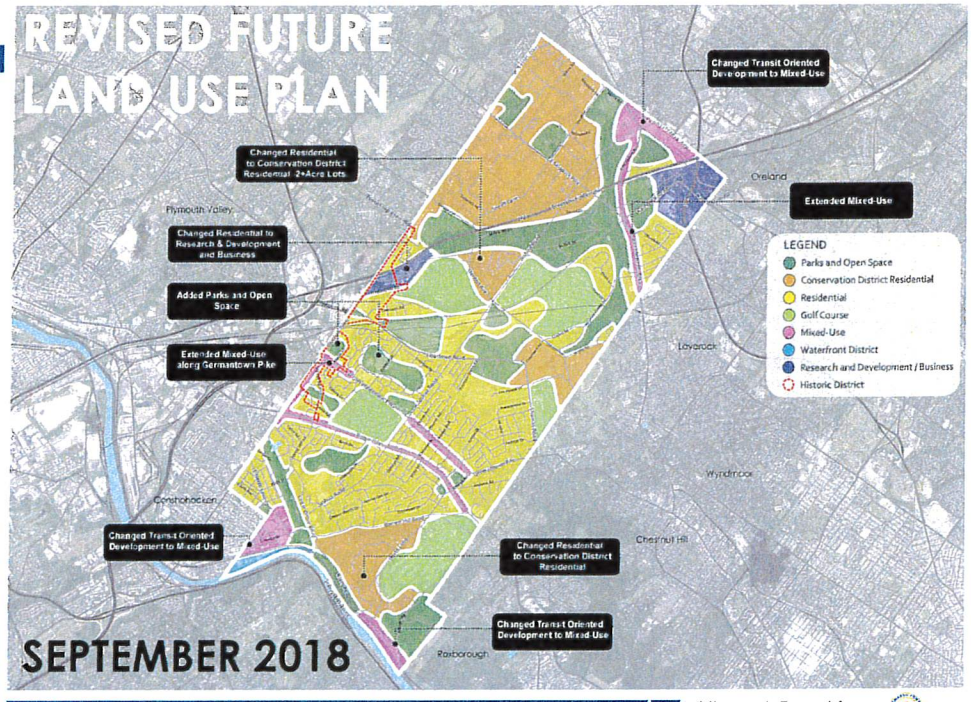


APRIL 2018

BERGMANN

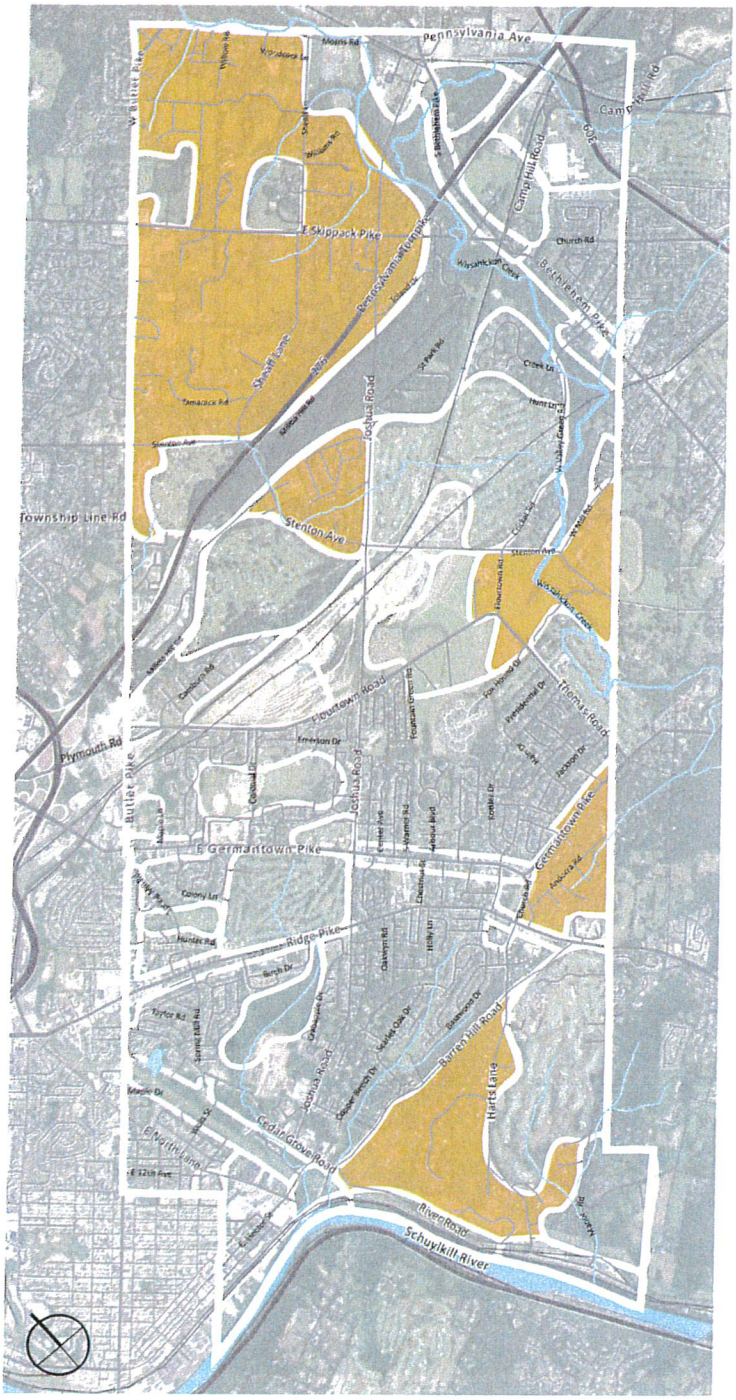
The Future Land Use Plan was presented to the community during Public Meeting #2 in April 2018. The attendees were asked to provide their input and specify locations of desired land uses throughout the Township.

After the Public Meeting the Steering Committee met to discuss the community's comments and made 9 revisions to the Future Land Use Plan. The Revised FLUP was presented to the community at Public Meeting #3 in September 2018.



Conservation District Residential

The intent of this character area is to facilitate residential development that retains open space and larger lot sizes to prevent parcels from being over-developed by future subdividing. These areas balance residential with open space preservation.



The Conservation District Residential (CDR) character area includes land where privately owned open space is encouraged to be preserved due to important viewsheds, natural features and environmental characteristics. The areas identified as CDR are in the north corner of the Township, just south of Fort Washington State Park and an area south of Barren Hill Road and west of Harts Lane and Manor Road adjacent to The ACE Club.



Representative Image

POSSIBLE LAND USES

- Open Space
- Large Lot Residential
- Cluster Residential

Fred Albert Design

107 Oxley Court
Newtown Square, PA, 19073
fga734@gmail.com
M: 610.656.9297
F: 610.520.0232

Fred Albert, PLA, ASLA

Education

Master of Landscape Architecture/Ecological Planning, University of Pennsylvania
Bachelor of Science, Ornamental Horticulture, Delaware Valley University

Professional Licenses

PA, .

Professional Experience

Fred Albert Design, Landscape Architecture, Interiors, Building Solutions 2012-Present
SPG3, Vice-President, Architects, Landscape Architects 2004-2012
Cassway/Albert Ltd. Architects, Landscape Architects, Urban Designers 1971-2004
Greene Land Co., President Site/Building Construction 1975-1985
Cope Linder Walmsley, Architects, Landscape Architects, Engineers 1969-1971
US Army 1968-1969
Marvin I. Adleman, Landscape Architects 1967-1968

Selected Professional Assignments

Prince William Quay, Brixham, Devon, England
Nestle Distribution Center Master Plan, Allentown, PA
Private Residence, Santa Fe, NM
Indian Lake Estates Master Plan, Lake Wales, FL
Delafield Estates, Riverdale, NY
Trap Pond State Park Sprayground Facility, Laurel, DE
West Sand Island, Bethlehem, PA

Fred
Albert
Design

The Hamlet, Fort Worth, TX
Hermit and Terrace Streets Playground, Philadelphia, PA
Brewerytown Master Plan for PHA, Philadelphia, PA
Raymond Rosen Manor for PHA, Philadelphia, PA
Norman Blumberg Homes for PHA, Philadelphia, PA
Proprietor's Park, Gloucester City, NJ
Assunpink Creek Park, 110 acre Master Plan, Trenton, NJ
405 Capitol Street, Charleston, West Virginia
Chelsea, East Falls, Philadelphia, PA
Glazier Jewish Center for Chabad Lubavitch of Bucks County, PA
New Chabad for Chabad Lubavitch of Chester County, PA
Chabab Renovation for Chabad Lubavitch of Doylestown, PA

Professional Memberships

American Society of Landscape Architects

Teaching Experience

University of Toronto, Department of Landscape Architecture, Visiting Critic
Temple University, Department of Architecture, Visiting Critic

Honors and Awards

Centennial Alumni Award, Delaware Valley University
Alumni Achievement Award in Plant Science, Delaware Valley University
Merit Award, Assunpink Creek Park, Trenton, NJ, PA/NJ/DE Chapters ASLA
National ASLA Merit Award, Hermit and Terrace Streets Playground, Philadelphia, PA
Merit Award, Hermit and Terrace Streets Playground, Philadelphia, PA Chapter ASLA
Distinguished Building Award, Hermit and Terrace Streets Playground, PA Chapter AIA
Progressive Architecture Magazine Citation, Delafield Estates, NY
Certificate of Modernization Excellence, Buildings Magazine, 405 Capitol Street, Charleston, West VA

Fred
Albert
Design

Reconstruction Award, Building Design and Construction Magazine
405 Capitol Street, Charleston, West VA
First Place Award, Francisville Housing Competition, Foundation for Architecture
Honorable Mention, Top of the Hill Fountain Plaza Competition, Chestnut Hill Community Association
Citation of Excellence, Maplewood Mall, Germantown, PA, Philadelphia AIA Chapter
Merit Award, Maplewood Mall, Germantown, PA, Delaware Valley Masonry Institute
Historic Preservation Award, Old Fairgrounds Park and Playground, Allentown, PA
Builders Award, Glazier Jewish Center, Newtown, PA for Lubavitch of Bucks County

Publications

"Albert Residence", Philadelphia Magazine
"Chelsea: Industrial Strength", Landscape Architecture Magazine
"Royal Grant", Cover of House and Home Magazine
"Royal Grant", Mallet and Froe Magazine
"Office of the Future", Focus Magazine
"The Regal", Chicago, IL, Renovation Magazine
"Maplewood Mall", Germantown, PA, Landscape Industry Magazine
"Hermit and Terrace Streets Playground", Landscape Industry Magazine
"405 Capitol Street", Piedmont Airlines In-Flight Magazine

Geographic Area of Projects
18 states, the Virgin Islands, Eleuthera, and England

P-4

Fred Albert Design

107 Oxley Court
Newtown Square, PA, 19073
fga734@gmail.com
M: 610.656.9297
F: 610.520.0232

03.03.25

Smith Farm Site Analysis prepared for the Andorra Run Conservancy and the Whitemarsh Township Zoning Board Hearing #2024-19 on 03.05.25.

Fred Albert Design was tasked with reviewing and analyzing a site plan for a proposed 500-bed, three-story, plus underground garage nursing home on a 14.04-acre site prepared by Gorski Engineering, Inc. The plans furnished were an Illustrative Site Plan, a Site Layout Plan, and a Typical Floor Plan. Each had an initial date of November 15, 2023, and a revision date of February 26, 2024. The floors as shown are at a constant elevation with no breaks, steps or ramps. The plan also showed existing topography without contour elevations or contour intervals. Aside from boundary descriptions taken from deeds, there was scant information as to the origin of the survey. Note 1 on the Site Layout Plan states the information is from a spatial database and aerial photographs. Still, no supporting information is supplied. There was the absence of grade elevations on the contours, which is not standard engineering practice. The distance between gray contour lines appeared to be 1 foot each. According to the drawing, there was a generally constant 5%-6% slope down from south to north. (Later discussion will show that the Gannett Fleming drawings show a much steeper decline). The zoning data on the illustrative plan states that the maximum building height would be 40 feet.

To evaluate a site plan, it is necessary to consider the changes in elevations. Given that no elevations were placed on the contour lines, and no indication of whether these were 1' or 2' intervals, we needed to research the possibility of any other surveys that may have been prepared for this site.

Subsequently, construction drawings prepared by Gannett Fleming Engineers, which were used to construct Ridge Pike improvements, and showed a 1' contour interval, were supplied. These drawings have numerical values assigned to the contours. The drawings were from a field survey Gannett Fleming prepared for the disturbance of the Ridge Pike corridor and the area they disturbed.

The proposed design has two entrances to underground parking coming off the main entrance drive, one is to the north and one to the south, approximately 80' from Ridge Pike. If these entrances are to be as shown on the proposed plan, they appear to have extremely steep slopes.

We superimposed the Gannett Fleming topo over the Gorski topo and noticed a difference in the contour intervals, Gorski used a 2' interval while Gannett Fleming used a 1' interval. Using the Gannett Fleming survey, we calculated that the slope of the site from south to north was 10%-20%, with 20% being in the center of the site and the southeast corner. Along the Ridge Pike property line, the slope is 10%. The site falls 72' from south to north. The elevation along Ridge Pike drops 60' from South to North.

We then used the road elevation of 290 on Ridge Pike, which Gannett Fleming established at the start of the main entry drive to the building. From this point to the building entrance, we used a reasonable grade of 5% leveling off to 3%, and established a first-floor elevation of 303. Thus, the grade of the parking garage floor was established as 291 giving it a 12' floor to ceiling height. As a result, the slopes into the parking garage from the main entrance were now unsafe at 28% and 44% (Note that a 24' level area at the garage entrance is needed for ambulances to clear the garage opening and a level area of 8' is required for cars)

Based upon a first-floor elevation of 303, we calculated the existing and proposed elevations at the north and south ends of the building according to the topography based on the Gannett Survey. The south end of the building was 13' below the existing grade at the southeast wing and 21' below the existing grade at the southwest wing, while the north end was 50' above the existing grade. The garage level would be 12 ' deeper. This analysis demonstrates that massive retaining walls and 50' of fill or the construction of elevated structures would be required to raise the existing grade at the Northernmost end of the building to the first floor elevation of 303 as well as elevating the road from Ridge Pike at elevation 262 approximately 41' to reach the first floor, elevation 303. Additionally, the south end of the building will be approximately two stories below grade, requiring large retaining walls to hold back the earth. The slope from the building to the north property line was 42%, to the first floor. The slope at the Ridge Pike entrance, just north of the main entrance, to the parking garage was 29%, and the slope at the south end of the building toward the property line was 31%. Additionally, the northernmost entrance from Ridge Pike that leads to the garage and the loading dock has an elevation of 262 at Ridge Pike. All of these slopes are excessive. The slopes between the building and the property line will be difficult to maintain, and the roadway slope will be difficult in bad weather. None meet an accessible standard of practice.

Upon further analysis, we found the building's height exceeded the 40' limitation in the ordinance. For a structure such as this, a 10-foot floor-to-floor height is expected. Using a roof pitch of 4 in 12, the roof's ridge line would be 11.67' high. Adding the 30' floor-to-floor height, the building would be 41.67' high. Also using the new first-floor elevation of 303, which is 50' above the existing grade of 253 and applying the 41.67 building, not including the garage level, the building at the north end would be 91.67' above the existing grade. (It

would not be unreasonable to assume an 11' floor-to-floor height, making the building height 44.67' or 94.67' above the existing grade).

Mr. Anthony Hibblen, the Applicant's engineer, was questioned during the last hearing of 01.28.25 regarding the building design as well as steep slopes, Mr. Hibblen began referring to the building's design as modular, stepping sections of the building across the sloping site. He referred to this type of design as similar to a row of townhouses, however, townhouses are separated by a party wall while a nursing home needs a continuous corridor.

Nowhere in the Applicant's submission is there any indication that this building utilizes a stepped design. The floor plans submitted show a building with a constant floor elevation on every level across the entire building. Furthermore, Mr. Hibblen stated that at the junction of each module the building would step 6 ', some may even step 12'.What was not discussed was the need for ADA required ramps between each module. If the buildings stepped 6' the ramp would have to be 75' long and a 12' difference in elevation would require a 150' ramp. It should be noted that 6 12' drops would be needed to compensate for the 72' drop in elevation across the site.(There are about 1100 linear feet through the parking aisles. Using a slope of 5%, which is standard practice, the garage would only rise 50' and not the 72' needed)needed. Additionally, an ADA ramp is a minimum of 36' wide, but for people and equipment to pass by each other, it should be at least 5' wide. Add in a 4' wide set of steps and it takes up 9' the entire 10' wide corridor. The 150' ramp also would need 3 landings at 5' x 5', The result of the ramp and steps will lead to a significant reduction in rooms. What the Applicant's engineer discussed is not what had been submitted in his Application and would be extremely difficult to construct. If this is what the Applicant wants to move forward with, a new application should be submitted so the ZHB can review the correct layout and its implications.

Negative impact on Ridge Pike/nursing home circulation.

1. The location of entrance and exit drives will cause issues with automobile circulation and significant pedestrian inconvenience.

2. Ridge Pike, a County Highway, is deemed by the Township a principal arterial road. It is a heavily trafficked artery. The plan shows three entrances. (Are any or each of the entrances going to have traffic lights and if so, will the county be responsible for servicing and maintaining the traffic lights?)

3 The main entrance is the southernmost and has one lane entering and two lanes exiting. After the fifty-foot setback line from this entrance, the drive slopes down to the right and left to enter the parking garage at two locations and slopes up to the first-floor entrance. The entryway is at the end of a circular drive, which has 22 car spaces radially around the drive

4. The next garage entrance past the main entrance, going northwest on Ridge Pike enters the garage level right behind the building setback line, approximately 70 feet from the Ridge Pike cartway.

5. The third entrance is the most northern. Referred to as the Service Entrance, it is approximately 60 feet from the adjacent property and has an 18% slope. It provides 26 parking spaces and is the only service access for the building. It also shows an entrance to the garage.

The proposed entrances and exits that will impair automobile circulation are as follows:

Having three entrances/exits to Ridge Pike creates a dangerous situation. While there are many curb cuts on Ridge Pike, each additional curb cut adds to the potential for congestion and accidents. PennDOT's standards recommend limiting curb cuts on arterial roads but proper planning would suggest that the cuts be further apart.

The Main Car Entrance can cause backups on Ridge Pike. If more than three cars are waiting to turn left from the building from the Main Entrance, they will extend approximately 70 feet back from the cartway towards the building. The entrance to the garage's northern part is approximately 70 feet from the cartway. In that situation, the cars entering the site won't be able to turn left to get access to the north garage. If drivers wait to enter the north garage, this would clog this entrance and result in a backup of cars onto Ridge Pike.

The North Garage Entrance is problematic not only because it is so close to the main entrance and the Service Entrance, but also because it doesn't have the capacity to serve the building. It is unclear if this entrance is to serve as the entry for ambulances as well. There is no designated area for ambulances, and it is inappropriate to pick up and/or discharge patients in the loading area.

It should also be noted that the floor plans are missing a variety of support spaces such as conference rooms for nurses, restrooms, and showers for nurses, and janitorial staff to name a few..This will mean more personnel, which means more parking and more square footage.

It was determined at the last hearing that there are not enough parking spaces and that the 26 surface spaces could easily double, or even triple when the actual number of employees is established. This will also reduce the amount of open space behind the building and will have a negative impact on the adjacent properties, looking into a massive parking lot. In addition to the

lack of surface parking, there are approximately 14 spaces that are against dead end walls that are unusable as it is not possible to maneuver out of those spaces. These spaces will now have to become surface spaces, adding to the oversized parking lot.

Additionally, there seems to be no concern for any existing vegetation on the site as most or all of it will be demolished by the massive grading exercise.

The implications of this "modular" construction are profound and in no way can be visualized or reviewed under the current application. The implications for the number of possible resident rooms, for underground parking, and additional elevator and mobility requirements are many and represent an entirely different conceptual model that must be prepared and submitted by the Applicant.

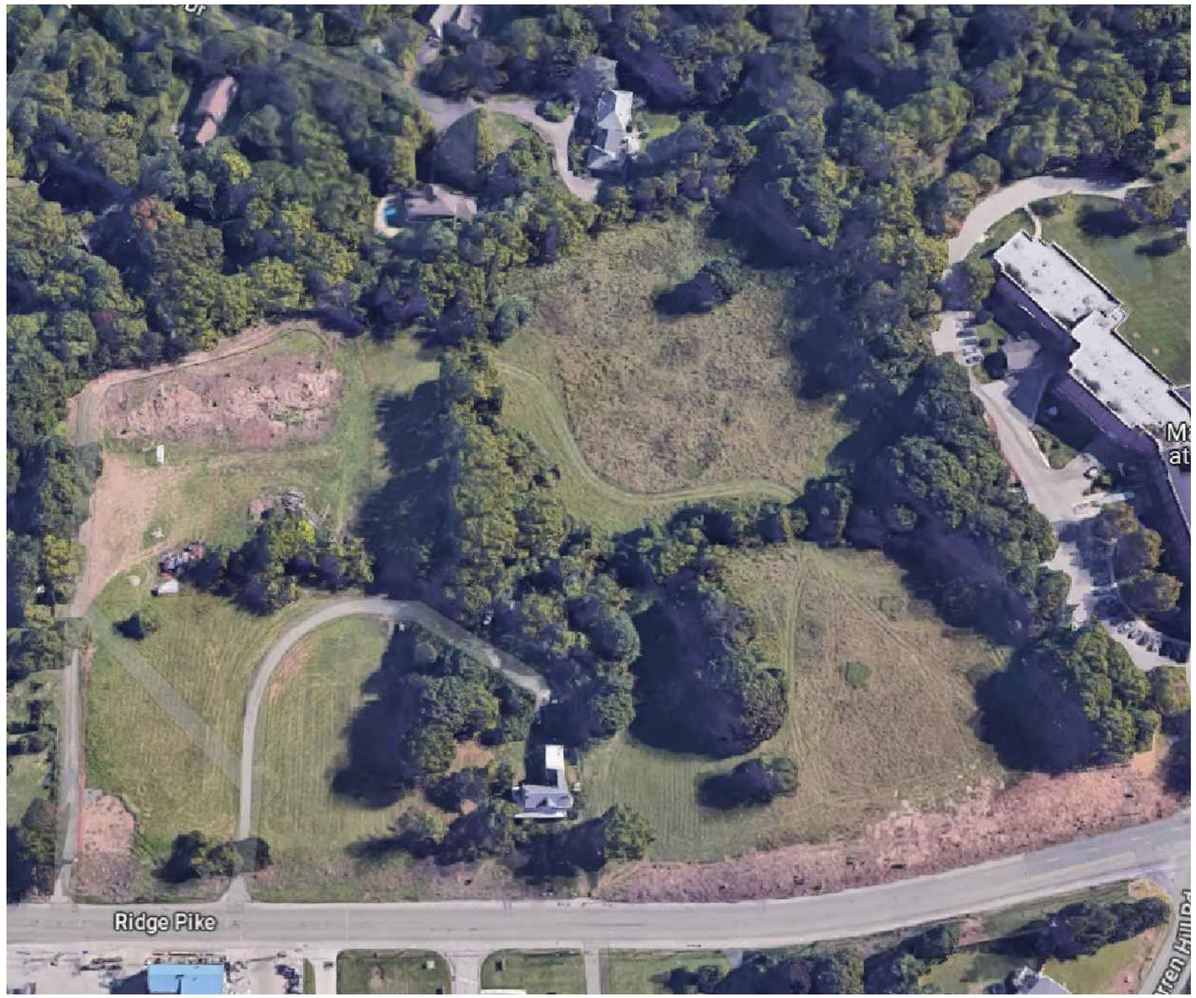
(Although I can discuss the steep slope issue, it will be presented by my colleague, James Press,P.E.)

I propose the following exhibits:

1. Existing Site Photos
2. Gorski Engineering Site/Topo Plan
3. Gannett Fleming Site/Topo Plan
4. Gannett Fleming Plan Superimposed over Gorski Plan
5. North/South Section/Location Map
6. Slope Analysis Plan

Frederic G. Albert, ASLA





SOURCE: GOOGLE EARTH



SOURCE: GOOGLE EARTH

SMITH FARM

NURSING HOME SITE ANALYSIS

PREPARED FOR:

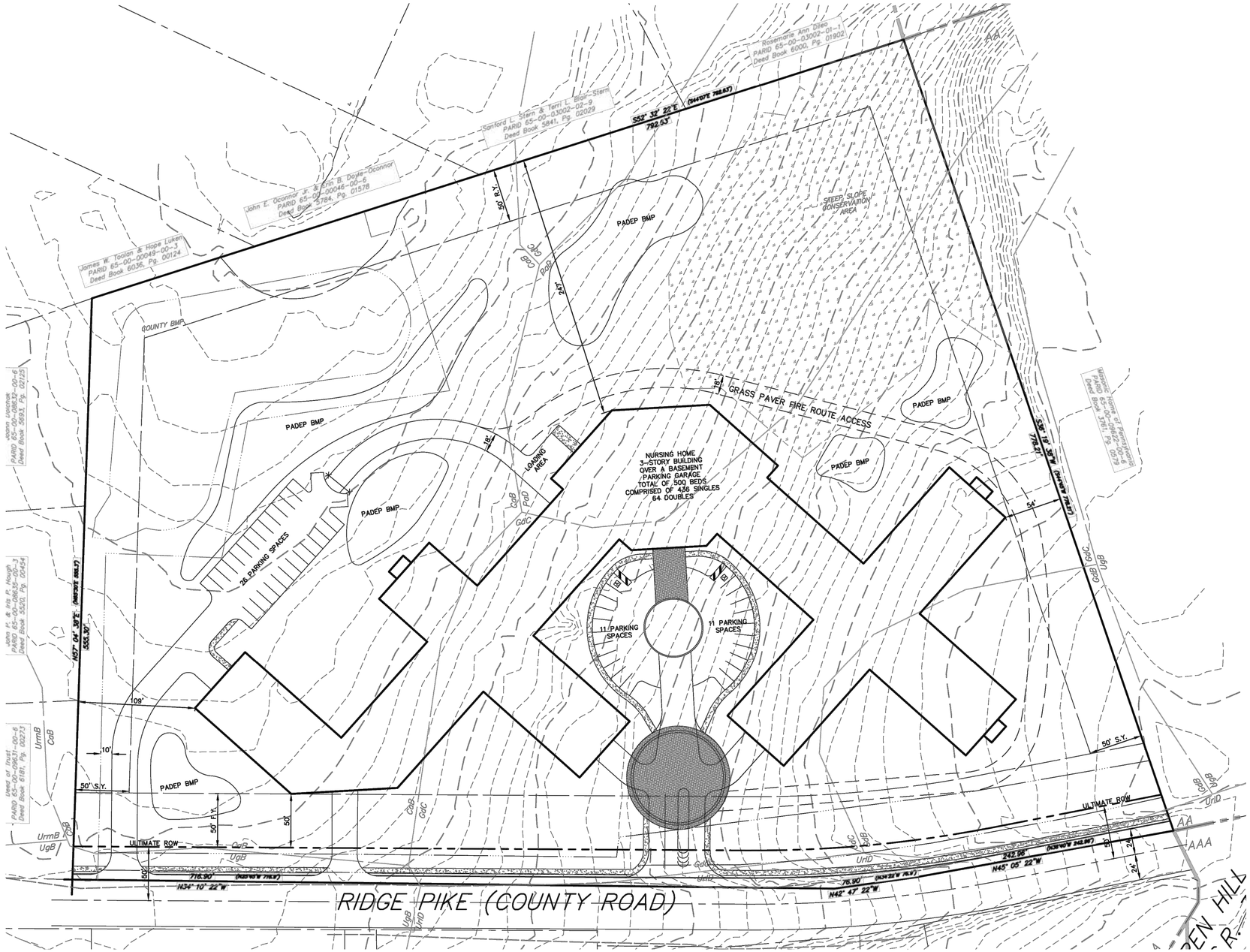
ANDORRA RUN CONSERVANCY

ZONING BOARD HEARING #2024-19

1 SITE PHOTOGRAPHS

N.T.S.

Fred Albert Design
107 Oxley Court
Newtown Square PA 19073
fpa734@gmail.com
M:610.656.9297
F: 610.520.0232



PROJECT NORTH

SMITH FARM

NURSING HOME SITE ANALYSIS

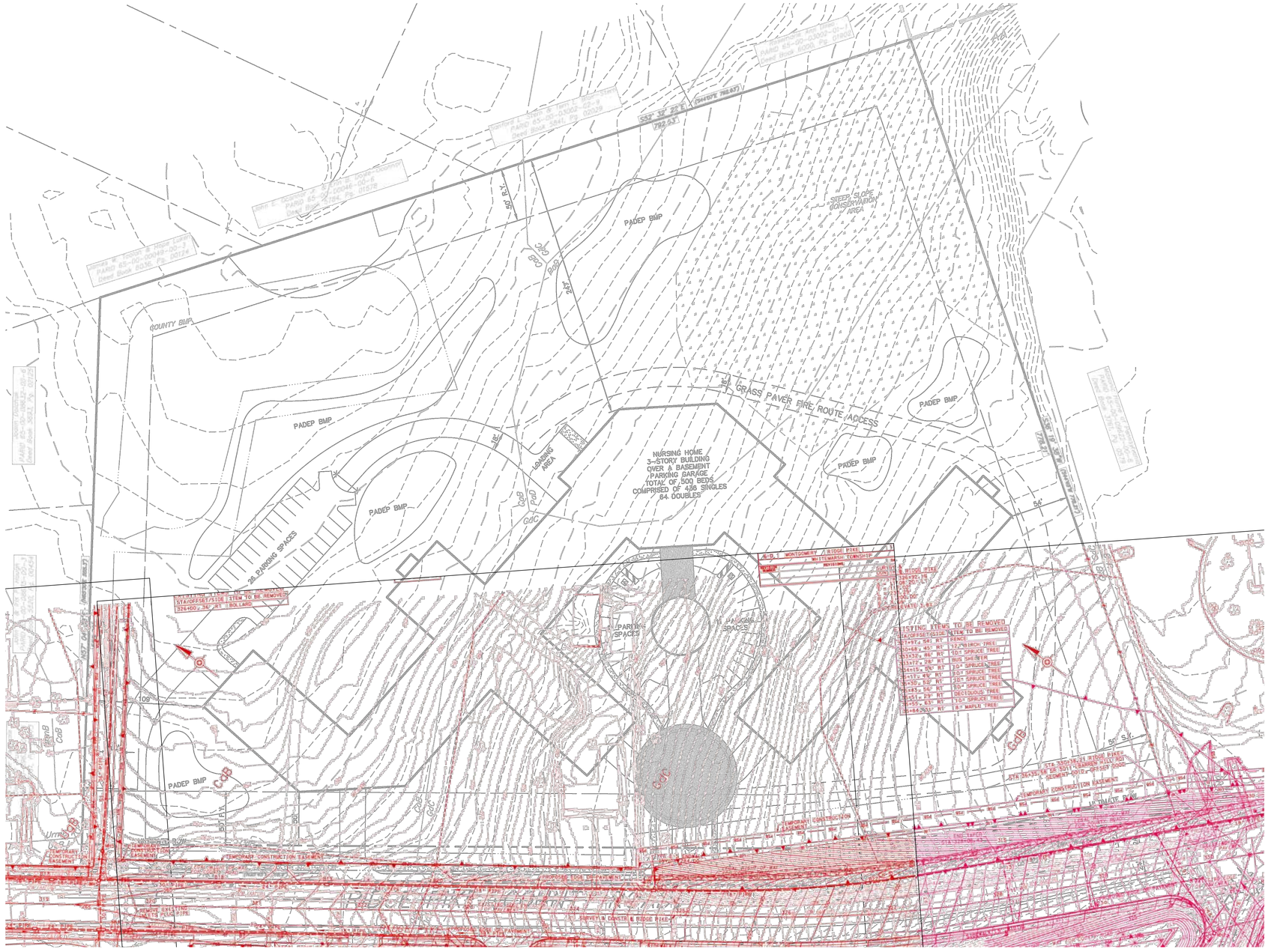
PREPARED FOR:

ANDORRA RUN CONSERVANCY

ZONING BOARD HEARING #2024-19

2 GORSKI ENGINEERING
SITE/TOPO PLAN
1"=50'

Fred Albert Design
107 Oxley Court
Newtown Square PA 19073
fga734@gmail.com
M:610.656.9297
F: 610.520.0232



SMITH FARM

NURSING HOME SITE ANALYSIS

PREPARED FOR:

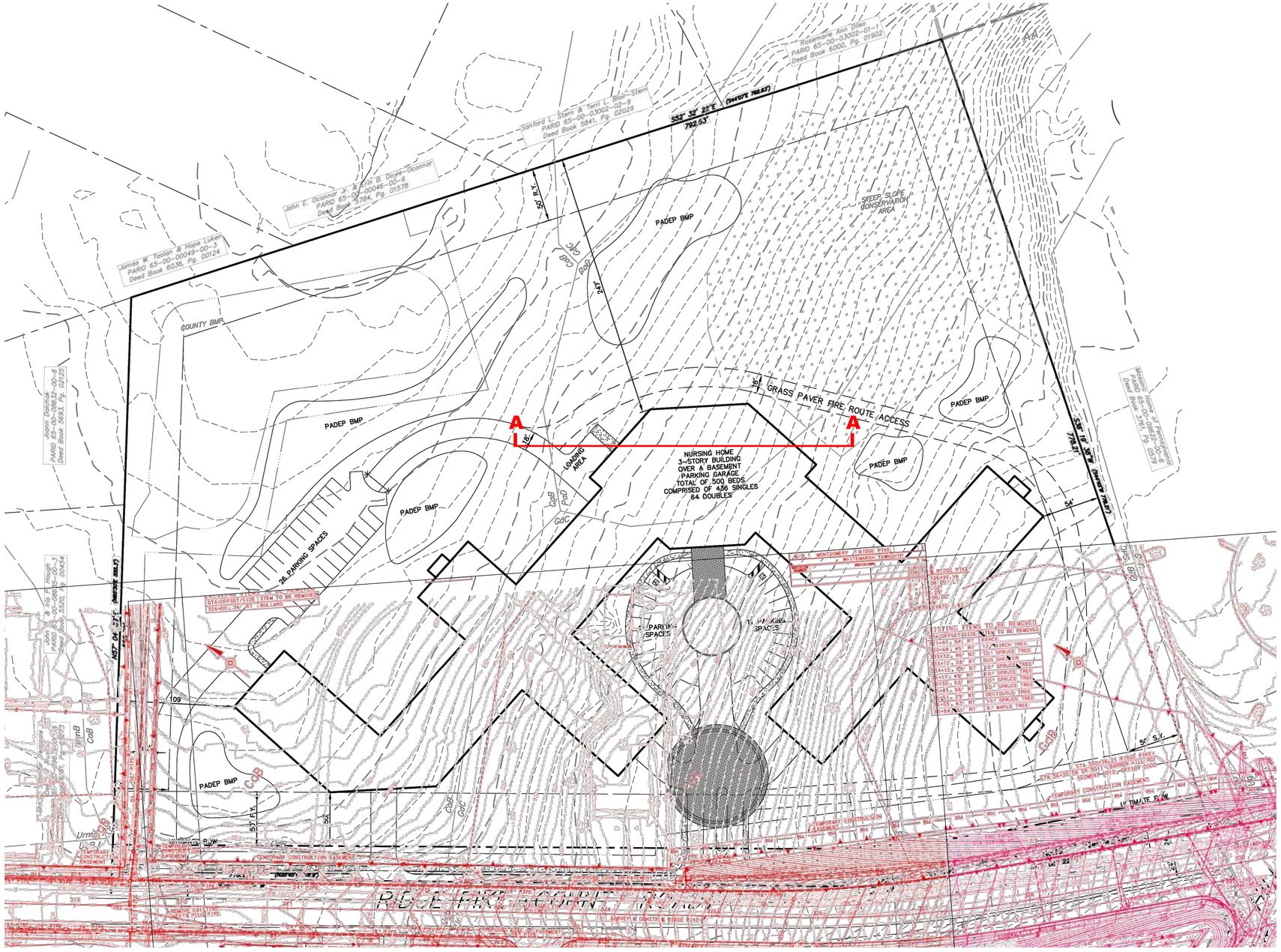
ANDORRA RUN CONSERVANCY

ZONING BOARD HEARING #2024-19

3 GANNETT FLEMING SITE/TOPO PLAN

1"=50'

Fred Albert Design
107 Oxley Court
Newtown Square PA 19073
fga734@gmail.com
M:610.656.9297
F: 610.520.0232



PROJECT NORTH

SMITH FARM

NURSING HOME SITE ANALYSIS

PREPARED FOR:

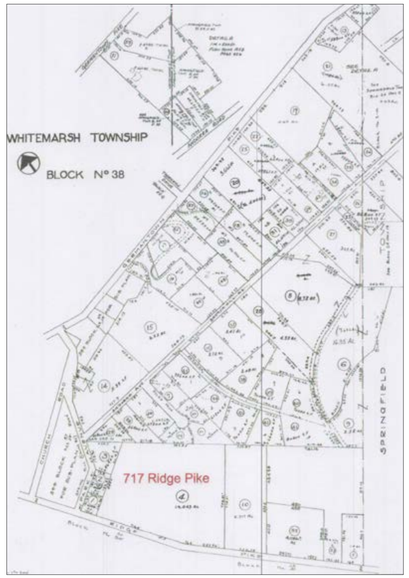
ANDORRA RUN CONSERVANCY

ZONING BOARD HEARING #2024-19

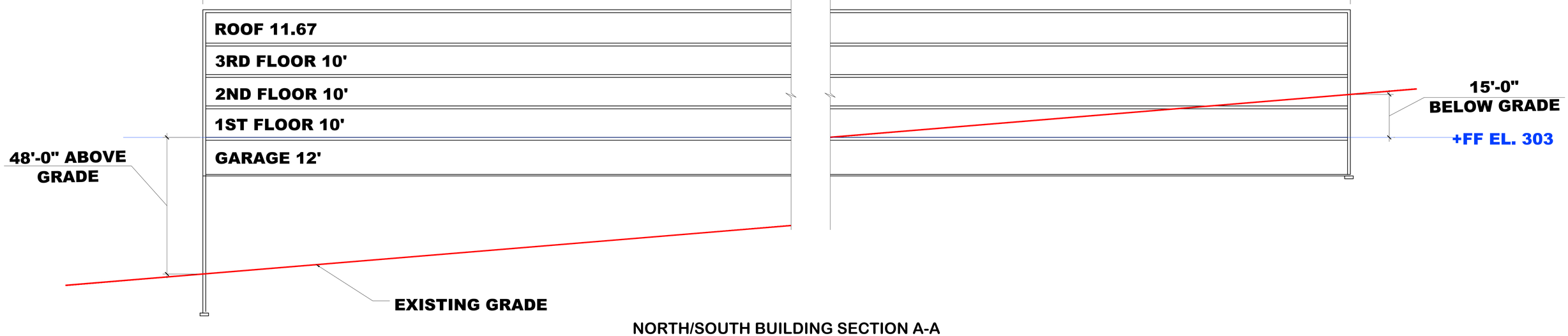
4 GANNETT FLEMING SITE/TOPO SUPERIMPOSED OVER GORSKI PLAN

1"=50'

Fred Albert Design
107 Oxley Court
Newtown Square PA 19073
fpa734@gmail.com
M:610.656.9297
F: 610.520.0232



LOCATION MAP (N.T.S.)



NORTH/SOUTH BUILDING SECTION A-A

SMITH FARM

NURSING HOME SITE ANALYSIS

PREPARED FOR:

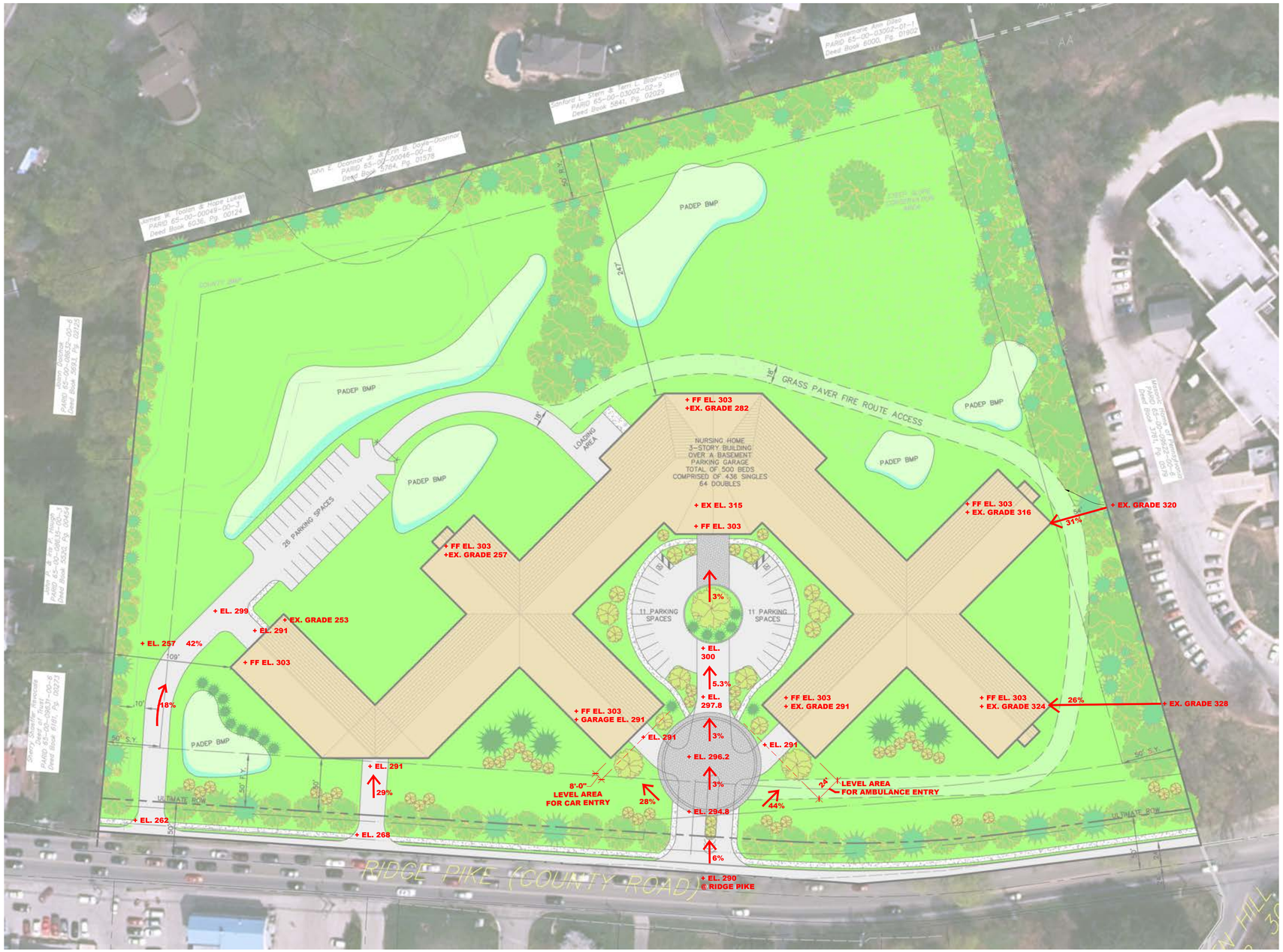
ANDORRA RUN CONSERVANCY

ZONING BOARD HEARING #2024-19

5 NORTH SOUTH SECTION AA

1/16"=1'-0"

Fred Albert Design
107 Oxley Court
Newtown Square PA 19073
fga734@gmail.com
M:610.656.9297
F: 610.520.0232



PROJECT NORTH

SMITH FARM

NURSING HOME SITE ANALYSIS

PREPARED FOR:

ANDORRA RUN CONSERVANCY

ZONING BOARD HEARING #2024-19

6 SLOPE ANALYSIS PLAN

1"=50'

Fred Albert Design
107 Oxley Court
Newtown Square PA 19073
fga734@gmail.com
M:610.656.9297
F: 610.520.0232

P-5

Shandor J. Szalay

Fluvial Geomorphologist

Mr. Szalay is an applied fluvial geomorphologist and water resources scientist with 25 years of experience in urban stream restoration, ecosystem enhancement, water quality, resilience, and watershed projects. Mr. Szalay has extensive training and experience in the application of a wide-variety of natural channel design, ecological restoration, and bioengineering/bank stabilization project in Pennsylvania and surrounding states. Mr. Szalay has more than 20 years of experience designing, permitting, and building stream and riparian restoration projects in Pennsylvania and throughout the Mid-Atlantic. Mr. Szalay has served as an invited peer-reviewer for the National River Science Synthesis project. Mr. Szalay is currently Urban Stormwater Innovation Lead for Arcadis, Senior Advisor at the University of Pennsylvania Water Center, and Adjunct Professor and Civil and Environmental Engineering at Villanova University where he teaches graduate-level courses on river engineering and fluvial geomorphology.

EDUCATION

- University of Minnesota, M.S., Water Resources Science, 1999
- State University of New York College of Environmental Science and Forestry, B.S., Environmental Forest Biology, 1995

SELECTED PROJECTS

- **Geomorphic Assessment for the Wissahickon Creek, Philadelphia, PA** Mr. Szalay led the development of a geomorphic assessment for 6,000 linear feet of the Wissahickon Creek in Philadelphia, PA.
- **Colebrook Run Stream Restoration, Chester County, PA.** Mr. Szalay led the design of a 5,000+ foot natural channel design project on a golf course in Chester County, PA. The project involved the full channel relocation, bank stabilization, step pool installation, floodplain creation, and riparian restoration.
- **Buck Run Riparian Assessment, Chester County, PA.** Mr. Szalay developed a riparian assessment GIS tool and performed a parcel-based inventory and prioritization of riparian parcels within the Buck Run Watershed in Chester County, PA.
- **Buck Run Stream Restoration, Chester County, PA.** Mr. Szalay worked with West Marlborough Township to develop and implement a 200 foot bank stabilization project along Buck Run, Chester County, PA.
- **Springettsbury Township Wastewater Treatment Plant East Stream Restoration, York County, PA** While at another firm, Mr. Szalay led the design of a 3,000+ foot zero order floodplain reconnection project for Springettsbury Township in York County, PA. Subsequently, Mr. Szalay was retained to develop sediment reduction credit calculations for this project.
- **White Clay Creek Stream Restoration Project, Chester County, PA** Mr. Szalay led the design of a 3000+ foot natural channel design project for the White Clay Creek in Avondale, PA.
- **Cooks Creek Stream Restoration Project, Bucks County, PA** Mr. Szalay led the design of a 600+ foot bank stabilization project for the Cooks Creek in Bucks County, PA.
- **Tacony Creek Reaches 4/5 Stream Restoration, Philadelphia, PA** Mr. Szalay led the design of a 5000+ foot natural channel design project for the Tacony Creek in Philadelphia, PA.
- **Gorgas Run Stream Restoration, Philadelphia, PA.** Mr. Szalay led the design of a 3000+ foot natural channel design project for the Gorgas Run in Philadelphia, PA.

- **Wises Mill Run Stream Restoration, Philadelphia, PA.** Mr. Szalay led the design of a 10,000+ foot natural channel design project and constructed wetland project for the Gorgas Run in Philadelphia, PA.
- **Lower Merion Township Stream Restoration Project, Philadelphia, PA.** Mr. Szalay led the design of five bank stabilization projects for private landowners along Mill Creek for Lower Merion Township, PA.
- **Millersville Stream Restoration, Millersville, MD.** Mr. Szalay led the design of a 2,000+ foot regenerative stormwater conveyance project in Millersville, MD.

SELECTED AWARDS AND AFFILIATIONS

- Sustainable Business Network of Philadelphia, Board Member
- New Jersey Water Resources Association, Past Board Member
- River Research Science Synthesis Project, Invited Peer Reviewer
- U.S. Water Prize, Private Sector, 2019 (with Greenprint Partners)
- Vancouver Healthy Waters Plan, Expert Advisory Panel
- Environmental Leadership Network, Senior Fellow.

January 27, 2025

Mr. Doug Blazey
Elliott Greenleaf, P.C.
925 Harvest Drive, Suite 300
P.O. Box 3010
Blue Bell, PA 19422

RE: Geomorphic Assessment of Andorra Run

Dear Mr. Blazey,

SJS Consulting, LLC conducted a limited visual and desktop geomorphic assessment of the Andorra Run, a small stream located in Whitemarsh Township, Montgomery County, PA; Springfield Township, Montgomery, PA; and the City of Philadelphia, PA. The purpose of the assessment was to: 1) observe the current condition of the stream with respect to bed and bank erosion and geomorphic stability, 2) infer the sensitivity of the stream to future changes in hydrology, such as would be associated with land development activities proposed on the Smith Farm property, and 3) offer commentary on the sufficiency of the conceptual stormwater management plan for the Smith Farm Property in preventing downstream impacts, particularly as related to channel change and stream erosion.

Site Overview

The study site consists of a small unnamed tributary to the Wissahickon Creek known locally as Andorra Run (NHD Flowline 25974910, PA DEP Reach Code 2040203002799). Throughout most of its length, which is approximately 0.86 miles, the stream flows through a series of low-density residential properties prior to its confluence with the Wissahickon Creek near Northwestern Avenue in Philadelphia. The stream is listed by the Pennsylvania Department of Environmental Protection (PADEP) in the 2024 Integrated Water Quality Monitoring Report as impaired for aquatic life due to habitat modification, as well as flow modification and siltation (see A. The Wissahickon Creek is also listed as impaired for aquatic life due to siltation from urban runoff and storm sewers. A Wissahickon Creek Total Maximum Daily Load (TMDL) Plan has been established to reduce inputs of sediment and phosphorus to the Wissahickon Creek. In 2016, a Wissahickon Water Quality Improvement

Plan was established through which municipalities and wastewater authorities, including Whitemarch Township, would work together to reduce pollutant loading to the creek.

Visual Assessment

A visual assessment of the project area was performed on October 31, 2024. During the assessment I performed visual observations of the stream channel at several locations between Dileo Drive and the confluence of Andorra Run with the Wissahickon Creek near the entrance to Wissahickon Creek Park at Northwestern Avenue.

Stream Stability Concepts

Stream channels are routinely classified as either geomorphically stable or unstable. Stable streams exist in a state of quasi-equilibrium in which the ability to move sediment delivered to the channel is approximately in balance with the hydraulic energy. By contrast, a geomorphically unstable stream system is a stream channel for which the amount of sediment delivered to the channel over time is out of balance with the available energy available in the channel over time. Geomorphically unstable systems undergo a predicable sequence of changes, often referred to as channel evolution, through which they eventually attain a new equilibrium state. This series of adjustments is well conceptualized by Lane's Balance (Lane, 1954), which posits that streams adjust by either aggrading or degrading to balance the size and amount of sediment to the slope and amount of flow (Figure 1). Changes to any of these variables will result in a corresponding change to one more of the other changes until balance is restored. More broadly, these adjustments have been conceptualized as a channel evolution model (Figure 2).

Figure 1. Lane's Balance (from Lane, 1954)

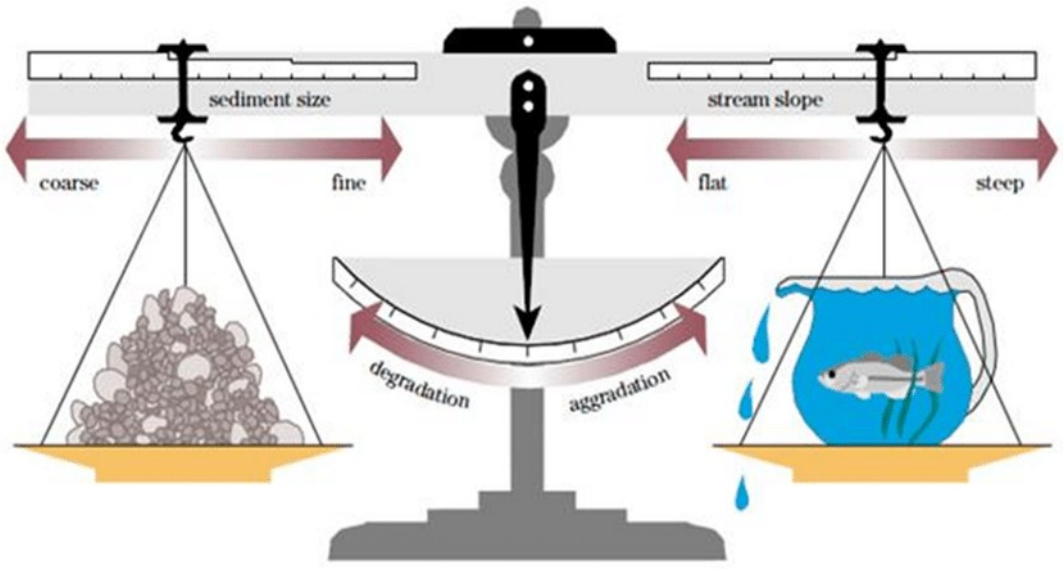
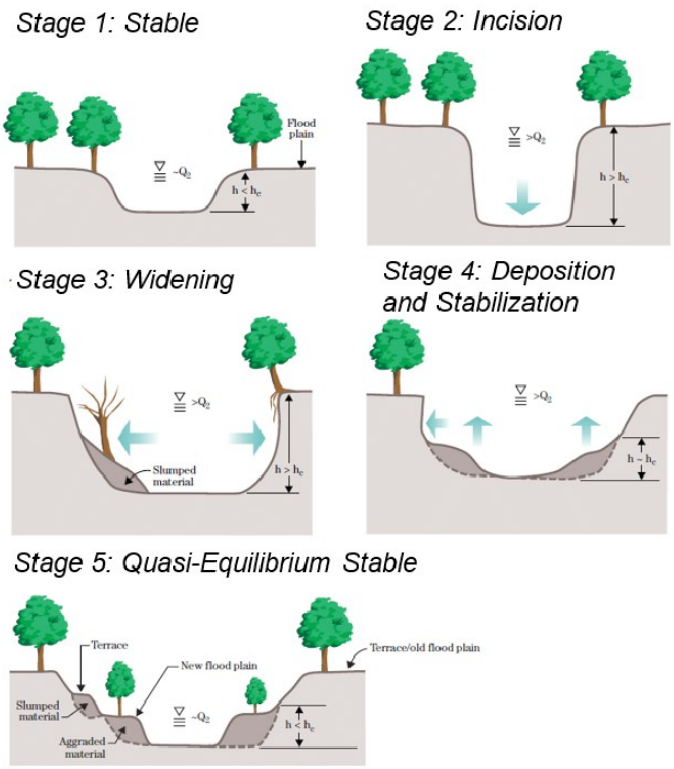


Figure 2. Channel Evolution Model (after Simon and Hupp, 1986)



Findings

Observations of the existing stream channel within Andorra Run were strongly diagnostic of a geomorphically unstable stream system undergoing early to mid-stage channel evolution in response to urbanization. The urbanization process typically increases available hydraulic energy by reducing infiltration of precipitation and increasing stormwater runoff. The most diagnostic geomorphic features suggesting early-stage channel evolution are headcuts. Head cuts are nearly-vertical to vertical changes in the stream bed elevation that are the active sites of stream bed erosion, a process called incision (see Figure 4)

During the visit I observed multiple head cuts within the Andorra Run stream bed (see example in Figure 3). The presence of head cuts is highly diagnostic of an actively adjusting stream channel in early-stage adjustment. As head cuts erode in the upstream direction, the bed of the stream is progressively lowered, increasing bank height (Figure 4). This process in turn typically results in increased rates of bank erosion, which can lead to

channel widening and a reduction in bed slope. Eventually the channel restabilizes at a new slope, as predicted by the Lane relationship discussed above and shown in Figure 1)

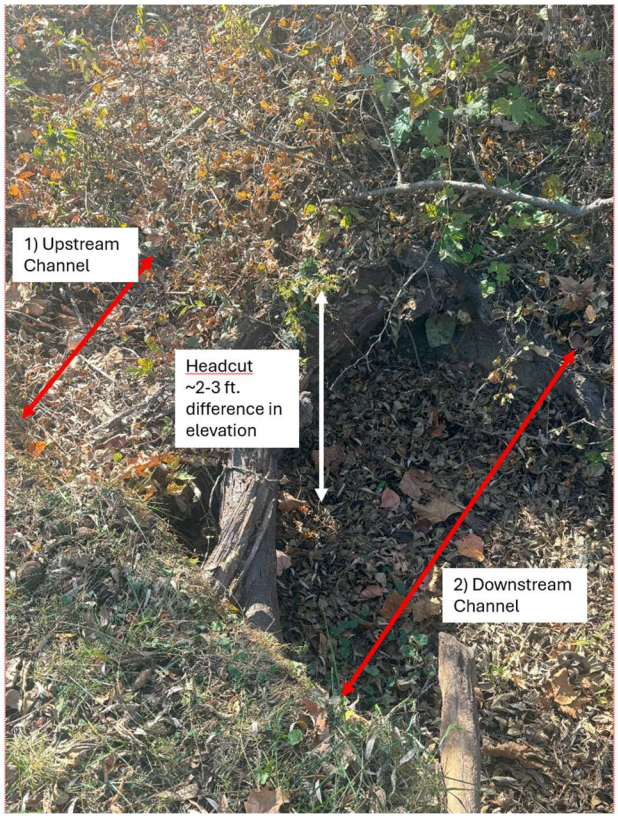


Figure 3. Observed head cut within Andorra Run with a vertical elevation change of approximately 2.5 feet. Note that: 1) Upstream channel is narrow, shallow, and stable 2) Downstream channel is actively eroding, much wider and much deeper than the downstream channel

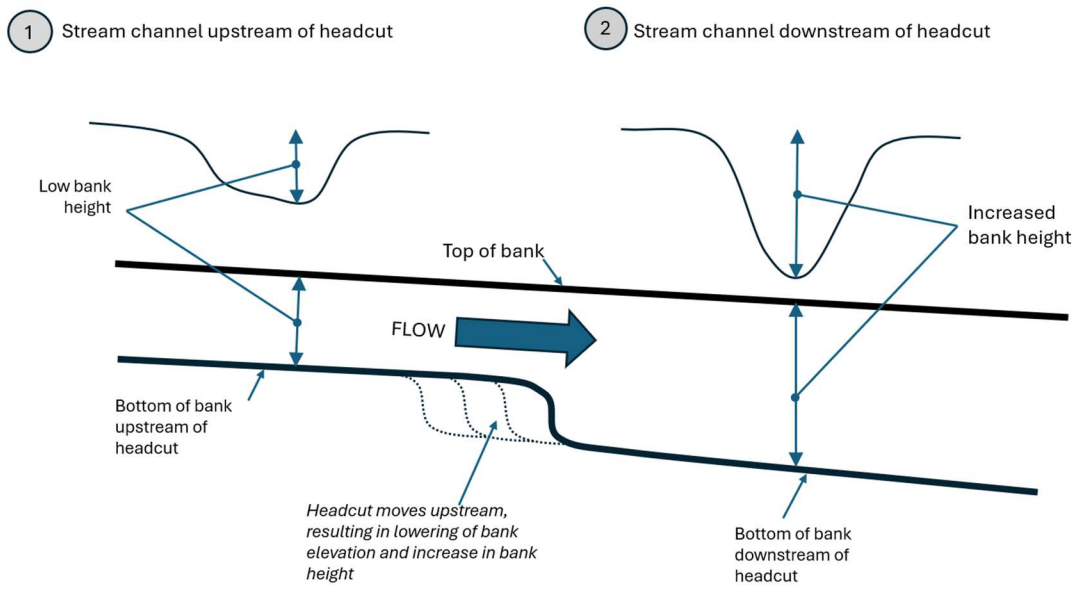


Figure 4. Stream channels adjust via the upstream migration of headcuts. Prior to the headcut migrating through a particular segment, the stream channel is much narrower and shallower. Following headcut migration, the channel bottom is lowered, leading to increase bank heights and rates of bank erosion and failure.

The Andorra Run channel appears to be in early-stage channel evolution in response to urbanization. This suggests that the most aggressive and dramatic changes to the channel are likely to occur in the future, as channel evolution proceeds. Originally used to describe channel responses to channelization (Simon and Hupp, 1986), the channel evolution model has been widely applied to describe adjustments in channels in urbanizing watersheds, with early-stage incision leading to a widening process typified by extensive bank failure (Booth and Fischenich, 2015). This occurs as head-cuts migrate upstream, increasing bank heights and instigating bank erosion. Head cut processes can initiate channel evolution sequences that dramatically increase the size of the channel. As head cuts migrate upstream, they often destabilize infrastructure such as bridge and culvert crossings.

Observed bank erosion within Andorra Run was wide-spread and often severe. Riparian vegetation, which can often slow erosion rates, was often limited to shallow-rooting turf grasses. In several locations, boulder or rip-rap bank stabilization measures have been installed to arrest streambank and bed erosion. In some instances, these measures appeared in good condition, while in other cases they were failing.

In other areas, sediment transported from upstream has caused the stream to aggrade, or fill with material, creating wetland-like channels that have little or no distinct banks, and are prone to flooding. Zones of aggradation (where sediment builds up) are common below active head cuts given the large amount of stream material that is mobilized and

transported downstream. Downstream of these aggregational areas, sediment supply can be drastically reduced, leading to the formation of secondary headcuts, which then migrate upstream through aggradational areas (Figure 5).

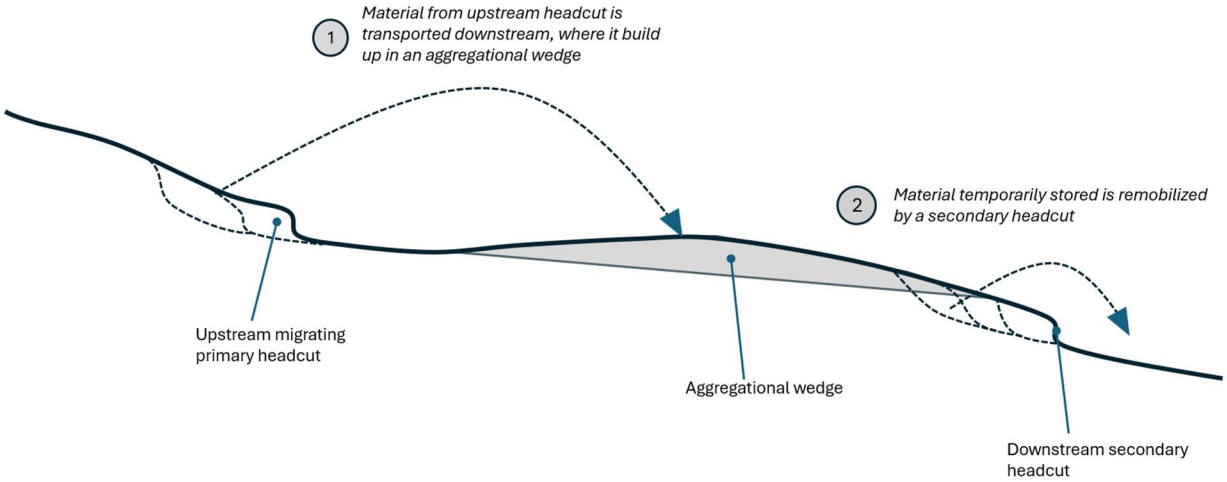


Figure 5. Conceptual diagram showing the alternating sequence of headcuts and aggradational areas similar to that observed within Andorra Run.

Implications for Future Management of the Andorra Run Watershed

Based on field observations, Andorra Run is geomorphically unstable, exhibiting severe bank erosion, incision, aggradation, widening, and active headcuts. In my opinion, additional development within the watershed, as is proposed for the Smith Farm, has a strong potential to worsen this condition, causing additional instability and exacerbating the existing conditions observed. This could result in property damage from increased erosion and flooding, undermining of existing investments made by property owners to stabilize channel bed and banks, and increased rates of sediment and nutrient pollution delivered to the Wissahickon Creek, a vital ecological and recreational resources that is designated as impaired for sediment and phosphorus. This action would undermine the work of the Wissahickon Creek Clean Water Partnership, a multi-jurisdictional partnership working to implement the Wissahickon Creek TMDL, of which Whitemarsh Township is a part.

Stormwater Management Considerations: Management of Excess Shear Stress

The stormwater management requirements imposed by the Whitemarsh Township Stormwater Regulations, namely the volume control requirement set forth at §58-14 and

the rate control requirement set forth in § 58-15, are insufficient to prevent the worsening of the geomorphic instability within Andorra Run. Most concerningly, neither provision requires the applicant to demonstrate that the proposed development will not increase the hydraulic parameters that predict stream instability, bed erosion, and bank erosion.

The most important of these parameters is excess shear stress, which has been shown to be a driver of both bank erosion and bed erosion, as expressed in myriad incipient motion, sediment transport, and bank erosion formula (e.g., Meyer-Peter Müller bedload equation (1948), Shield's relations (Shields, 1936), and excess shear stress bank erosion formula (Osman and Thorne, 1988). Excess shear stress is the difference between the applied shear stress (to the bed or banks) during a storm event of interest and the critical shear stress, which is defined as the shear stress at which erosion (in the case of cohesive bank sediments) or particle movement (in the case of non-cohesive bed sediments) is initiated. While the applied shear stress is a hydraulic characteristic (i.e., it is a characteristic of flow and does not depend on the bed or bank characteristics), the critical shear stress is an intrinsic property of the composition of the bed and bank material. Therefore, to determine excess shear stress, an understanding of the composition of the bed and bank material is required. The Whitemarsh Township stormwater regulations do not require any such analysis.

At minimum, given the geomorphically unstable existing condition of the Andorra Run Channel, a reasonable requirement would be for an entity proposing development activity in the watershed to quantitatively demonstrate that the proposed development will not result in an excess shear stress in the channel for a range of storm events. Regrettably, the township's existing stormwater management requirements do not incorporate concepts of excess shear stress, nor do they require any evaluation of the existing stream channel as would be required to determine the critical shear stress (and by extension excess shear stress).

Several peer reviewed research papers have clearly demonstrated the perils of not explicitly incorporating excess shear stress minimization into stormwater management strategies. Notably, Rohrer and Roesner, 2006, demonstrated through hydrologic and hydraulic modeling that the impact of a stormwater management strategy on a downstream channel erosion potential was highly dependent on the particle size distribution of the receiving stream. Bledsoe, 2006, reached similar conclusions, also noting that many traditional stormwater management systems (i.e., those not specifically designed to reduce erosion) result in an increase in eroding events, even though the size of the peak flow may be reduced. Extending the results of these studies to the Smith Farm property, one could envision several scenarios in which the Township's volume and rate

control strategies were met, yet the excess shear stress in the downstream channel was increased.

The importance of channel protection is also highlighted in the recently updated version of the Pennsylvania Post-Construction Stormwater Management (PCSM) Manual. The handbook lists as the first principle of post construction stormwater management the following:

(1) Preserve the integrity of stream channel and maintain and protect the physical, biological, and chemical qualities of the receiving stream.

Section 2.4.6 of the updated manual goes on to state that "a stream stability analysis is necessary for any stream where stormwater discharges are anticipated to overburden the stream, most notably in headwater streams that are typically the least tolerant to increases in magnitude, duration, or frequency of discharges". This provision goes on to state that "the post-development condition of the stream should be maintained or improved so that no significant increase in water surface…is predicted, and so that no increase in sediment load is predicted at the downstream cross-section of the analysis…Potential impacts that exceed the thresholds established herein should be mitigated prior to construction…"

Review of Conceptual Post Stormwater Management Plan for the Smith Farm

I reviewed the Conceptual Post-Construction Stormwater Management Report for Nursing Home Use Improvements for the 717 Ridge Pike Tract prepared by Gorski Engineering, Inc. and dated November 2024. I offer the following preliminary comments, as specifically related to the topics of geomorphic stability and bank stability.

1. With regards to the protection of the existing stream, the plan offers only a single sentence, which reads as follows: "The proposed Post Construction Stormwater Management Plan will prevent a rate increase in stormwater runoff through the use of PCSM BMPs and by preventing proposed native trees." As described above, rate control is commonly insufficient to prevent adverse geomorphic consequences (see references to Rohrer and Roesner, 2006 and Bledsoe, 2006).
2. The plan offers no substantive review or assessment of the downstream channel. As discussed above, given the unstable nature of the receiving stream, the stormwater management plan must take into consideration the dynamics of the downstream channel. The lack of documentation of the serious and worsening instability within the channel, is in my view, a critical omission, and may suggest a lack of awareness on the part of the applicant and their engineer of the vital importance of this consideration.

3. The plan proposes the use of structural BMPs such as rain gardens and wet ponds to offset the increase in stormwater volume due to the increases in impervious surface[1,2]. However, as stated above, the plan does not review the adequacy of this approach in preventing changes to the hydraulic conditions of the stream, and by extension bank erosion and channel evolution. At minimum, this would require a downstream hydraulic and geomorphic analysis to understand how the change in the timing of stormwater runoff would impact in-stream hydraulic conditions. This type of analysis is required for "any stream where stormwater discharges are anticipated to overburden the stream, most notably in headwater streams that are typically the least tolerant to increases in magnitude, duration, or frequency of discharges" by Section 2.4.6 of the newly developed PA BMP manual.
4. The plan proposes the use of structural BMPs to provide rate control for various recurrence internal storm events. However, as discussed above, rates of downstream erosion can often increase as the result of a reduction in peak flow. This occurs because the peak flows are spread out, resulting in a more prolonged period where erosive flows can occur. Again, this points to the need for a downstream stability analysis to understand the potential impacts of the proposed stormwater management strategy.
5. The proposed stormwater management plan proposes to provide substantial reduction of total suspended solids (TSS). Paradoxically, the removal of sediment from stormwater effluent can increase the erosivity of stormwater charges. This so-called "hungry water" or "clear water" phenomenon can increase erosion downstream, a conclusion that follows logically from the application of Lane's Balance.

Given the 1) existing condition of the Andorra Run channel, 2) the inadequacy of Whitemarsh Township's stormwater regulations to prevent further degradation of an already unstable channel, 3) the lack of consideration of downstream channel impacts in the conceptual stormwater management plan submitted, and 4) the inconsistency of the provided calculations, the Township must deny a special exception zoning application for the Smith Farm given that the proposed use poses a detrimental threat to the public health, safety, and welfare beyond what would normally be anticipated from a use of this type.

---

[1] The level of rate control and volume provided is inconsistently reported. For instance, on Page 3, outflow from BMP 1 is reported to be 5.22 cfs for the 2-year storm. This seemingly contracts the peak discharge rate provided on Page 4, which is reported as 0 cfs (for the entire project) for the 2-year storm. Likewise, for volume control, the post-construction stormwater volume (with BMPs) would be assumed to be 18,337 cf, which is the post construction volume without BMPs (54,170 cf) minus the total infiltration and ET credits (35,803 cf). This would represent a 10.2% reduction in the 2-year storm volume rather, than the 100% reduction reported on the Post-Construction Stormwater Management Summary found on Page 57.

[2] The plan for volume control includes several questionable aspects, including the use of BMPs with very low infiltration rates (i.e., <0.2 inches per hour) as well as claiming infiltration credit for a wet pond, a BMP that is not considered to be an infiltration BMP.

Should a special exception zoning approval be granted, the development must be subjected to the most rigorous requirements with respect to minimizing the potential for downstream erosion. In doing so, I would recommend that the Township employ a strategy similar to that offered by Hawley et al., 2022. This paper outlines a four-step process that consists of: 1) Establishing baseline conditions, 2) Estimating erosion potential, (3) evaluating scenarios, and 4) Monitoring and evaluating success. The Township is also referred to the hydromodification management requirements imposed by Orange County, CA as a potentially-applicable methodology for evaluating and managing the impacts of the proposed Smith Farm development on Andorra Run.

Literature Cited

Bledsoe, B. 2002. Journal of Water Resources Planning and Management. Nov/Dec. 451-455.

Booth, D and C. Fischenich. 2015. A Channel Evolution Model to Guide Sustainable Urban Stream Restoration. Area. 47:4, 408-421.

Hawley, 2022. Restoring geomorphic integrity in urban streams via mechanistically-based stormwater management: minimizing excess sediment transport capacity. Urban Ecosystems. 25(1247-1264).

Lane, E.W. 1954. The Importance of Fluvial Morphology in Hydraulic Engineering. Hydraulic Laboratory Report No. 372. United States Department of the Interior, Bureau of Reclamation. Denver, CO.

Meyer-Peter, E. and Muller, R. 1948. Formulas for Bed Load Transport. Proceedings of 2nd meeting of the International Association for Hydraulic Structures Research, Delft, 7 June 1948, 39-64.

Pennsylvania Department of Environmental Protection. 2023. Pennsylvania Post-Construction Stormwater Management (PCSM) Manual.

Osman, A.M., Thorne, C.R. 1988. Riverbank stability analysis. I. Theory. Journal of Hydraulic Engineering 114 (2), 134-150.

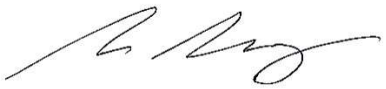
Rohrer, C. A., and L.A. Roesner. 2006. Matching the critical portion of the flow duration curve to minimize changes in modelled excess shear. Water Scie Techol. 54. (6-7): 347-354.

Shields A. 1936. Application of Similarity Principles and Turbulence Research to Bed-Load Movement. Pasadena: CalTech Library.

Simon A. and Hupp, C. 1986. Channel evolution in modified Tennessee channels in Proceedings of the 4th Federal Interagency Sedimentation Conference, Las Vegas US Government Printing Office, Washington DC 571–82.

South Orange County Hydromodification Management Plan (HMP). 2012.

Sincerely,



Shandor Szalay

President, SJS Consulting

Fred Albert Design

107 Oxley Court
Newtown Square, PA, 19073
fga734@gmail.com
M: 610.656.9297
F: 610.520.0232

03.24.25

Smith Farm Site Analysis prepared for the Andorra Run Conservancy and the Whitemarsh Township Zoning Board Hearing #2024-19 on 03.26.25.

Fred Albert Design was tasked with reviewing and analyzing a site plan for a proposed 500-bed, three-story, plus underground garage nursing home on a 14.04-acre site prepared by Gorski Engineering, Inc. The plans originally furnished in the Applicant's 04.22.2024 Addendum to its Zoning Appeal Application for a 07.31.24 hearing were an Illustrative Site Plan, a Site Layout Plan, and a Typical Floor Plan. Each had an initial date of November 15, 2023, and a revision date of February 26, 2024. Tthe plans Addendum showed existing topography without contour elevations or contour intervals. Aside from boundary descriptions taken from deeds, there was scant information as to the origin of the survey. Note 1 on the Site Layout Plan states the information is from a spatial database and aerial photographs. Still, no supporting information was supplied. We then received an Exhibit Package at the December 11, 2024 hearing but there was still no topographic data shown on the site plan, A-4, or the Illustrative Special Exception Plan, A-5. Only later did we find the topographic data on the stormwater plan. Prior to the 12.11.24 hearing, we acquired a copy of a survey prepared by Gannett Fleming Engineers for the Ridge Pike disturbance which had topographic information for the Smith Farm property. It should be noted that my original review had been completed in advance of the 12.11,24 hearing.

We used the Gannett Fleming plan to begin our analysis because we had no other topographic data. Subsequently, we compared the Gannett Fleming plan with the Applicant's Gorski 02.26.24 stormwater drawings contained in the Applicant's 12.11.24 Exhibit package as A-10, A-11, and A-12 in order to compare stated elevations. That analysis established that the Gorski topographic data and the Gannett Fleming survey were exactly alike. Therefore, I concluded that we could rely upon the Applicant's data in its 12.11.24 Exhibit package for purposes of assessing overall site topography. For instance, we compared four points on the surveys, We checked the northernmost building wing and found that the existing elevations at the NW corner for both Gorski and Gannett Fleming were both 253 and the elevations at the NE corner were both 255. Checking the South Eastern wing we found that the SE corner was both 324 and the

SW corner was both 321. As a result, we utilized the Applicant's data, not the Gannett Fleming plan to conduct the analysis that follows disergarding all of the Gannett Fleming information.

Therefore, the information and analyses in this supplemental report remain the same and illustrate the absurdity of the Applicant's failure to address the implications of the dramatic changes in site elevations, the need for excessive structural foundations and retaining walls as well as exceeding the township's height limitations. (The zoning data on the illustrative plan states that the maximum building height is 40')

The site slopes from south to north10%-20%, with 20% being in the center of the site and the southeast corner. Along the Ridge Pike property line, the slope is 10%. The site falls 72' from south to north. The elevation along Ridge Pike drops 60' from South to North.

We used the road elevation of 290 on Ridge Pike, established by Gannett Fleming on their Ridge Pike drawings, at the start of the main entry drive to the building. From this point to the building entrance, we used a reasonable grade of 5% leveling off to 3%, and established a first-floor elevation of 303. Thus, the grade of the parking garage floor was established as 291 giving it a 12' floor-to-ceiling height. As a result, the slopes into the parking garage from the main entrance were now unsafe at 28% and 44% (Note that a 24' level area at the garage entrance is needed for ambulances to clear the garage opening and a level area of 8' is required for cars)

Based upon a first-floor elevation of 303, we calculated the existing and proposed elevations at the north and south ends of the building. The south end of the building was 13' below the existing grade at the southeast wing and 21' below the existing grade at the southwest wing, while the north end was 50' above the existing grade. The garage level is 12 ' deeper. This analysis demonstrates that massive retaining walls and 50' of fill or the construction of elevated structures would be required to raise the existing grade at the Northernmost end of the building to the first floor elevation of 303 as well as elevating the road from Ridge Pike at elevation 262 approximately 41' to reach the first floor, elevation 303. Additionally, the south end of the building will be approximately two stories below grade, requiring large retaining walls to hold back the earth. The slope from the building to the north property line was 42%, to the first floor. The slope at the Ridge Pike entrance, just north of the main entrance, to the parking garage was 29%, and the slope at the south end of the building toward the property line was 31%. Additionally, the northernmost entrance from Ridge Pike that leads to the garage and the loading dock has an elevation of 262 at Ridge Pike. All of these slopes are excessive. The slopes between the building and the property line will be difficult to maintain, and the roadway slope will be difficult in bad weather. None meet an accessible standard of practice.

Upon further analysis, we found the building's height exceeded the 40' limitation in the township's ordinance. For a structure such as this, a 10-foot floor-to-floor height is a likely minimum. It is also likely that the three-story structure exceeds the Township ordinance. Using a

roof pitch of 4 in 12, the roof's ridge line would be 11.67' high. Adding the 30' floor-to-floor height, the building would be 41.67' high. Also using the new first-floor elevation of 303, which is 50' above the existing grade of 253, and applying the 41.67 building, not including the garage level, the building at the north end would be 91.67' above the existing grade. Further, it would not be unreasonable to assume an 11' floor-to-floor height, making the building height 44.67' or 94.67' above the existing grade). Please see Exhibits 5 and 6 in P-4. (also attached to this supplement as Exhibit 5 and 6)

Mr. Anthony Hibbeln, the Applicant's engineer, was questioned during the hearing of 01.28.25 regarding the building design as well as steep slopes, Mr. Hibblen referred to the building's design as modular, stepping sections of the building across the sloping site. Nowhere in the Applicant's submission is there any indication of a stepped building He referred to this type of design as similar to a row of townhouses, however, townhouses are separated by a party wall while a nursing home needs a continuous corridor. Nowhere in the Applicant's submission is there any indication that this building utilizes a stepped design. A new site plan should be submitted to display accurately the project's footprint and impact on the site including the actual number of rooms that could be accommodated. The floor plans submitted show a building with a constant floor elevation on every level across the entire building. Furthermore, Mr. Hibblen stated that at the junction of each module, the building would step 6 ', some may even step 12'.What was not discussed was the need for ADA-required ramps between each module. If the buildings stepped 6' the ramp would have to be 75' long and a 12' difference in elevation would require a 150' ramp. It should be noted that 6 12' drops would be needed to compensate for the 72' drop in elevation across the site. (There are about 1100 linear feet through the parking aisles. Using a slope of 5%, which is standard practice for a garage, the garage would only rise 50' and not the 72' needed. Additionally, an ADA ramp is a minimum of 36' wide, but for people and equipment to pass by each other, it should be at least 5' wide. Add in a 4' wide set of steps and it takes up 9' of the 10' wide corridor. The 150' ramp also would need 3 landings at 5' x 5', The result of the ramp and steps will lead to a significant reduction in rooms.

What the Applicant's engineer testified to during the 01.28.24 testimony substantially changes the submitted application and would be extremely difficult to construct. The implications of this"Modular" construction are profound and in no way can be visualized or reviewed under the current application. The implications for the number of possible resident rooms, underground parking, and additional elevator and mobility requirements are many and represent an entirely different conceptual model that must be prepared by the Applicant. If this is now is now the Applicant's intention, a new application should be submitted to the ZHB can review the correct layout, its implications, and its impact on this site and the entire neighborhood.

Negative impact on Ridge Pike/nursing home circulation.

1. The location of entrance and exit drives will cause issues with automobile circulation and significant pedestrian inconvenience.

2. Ridge Pike, a County Highway, is deemed by the Township a principal arterial road. It is a heavily trafficked artery. The plan shows three entrances. (Are any or each of the entrances going to have traffic lights and if so, will the county be responsible for servicing and maintaining the traffic lights?)

3 The main entrance is the southernmost and has one lane entering and two lanes exiting. After the fifty-foot setback line from this entrance, the drive slopes down to the right and left to enter the parking garage at two locations and slopes up to the first-floor entrance. The entryway is at the end of a circular drive, which has 22 car spaces radially around the drive

4. The next garage entrance past the main entrance, going northwest on Ridge Pike enters the garage level right behind the building setback line, approximately 70 feet from the Ridge Pike cartway.

5. The proposed design has two entrances to underground parking coming off the main entrance drive, one is to the north and one to the south, approximately 80' from Ridge Pike. If these entrances are to be as shown on the proposed plan they have extremely steep slopes.

6. The third entrance is the most northern. Referred to as the Service Entrance, it is approximately 60 feet from the adjacent property and has an 18% slope. It provides 26 parking spaces and is the only service access for the building. It also shows an entrance to the garage.

The proposed entrances and exits that will impair automobile circulation are as follows:

Having three entrances/exits to Ridge Pike creates a dangerous situation. While there are many curb cuts on Ridge Pike, each additional curb cut adds to the potential for congestion and accidents. PennDOT's standards recommend limiting curb cuts on arterial roads but proper planning would suggest that the cuts be further apart.

The Main Car Entrance can cause backups on Ridge Pike. If more than three cars are waiting to turn left from the building from the Main Entrance, they will extend approximately 70 feet back from the cartway towards the building. The entrance to the garage's northern part is approximately 70 feet from the cartway. In that situation, the cars entering the site won't be able to turn left to get access to the north garage. If drivers wait to enter the north garage, this would clog this entrance and result in a backup of cars onto Ridge Pike.

The North Garage Entrance is problematic not only because it is so close to the main entrance and the Service Entrance, but also because it doesn't have the capacity to serve the building. It is unclear if this entrance is to serve as the entry for ambulances as well. There is no designated area for ambulances, and it is inappropriate to pick up and/or discharge patients in the loading area.

It should also be noted that the floor plans are missing a variety of support spaces such as conference rooms for nurses, restrooms, and showers for nurses, and janitorial staff to name a few..This will mean more personnel, which means more parking and more square footage.

It was determined at the last hearing that there are not enough parking spaces and that the 26 surface spaces could easily double, or even triple when the actual number of employees is established. This will also reduce the amount of open space behind the building and will have a negative impact on the adjacent properties, looking into a massive parking lot. In addition to the lack of surface parking, there are approximately 14 spaces that are against dead-end walls that are unusable as it is not possible to maneuver out of those spaces. These spaces will now have to become surface spaces, adding to the oversized parking lot.

Additionally, there seems to be no concern for any existing vegetation on the site as most or all of it will be demolished by the massive grading exercise.

(Although I can discuss the steep slope issue, it will be presented by my colleague, James Press, P.E.)

I propose the following exhibits:

5. North/South Section/Location Map

6. Slope Analysis Plan

Frederic G. Albert, ASLA



James D Press Jr, PE

SENIOR GEOTECHNICAL ENGINEER

P-8

Expertise
Geotechnical Engineering / Geotechnical Investigations

Education
Master of Science, Civil Engineering, Villanova University
Bachelor of Science, Civil Engineering, Villanova University

Registrations/Certifications
Professional Engineer (PE) / PA PE093865
Adjunct Professor, *Embankments and Slopes*, Villanova University (Spring 2024)

Years with Aterra Solutions / Total
6

Mr. Press' professional experience includes geotechnical engineering and investigations, as well as geo-structural design and stormwater management. He began his career working on geotechnical applications in green stormwater infrastructure and upon joining Aterra Solutions became engaged in geotechnical engineering of earthen dams and levees to support flood retaining structure rehabilitation designs. He frequently performs seepage and stability analyses for dams, levees, and spillways. He additionally serves as drilling inspector for site investigations.

Mr. Press also provides engineering services related to hydroelectric dams and their compliance with the FERC Part 12 Dam Safety Inspection Program, evaluating structural and foundation stability as well as performing inspections. He has experience performing seismic analyses and ground improvement design, as well as reinforced concrete design – including retaining walls, cutoff structures, and spillways.

Mr. Press has taught embankment slope stability and methods of seepage analysis at the graduate level. He also continues to work with academic institutions as a private consultant on new and emerging geotechnical and stormwater research.

REPRESENTATIVE PROJECT EXPERIENCE

USFS Bear Creek Lake Dam Spillway Replacement / Marianna, Arkansas
Geotechnical Engineer**:** Project engineer for the design of a new reinforced concrete chute spillway which is located in the new madrid seismic zone and founded on collapsible loess (silt) material. Provided field engineering services supervising a CPT site investigation to characterize a complex and volatile stratigraphy. Performed seepage and stability analyses along with seismic calculations and ground improvement design.

Client Reference: Doug Massaro, United States Forest Service, douglas.massaro@usda.gov, 334-241-8163

WV NRCS Brush Creek Dam Sites 9, 14, 15 / Mercer County, West Virginia
Geotechnical Engineer: Lead for seepage and stability analyses to support dam rehabilitation designs at three locations in Mercer County, West Virginia's Brush Creek Watershed. Additionally provided geo-structural design for excavation support and designed a combi-wall cutoff system at Brush Creek Site 9.

Client Reference: Derrick Crane, West Virginia NRCS, derrick.crane@usda.gov, 304-284-7596

USACE Lower Mud River Flood Management Project / Milton, West Virginia
Project Engineer: Geotechnical Engineer responsible for evaluating site investigation data for levee rehabilitation design concepts on accelerated timeline to validate the sizing and placement of pile foundations across multiple pump stations. Performed foundation design calculations as well as settlement and liquefaction analyses resulting in the development of new construction details for an updated levee design. Developed specifications for transition zones between shallow and deep foundation systems underlying structures and prepared documentation to evaluate viability of ground improvement techniques with technical and cost support.

Client Reference: William Miller, USACE, William.A.Miller@usace.army.mil

PA NRCS Beechwood Embankment Dam Rehabilitation / Tioga County, Pennsylvania
Geotechnical Engineer: Lead geotechnical designer responsible for rehabilitation design of embankment dam in challenging glacial till environment. Developed geophysical investigation to support findings from boring investigation program and validate unique movement of seepage through the existing embankment structure. Designed sheet pile wall cutoff structure to support new auxiliary spillway. Evaluated foundation water pressures under multiple scenarios to accommodate artesian pressures with indeterminate source and ensure adequate factors of stability against heave as well as slope stability.

Client Reference: Heather Smeltz, PA NRCS, heather.smeltz@usda.gov, 717-237-2214

ATERRA SOLUTIONS

P-8

ATERRA SOLUTIONS

300 Brookside Avenue
Building 18, Suite 160
Ambler, PA 19002
www.aterrasolutions.com
T/ 610-405-7708

Analysis Memo

MEMO SUBJECT:	717 Ridge Pike Development LiDAR Slopes Analysis
DATE:	March 25, 2025
SUBMITTED BY:	James Press, P.E.

NOTES:

1. LiDAR surface downloaded from PASDA (PAMAP Program Topographic Contours, 2-ft interval, 29002660PAS, 2008) was trimmed in Autodesk Civil3D program to the region of interest, Montgomery County Parcel No. 65-00-09628-00-9.

2. Total site area reported for parcel is 14.04 AC = 611,582 SF.

3. Linework and parcel boundaries have been pulled from the Applicant's exhibits to evaluate the plans. The area bounded within the property lines as presented on Applicant's Exhibit A-10 is slightly less than the reported total site area (605,982 SF). See "Procedure" attachment for details.

4. As a result of using the Applicant's Exhibit A-10 boundary as the LiDAR data boundary, the total area considered for slope analysis is approximately 2% less than the total parcel site area on the deed (605,888 SF).

5. All percentages of total area are still presented as fractions of the 14.04 AC reported on the deed to avoid overestimating slope ratios.

SUMMARY:

Two exhibits were produced presenting slope analyses of the 717 Ridge Pike parcel. EXHIBIT 1 presents a slope analysis of the entire parcel utilizing the publicly available LiDAR data with the current development concept design linework overlaid (scaled from Applicant's Exhibit A-10), as well as the developer's proposed "Steep Slope Conservation Area."

EXHIBIT 2 presents the LiDAR slope analysis with slope areas calculated only in regions bounded by the proposed development linework. This represents the current understanding of the areas on the parcel proposed to be developed – the building footprint, parking lot(s), roadways, and BMPs. This represents a *minimum* of areas that will have to be regraded and/or stripped of vegetation. Any additional site grading necessary to establish the building target elevation(s) is not included.

CALCULATIONS:

Slope Region	Min. Slope %	Max. Slope %	Gross Area (SF)	% of Total Area	Developed Area on Concept Plan (SF)	% of Slope Region Being Developed
1	0	8	224901.12	36.77%	61903.36	27.52%
2	8	15	246080.00	40.24%	106380.8	43.23%
3	15	25	117186.56	19.16%	38325.76	32.70%
4	25	10,000	10739.20	1.76%	4979.2	46.36%

SENT VIA: ☐ First Class Mail ☐ Overnight Service ☒ Email ☐ Other

RESULTS:

Steep Slope Ratio (>8%) (Entire Parcel)	**61%**	
Slope Ratio > 15% (Entire Parcel)	**21%**	
Total Area of Land between 15-25% slope being regraded and/or stripped of vegetation	**32%**	
(Lost Data Check: if all discarded data represented slopes 15-25%)		(31%)
Total Area of Land having a grade of 25% or more being regraded and/or stripped of vegetation	**46%**	
(Lost Data Check: if all discarded data represented slopes >25%)		(18%)

CONCLUSIONS

Township Zoning Ordinance Section 116-169 stipulates the following for *any* lot:

In all zoning districts, for those portions of sites having slopes greater than 15% based upon contour lines measured at vertical intervals of two feet, the following standards shall also apply for all proposed uses:

1. *Fifteen percent to 25%: No more than 30% of the total area of such portions shall be regraded and/or stripped of vegetation.*
2. *Twenty-five percent or more: No more than 15% of the total area of such portions shall be regraded and/or stripped of vegetation.*

Based on the conceptual design plan submitted by the applicant:

- **32%** (greater than the allowed 30%) of the total area having a grade of 15% to 25% is shown as being regraded and/or stripped of vegetation.

- **46%** (greater than the allowed 15%) of the total area having a grade of 25% or more is shown as being regraded and/or stripped of vegetation.

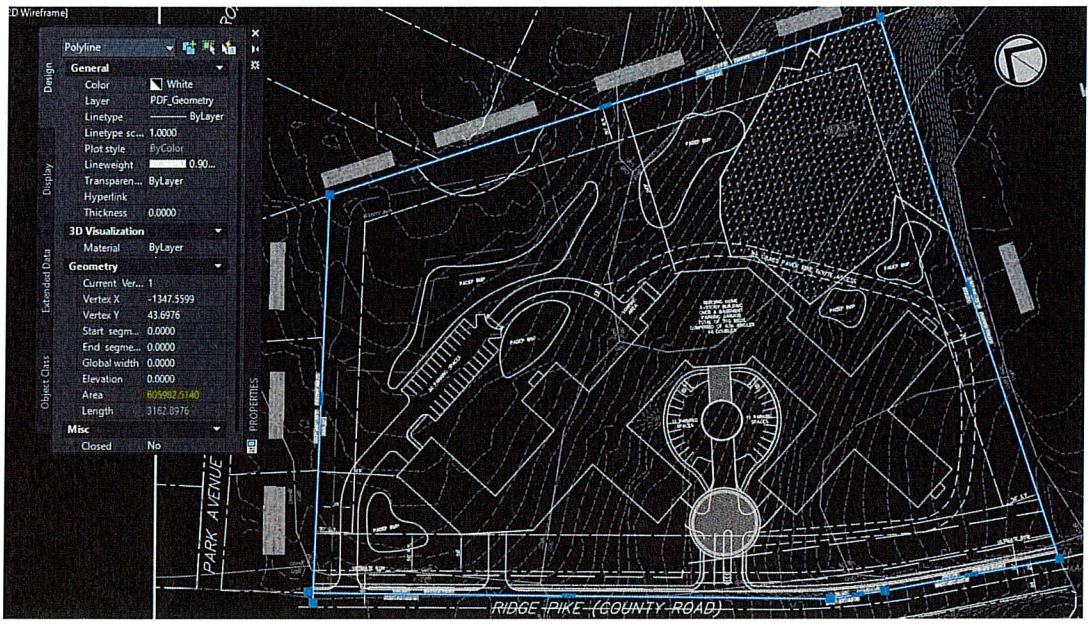
These calculations represent perceived *minimum* impacts, as they do not account for any site earthwork or excavation activities associated with establishing structure final grades, constructing possible retaining walls, or other site disturbances not explicitly shown in the concept design plans.

Based on these calculations, this proposed development would not be compliant with the applicable Township Zoning Ordinance.

ATTACHMENTS

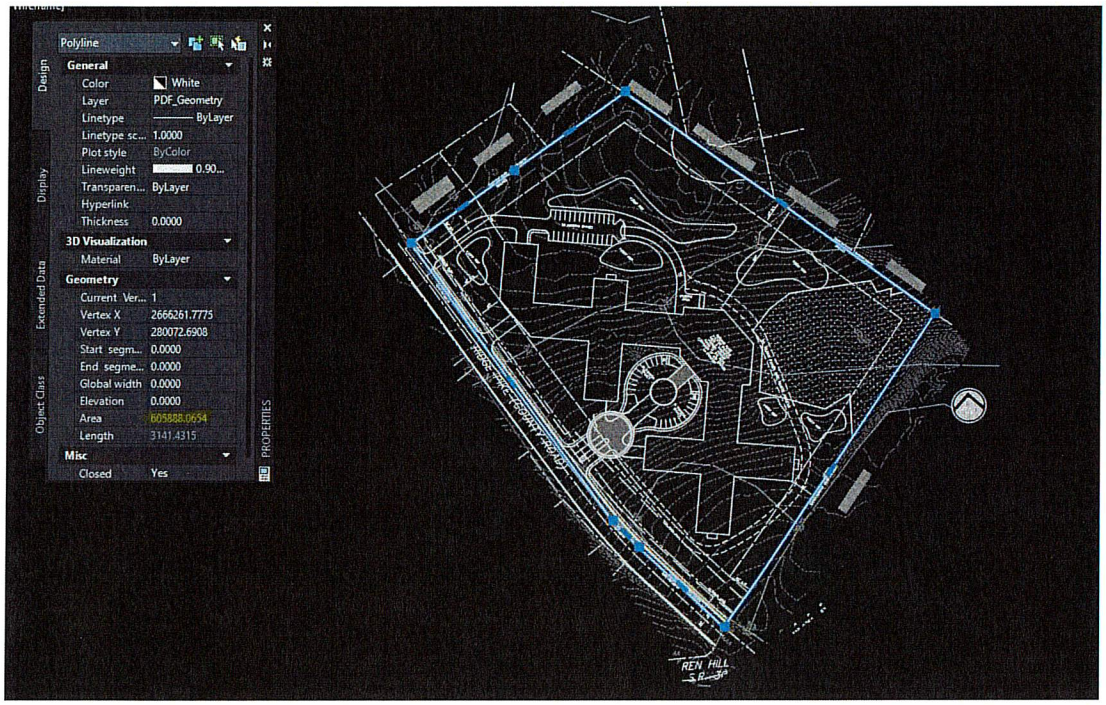
- Slope Analysis Procedure
- LiDAR Identifying Metadata
- Exhibit 1
- Exhibit 2
- Applicant's Exhibit A-10 (original and annotated)

Slope Analysis Procedure



Bounded Area from Applicant's scaled drawing = 605,982.5140 SF

= 13.91 AC



Bounded Area as a closed shape (minus the "extended" deed lines) = 605,888.0654 SF

= 13.91 AC

Slopes Table					
Number	Minimum Slope	Maximum Slope	Area	Color	% of Lot Area
1	0.00%	8.00%	224901.12		
2	8.00%	15.00%	246080.00		
3	15.00%	25.00%	117186.56		
4	25.00%	10000.00%	10739.20		

Total Slope Area Analyzed within Closed Shape = 598,907 SF

Data Accounting

Closed Shape Area – Total Slope Area Analyzed = 605,888 SF – 598,907 SF

= 6,981 SF (0.16 AC)

6,981 SF of LiDAR area is discarded from analyses because boundary lines pass through surface triangles. This is illustrated by a jagged green edge at the breaklines of Exhibits 1-2. This data will be considered in "Lost Data Check" calculations to estimate magnitude of impact on slope analyses.

LiDAR Identifying Metadata

(first accessed on 12/12/24)

Highlights by James Press, P.E.

PAMAP Program Topographic Contours (2 ft Interval) of Pennsylvania

Metadata also available as

Metadata:

- Identification_Information
- Data_Quality_Information
- Spatial_Data_Organization_Information
- Spatial_Reference_Information
- Entity_and_Attribute_Information
- Distribution_Information
- Distribution_Information
- Distribution_Information
- Metadata_Reference_Information

Identification_Information:

Citation:

Citation_Information:

Originator:
PAMAP Program, PA Department of Conservation and Natural Resources, Bureau of Topographic and Geologic Survey
Publication_Date: 20100928
Title:
PAMAP Program Topographic Contours (2 ft Interval) of Pennsylvania
Publication_Information:

Publication_Place: Middletown, PA
Publisher:
PAMAP Program, PA Department of Conservation and Natural Resources, Bureau of Topographic and Geologic Survey

Geospatial_Data_Presentation_Form: vector digital data

Description:

Abstract:
This dataset, produced by the PAMAP Program, consists of topographic contours mapped at an interval of 2 feet. Contours were derived from a bare-earth digital elevation model constructed from PAMAP LiDAR (Light Detection and Ranging) elevation points. PAMAP data are organized into blocks, which do not have gaps or overlaps, that represent 10,000 feet by 10,000 feet on the ground. The coordinate system for blocks in the northern half of the state is Pennsylvania State Plane North (datum:NAD83, units: feet); blocks in the southern half of the state are in Pennsylvania State Plane South. A block name is formed by concatenating the first four digits of the State Plane northing and easting defining the block's northwest corner, the State identifier "PA", and the State Plane zone designator "N" or "S" (e.g. 45001210PAS).
Purpose:
General-purpose aerial topographic survey of the Commonwealth of Pennsylvania. Topographic data are useful for a variety of scientific and resource management applications such as hydrologic modeling, resource monitoring, mapping, global change research, and landscape visualization.

Time_Period_of_Content:

Time_Period_Information:

Range_of_Dates/Times:

Beginning_Date: 20080317
Ending_Date: 20080416

Single_Date/Time:

Currentness_Reference: ground condition

Status:

Progress: Complete
Maintenance_and_Update_Frequency: Unknown

Spatial_Domain:

Bounding_Coordinates:

West_Bounding_Coordinate:
East_Bounding_Coordinate:
North_Bounding_Coordinate:
South_Bounding_Coordinate:

Keywords:

Theme:

Theme_Keyword_Thesaurus: None
Theme_Keyword: DEM
Theme_Keyword: contours
Theme_Keyword: topography
Theme_Keyword: LiDAR
Theme_Keyword: DMC
Theme_Keyword: Digital Mapping Camera

Theme:

Theme_Keyword_Thesaurus: ISO 19115 Topic Category
Theme_Keyword: imageryBaseMapsEarthCover
Theme_Keyword: elevation

Place:

Place_Keyword_Thesaurus: None
Place_Keyword: Pennsylvania
Place_Keyword: Montgomery County

Access_Constraints: None
Use_Constraints:
The Originator, Publisher and Distributor exclude any and all implied warranties and make no warranty or representation with respect to the data files or accompanying documentation, including quality, performance, merchantability or fitness for a particular purpose. These data files and documentation are provided 'as is' and the User assumes the entire risk as to their quality and performance. The Originator and Publisher, as indicated in the metadata, should be clearly cited in any product derived from this data. Any modifications to this data must be described in any digital or hardcopy product derived from this data.

Point_of_Contact:

Contact_Information:

Contact_Person_Primary:

Contact_Person:
Contact_Organization:
PAMAP Program, PA Department of Conservation and Natural Resources, Bureau of Topographic and Geologic Survey

Contact_Position: Director
Contact_Address:

Address_Type: mailing and physical address
Address: PAMAP Program
Address: PA DCNR Topographic and Geologic Survey
Address: 3240 Schoolhouse Road
City: Middletown
State_or_Province: PA
Postal_Code: 17057
Country: USA

Contact_Voice_Telephone: (717) 702-2017
Contact_Electronic_Mail_Address: RA-PAMAP@state.pa.us
Hours_of_Service: 0800-1630

Data_Set_Credit:
PAMAP Program, Bureau of Topographic and Geologic Survey, PA Department of Conservation and Natural Resources

Native_Data_Set_Environment:
Microsoft Windows XP Version 5.1 (Build 2600) Service Pack 3; ESRI ArcCatalog 9.3.1.3000

Data_Quality_Information:

Attribute_Accuracy:

Attribute_Accuracy_Report:
The accuracy of the ground control is confirmed by the evaluation of the results of the analytical bundle adjustment. The residuals of the final adjustment ensured compliance with NSSDA standards. The Pre Adjustment Gross Error Detection Statistical Test (Data Snooping, with a confidence level of 99.9%) have been applied to all observations included in the aerial triangulations. To detect small gross errors, during Adjustment Robust Estimators were used with the same confidence level and a power of the test of 1-beta=0.2. Systematic errors were eliminated through self calibration and through Additional Parameters. Their numerical stability, statistical significance, internal and external reliability were checked using Student-t test with the same confidence level and Variance/Co-variance analysis. Finally, the arrived variance factor C was submitted to a Chi-square test against the pre-adjustment variance factor using a confidence level 99.9%.
The LiDAR flying height, field of view, laser repetition rate, aircraft speed, and the maximum baseline distances from the aerial platform to the ground based GPS stations have been fine tuned to ensure an RMSEz of the processed data at the 18.5 cm level for the bare earth surface as required by the FEMA guidelines.
See the PAMAP Technical Proposal dated November 30, 2007 for further QA/QC procedures.

Logical_Consistency_Report:
All files are inspected by the Production Manager to ensure that they conform to the specified file naming conventions, all files load in their correct geographic position, all files conform to the project specifications for file standard and content.

Completeness_Report:
All files are visually inspected for completeness to ensure that no gaps or misplacement exists in the data. The files have been checked to ensure that the boundary and the content has been covered in its entirety.

Positional_Accuracy:

Horizontal_Positional_Accuracy:

Horizontal_Positional_Accuracy_Report:
The horizontal accuracy standard follows the NSSDA-1998 standard. The maximum permissible RMSE for 95% of the horizontal check points for the mapping product is 5 feet or better.

Vertical_Positional_Accuracy:

Vertical_Positional_Accuracy_Report:
The vertical accuracy will meet the requirements of NSSDA at the 95% confidence interval (1.96 x RMSE).

Lineage:

Source_Information:

Source_Citation:

Citation_Information:

Originator: RETTEW Associates, Inc.
Publication_Date: 20080418
Title: GPS Photo Control Survey

Type_of_Source_Media: CD-ROM
Source_Time_Period_of_Content:

Time_Period_Information:

Single_Date/Time:

Calendar_Date: 20080418

Source_Currentness_Reference: ground condition

Source_Citation_Abbreviation: GPS Ground Control
Source_Contribution:
GPS control points are used to support the acquisition of the imagery and LiDAR data. Photo identifiable ground control points (panels) based on the control plan are utilized in the analytical aerotriangulation process. A number of "blind-point" panels were established to be used during the QA/QC check of the orthophotos, LiDAR data and contour information. All horizontal and vertical control was prepared under the supervision of licensed Professional Land Surveyors.

Source_Information:

Source_Citation:

Citation_Information:

Originator: Photo Science, Inc.
Publication_Date: 20080416
Title: Digital Color Aerial Photography
Geospatial_Data_Presentation_Form: remote-sensing image

Source_Scale_Denominator: 24400
Type_of_Source_Media: disc
Source_Time_Period_of_Content:

Time_Period_Information:

Range_of_Dates/Times:

Beginning_Date: 20080317
Ending_Date: 20080416

Source_Currentness_Reference: ground condition

Source_Citation_Abbreviation: Aerial Photography
Source_Contribution:
Digital color aerial photography to be used in the creation of digital orthophotos, breaklines, and topographic contours.

Source_Information:

Source_Citation:

Citation_Information:

Originator: Photo Science, Inc.

Publication_Date: 20080424
Title: LiDAR
Type_of_Source_Media: disc
Source_Time_Period_of_Content:

Time_Period_Information:

Range_of_Dates/Times:

Beginning_Date: 20080330
Ending_Date: 20080424

Source_Currentness_Reference: ground condition

Source_Citation_Abbreviation: Raw LiDAR
Source_Contribution:
LiDAR elevation data used in the creation of the terrain surface.

Process_Step:

Process_Description:
Horizontal and Vertical control points were acquired utilizing GPS collection techniques. All control was prepared under the supervision of licensed Professional Land Surveyors.
Process_Date: 20080418
Source_Produced_Citation_Abbreviation: GPS Ground Control
Process_Contact:

Contact_Information:

Contact_Person_Primary:

Contact_Person: Debra A. Taylor, GISP
Contact_Organization: BAE Systems

Contact_Position: Project Manager
Contact_Address:

Address_Type: mailing and physical address
Address: 124 Gaither Drive
Address: Suite 100
City: Mt. Laurel
State_or_Province: NJ
Postal_Code: 08054
Country: USA

Contact_Voice_Telephone: 856-793-4307
Contact_Facsimile_Telephone: 856-866-7800
Contact_Electronic_Mail_Address: debra.taylor@baesystems.com
Hours_of_Service: 0800-1700

Process_Step:

Process_Description:
Digital aerial photography was obtained utilizing a Zeiss/Intergraph DMC camera in accordance with the project specifcations. The photography was obtained at an altitude of 10,000 feet AMT and captured at a pixel resolution of 1.0 foot.
Process_Date: 20080416
Source_Produced_Citation_Abbreviation: Aerial Photography
Process_Contact:

Contact_Information:

Contact_Person_Primary:

Contact_Person: Debra A. Taylor, GISP

Contact_Organization: BAE Systems
Contact_Position: Project Manager
Contact_Address:

Address_Type: mailing and physical address
Address: 124 Gaither Drive
Address: Suite 100
City: Mt. Laurel
State_or_Province: NJ
Postal_Code: 08054
Country: USA

Contact_Voice_Telephone: 856-793-4307
Contact_Facsimile_Telephone: 856-866-7800
Contact_Electronic_Mail_Address: debra.taylor@baesystems.com
Hours_of_Service: 0800-1700

Process_Step:

Process_Description:
Softcopy aerotriangulation utilizes the GPS ground control, airborne GPS data, and image coordinate measurements which are run through bundle block adjustment software computing the exterior orientation parameters for each image of the photogrammetric project. The aerotriangulation process employs a rigorous mathematical model which detects measurement errors, and corrects for systematic image distortion, atmospheric refraction and camera lens distortions. The final bundle adjustment results are inspected to ensure that the RMSE meets the required 1 part in 10000.

Source_Used_Citation_Abbreviation: GPS Ground Control
Source_Used_Citation_Abbreviation: Aerial Photography
Process_Date: 20080630
Source_Produced_Citation_Abbreviation: Analytical Aerotriangulation
Process_Contact:

Contact_Information:

Contact_Person_Primary:

Contact_Person: Debra A. Taylor, GISP
Contact_Organization: BAE Systems

Contact_Position: Project Manager
Contact_Address:

Address_Type: mailing and physical address
Address: 124 Gaither Drive
Address: Suite 100
City: Mt. Laurel
State_or_Province: NJ
Postal_Code: 08054
Country: USA

Contact_Voice_Telephone: 856-793-4307
Contact_Facsimile_Telephone: 856-866-7800
Contact_Electronic_Mail_Address: debra.taylor@baesystems.com
Hours_of_Service: 0800-1700

Process_Step:

Process_Description:
LiDAR collection and processing generally adhered to FEMA Guidelines and Specifications for Flood Hazard Mapping Partners, Appendix A: Guidance for Aerial Mapping & Surveying, Section A.8: Airborne Light Detection and Ranging (LiDAR) Surveys. Raw LiDAR data was collected using a sensor equipped with an airborne GPS/IMU system. Flight lines with a 30% sidelap were flown with a nominal average LiDAR point spacing of 1.4 meters using a 43 degree field of view (full angle) at a laser pulse rate of 40.6 kHz. The raw LiDAR data is processed and filtered to remove LiDAR points on elevated

features such as vegetation, buildings, cars, etc. in order to create a bare earth surface meeting the accuracies required for orthophoto and contour generation.

Source_Used_Citation_Abbreviation: Raw LiDAR
Source_Used_Citation_Abbreviation: GPS Ground Control
Process_Date: 20080630
Source_Produced_Citation_Abbreviation: Processed LiDAR
Process_Contact:

Contact_Information:

Contact_Person_Primary:

Contact_Person: Debra A. Taylor, GISP
Contact_Organization: BAE Systems

Contact_Position: Project Manager
Contact_Address:

Address_Type: mailing and physical address
Address: 124 Gaither Drive
Address: Suite 100
City: Mt. Laurel
State_or_Province: NJ
Postal_Code: 08054
Country: USA

Contact_Voice_Telephone: 856-793-4307
Contact_Facsimile_Telephone: 856-866-7800
Contact_Electronic_Mail_Address: debra.taylor@baesystems.com
Hours_of_Service: 0800-1700

Process_Step:

Process_Description:

To supplement the LiDAR data, photogrammetrically compiled breaklines are collected along various planimetric features and significant breaks in grade. The processed LiDAR data is combined and integrated with these breaklines to generate a final terrain surface of the project area. This surface was then used to support the accurate generation of the orthophotos and 2' contours.

Source_Used_Citation_Abbreviation: Aerial Photography
Source_Used_Citation_Abbreviation: Analytical Aerotriangulation
Source_Used_Citation_Abbreviation: Processed LiDAR
Process_Date: 20100421
Source_Produced_Citation_Abbreviation: DEM
Process_Contact:

Contact_Information:

Contact_Person_Primary:

Contact_Person: Debra A. Taylor, GISP
Contact_Organization: BAE Systems

Contact_Position: Project Manager
Contact_Address:

Address_Type: mailing and physical address
Address: 124 Gaither Drive
Address: Suite 100
City: Mt. Laurel
State_or_Province: NJ
Postal_Code: 08054
Country: USA

Contact_Voice_Telephone: 856-793-4307
Contact_Facsimile_Telephone: 856-866-7800

Contact_Electronic_Mail_Address: debra.taylor@baesystems.com
Hours_of_Service: 0800-1700

Process_Step:

Process_Description:
The DEM was used to create contours at a two foot interval in MicroStation format. The contour types include index, index depression, intermediate, and intermediate depression contours. The contours were then exported in DXF format for conversion to ESRI 3D Shapefiles. Topology checks are performed to find errors in edgematching, dangles, and intersections.
Source_Used_Citation_Abbreviation: DEM
Process_Date: 20100927
Source_Produced_Citation_Abbreviation: ESRI 3D Contour Shapefile
Process_Contact:

Contact_Information:

Contact_Person_Primary:

Contact_Person: Debra A. Taylor, GISP
Contact_Organization: BAE Systems

Contact_Position: Project Manager
Contact_Address:

Address_Type: mailing and physical address
Address: 124 Gaither Drive
Address: Suite 100
City: Mt. Laurel
State_or_Province: NJ
Postal_Code: 08054
Country: USA

Contact_Voice_Telephone: 856-793-4307
Contact_Facsimile_Telephone: 856-866-7800
Contact_Electronic_Mail_Address: debra.taylor@baesystems.com
Hours_of_Service: 0800-1700

Process_Step:

Process_Description: Metadata imported.
Source_Used_Citation_Abbreviation:
X:\7AK_PAMAP_2008\Metadata_Templates\montgomery_metadata\montgomery_Contour_metadata.xml
Process_Date: 20100928
Process_Time: 13480300

Spatial_Data_Organization_Information:

Direct_Spatial_Reference_Method: Vector
Point_and_Vector_Object_Information:

SDTS_Terms_Description:

SDTS_Point_and_Vector_Object_Type: String
Point_and_Vector_Object_Count: 2557

Spatial_Reference_Information:

Horizontal_Coordinate_System_Definition:

Geodetic_Model:

Horizontal_Datum_Name: North American Datum of 1983

Ellipsoid_Name: Geodetic Reference System 80
Semi-major_Axis: 6378137.000000
Denominator_of_Flattening_Ratio: 298.257222

cordsysn:

geogcsn: GCS_North_American_1983
projcsn: NAD_1983_StatePlane_Pennsylvania_South_FIPS_3702_Feet

Planar:

Map_Projection:

Map_Projection_Name: Lambert Conformal Conic
Lambert_Conformal_Conic:

Standard_Parallel: 39.933333
Standard_Parallel: 40.966667
Longitude_of_Central_Meridian: -77.750000
Latitude_of_Projection_Origin: 39.333333
False_Easting: 1968500.000000
False_Northing: 0.000000

Planar_Coordinate_Information:

Planar_Coordinate_Encoding_Method: coordinate pair
Planar_Distance_Units: survey feet
Coordinate_Representation:

Abscissa_Resolution: 0.000000
Ordinate_Resolution: 0.000000

Vertical_Coordinate_System_Definition:

Altitude_System_Definition:

Altitude_Encoding_Method:
Explicit elevation coordinate included with horizontal coordinates
Altitude_Resolution: 0.000000
Altitude_Datum_Name: North American Vertical Datum of 1988
Altitude_Distance_Units: feet

Entity_and_Attribute_Information:

Overview_Description:

Entity_and_Attribute_Overview:
This shapefile contains contour lines at a two foot interval.
The attribute ELEVATION contains the Z value of the contour line.
The attribute CONTOUR_TY describes the contour type: Index Contours Index Depression Contours Intermediate Contours Intermediate Depression Contours
Entity_and_Attribute_Detail_Citation:
Where applicable, all data conforms to the PAMAP Technical Proposal dated November 30, 2007.

Detailed_Description:

Entity_Type:

Entity_Type_Label: 29002660PAS_cont

Attribute:

Attribute_Label: FID
Attribute_Definition: Internal feature number.
Attribute_Definition_Source: ESRI

Attribute_Domain_Values:

Unrepresentable_Domain:
Sequential unique whole numbers that are automatically generated.

Attribute:

Attribute_Label: Shape
Attribute_Definition: Feature geometry.
Attribute_Definition_Source: ESRI
Attribute_Domain_Values:

Unrepresentable_Domain: Coordinates defining the features.

Attribute:

Attribute_Label: Elevation

Attribute:

Attribute_Label: Contour_Ty

Distribution_Information:

Distributor:

Contact_Information:

Contact_Person_Primary:

Contact_Person:
Contact_Organization:
PAMAP Program, PA Department of Conservation and Natural Resources, Bureau of Topographic and Geologic Survey

Contact_Position: Director
Contact_Address:

Address_Type: mailing and physical address
Address: PAMAP Program
Address: PA DCNR Topographic and Geologic Survey
Address: 3240 Schoolhouse Road
City: Middletown
State_or_Province: PA
Postal_Code: 17057
Country: USA

Contact_Voice_Telephone: (717) 702-2017
Contact_Electronic_Mail_Address: RA-PAMAP@state.pa.us

Distribution_Liability:
The USER shall indemnify, save harmless, and, if requested, defend those parties involved with the development and distribution of this data, their officers, agents, and employees from and against any suits, claims, or actions for injury, death, or property damage arising out of the use of or any defect in the FILES or any accompanying documentation. Those parties involved with the development and distribution excluded any and all implied warranties, including warranties or merchantability and fitness for a particular purpose and makes no warranty or representation, either express or implied, with respect to the FILES or accompanying documentation, including its quality, performance, merchantability, or fitness for a particular purpose. The FILES and documentation are provided "as is" and the USER assumes the entire risk as to its quality and performance. Those parties involved with the development and distribution of this data will not be liable for any direct, indirect, special, incidental, or consequential damages arising out of the use or inability to use the FILES or any accompanying documentation.
Resource_Description: Downloadable Data
Resource_Description:

The PAMAP Program distributes data directly to program partners. Public access to the data are available from both the Pennsylvania Spatial Data Access (PASDA), and Penn State Center for Geographic Information Services listed below.

Standard_Order_Process:

Digital_Form:

Digital_Transfer_Information:

Transfer_Size: 17.473

Distribution_Information:

Distributor:

Contact_Information:

Contact_Address:

Address_Type: mailing and physical address
Address: Pennsylvania Spatial Data Access (PASDA)
Address: Penn State Institutes of Energy and the Environment
Address: 115 Land and Water Building
City: University Park
State_or_Province: PA
Postal_Code: 16802

Contact_Person_Primary:

Contact_Organization: Pennsylvania Spatial Data Access (PASDA)

Contact_Voice_Telephone: 814-863-0104
Contact_Electronic_Mail_Address: pasda@psu.edu

Resource_Description:

PASDA (www.pasda.psu.edu) provides public access to PAMAP orthoimagery, DEMs, contours, and lidar processing/contour enhancement lines as downloadable files and web services.

Distribution_Information:

Distributor:

Contact_Information:

Contact_Address:

Address_Type: mailing and physical address
Address: Penn State Institute of State and Regional Affairs
Address: Penn State Harrisburg
Address: 777 West Harrisburg Pike
City: Middletown
State_or_Province: PA
Postal_Code: 17057

Contact_Person_Primary:

Contact_Person: Brady Stroh
Contact_Organization: Center for Geographic Information Services

Contact_Position: Director
Contact_Voice_Telephone: (717) 948-6428
Contact_Facsimile_Telephone: (717) 948-6306

Contact_Electronic_Mail_Address: bms16@psu.edu

Resource_Description:

The Pennsylvania State Data Center and the Center for GIS at Penn State Harrisburg handle bulk requests for PAMAP data, including LAS-format point cloud files, on a fee basis. For additional information, please visit <http://cgis.hbg.psu.edu/pdf/PAMAP_Bulk_Order.pdf>.

Metadata_Reference_Information:

Metadata_Date: 20100928
Metadata_Contact:

Contact_Information:

Contact_Organization_Primary:

Contact_Organization:
PAMAP Program, PA Department of Conservation and Natural Resources, Bureau of Topographic and Geologic Survey
Contact_Person:

Contact_Position: Director
Contact_Address:

Address_Type: mailing and physical address
Address: PAMAP Program
Address: PA DCNR Topographic and Geologic Survey
Address: 3240 Schoolhouse Road
City: Middletown
State_or_Province: PA
Postal_Code: 17057
Country: USA

Contact_Voice_Telephone: (717) 702-2017
Contact_Electronic_Mail_Address: RA-PAMAP@state.pa.us

Metadata_Standard_Name: FGDC Content Standards for Digital Geospatial Metadata
Metadata_Standard_Version: FGDC-STD-001-1998
Metadata_Time_Convention: local time
Metadata_Extensions:

Online_Linkage: <http://www.esri.com/metadata/esriprof80.html>
Profile_Name: ESRI Metadata Profile

Generated by mp version 2.9.7 on Wed Jan 26 08:44:01 2011

EXHIBIT 1

Sheet 1 of 1	Drawing No. EXHIBIT 1	Aterra Solutions, LLC 300 Brookside Avenue Building 18, Suite 160 Ambler, Pennsylvania 19002 610-405-7708	ATERRA SOLUTIONS	717 RIDGE PIKE WHITEMARSH TOWNSHIP MONTGOMERY COUNTY, PENNSYLVANIA LiDAR SLOPE ANALYSIS	NOT FOR DESIGN

Rev.	Description	Date	
			Designed JP
			Drawn JP
			Checked –
0	INITIAL RELEASE	1/20/2024	Approved –

EXHIBIT 2

Slopes Table					
Number	Minimum Slope	Maximum Slope	Area	Color	% of Lot Area
1	0.00%	8.00%	61903.36		-
2	8.00%	15.00%	106380.80		-
3	15.00%	25.00%	38325.76		-
4	25.00%	10000.00%	4979.20		-



Designed JP
Drawn JP
Checked -
Approved -

Rev.	Description	Date
0	INITIAL RELEASE	1/20/2024

NOT FOR DESIGN

717 RIDGE PIKE
WHITEMARSH TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA

LiDAR SLOPE ANALYSIS

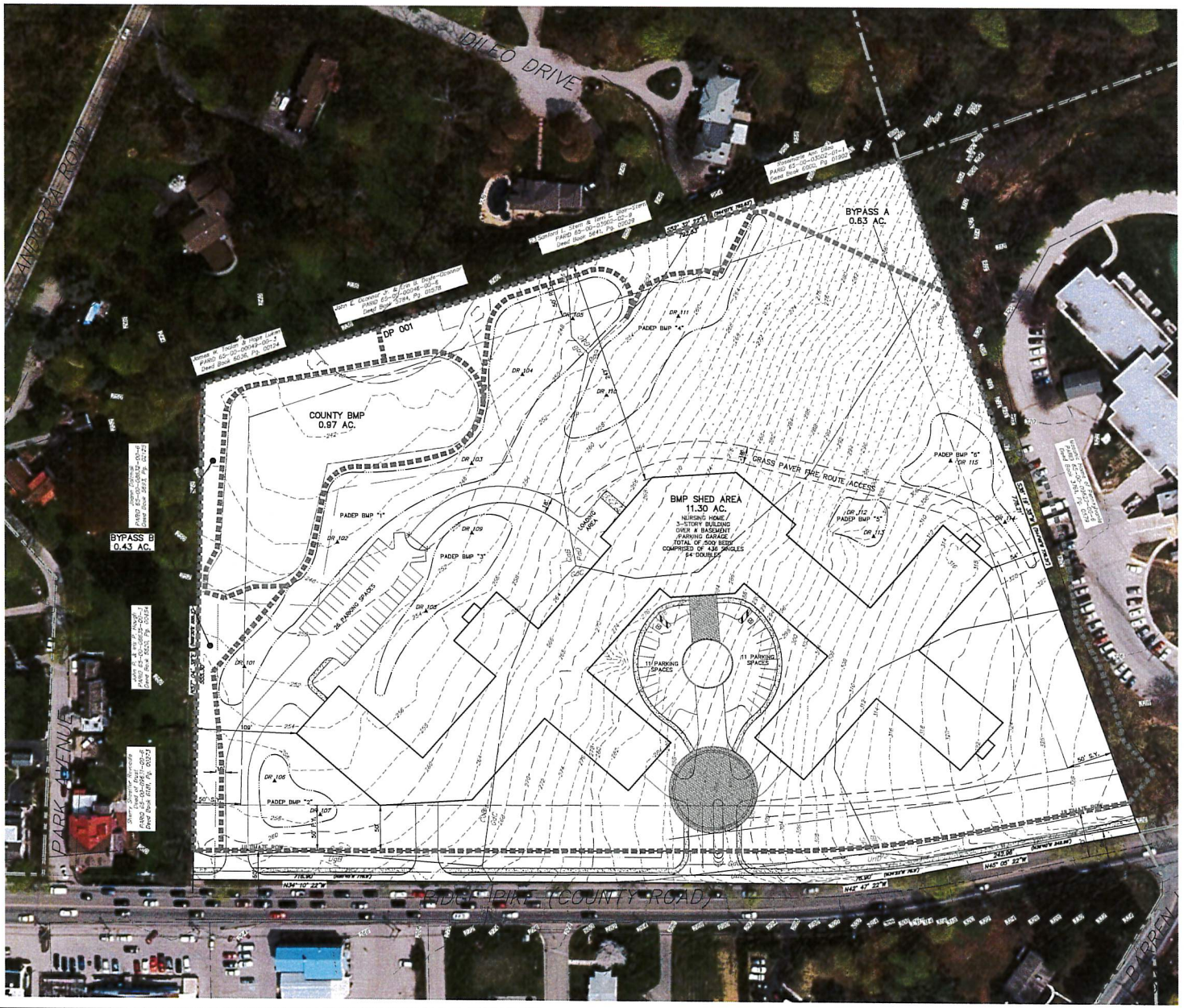
ATERRA SOLUTIONS

Aterra Solutions, LLC
300 Brookside Avenue
Building 18, Suite 160
Ambler, Pennsylvania 19002
610-405-7708

Drawing No.
EXHIBIT 2

Sheet 1 of 1

APPLICANT'S EXHIBIT A-10





NORRISTOWN & GERMANTOWN, PA U.S.G.S. 7.5 Minute Series Quadrangles

0' 1,000' 2,000' 4,000'
GRAPHIC SCALE

SITE LOCATION MAP 1"= 2,000'

SOIL LEGEND

THE SOILS LOCATED ON-SITE ACCORDING TO THE NCRS WEB SOIL SURVEY (SOILS.USDA.GOV/SURVEY) ARE AS FOLLOWS:

- CaB – CALFON LOAM, 3 TO 8 PERCENT SLOPES (HYDROLOGIC SOIL GROUP B)
- GdB – GLADSTONE GRAVELLY LOAM, 3 TO 8 PERCENT SLOPES (HYDROLOGIC SOIL GROUP B)
- GdC – GLADSTONE GRAVELLY LOAM, 8 TO 15 PERCENT SLOPES (HYDROLOGIC SOIL GROUP B)
- PaD – PARKER GRAVELLY LOAM, 15 TO 25 PERCENT SLOPES (HYDROLOGIC SOIL GROUP A)
- UgB – URBAN LAND, 0 TO 8 PERCENT SLOPES (HYDROLOGIC SOIL GROUP NOT SPECIFIED)
- UmD – URBAN LAND–GLADSTONE COMPLEX, 8 TO 25 PERCENT SLOPES (HYDROLOGIC SOIL GROUP A)

STEEP SLOPE

STEEP SLOPE CONSERVATION AREA = 72,190 SF
OVERALL SITE AREA = 611,582 SF
STEEP SLOPE RATIO = 11.80%

THE SITE HEREUPON HAS A STEEP SLOPE RATIO OF 11.80% WHICH FALLS BELOW THE REQUIRED STEEP SLOPE RATIO MODIFICATION REGULATIONS, AS DELINEATED IN TOWNSHIP ZONING ORDINANCE SECTION 116-169, EXEMPTING THE SITE FROM THE MAXIMUM IMPERVIOUS GROUND COVER REGULATIONS OF TOWNSHIP ORDINANCE 116-169.

NOTES

1. TITLE AND TOPOGRAPHY DEPICTED HEREON HAS BEEN SUPPLIED VIA: SPATIAL DATABASE: AERIAL PHOTO, CONTOURS, ROADWAYS –DEED: TITLE BOUNDARY PLOT, PARENTHESIS ( ) INDICATES DEED BEARINGS. [A FIELD SURVEY BY A STATE PROFESSIONAL LICENSED SURVEYOR SHALL BE REQUIRED PRIOR TO ANY AND ALL SUBDIVISION AND/OR LAND DEVELOPMENT.]
2. PURSUANT TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) MAPS: NO 100 YEAR FLOOD LIMITS ARE CONTAINED WITHIN THE SUBJECT TRACT.
3. THE U.S. FISH AND WILDLIFE SERVICES' NATIONAL WETLANDS INVENTORY WAS REVIEWED IN SPECIFIC REGARD TO THE SUBJECT PARCEL AND WAS FOUND NOT TO LIST THE PRESENCE OF WETLANDS HEREON. PRIOR TO CONSTRUCTION, A WETLAND EVALUATION SHOULD BE PERFORMED.
4. ALL UTILITY LOCATIONS DEPICTED HEREON ARE APPROXIMATE. CONTRACTOR IS RESPONSIBLE FOR LOCATION VERIFICATION PRIOR TO COMMENCEMENT OF ANY WORK.

BMP DATA

BMP #	BMP SHED AREAS (Ac.)			BMP CONTACT SIZE (Ac.)	BMP % RATIO	
	IMP.	LAWN	TOTAL		IMP.	TOTAL
1	2.43	2.82	5.35	0.67	28%	12.5%
2	0.07	0.39	0.46	0.09	129%	20%
3	0.31	0.71	1.02	0.18	58%	18%
4	0.31	2.3	2.61	0.29	94%	11%
5	0.13	0.25	0.38	0.56	431%	147%
6	0.30	1.16	1.46	0.18	61%	12.5%
COUNTY BMP	0.00	0.97	0.97	0.66	–	–
BYPASS A	0.00	1.07	1.07	–	–	–
BYPASS B	0.00	0.43	0.43	–	–	–

*NOTE: MIN 5:1 (20%) OR 8:1 (12.5%)

BMP MANAGEMENT

THE PROPOSED BMP FACILITIES WILL TREAT AND MANAGE STORMWATER VOLUME, RATE AND WATER QUALITY FOR MORE THAN 90% OF THE PROJECT TRACT AREA. A SMALL PORTION OF THE PROJECT TRACT AREA WILL BYPASS THE NEW BMP'S, SUCH BYPASS AREA IS LESS THAN 10% OF THE SITE AND WILL REMAIN WOODLAND AND MEADOW AREA.

COVERAGE RATIOS

THE TOWNSHIP ZONING CODE DOES NOT REGULATE SPECIFIC MAXIMUM COVERAGE RATIOS, HOWEVER AS A SIMPLE MATTER OF INFORMATION THE PROJECT HEREWITH PROPOSES:

BUILDING COVERAGE = 16.89%

IMPERVIOUS COVERAGE = 25.38%

PLAN SHEET INDEX

Sheet No.	Sheet Title
1 OF 3	CONCEPTUAL STORMWATER SHED PLAN
2 OF 3	CONCEPTUAL STORMWATER MANAGEMENT PLAN
3 OF 3	SOIL INFILTRATION AND CARBONATE ASSESSMENT PLAN

GORSKI ENGINEERING, INC.
1 IRON BRIDGE DRIVE
COLLEGEVILLE, PA 19426
610 489 9131; FAX 610 489 6850

NURSING HOME USE BY SPECIAL EXCEPTION

PREPARED FOR
SMITH, ET. AL.
SITE SITUATE IN
WHITEMARSH TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA

NO.	REVISION	PLAN ORIGINATION DATE
1	PC/TO/BOS MEETING	FEBRUARY 28, 2023
2		NOVEMBER 15, 2023

CONCEPTUAL STORMWATER SHED PLAN

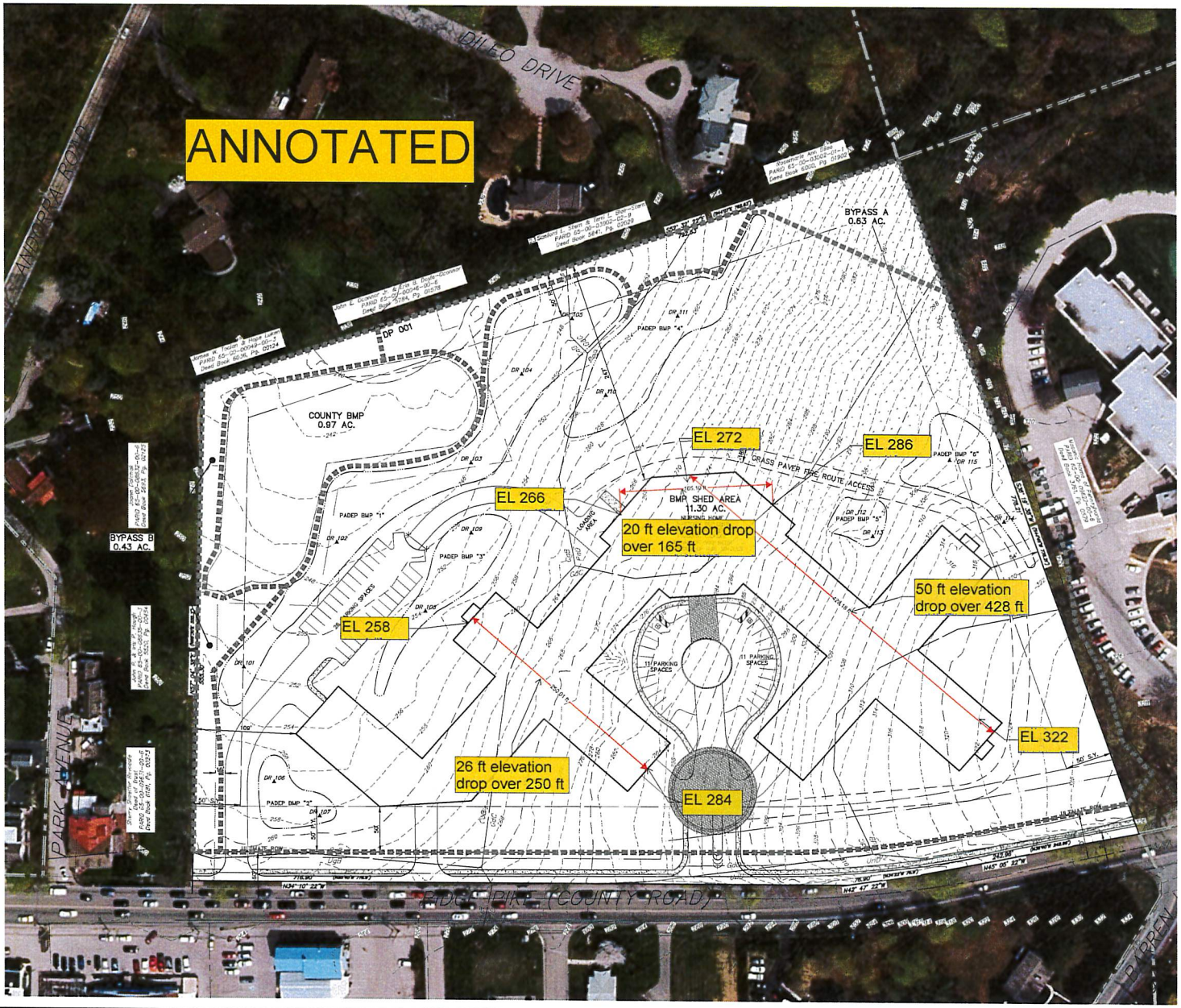
NURSING HOME USE BY SPECIAL EXCEPTION
SITE SITUATE IN
WHITEMARSH TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA

PROJECT MANAGER: AJH	DRAFTED BY: MNR
PROJECT NUMBER: 7873	DRAWING FILE: 7873 SHED PLAN 1
PLAN SCALE: 1"=50'	PLAN SHEET NUMBER 1 OF 3

0' 25' 50' 100'
GRAPHIC SCALE

APPLICANT'S EXHIBIT A-10

Annotated by James Press, P.E.





NORRISTOWN & GERMANTOWN, PA U.S.G.S. 7.5 Minute Series Quadrangles

0' 1,000' 2,000' 4,000'
GRAPHIC SCALE

SITE LOCATION MAP 1"= 2,000'

SOIL LEGEND

THE SOILS LOCATED ON-SITE ACCORDING TO THE NCRS WEB SOIL SURVEY (SOILS.USDA.GOV/SURVEY) ARE AS FOLLOWS:

- CuB – CALVON LOAM, 3 TO 8 PERCENT SLOPES (HYDROLOGIC SOIL GROUP D)
- GdB – GLADSTONE GRAVELLY LOAM, 3 TO 8 PERCENT SLOPES (HYDROLOGIC SOIL GROUP B)
- GdC – GLADSTONE GRAVELLY LOAM, 8 TO 15 PERCENT SLOPES (HYDROLOGIC SOIL GROUP B)
- PaD – PARKER GRAVELLY LOAM, 15 TO 25 PERCENT SLOPES (HYDROLOGIC SOIL GROUP A)
- UgB – URBAN LAND, 0 TO 8 PERCENT SLOPES (HYDROLOGIC SOIL GROUP NOT SPECIFIED)
- UnD – URBAN LAND–GLADSTONE COMPLEX, 8 TO 25 PERCENT SLOPES (HYDROLOGIC SOIL GROUP A)

STEEP SLOPE

STEEP SLOPE CONSERVATION AREA = 72,190 SF
OVERALL SITE AREA = 611,562 SF
STEEP SLOPE RATIO = 11.80%

THE SITE HEREUPON HAS A STEEP SLOPE RATIO OF 11.80% WHICH FALLS BELOW THE REQUIRED STEEP SLOPE RATIO MODIFICATION REGULATIONS, AS DELINEATED IN TOWNSHIP ZONING ORDINANCE SECTION 116-169, EXEMPTING THE SITE FROM THE MAXIMUM IMPERVIOUS GROUND COVER REGULATIONS OF TOWNSHIP ORDINANCE 116-169.

NOTES

1. TITLE AND TOPOGRAPHY DEPICTED HEREON HAS BEEN SUPPLIED VIA: SPATIAL DATABASE: AERIAL PHOTO, CONTOURS, ROADWAYS –DEED: TITLE BOUNDARY PLOT, PARENTHESIS ( ) INDICATES DEED BEARINGS. [A FIELD SURVEY BY A STATE PROFESSIONAL LICENSED SURVEYOR SHALL BE REQUIRED PRIOR TO ANY AND ALL SUBDIVISION AND/OR LAND DEVELOPMENT.]
2. PURSUANT TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) MAPS: NO 100 YEAR FLOOD LIMITS ARE CONTAINED WITHIN THE SUBJECT TRACT.
3. THE U.S. FISH AND WILDLIFE SERVICES' NATIONAL WETLANDS INVENTORY WAS REVIEWED IN SPECIFIC REGARD TO THE SUBJECT PARCEL AND WAS FOUND NOT TO LIST THE PRESENCE OF WETLANDS HEREON. PRIOR TO CONSTRUCTION, A WETLAND EVALUATION SHOULD BE PERFORMED.
4. ALL UTILITY LOCATIONS DEPICTED HEREON ARE APPROXIMATE. CONTRACTOR IS RESPONSIBLE FOR LOCATION VERIFICATION PRIOR TO COMMENCEMENT OF ANY WORK.

BMP DATA

BMP #	BMP SHED AREAS (Ac.)			BMP CONTACT SIZE (Ac.)	BMP % RATIO	
	IMP.	LAWN	TOTAL		IMP.	TOTAL
1	2.43	2.82	5.35	0.67	28%	12.5%
2	0.07	0.39	0.48	0.09	129%	20%
3	0.31	0.71	1.02	0.18	58%	18%
4	0.31	2.3	2.81	0.29	94%	11%
5	0.13	0.25	0.38	0.56	431%	147%
6	0.30	1.16	1.46	0.18	61%	12.5%
COUNTY BMP	0.00	0.97	0.97	0.86	–	–
BYPASS A	0.00	1.07	1.07	–	–	–
BYPASS B	0.00	0.43	0.43	–	–	–

*NOTE: MIN 5:1 (20%) OR 8:1 (12.5%)

BMP MANAGEMENT

THE PROPOSED BMP FACILITIES WILL TREAT AND MANAGE STORMWATER VOLUME, RATE AND WATER QUALITY FOR MORE THAN 80% OF THE PROJECT TRACT AREA. A SMALL PORTION OF THE PROJECT TRACT AREA WILL BYPASS THE NEW BMP'S. SUCH BYPASS AREA IS LESS THAN 10% OF THE SITE AND WILL REMAIN WOODLAND AND MEADOW AREA.

COVERAGE RATIOS

THE TOWNSHIP ZONING CODE DOES NOT REGULATE SPECIFIC MAXIMUM COVERAGE RATIOS, HOWEVER AS A SIMPLE MATTER OF INFORMATION THE PROJECT HEREWITH PROPOSES:

BUILDING COVERAGE = 16.89%

IMPERVIOUS COVERAGE = 25.38%

PLAN SHEET INDEX

Sheet No.	Sheet Title
1 OF 3	CONCEPTUAL STORMWATER SHED PLAN
2 OF 3	CONCEPTUAL STORMWATER MANAGEMENT PLAN
3 OF 3	SOIL INFILTRATION AND CARBONATE ASSESSMENT PLAN

GORSKI ENGINEERING, INC.
1 IRON BRIDGE DRIVE,
COLLEGEVILLE, PA 19426
610 489 9131; FAX 610 489 6550

NURSING HOME USE BY SPECIAL EXCEPTION

PREPARED FOR
SMITH, ET. AL.
SITE SITUATE IN
WHITEMARSH TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA

1	PLAN ORDINATION DATE	NOVEMBER 15, 2023
2	PC/BOS SUBMISSION	FEBRUARY 29, 2024
3	PC/BOS CLEAR MEETING	
4		
5		
6		
7		
8		
9		
10		
11		
12		

CONCEPTUAL STORMWATER SHED PLAN

NURSING HOME USE BY SPECIAL EXCEPTION
SITE SITUATE IN
WHITEMARSH TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA

PROJECT MANAGER: AJH	DRAFTED BY: MNR
PROJECT NUMBER: 7873	DRAWING FILE: 7873 SHED PLAN 1
PLAN SCALE: 1"=50'	PLAN SHEET NUMBER 1 OF 3

0' 25' 50' 100'
GRAPHIC SCALE

P-10

Smith Nursing Home
Whitemarsh Township – Montgomery County, PA

Special Exception Public Hearing of Zoning Hearing Board and Expert Witness Report by Thomas J. Comitta, AICP

Proposed 500 Bed Nursing Home
at 717 Ridge Pike, Lafayette Hill, PA 19444

Zoning Hearing Board Hearing #2024-19

Prepared for:

Robert M. Careless, Esq.
Cozen O'Connor
and
Matt McHugh, Esq.
Klehr Harrison Harvey Branzburg LLP

Public Hearing: May 7, 2025

P-10

THOMAS COMITTA ASSOCIATES, INC.
Town Planners & Landscape Architects

Smith Nursing Home
Whitemarsh Township – Montgomery County, PA

Special Exception Public Hearing of Zoning Hearing Board
and
Expert Witness Report by Thomas J. Comitta, AICP

May 7, 2025

Introduction

This Expert Witness Report addresses the following subjects:

1. the Special Exception "Standards for actions" of Section 116-227 of the Whitemarsh Township Zoning Ordinance;

2. the proposed 500 Bed Nursing Home, and the normative sizes of Nursing Homes;

3. the Whitemarsh Township Comprehensive Plan of 2020; and

4. the items that the Whitemarsh Township Zoning Hearing Board might consider in their discernment of the Special Exception application.

The credentials of Thomas J. Comitta, AICP, are provided in Appendix C. to this Expert Witness Report.

THOMAS COMITTA ASSOCIATES, INC.
Town Planners & Landscape Architects

Smith Nursing Home
Whitemarsh Township – Montgomery County, PA

Special Exception Public Hearing of Zoning Hearing Board
and
Expert Witness Report by Thomas J. Comitta, AICP

May 7, 2025

Special Exception "Standards for actions" of
Section 116-227 of the Whitemarsh Township Zoning Ordinance

Please see the subsections A., and C. below, and the responses to each.

§ 116-217. Standards for actions.

A. In any instance where the Zoning Hearing Board is required to consider a request for a special exception or variance in accordance with the provisions of this chapter, the Board shall:

(1) Determine whether the special exception is specifically authorized by a provision of this chapter or the variance represents relief from a prohibition or requirement of this chapter.

According to Article XXIV. Institutional Overlay District, § 116-175. Special exception uses., "Nursing home" is a Special Exception in § 116-175.L.

(2) Determine that the proposed change will not substantially injure or detract from the use of neighboring property or from the character of the neighborhood and that the use of property adjacent to the area of the proposed use or change is adequately safeguarded.

Due to the massive size of the proposed 500 Bed Nursing Home, and the associated driveways, parking areas, and related structures on the existing significantly sloping site, it is my professional opinion that the proposed Use will substantially detract from the character of the neighborhood.

(3) Determine that the proposed use or change will not have a harmful effect on local vehicular or pedestrian traffic due to any of the following:

(a) Size or bulk of the proposed use or change.

(b) Expected daily and peak hour traffic generated by the proposed use or change.

(c) Location of entrance and exit drives or new streets.

(d) Design and capacity of off-street parking facilities.

Smith Nursing Home
Whitemarsh Township – Montgomery County, PA

Special Exception Public Hearing of Zoning Hearing Board
and
Expert Witness Report by Thomas J. Comitta, AICP

May 7, 2025

(Note: this Testimony will be presented by Mr. Albert Federico, P.E.)

(4) Determine that the proposed use or change is consistent with the policies contained within the Whitemarsh Township Comprehensive Plan.

In my professional opinion, the proposed Use is not consistent with the Whitemarsh Township Comprehensive Plan due to its intensity and lack of open space. Please refer to page 3-1 of this report.

(5) Determine that the surrounding neighborhood will not be subjected to objectionable noise, lighting, glare, heat, ventilation, smoke, fumes, vapors, dust, dirt, gases or radioactive or electrical disturbances by the proposed use or change.

The Applicant has not provided any evidence or testimony regarding the operational aspects of the development and, therefore, I am unable to evaluate the impact with respect to these items on the surrounding neighborhood.

(6) Determine that the proposed use or change does not unduly burden sanitary, school, police, fire, park or other public facilities.

In my professional opinion the proposed 500 Bed Nursing Home will unduly burden emergency medical services. Having spoken to Rebecca Werner, Chief of Operations, Whitemarsh Community Ambulance Association (WCAA) she mentioned on May 5, 2025 that a 500 Bed Nursing Home would require WCAA to add: another Ambulance at a cost of $350,000; stretchers at a cost of $50,000; a cardiac monitor at a cost of $50,000; a Paramedic at an annual salary of $71,000; and an EMT at an annual salary of $60,000.

C. The Board may impose such conditions as are necessary to assure that the intent of the Zoning Ordinance is complied with.

(Note: please refer to page 4-1 of this report.)

THOMAS COMITTA ASSOCIATES, INC.
Town Planners & Landscape Architects

Smith Nursing Home
Whitemarsh Township – Montgomery County, PA

Special Exception Public Hearing of Zoning Hearing Board
and
Expert Witness Report by Thomas J. Comitta, AICP

May 7, 2025

The proposed 500 Bed Nursing Home, and Normative Sizes of Nursing Homes

The proposed 500 Bed Nursing Home would be the largest Nursing Home ever built in Montgomery County, PA. Nursing Homes are typically facilities with less than 100 beds.

Please note the following nearby facilities that provide special forms of housing.

+ Masonic Village (Masonic Hall Lodge)
  an "Active Retirement Community"
  801 Ridge Pike, Lafayette Hill, PA 1944
  (located immediately to the east of 717 Ridge Pike)
  60 beds

+ Atria Lafayette Hill
  an "Assisted Living/Personal Care" facility
  9303 Ridge Pike, Lafayette Hill, PA 1944
  (located next to and east of Masonic Village)
  170 units

+ The Hill at Whitemarsh
  a "Retirement Community"
  4000 Fox Hound Drive, Lafayette Hill, PA 19444
  (located 1 mile north of 717 Ridge Pike)
  99 beds

None of the 3 existing facilities noted above have a Nursing Home with 500 Beds.

THOMAS COMITTA ASSOCIATES, INC.
Town Planners & Landscape Architects

Smith Nursing Home
Whitemarsh Township – Montgomery County, PA

Special Exception Public Hearing of Zoning Hearing Board
and
Expert Witness Report by Thomas J. Comitta, AICP

May 7, 2025

Forty-eight (48) facilities are listed under the "Nursing & Rehabilitation" category in the Winter/Spring 2025 "Retirement Living Sourcebook" for Montgomery County, PA. Please refer to Appendix A for excerpts of the Winter/Spring 2025 "Retirement Living Sourcebook". Of the 48 facilities, please note the summary of Beds information:

+ 19 of 48 (or 40%) have fewer than 100 "Nursing Beds";
+ 28 of 48 (or 58%) have from 106 to 196 "Nursing Beds"; and
+ 1 of 48 (or 2%) has 470 "Nursing Beds".

Of the 48 "Nursing & Rehabilitation" facilities in Montgomery County, PA, the average number of "Nursing Beds" is 115 "Nursing Beds".

No existing Nursing Home in Montgomery County, PA has 500 Beds, and 98% of the existing Nursing Homes in Montgomery County, PA have less than 196 Beds.

For additional information on Nursing Homes, please refer to Appendix B. Nursing Home Characteristics.

THOMAS COMITTA ASSOCIATES, INC.
Town Planners & Landscape Architects

Smith Nursing Home
Whitemarsh Township – Montgomery County, PA

Special Exception Public Hearing of Zoning Hearing Board
and
Expert Witness Report by Thomas J. Comitta, AICP

May 7, 2025

The Whitemarsh Township Comprehensive Plan of 2020

The 2020 Whitemarsh Township Comprehensive Plan (adopted November 12, 2020) indicates "Conservation District Residential" on the "2028 Future Land Use Plan for Whitemarsh Township."

The "Conservation District Residential" is one of the proposed "Character Areas". On page 31 of the Comprehensive Plan, the following items are mentioned:

+ "the intent of this character area is to facilitate residential development that retains open space and larger lot sizes to prevent parcels from being overdeveloped"; and

+ "these areas balance residential with open space preservation".

In my professional opinion, the proposed 500 Bed Nursing Home is Not Consistent with the Whitemarsh Township Comprehensive Plan.

The proposed 500 Bed Nursing Home includes NO OPEN SPACE PRESERVATION. The proposed 500 Bed Nursing Home includes no designated Conservation area.

The proposed 500 Bed Nursing Home is, in my professional opinion, a parcel that is being proposed for overdevelopment due to the massive proposed 500 Nursing Bed building and the associated driveways, parking areas, and other structures.

THOMAS COMITTA ASSOCIATES, INC.
Town Planners & Landscape Architects

Smith Nursing Home
Whitemarsh Township – Montgomery County, PA

Special Exception Public Hearing of Zoning Hearing Board
and
Expert Witness Report by Thomas J. Comitta, AICP

May 7, 2025

Items that the Whitemarsh Township Zoning Hearing Board might consider in their discernment of the Special Exception application

In my professional opinion, the following Conditions are recommended for consideration by the Whitemarsh Township Zoning Board if they were inclined to approve the Special Exception application, with Conditions.

1. Limit the total number of Nursing Beds to 115 Nursing Beds (not 500 Nursing Beds) as 115 is the average number in Montgomery County, PA. (See pages 2-1 and 2-2 of this report, and see Appendix A.)

2. Require at least 5 acres of the total tract area of 14.04 acres (approximately 35%) to be an Open Space Preservation Area with a perpetual Conservation Easement, free of any structures, in order to be consistent with the Whitemarsh Township Comprehensive Plan.

3. Require the Applicant to address the cost implications of burdening emergency medical services as described on page 1-2 of this report.

THOMAS COMITTA ASSOCIATES, INC.
Town Planners & Landscape Architects

Smith Nursing Home
Whitemarsh Township – Montgomery County, PA

Special Exception Public Hearing of Zoning Hearing Board
and
Expert Witness Report by Thomas J. Comitta, AICP

May 7, 2025

Appendix A.

Retirement Living Sourcebook (excerpts)
Winter/Spring 2025

PA / DE / NJ EDITION | WINTER/SPRING 2025

RetirementLiving Sourcebook

The Complete Resource for Senior Living

HOUSING | HOME CARE | RESOURCES | HELP FOR FAMILIES



PRSRT STD
US Postage PD
Permit 801
Dulles VA

**********AUTO**SCH 5-DIGIT 19380

P1
22/18

THOMAS COMITTA ASSOCIATES INC
THOMAS COMITTA
18 W CHESTNUT ST
WEST CHESTER PA 19380-2630



g Options,

page 46



Aging in Place,

page 102

www.retirementlivingsourcebook.com

FREE

BOLD LISTINGS & HIGHLIGHTS = PAID UPGRADES

NURSING & REHABILITATION

	FEATURED ON PAGE	PHONE	ADDRESS	CITY	NURSING BEDS	MEDICARE	MEDICAID	DAILY RATES STARTING AT
PENNSYLVANIA - LANCASTER COUNTY								
Brethren Village		717-569-2657	3001 Lititz Pike	Lancaster	69	●	●	192
Calvary Homes		717-393-0711	502 Elizabeth Dr.	Lancaster	45	●	●	322
Harrison House of Christiana		610-593-6901	41 Newport Ave	Christiana	139	●	●	260
Homestead Village Enhanced Senior Living		717-397-4831	1800 Marietta Ave.	Lancaster	60	●	●	
Lancashire Hall Retirement Village		717-569-3211	6 Terrace Dr.	Lancaster	240	●	●	
Landis Homes	7	717-569-3271	1001 East Oregon Rd.	Lititz	103	●	●	
Luther Acres		717-626-8376	600 East Main Street	Lititz	106	●	●	427
Mennonite Home		717-393-1301	1520 Harrisburg Pike	Lancaster	188	●	●	417
Moravian Manor		717-626-0214	300 West Lemon St.	Lititz	127	●	●	300
Pleasant View Communities		717-665-2445	544 N Penryn Rd.	Manheim	92	●	●	549
St. Anne's Retirement Community		717-285-5443	3952 Columbia Ave.	Columbia	121	●	●	
Willow Valley Communities	3	800-770-5445	675 Willow Valley Sq.	Lancaster	278	●		395
Zerbe Retirement Community		717-445-8741	2499 Zerbe Road	Narvon	87	●	●	307
PENNSYLVANIA - MONTGOMERY COUNTY								
Accela Rehab and Care Center at Springfield		215-233-0920	850 Papermill Rd	Glenside	129	●	●	270
ACCELerate Nursing & Rehab (Willow Grove)		215-830-0400	3485 Davisville Rd N.	Willow Grove	109	●	●	
Aristacare at Meadow Springs		610-279-7300	845 Germantown Pike	Plymouth Mtg.	151	●	●	175
Beaumont at Bryn Mawr		610-526-7000	601 N Ithan Ave	Bryn Mawr	44	●		470
Brittany Pointe Estates	55	215-855-9700	1001 Valley Forge Rd.	Lansdale	92	●	●	441
Brookside HealthCare & Rehab Center	1	215-884-6776	2630 Woodland Rd.	Abington	120	●	●	
Chestnut Hill Lodge Rehab and Nursing Center		215-836-2100	8833 Stenton Ave	Wyndmoor	196	●	●	182
Complete Care at Harston Hall		215-836-3200	350 Haws Ln	Flourtown	120	●	●	268
Coventry Manor Nursing Home		610-469-6228	3031 Chestnut Hill Rd.	Pottstown	41	●	●	225
Dock Woods	23	215-368-4438	275 Dock Drive	Lansdale	72	●	●	487
Dresher Hill Health & Rehabilitation		215-643-0600	1390 Camp Hill Rd	Ft. Washington	118	●	●	189
Edgehill Nursing & Rehabililtation Center		215-886-1043	146 Edgehill Rd.	Glenside	60	●	●	180
Elkins Crest Health & Rehabilitation		215-379-2700	265 E Township Line Rd.	Elkins Park	150	●	●	225
Elm Terrace Gardens		215-361-5600	660 N Broad St	Lansdale	72	●	●	260
Ivy Hill Post Acute Nursing & Rehabilitation		215-233-5605	1401 Ivy Hill Rd	Wyndmoor	151	●	●	174
Fort Washington Estates	55	215-542-8110	735 Susquehanna Rd.	Ft. Washington	40	●		455
Foulkeways at Gwynedd	INSIDE BACK	215-283-7010	1120 Meetinghouse Road	Gwynedd	45			415
Frederick Living - Cendarwood		610-754-7878	2849 Big Rd.	Frederick	61	●	●	287
Garden Spring Nursing & Rehab Center		215-659-3060	1113 N Easton Rd	Willow Grove	173	●	●	325
Gwynedd Healthcare & Rehab Center		215-699-5000	773 Sumneytown Pike	Lansdale	181	●	●	
Harborview Rehab & Care Center - Lansdale		215-855-9765	25 West 5th St.	Lansdale	126	●	●	152
Hillcrest Center		215-884-9990	1245 Church Rd.	Wyncote	180	●	●	246
Hopkins Center		215-576-8000	8100 Washington Ln.	Wyncote	107	●	●	255
Huntingdon Valley Nursing and Rehab Center		215-938-7171	3430 Huntingdon Pike	Huntingdon Valley	130	●	●	293
King of Prussia Nursing and Rehab Center		610-337-1775	620 West Valley Forge Rd.	King of Prussia	150	●	●	300
Luther Woods Convalescent Center		215-675-5005	313 County Line Rd.	Hatboro	140	●	●	235
Meadowood Senior Living		610-584-1000	3205 Skippack Pike	Worcester	59	●		409
Montgomeryville Nursing and Rehab Center		215-368-4350	640 Bethlehem Pike	Montgomeryville	170	●	●	247

BOLD LISTINGS & HIGHLIGHTS = PAID UPGRADES

BOLD LISTINGS & HIGHLIGHTS = PAID UPGRADES

NURSING & REHABILITATION

	FEATURED ON PAGE	PHONE	ADDRESS	CITY	NURSING BEDS	MEDICARE	MEDICAID	DAILY RATES STARTING AT
PENNSYLVANIA - MONTGOMERY COUNTY *(Continued)*								
Normandy Farms Estates	55	215-699-8727	9000 Twin Silo Dr.	Blue Bell	73	●		356
Norristown Sq Nursing & Rehab Center		610-239-7100	1700 Pine Street	Norristown	99	●		
Parkhouse Providence Pointe		610-948-8800	1600 Black Rock Rd.	Royersford	470	●	●	230
Peter Becker Community		215-256-9501	800 Maple Ave.	Harleysville	72	●	●	440
Phoebe Wyncote		215-461-2101	208 Fernbrook Ave.	Wyncote	58	●	●	270
Pennsburg Manor		215-679-8076	530 Macoby St.	Pennsburg	120	●	●	268
Rehab at Shannondell	21	610-728-5200	10000 Shannondell Dr.	Audubon	120	●		
Rydal Park & Waters		215-376-6292	1515 The Fairway	Jenkintown	114	●	●	599
Saunders House		610-658-5100	100 E. Lancaster Ave.	Wynnewood	180	●	●	339
Silver Stream Nursing & Rehab Center		215-646-1500	905 Penllyn Pike	Spring House	119	●	●	226
Souderton Mennonite Homes	23	215-723-9881	207 West Summit Street	Souderton	71	●	●	487
Spring House Estates	55	215-628-3545	728 Norristown Rd.	Lower Gwynedd	96	●		359
St. Joseph Villa		215-836-4179	110 W. Wissahickon Ave.	Flourtown	106	●	●	
St. Mary Center for Rehab & Healthcare	30	215-368-0900	701 Lansdale Avenue	Lansdale	120	●	●	330
Suburban Woods Health & Rehabilitation Ctr.		610-278-2700	2751 DeKalb Pike	Norristown	120	●	●	200
The Grove at Meadowood		610-584-1000	3205 Skippack Pike	Worcester	59	●		409
Towne Manor East Nursing & Rehabilitation		610-277-0380	2004 Old Arch Rd.	Norristown	120	●	●	180
Towne Manor West Nursing & Rehabilitation		610-275-6410	205 E. Johnson Hwy.	Norristown	119	●	●	180
Waverly Heights	53	610-645-8738	1400 Waverly Road	Gladwyne	31	●		513
Wyndmoor Hills Rehab and Nursing Center		215-233-6200	8601 Stenton Ave	Wyndmoor	77	●		
PENNSYLVANIA - PHILADELPHIA								
Accela Rehab and Care Center at Somerton		215-673-5700	650 Edison Ave.	Philadelphia	241	●	●	148
ACCELerate Nursing and Rehab (Philadelphia)		215-546-5960	1526 Lombard St.	Philadelphia	150	●	●	200
Care Pavilion Nursing and Rehab Center		215-476-6264	6212 Walnut St.	Philadelphia	396	●	●	190
Caring Heart Rehab and Nursing Center		215-438-5268	6445 Germantown Ave.	Philadelphia	171	●	●	200
Cathedral Village		215-487-1300	600 East Cathedral Rd.	Philadelphia	119	●	●	419
Centennial Healthcare and Rehab Center		215-477-1170	4400 W. Girard Ave.	Philadelphia	180	●	●	154
Chapel Manor		215-676-9191	1104 Welsh Rd.	Philadelphia	240	●	●	260
Cheltenham Nursing & Rehabilitation Center		215-927-7300	600 W Cheltenham Ave.	Philadelphia	255	●	●	190
Cliveden Convalescent Center		215-844-6400	6400 Green St.	Philadelphia	180	●	●	190
Fairview Nursing & Rehab Center		215-247-5311	184 Bethlehem Pike	Philadelphia	180	●	●	225
Germantown Home		215-848-3306	6950 Germantown Ave.	Philadelphia	180	●	●	190
Immaculate Mary Center	30	215-335-2100	2990 Holme Avenue	Philadelphia	296	●	●	310
Inglis House		215-878-5600	2600 Belmont Ave	Philadelphia	297	●	●	
Kearsley Rehabilitation & Nursing Center		215-877-1565	2100 N 49th St	Philadelphia	84	●	●	180
Laurel Square Healthcare & Rehab Center	1	215-224-9898	1020 Oak Lane Avenue	Philadelphia	87	●	●	
Liberty Center for Rehab and Nursing		215-242-2727	7310 Stenton Ave	Philadelphia	94	●	●	183
Logan Square Rehab & Healthcare Center		215-563-1800	2 Franklin Town Blvd.	Philadelphia	109	●	●	503
Maplewood Nursing and Rehab Center		215-844-8806	125 W. Schoolhouse Ln.	Philadelphia	180	●	●	190
Pennypack Nursing and Rehab Center		215-725-2525	8015 Lawndale St	Philadelphia	54	●	●	200
The Pines at Philadelphia Rehab & Healthcare		215-708-1200	8410 Roosevelt Blvd.	Philadelphia	49	●		
Renaissance Healthcare & Rehab Center	1	215-727-4450	4712 Chester Ave.	Philadelphia	123	●	●	

THOMAS COMITTA ASSOCIATES, INC.
Town Planners & Landscape Architects

Smith Nursing Home
Whitemarsh Township – Montgomery County, PA

Special Exception Public Hearing of Zoning Hearing Board
and
Expert Witness Report by Thomas J. Comitta, AICP

May 7, 2025

Appendix B

Nursing Home Characteristics

A Nursing Home is a residential facility that:

1. provides ongoing medical and personal care for individuals;
2. provides care typically for older adults or those with chronic illnesses;
3. provides care for persons who require assistance with daily activities and/or medical needs that cannot be adequately met at home; and
4. offers a range of services, including skilled nursing, rehabilitation, and around-the-clock supervision to insure residents' safety and well-being.

Nursing Homes provide medical care, including Skilled Nursing services, medication management, and rehabilitation therapies, like physical, speech, and occupational therapy.

Nursing Homes assist residents with daily activities like bathing, dressing, eating, and toileting.

Nursing Homes serve a variety of residents, including those with chronic illnesses, cognitive impairments, physical disabilities, and those requiring post-acute care after a hospital stay.

Nursing Homes provide both short-term rehabilitation after a hospital stay or injury, as well as long-term care for individuals with chronic health conditions.

Other descriptions of a Nursing Home is a Personal Care Home, or a Skilled Nursing Facility.

The median age of placement into a Nursing Home is 83.3 years old, with over half entering a Nursing Home at the age of 85 or older.

THOMAS COMITTA ASSOCIATES, INC.
Town Planners & Landscape Architects

Smith Nursing Home
Whitemarsh Township – Montgomery County, PA

Special Exception Public Hearing of Zoning Hearing Board
and
Expert Witness Report by Thomas J. Comitta, AICP

May 7, 2025

Appendix C

Credentials/Qualifications Experience

Thomas J. Comitta, AICP
and
Thomas Comitta Associates, Inc.

- Overview
- Comitta Resume
- By The Numbers

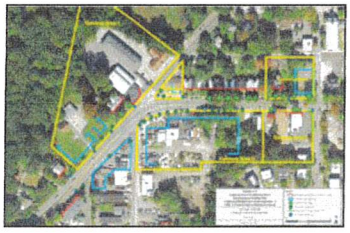
THOMAS COMITTA ASSOCIATES, INC.
Town Planners & Landscape Architects

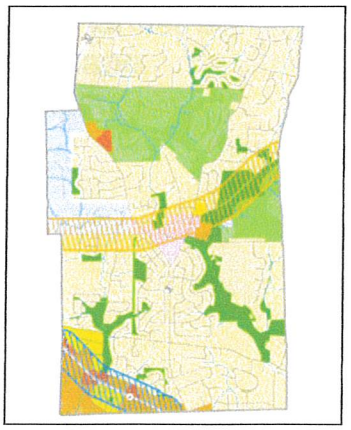
OVERVIEW OF OUR SERVICES

May 2025

The physical manifestations of economic growth often conflict with community values, environmental integrity, historical character, visual quality, and established legal frameworks. Thomas Comitta Associates, Inc. (TCA) specializes in mediating conflicts between the impacts of land development and the values of resource protection.

TCA has over 50 years of experience in understanding and evaluating land development issues throughout Pennsylvania. TCA's team of Certified Planners, Registered Landscape Architects, and Land Planners provides excellence in service to the public and private sectors. We have assisted numerous municipal, institutional, commercial, and residential clients. We combine our planning and design talents to improve future growth and change in natural, historical, and man-made environments.







Our Professional Services include:

- Town Planning and Traditional Neighborhood Design
- Comprehensive Planning & Strategic Planning
- Zoning Ordinance Preparation
- Subdivision & Land Development Ordinance Preparation
- Expert Witness Testimony
- Land Development Plan Review, Evaluation, and Mediation
- Park, Recreation, and Open Space Planning and Design
- Land Planning and Landscape Architecture
- Demographic Analysis and Projections
- Historic Preservation Planning

Thank you for considering TCA with your needs for high quality planning and design services.

TCA celebrates 44 years of service to our clients in 2025!

www.comitta.com

18 West Chestnut Street · West Chester, PA 19380 · PHONE: 610-696-3896 · FAX: 610-430-3804

THOMAS COMITTA ASSOCIATES, INC.
Town Planners & Landscape Architects

"By The Numbers": Overall Summary of Qualifications & Experience
Thomas Comitta Associates, Inc. (TCA)
and Thomas J. Comitta, AICP, CNU-A, RLA

May 2025

The following is a super summary of Tom Comitta/TCA, "By the Numbers":

1. Tom's experience with Municipal Planning & Zoning in Pennsylvania: over 50 years (including Town Planning & Landscape Architecture)

2. Number of Municipalities TCA has assisted since 1981: 133 Townships, Boroughs and Cities (and 149 since 1973 by Tom)

3. Number of Zoning Ordinances prepared by TCA since 1981: Over 65

4. Number of Subdivision & Land Development Ordinances prepared by TCA since 1981: Over 30

5. Number of Comprehensive Plans prepared by TCA since 1981: Over 50

6. Number of Public Hearings at which Tom Comitta has testified as an Expert Witness since 1973: Over 1,260

7. Number of Hours of Continuing Education Credits taken by Tom Comitta since 1973 Graduation from Harvard University: Over 1,000 hours (average 35 hours per year)

8. Number of Traditional Neighborhood Development (TND) Codes prepared by Tom Comitta since 1995: Over 30

9. Number of Form-Based Codes prepared by Tom Comitta since 2001: Over 20

10. Number of Campus Master Plans, Site Plans, Concept Plans, Land Development Plans, Cluster Development Plans, Revitalization Plans, and Traditional Neighborhood Development (TND) Plans prepared by Tom Comitta since 1973: Over 1,000

11. Number of Land Development Plans evaluated by Tom Comitta since 1973 for which an Evaluation Report for Code Compliance was prepared (i.e. "Review Comments"): Over 5,500

12. Number of Municipal Park Plans, County Park Plans, Playground Plans, Civic Plaza Plans, and Landscape Plans prepared by Tom Comitta since 1973: Over 200

Please contact Tom Comitta at 484-678-9245 for more information on TCA!

www.comitta.com
18 West Chestnut Street · West Chester, PA 19380 · PHONE: 610-696-3896 · FAX: 610-430-3804



ALBERT FEDERICO, P.E., PTOE

Principal

albert@federico-consulting.com

PROFESSIONAL EXPERIENCE

For over 30 years Mr. Federico has supported public and private projects to improve infrastructure and the built environment. His current practice focuses on transportation, promoting physical infrastructure consistent and supportive of the adjacent land uses.

EDUCATION AND CERTIFICATION

Registered Professional Engineer: Pennsylvania, Delaware and Florida
Certified Professional Traffic Operations Engineer
Chester County Master Planning Program
B.S. Civil Engineering: The Pennsylvania State University, 1991
Engineering Intern: Pennsylvania Department of Transportation, 6-0

CURRENT MUNICIPAL APPOINTMENTS AND ENGAGEMENTS

Appointments

Township Traffic Consultant, Thornbury Township, Delaware County
Township Traffic Engineer, West Bradford Township, Chester County
Township Traffic Engineer, Westtown Township, Chester County
Township Traffic Engineer, West Vincent Township, Chester County

On-call Traffic Consultant

Nether Providence Township, Delaware County
New London Township, Chester County
Sharon Hill Borough, Delaware County
Borough of South Coatesville, Chester County
West Marlborough Township, Chester County

As a sub-consultant

Chester Township, Delaware County
City of Coatesville, Chester County
Darby Borough, Delaware County
Lower Frederick Township, Montgomery County
Upper Chichester Township, Delaware County

VOLUNTEER ACTIVITIES *(Current)*

National Society of Professional Engineers, Delaware County Chapter - President
Institute of Transportation Engineers, Mid-Atlantic Section – Past-President
Urban Land Institute, Philadelphia Chapter – Technical Advisory Committee
Zoning Hearing Board, Swarthmore Borough – Chair
Planning Commission, Swarthmore Borough - Member
Boy Scouts of America, Troop 112 - Assistant Scoutmaster

FIRM OVERVIEW

Albert Federico Consulting provides traffic engineering services to public and private clients throughout Pennsylvania. Services focus on overall mobility and the development of equitable transportation solutions. This includes multi-modal projects that emphasize transportation infrastructure that supports local and regional goals.

ALBERT FEDERICO CONSULTING, LLC
Traffic Engineering and Mobility Solutions

133 Rutgers Avenue
Swarthmore, PA 19081

June 27, 2025

Matthew J. McHugh, Partner
Klehr Harrison Harvey Branzburg LLP
1835 Market Street, Suite 1400
Philadelphia, PA 19103

via email only

Re: 717 Ridge Pike – Supplemental Traffic Review
Whitemarsh Township, Montgomery County

Mr. McHugh:

As requested, the plans prepared by Gorski Engineering for the proposed Nursing Home Use (three sheets, dated November 15, 2023, last revised February 26, 2024) have been reviewed relative to §116-217 of the Whitemarsh Township Code as well as reasonable and customary standards of Traffic Engineering practice.

Project Understanding

It is proposed to redevelop 717 Ridge Pike as a 500-bed Nursing Home. Access to Ridge Pike is proposed via three unsignalized, full movement drives. Parking is proposed at three locations: near the main entrance, within a single structured level beneath the building, and in a surface lot behind the building. As presented, the structured parking can be accessed via all three drives. Sidewalk is proposed along the Ridge Pike frontage.

Ridge Pike along the property frontage was recently widened to provide two travel lanes in each direction with a posted speed limit of 35 miles per hour. There is an appreciable downgrade along the southern portion of the site frontage. There is new a sidewalk along the west side of Ridge Pike. There is no sidewalk along the east side of Ridge Pike and there are no compliant pedestrian crossings in the vicinity of the property. The SEPTA Route 27 bus travels along Ridge Pike adjacent to the property, with stops on both sides of the road.

The property is within the Institutional Overlay Zoning District, and the use is permitted by Special Exception subject to review by the Township Zoning Hearing Board. Per §116-217.A.3, *"In any instance where the Zoning Hearing Board is required to consider a request for a special exception … the Board shall determine that the proposed use or change will not have a harmful effect on local vehicular or pedestrian traffic due to any of the following:*

***

c. Location of entrance and exit drives or new streets.

d. *Design and capacity of off-street parking facilities."*

Technical Review Comments

This review is based on the materials presented by the applicant and subject to change based on the receipt of revised materials.

1. The limited separation between drives (±270' between the south and middle drives, and ±180' between the middle and north drives) has the potential to result in unwarranted conflicts, particularly during peak traffic periods.
2. Per available data there were 15 reportable mid-block collisions from 2019-2023 along Ridge Pike between Park and Barren Hill. Ridge Pike was recently widened to add a second southbound lane; however the majority of collisions involved northbound traffic, which was and continues to be two lanes.
3. The SEPTA Route 27 bus provides service between the Plymouth Meeting Mall and Borad and Capenter Street in Philadelphia. Accommodations for employees to access the bus in both directions appear warranted.
4. Ridge Pike is a County Road, and the drives will require a County permit. Sight distance must comply with PennDOT Criteria and 8% is the maximum permitted break between road and the drive. The submitted plan appears to have two-foot contours, showing ±24' grade change between primary and middle drives. It is not clear that it is feasible to provide compliant drives accessing a single parking level, particularly while maintaining a compliant PAR crossing the proposed sidewalk.
5. The layout of the structured parking has three dead ends. Dead ends are undesirable from a circulation perspective, particularly if Emergency Services require access.
6. The twelve spaces adjacent to the dead ends do not provide adequate room for entering and exiting maneuvers.
7. There are eight spaces within the structured parking that appear to obstruct access to stairs and trash area.
8. The submitted materials do not show structural elements within the structured parking. It is likely the parking yield will change once structural elements are considered.

Supplemental Traffic Assessment

As requested, traffic data was collected along Ridge Pike north of Barren Hill Road and used to evaluate the access of the proposed 500-bed Nursing Home.

Existing Traffic Conditions

Traffic data was collected along Ridge Pike, north of Barren Hill Road, the third week of June 2025. Over the data collection period the 85th percentile travel speeds were measured to be 48 miles per hour northbound and 43 miles per hour southbound, both above the 35 mile per hour speed limit.

On Wednesday June 18th the total daily traffic volume was 24,402 vehicles (12,462 northbound and 11,940 southbound). The peak hour volumes were measured to be 1,972 vehicles during the morning peak hour (1,159 northbound and 813 southbound), and 2,106 vehicles during the evening peak hour (1,053 northbound and 1,053 southbound).

Sight Distance

The measured 85th percentile travel speeds along Ridge Pike were 48 miles per hour northbound and 43 miles per hour southbound. Per the applicable criteria, the desirable sight distances for the proposed drives are 500 feet to the left and 570 feet to the right. It appears that this will require cutting back the embankment south of the south ("Main") drive and may require easement from the adjacent property owner for the northern drive.

Operations

The potential traffic generation of the proposed use has been estimated using the information provided in Trip Generation Manual, 11th Edition, published by the Institute of Transportation Engineers (ITE). Traffic during the morning and evening peak hours was estimated based on the information provided for LU 620: Nursing Home. The Average Rate per bed during the "Peak Hour of Adjacent Street Traffic" was used for all calculations. No adjustments were made for transit or non-vehicular modes. Based on the preceding, the traffic associated with the proposed use is projected to yield 70 trips (50 entering and 20 exiting) in the morning commuter peak hour and 70 trips (23 entering and 47 exiting) during the evening commuter peak hour.

Post-development traffic volumes for the Main drive were developed by applying background growth (0.17% per year to an assumed 2030 buildout) and adding project traffic. For the purposes of this assessment 60% of the project traffic was assigned to the Main drive, and project traffic was assumed to be split evenly north and south.

Post-development traffic operations for the Main drive were evaluated based on the procedures outlined in the Highway Capacity Manual, 6th Edition using Trafficware Synchro version 11 software. The results indicate that the exiting left turn movement from the Main drive to Ridge Pike will operate at Level of Service "**f**", with significant delays (~ two minutes during the morning peak, and ~ two and half minutes during the evening peak). Additionally, per the criteria outlined by PennDOT (Publication 46, Chapter 11.16), entering traffic will warrant a southbound left turn lane along Ridge Pike.

Summary and Conclusions

Based on the materials submitted by the Applicant:

- The drives do not demonstrate compliant slopes, acceptable sight distance or acceptable operations.
- The number of parking spaces and the internal vehicle circulation will be inadequate.

To date, the Applicant has not offered a Traffic Study or other documented assessment providing an opinion addressing the harmful effects on vehicular or pedestrian traffic associated with these issues.

Please do not hesitate to contact me at 610.608.4336 or albert@federico-consulting.com should you have any questions or require additional information. I look forward to working with you.

Sincerely,

Albert Federico, P.E., PTOE

P-13

Tri-State Traffic Data, Inc.
610-466-1469
TSTData.com

Road: Ridge Pike NB
Location: 515 ft N of Barren Hill Rd
Counter: 40596

Site Code: 1
Station ID:
A to C NB Travel Lane

Latitude: 40' 4.7562 North
Longitude: 75' 15.1011 West

NB Travel Lane, NB Passing Lane

Start Time	1 15	16 20	21 25	26 30	31 35	36 40	41 45	46 50	51 55	56 60	61 65	66 70	71 75	76 999	Total	85th Percent	95th Percent
06/17/25	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
01:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
02:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
03:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
04:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
05:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
06:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
07:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
08:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
09:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
10:00	**32**	**1**	**5**	**14**	**49**	167	239	108	**32**	**7**	0	0	0	0	**654**	47	50
11:00	22	0	0	1	38	**185**	**244**	**124**	31	6	**2**	0	0	0	653	47	51
12 PM	22	0	0	2	35	168	278	119	27	6	1	0	0	0	658	47	50
13:00	18	0	0	7	49	195	251	154	63	16	3	0	0	0	756	48	53
14:00	37	0	3	6	58	182	**314**	146	42	3	1	0	**1**	0	793	47	50
15:00	43	0	3	12	57	**217**	305	**178**	57	11	0	0	0	0	883	48	52
16:00	**45**	0	**6**	**33**	**87**	202	299	169	**72**	17	**5**	**2**	0	0	**937**	48	53
17:00	35	0	4	12	66	207	314	163	59	10	1	0	0	0	871	48	52
18:00	20	0	2	3	24	101	174	161	58	**19**	5	1	0	0	568	49	54
19:00	13	0	0	1	6	57	167	98	36	9	2	1	0	0	390	49	53
20:00	12	0	0	0	4	63	141	78	24	3	0	0	0	0	325	48	52
21:00	3	0	0	1	7	39	74	82	22	8	1	0	0	0	237	49	54
22:00	3	0	1	0	5	26	46	38	27	4	0	0	0	0	150	51	54
23:00	5	0	0	0	2	17	34	29	16	6	2	0	0	0	111	52	57
Total	310	1	24	92	487	1826	2880	1647	566	125	23	4	1	0	7986		
Percent	3.9%	0.0%	0.3%	1.2%	6.1%	22.9%	36.1%	20.6%	7.1%	1.6%	0.3%	0.1%	0.0%	0.0%			
AM Peak	10:00	10:00	10:00	10:00	10:00	11:00	11:00	11:00	10:00	10:00	11:00				10:00		
Vol.	32	1	5	14	49	185	244	124	32	7	2				654		
PM Peak	16:00		16:00	16:00	16:00	15:00	14:00	15:00	16:00	18:00	16:00	16:00	14:00		16:00		
Vol.	45		6	33	87	217	314	178	72	19	5	2	1		937		

Tri-State Traffic Data, Inc.

610-466-1469

TSTData.com

Road: Ridge Pike NB
Location: 515 ft N of Barren Hill Rd
Counter: 40596

Site Code: 1
Station ID:
A to C NB Travel Lane

Latitude: 40' 4.7562 North
Longitude: 75' 15.1011 West

NB Travel Lane, NB Passing Lane

Start Time	1 15	16 20	21 25	26 30	31 35	36 40	41 45	46 50	51 55	56 60	61 65	66 70	71 75	76 999	Total	85th Percent	95th Percent
06/18/25	0	0	0	1	0	20	20	8	2	1	0	0	0	0	52	47	51
01:00	0	0	0	0	0	5	8	5	0	1	1	0	0	0	20	49	60
02:00	2	0	0	0	0	9	3	4	0	1	0	0	**1**	0	20	48	70
03:00	0	0	0	0	1	7	13	12	2	0	2	0	0	0	37	49	60
04:00	5	0	0	0	0	7	15	9	9	5	1	1	0	0	52	54	59
05:00	5	0	0	0	5	29	50	59	31	9	2	0	0	0	190	52	55
06:00	22	0	**2**	3	11	62	126	162	**97**	**24**	**7**	**2**	0	0	518	52	56
07:00	37	0	2	**14**	51	166	336	**246**	92	23	3	1	0	0	971	49	53
08:00	43	0	1	3	**67**	**231**	**417**	228	78	15	5	2	1	0	**1091**	48	52
09:00	22	0	2	6	45	146	286	182	59	11	3	0	0	0	762	48	52
10:00	58	0	0	5	27	154	222	151	42	6	1	0	0	0	666	48	51
11:00	**177**	**1**	1	3	45	190	194	100	33	6	1	0	0	0	751	46	50
12 PM	49	0	0	8	68	222	233	125	33	6	0	0	0	0	744	47	50
13:00	27	0	0	3	14	175	268	151	49	15	2	0	0	0	704	48	53
14:00	24	0	1	3	29	160	304	**211**	**72**	19	6	1	0	0	830	49	53
15:00	65	9	20	**76**	103	218	**306**	156	53	11	2	0	0	0	1019	47	51
16:00	**148**	**15**	**33**	56	123	**261**	237	92	33	7	1	0	0	0	1006	44	49
17:00	87	5	16	71	**128**	226	306	160	41	10	0	**2**	0	0	**1052**	46	50
18:00	27	0	0	8	22	142	258	194	72	**24**	**11**	2	0	0	760	49	54
19:00	18	0	0	0	16	58	164	133	42	12	2	1	0	0	446	49	54
20:00	7	0	0	1	18	70	112	61	21	9	4	0	0	0	303	49	54
21:00	4	0	1	0	5	36	94	68	19	7	3	0	0	0	237	49	54
22:00	3	0	0	1	0	22	58	46	17	4	1	0	0	0	152	49	54
23:00	2	0	0	0	3	16	44	29	10	3	1	0	0	0	108	49	54
Total	832	30	79	262	781	2632	4074	2592	907	229	59	12	2	0	12491		
Percent	6.7%	0.2%	0.6%	2.1%	6.3%	21.1%	32.6%	20.8%	7.3%	1.8%	0.5%	0.1%	0.0%	0.0%			
AM Peak	11:00	11:00	06:00	07:00	08:00	08:00	08:00	07:00	06:00	06:00	06:00	06:00	02:00		08:00		
Vol.	177	1	2	14	67	231	417	246	97	24	7	2	1		1091		
PM Peak	16:00	16:00	16:00	15:00	17:00	16:00	15:00	14:00	14:00	18:00	18:00	17:00			17:00		
Vol.	148	15	33	76	128	261	306	211	72	24	11	2			1052		

Tri-State Traffic Data, Inc.

610-466-1469

TSTData.com

Road: Ridge Pike NB
Location: 515 ft N of Barren Hill Rd
Counter: 40596

Site Code: 1
Station ID:
A to C NB Travel Lane

Latitude: 40' 4.7562 North
Longitude: 75' 15.1011 West

NB Travel Lane, NB Passing Lane

Start Time	1 15	16 20	21 25	26 30	31 35	36 40	41 45	46 50	51 55	56 60	61 65	66 70	71 75	76 999	Total	85th Percent	95th Percent
06/19/25	0	0	0	1	1	13	21	15	10	4	0	0	0	0	65	52	55
01:00	0	0	0	0	0	5	13	11	5	1	0	0	0	0	35	50	54
02:00	0	0	0	0	0	1	4	5	2	2	0	0	0	0	14	54	58
03:00	0	0	0	0	1	7	6	7	6	1	1	0	0	0	29	53	57
04:00	0	0	0	0	0	3	12	16	8	4	1	1	1	0	46	55	63
05:00	4	0	0	0	2	13	36	40	39	16	7	3	0	0	160	55	61
06:00	12	0	0	2	3	37	89	112	83	**42**	**17**	**5**	**2**	0	404	55	61
07:00	25	0	0	0	18	69	184	**232**	**117**	21	6	0	0	0	672	51	54
08:00	28	0	0	6	25	141	276	218	96	26	5	0	0	0	821	50	54
09:00	31	0	**1**	2	22	148	259	210	74	20	7	0	0	0	774	49	54
10:00	25	0	0	3	36	210	310	161	30	6	0	0	1	0	782	47	49
11:00	**70**	**1**	1	**14**	**55**	**229**	**325**	147	39	11	0	2	0	0	**894**	47	50
12 PM	47	0	0	9	62	232	297	150	52	5	0	0	0	0	854	47	51
13:00	30	0	1	5	45	188	**327**	194	58	11	2	**2**	0	0	863	48	52
14:00	33	0	0	2	60	238	321	170	48	10	**3**	0	0	0	885	47	51
15:00	78	6	**15**	42	88	212	304	192	72	10	2	1	**1**	0	**1023**	48	52
16:00	40	0	1	2	37	114	280	**249**	**90**	**21**	2	1	0	0	837	49	54
17:00	**110**	1	9	**45**	74	182	185	102	40	10	1	0	0	0	759	46	51
18:00	37	**22**	7	42	**153**	**245**	217	100	29	7	0	0	0	0	859	45	49
19:00	13	0	3	29	93	205	161	71	24	6	1	0	0	0	606	45	50
20:00	9	0	0	7	44	124	144	56	24	5	0	0	0	0	413	47	51
21:00	7	0	0	8	40	124	110	48	19	3	0	0	0	0	359	46	51
22:00	5	0	0	2	19	70	75	37	17	2	0	0	0	0	227	47	52
23:00	2	0	0	0	13	33	50	33	6	2	1	0	0	0	140	48	51
Total	606	30	38	221	891	2843	4006	2576	988	246	56	15	5	0	12521		
Percent	4.8%	0.2%	0.3%	1.8%	7.1%	22.7%	32.0%	20.6%	7.9%	2.0%	0.4%	0.1%	0.0%	0.0%			
AM Peak	11:00	11:00	09:00	11:00	11:00	11:00	11:00	07:00	07:00	06:00	06:00	06:00	06:00		11:00		
Vol.	70	1	1	14	55	229	325	232	117	42	17	5	2		894		
PM Peak	17:00	18:00	15:00	17:00	18:00	18:00	13:00	16:00	16:00	16:00	14:00	13:00	15:00		15:00		
Vol.	110	22	15	45	153	245	327	249	90	21	3	2	1		1023		

Tri-State Traffic Data, Inc.

610-466-1469

TSTData.com

Road: Ridge Pike NB
Location: 515 ft N of Barren Hill Rd
Counter: 40596

Site Code: 1
Station ID:
A to C NB Travel Lane

Latitude: 40' 4.7562 North
Longitude: 75' 15.1011 West

NB Travel Lane, NB Passing Lane

Start Time	1 15	16 20	21 25	26 30	31 35	36 40	41 45	46 50	51 55	56 60	61 65	66 70	71 75	76 999	Total	85th Percent	95th Percent
06/20/25	1	0	0	1	5	23	27	14	4	2	0	**1**	0	0	78	48	53
01:00	1	0	0	0	0	14	15	7	1	0	1	0	0	0	39	47	50
02:00	2	0	0	0	1	10	11	11	3	1	0	0	0	0	39	49	53
03:00	1	0	0	0	2	7	21	13	6	0	1	0	0	0	51	49	53
04:00	1	0	0	0	2	22	19	21	7	4	0	0	0	0	76	49	55
05:00	5	0	0	1	12	64	86	55	18	8	0	0	0	0	249	48	53
06:00	15	0	0	8	42	160	213	155	**61**	**20**	**4**	0	0	0	678	49	54
07:00	**25**	**1**	**2**	**15**	**88**	**269**	**353**	**174**	44	10	0	1	0	0	**982**	47	50
08:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
09:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
10:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
11:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
12 PM	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
13:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
14:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
15:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
16:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
17:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
18:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
19:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
20:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
21:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
22:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
23:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Total	51	1	2	25	152	569	745	450	144	45	6	2	0	0	2192		
Percent	2.3%	0.0%	0.1%	1.1%	6.9%	26.0%	34.0%	20.5%	6.6%	2.1%	0.3%	0.1%	0.0%	0.0%			
AM Peak	07:00	07:00	07:00	07:00	07:00	07:00	07:00	07:00	06:00	06:00	06:00	00:00			07:00		
Vol.	25	1	2	15	88	269	353	174	61	20	4	1			982		
PM Peak Vol.																	
Total	1799	62	143	600	2311	7870	11705	7265	2605	645	144	33	8	0	35190		
Percent	5.1%	0.2%	0.4%	1.7%	6.6%	22.4%	33.3%	20.6%	7.4%	1.8%	0.4%	0.1%	0.0%	0.0%			

	15th Percentile :	35 MPH
	50th Percentile :	42 MPH
	85th Percentile :	48 MPH
	95th Percentile :	53 MPH
Stats	10 MPH Pace Speed :	36-45 MPH
	Number in Pace :	19575
	Percent in Pace :	55.6%
	Number of Vehicles > 45 MPH :	10700
	Percent of Vehicles > 45 MPH :	30.4%
	Mean Speed(Average) :	41 MPH

Tri-State Traffic Data, Inc.

610-466-1469
TSTData.com

Road: Ridge Pike SB
Location: 515 ft N of Barren Hill Rd
Counter: 40610

Site Code: 1
Station ID:
A to C SB Travel Lane

Latitude: 40' 4.7627 North
Longitude: 75' 15.0755 West

SB Travel Lane, SB Passing Lane

Start Time	1 15	16 20	21 25	26 30	31 35	36 40	41 45	46 50	51 55	56 60	61 65	66 70	71 75	76 999	Total	85th Percent	95th Percent
06/17/25	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
01:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
02:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
03:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
04:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
05:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
06:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
07:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
08:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
09:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
10:00	**9**	**1**	**4**	24	122	222	113	32	4	1	0	0	0	0	532	43	46
11:00	9	0	3	**40**	**153**	**229**	**140**	**33**	**8**	**2**	0	0	0	0	**617**	43	46
12 PM	8	4	8	42	125	253	158	28	9	0	**2**	0	0	0	637	43	46
13:00	7	0	5	39	118	232	164	44	10	1	0	0	0	0	620	43	47
14:00	22	2	5	39	135	253	136	41	8	0	0	0	0	0	641	43	47
15:00	53	12	46	125	211	246	154	**67**	**12**	4	0	0	0	0	930	43	47
16:00	**100**	18	58	155	**238**	259	152	63	9	2	0	0	0	0	1054	42	46
17:00	92	**36**	**67**	**158**	228	**279**	163	48	11	**5**	0	**1**	0	0	**1088**	41	46
18:00	31	11	30	109	220	268	**166**	51	9	4	1	1	0	0	901	42	47
19:00	14	0	1	28	148	228	134	54	9	0	0	0	0	0	616	43	47
20:00	9	1	1	15	98	158	108	37	9	3	2	0	0	0	441	44	48
21:00	0	0	1	12	66	121	67	16	4	1	0	0	0	0	288	43	47
22:00	0	0	0	13	34	63	42	17	5	1	0	0	0	0	175	44	49
23:00	2	0	0	7	30	47	35	12	2	0	0	0	0	0	135	44	48
Total	356	85	229	806	1926	2858	1732	543	109	24	5	2	0	0	8675		
Percent	4.1%	1.0%	2.6%	9.3%	22.2%	32.9%	20.0%	6.3%	1.3%	0.3%	0.1%	0.0%	0.0%	0.0%			
AM Peak	10:00	10:00	10:00	11:00	11:00	11:00	11:00	11:00	11:00	11:00					11:00		
Vol.	9	1	4	40	153	229	140	33	8	2					617		
PM Peak	16:00	17:00	17:00	17:00	16:00	17:00	18:00	15:00	15:00	17:00	12:00	17:00			17:00		
Vol.	100	36	67	158	238	279	166	67	12	5	2	1			1088		

Tri-State Traffic Data, Inc.

610-466-1469

TSTData.com

Road: Ridge Pike SB
Location: 515 ft N of Barren Hill Rd
Counter: 40610

Site Code: 1
Station ID:
A to C SB Travel Lane

Latitude: 40' 4.7627 North
Longitude: 75' 15.0755 West

SB Travel Lane, SB Passing Lane

Start Time	1 15	16 20	21 25	26 30	31 35	36 40	41 45	46 50	51 55	56 60	61 65	66 70	71 75	76 999	Total	85th Percent	95th Percent
06/18/25	0	0	2	5	15	25	13	8	0	0	**1**	0	0	0	69	44	48
01:00	0	0	0	2	8	7	6	0	0	1	0	0	0	0	24	42	44
02:00	0	0	0	5	6	5	0	1	0	0	0	0	0	0	17	38	45
03:00	0	0	0	4	5	10	10	1	0	0	0	0	0	0	30	43	44
04:00	0	0	0	2	13	8	8	2	2	0	0	0	0	0	35	44	50
05:00	1	0	1	2	22	46	41	17	7	1	1	0	0	0	139	46	51
06:00	9	0	0	9	44	120	165	**83**	16	3	1	**1**	0	0	451	47	49
07:00	23	0	7	28	145	231	168	73	**21**	**6**	0	0	0	0	702	44	49
08:00	26	**6**	**13**	**81**	**180**	**248**	184	34	6	0	0	0	0	0	**778**	42	45
09:00	10	1	4	23	81	235	**192**	68	15	3	0	0	0	0	632	44	48
10:00	**27**	2	4	22	163	243	154	43	9	3	0	0	0	0	670	43	47
11:00	16	0	12	39	147	237	148	51	7	1	0	0	0	0	658	43	47
12 PM	19	2	9	37	162	256	143	32	8	2	0	0	0	**1**	671	42	46
13:00	11	1	6	32	153	249	178	43	12	1	**1**	0	0	0	687	43	47
14:00	18	0	6	45	185	**291**	177	62	9	3	0	0	0	0	796	43	47
15:00	49	15	47	121	231	273	143	63	**17**	4	1	0	0	0	964	42	47
16:00	**112**	**27**	**68**	**169**	263	240	116	29	7	0	0	0	0	0	**1031**	39	44
17:00	79	17	53	143	**268**	255	141	48	9	**5**	0	0	0	0	1018	41	46
18:00	44	9	34	98	180	243	**183**	62	11	1	1	0	0	0	866	43	47
19:00	8	1	3	30	89	217	137	**80**	10	3	0	0	**1**	0	579	45	49
20:00	8	0	1	31	98	155	97	42	9	0	0	**1**	0	0	442	44	48
21:00	6	1	2	11	85	110	81	19	4	1	1	0	0	0	321	43	47
22:00	3	0	5	16	33	77	53	17	8	1	0	0	0	0	213	44	49
23:00	5	0	0	7	35	71	32	9	2	1	0	1	0	0	163	43	47
Total	474	82	277	962	2611	3852	2570	887	189	40	7	3	1	1	11956		
Percent	4.0%	0.7%	2.3%	8.0%	21.8%	32.2%	21.5%	7.4%	1.6%	0.3%	0.1%	0.0%	0.0%	0.0%			
AM Peak	10:00	08:00	08:00	08:00	08:00	08:00	09:00	06:00	07:00	07:00	00:00	06:00			08:00		
Vol.	27	6	13	81	180	248	192	83	21	6	1	1			778		
PM Peak	16:00	16:00	16:00	16:00	17:00	14:00	18:00	19:00	15:00	17:00	13:00	20:00	19:00	12:00	16:00		
Vol.	112	27	68	169	268	291	183	80	17	5	1	1	1	1	1031		

Tri-State Traffic Data, Inc.

610-466-1469
TSTData.com

Road: Ridge Pike SB
Location: 515 ft N of Barren Hill Rd
Counter: 40610

Site Code: 1
Station ID:
A to C SB Travel Lane

Latitude: 40' 4.7627 North
Longitude: 75' 15.0755 West

SB Travel Lane, SB Passing Lane

Start Time	1 15	16 20	21 25	26 30	31 35	36 40	41 45	46 50	51 55	56 60	61 65	66 70	71 75	76 999	Total	85th Percent	95th Percent
06/19/25	3	0	0	6	10	26	18	2	0	0	0	0	0	0	65	42	44
01:00	0	0	2	1	6	12	4	3	2	0	0	0	0	0	30	45	51
02:00	0	0	0	0	5	2	3	3	1	1	0	0	0	0	15	49	56
03:00	0	0	0	1	5	5	13	2	0	0	0	0	0	0	26	44	46
04:00	1	0	0	2	8	7	4	4	3	0	0	**1**	0	0	30	49	54
05:00	1	0	2	6	19	45	38	30	2	2	0	0	0	0	145	47	49
06:00	7	0	0	6	22	84	118	67	18	5	**2**	0	**1**	0	330	48	52
07:00	7	0	0	12	38	126	176	**97**	**20**	2	2	1	0	**1**	482	47	50
08:00	12	0	2	6	67	145	172	76	19	2	2	1	0	0	504	46	49
09:00	17	0	0	13	97	202	**196**	84	17	4	0	0	0	0	630	45	49
10:00	18	**1**	3	36	130	246	191	59	13	**8**	1	0	0	0	706	44	48
11:00	**24**	0	**9**	**68**	**182**	**273**	153	51	9	2	0	0	0	0	**771**	43	47
12 PM	25	5	12	52	226	**303**	**195**	45	10	1	0	0	0	0	874	43	46
13:00	29	0	10	75	185	253	185	51	12	3	0	0	0	0	803	43	47
14:00	25	4	21	98	226	285	151	43	9	0	0	0	0	0	862	42	46
15:00	53	8	45	122	254	246	180	63	**16**	0	0	0	0	0	987	43	47
16:00	84	10	32	117	250	273	169	**70**	14	**5**	**1**	**1**	0	0	1026	43	47
17:00	**102**	**19**	**111**	**215**	208	219	110	38	10	0	0	0	0	0	1032	40	44
18:00	86	17	69	201	**292**	226	116	30	3	4	0	0	0	0	**1044**	39	44
19:00	78	19	31	110	198	212	80	16	1	0	1	0	0	0	746	39	43
20:00	13	1	3	66	195	267	112	36	6	1	0	0	0	0	700	42	46
21:00	8	0	12	56	146	147	69	12	1	0	0	0	0	0	451	41	44
22:00	8	0	2	25	103	106	52	21	5	1	0	0	0	0	323	42	47
23:00	4	0	1	7	59	72	41	5	7	2	0	0	0	0	198	43	49
Total	605	84	367	1301	2931	3782	2546	908	198	43	9	4	1	1	12780		
Percent	4.7%	0.7%	2.9%	10.2%	22.9%	29.6%	19.9%	7.1%	1.5%	0.3%	0.1%	0.0%	0.0%	0.0%			
AM Peak	11:00	10:00	11:00	11:00	11:00	11:00	09:00	07:00	07:00	10:00	06:00	04:00	06:00	07:00	11:00		
Vol.	24	1	9	68	182	273	196	97	20	8	2	1	1	1	771		
PM Peak	17:00	17:00	17:00	17:00	18:00	12:00	12:00	16:00	15:00	16:00	16:00	16:00			18:00		
Vol.	102	19	111	215	292	303	195	70	16	5	1	1			1044		

Tri-State Traffic Data, Inc.
610-466-1469
TSTData.com

Road: Ridge Pike SB
Location: 515 ft N of Barren Hill Rd
Counter: 40610

Site Code: 1
Station ID:
A to C SB Travel Lane

Latitude: 40' 4.7627 North
Longitude: 75' 15.0755 West

SB Travel Lane, SB Passing Lane

Start Time	1 15	16 20	21 25	26 30	31 35	36 40	41 45	46 50	51 55	56 60	61 65	66 70	71 75	76 999	Total	85th Percent	95th Percent
06/20/25	0	0	1	3	29	40	26	12	2	0	0	0	0	0	113	44	48
01:00	0	0	3	3	8	14	7	0	0	1	0	0	0	0	36	41	44
02:00	0	0	0	2	15	11	8	1	0	0	0	0	0	0	37	42	44
03:00	0	0	2	1	5	11	5	2	1	1	0	0	0	0	28	44	53
04:00	1	0	0	3	12	13	14	10	1	2	0	0	0	0	56	47	51
05:00	2	0	1	3	20	53	64	28	7	2	0	1	0	0	181	46	50
06:00	7	0	1	3	30	107	124	85	**31**	5	0	**2**	0	0	395	48	52
07:00	**22**	0	**4**	**22**	**72**	**200**	**239**	**106**	22	**6**	**1**	1	0	0	**695**	46	49
08:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
09:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
10:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
11:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
12 PM	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
13:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
14:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
15:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
16:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
17:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
18:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
19:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
20:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
21:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
22:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
23:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Total	32	0	12	40	191	449	487	244	64	17	1	4	0	0	1541		
Percent	2.1%	0.0%	0.8%	2.6%	12.4%	29.1%	31.6%	15.8%	4.2%	1.1%	0.1%	0.3%	0.0%	0.0%			
AM Peak	07:00		07:00	07:00	07:00	07:00	07:00	07:00	06:00	07:00	07:00	06:00			07:00		
Vol.	22		4	22	72	200	239	106	31	6	1	2			695		
PM Peak Vol.																	
Total	1467	251	885	3109	7659	10941	7335	2582	560	124	22	13	2	2	34952		
Percent	4.2%	0.7%	2.5%	8.9%	21.9%	31.3%	21.0%	7.4%	1.6%	0.4%	0.1%	0.0%	0.0%	0.0%			

	15th Percentile :	29 MPH
	50th Percentile :	36 MPH
	85th Percentile :	43 MPH
	95th Percentile :	48 MPH
Stats	10 MPH Pace Speed :	31-40 MPH
	Number in Pace :	18600
	Percent in Pace :	53.2%
	Number of Vehicles > 45 MPH :	3305
	Percent of Vehicles > 45 MPH :	9.5%
	Mean Speed(Average) :	36 MPH

Tri-State Traffic Data, Inc.
610-466-1469
TSTData.com

Road: Ridge Pike NB
Location: 515 ft N of Barren Hill Rd
Counter: 40596

Site Code: 1
Station ID:
A to C NB Travel Lane

Latitude: 40' 4.7562 North
Longitude: 75' 15.1011 West

Start Time	6/18/2025 Wed	NB Travel	NB Passin							Total
12:00 AM		13	7							20
12:15		8	3							11
12:30		5	5							10
12:45		6	5							11
01:00		5	5							10
01:15		1	2							3
01:30		2	2							4
01:45		1	2							3
02:00		5	1							6
02:15		2	3							5
02:30		1	2							3
02:45		5	1							6
03:00		6	4							10
03:15		5	4							9
03:30		3	3							6
03:45		3	9							12
04:00		2	2							4
04:15		8	4							12
04:30		7	7							14
04:45		10	12							22
05:00		17	8							25
05:15		17	13							30
05:30		32	22							54
05:45		54	26							80
06:00		50	32							82
06:15		53	49							102
06:30		83	63							146
06:45		98	88							186
07:00		102	86							188
07:15		125	99							224
07:30		149	110							259
07:45		**166**	**133**							**299**
08:00		**148**	**117**							**265**
08:15		**162**	**132**							**294**
08:30		**162**	**139**							**301**
08:45		131	98							229
09:00		124	88							212
09:15		116	75							191
09:30		104	81							185
09:45		119	52							171
10:00		95	76							171
10:15		101	69							170
10:30		91	60							151
10:45		95	77							172
11:00		86	54							140
11:15		101	103							204
11:30		93	76							169
11:45		130	105							235
Total		2902	2214							5116
Percent		56.7%	43.3%							
Peak	-	07:45	07:45	-	-	-	-	-	-	07:45
Vol.	-	638	521	-	-	-	-	-	-	1159
P.H.F.		0.961	0.937							0.963

Tri-State Traffic Data, Inc.

610-466-1469
TSTData.com

Road: Ridge Pike NB
Location: 515 ft N of Barren Hill Rd
Counter: 40596

Site Code: 1
Station ID:
A to C NB Travel Lane

Latitude: 40' 4.7562 North
Longitude: 75' 15.1011 West

Start Time	6/18/2025 Wed	NB Travel	NB Passin							Total
12:00 PM		120	63							183
12:15		108	72							180
12:30		115	69							184
12:45		103	93							196
01:00		88	68							156
01:15		107	89							196
01:30		93	73							166
01:45		110	73							183
02:00		90	74							164
02:15		124	88							212
02:30		124	81							205
02:45		148	100							248
03:00		129	108							237
03:15		159	115							274
03:30		145	125							270
03:45		**139**	97							**236**
04:00		**150**	110							**260**
04:15		**148**	**122**							**270**
04:30		**171**	**116**							**287**
04:45		91	**96**							187
05:00		148	**137**							285
05:15		160	122							282
05:30		151	111							262
05:45		128	93							221
06:00		111	85							196
06:15		136	99							235
06:30		103	62							165
06:45		97	66							163
07:00		79	44							123
07:15		64	31							95
07:30		70	47							117
07:45		60	49							109
08:00		48	33							81
08:15		35	31							66
08:30		52	36							88
08:45		40	27							67
09:00		39	23							62
09:15		46	28							74
09:30		28	26							54
09:45		30	17							47
10:00		32	24							56
10:15		28	15							43
10:30		16	8							24
10:45		16	13							29
11:00		13	15							28
11:15		18	14							32
11:30		18	14							32
11:45		7	9							16
Total		4235	3111							7346
Percent		57.7%	42.3%							
Peak	-	15:45	16:15	-	-	-	-	-	-	15:45
Vol.	-	608	471	-	-	-	-	-	-	1053
P.H.F.		0.889	0.859							0.917

Tri-State Traffic Data, Inc.

610-466-1469
TSTData.com

Road: Ridge Pike SB
Location: 515 ft N of Barren Hill Rd
Counter: 40610

Site Code: 1
Station ID:
A to C SB Travel Lane

Latitude: 40' 4.7627 North
Longitude: 75' 15.0755 West

Start Time	6/18/2025 Wed	SB Travel	SB Passin							Total
12:00 AM		7	10							17
12:15		11	14							25
12:30		7	4							11
12:45		9	7							16
01:00		2	3							5
01:15		0	5							5
01:30		4	5							9
01:45		2	3							5
02:00		1	4							5
02:15		2	3							5
02:30		0	2							2
02:45		2	3							5
03:00		4	5							9
03:15		4	3							7
03:30		2	5							7
03:45		4	3							7
04:00		7	3							10
04:15		3	3							6
04:30		6	4							10
04:45		4	5							9
05:00		11	17							28
05:15		19	17							36
05:30		17	16							33
05:45		17	25							42
06:00		42	44							86
06:15		56	56							112
06:30		61	67							128
06:45		63	61							124
07:00		63	75							138
07:15		87	**95**							182
07:30		82	**91**							173
07:45		**106**	**101**							**207**
08:00		**104**	**94**							**198**
08:15		**114**	90							**204**
08:30		**126**	78							**204**
08:45		97	73							170
09:00		92	73							165
09:15		78	78							156
09:30		93	83							176
09:45		78	57							135
10:00		92	82							174
10:15		96	86							182
10:30		70	72							142
10:45		85	86							171
11:00		73	69							142
11:15		74	72							146
11:30		102	85							187
11:45		87	96							183
Total		2166	2033							4199
Percent		51.6%	48.4%							
Peak	-	07:45	07:15	-	-	-	-	-	-	07:45
Vol.	-	450	381	-	-	-	-	-	-	813
P.H.F.		0.893	0.943							0.982

Tri-State Traffic Data, Inc.
610-466-1469
TSTData.com

Road: Ridge Pike SB
Location: 515 ft N of Barren Hill Rd
Counter: 40610

Site Code: 1
Station ID:
A to C SB Travel Lane

Latitude: 40' 4.7627 North
Longitude: 75' 15.0755 West

Start Time	6/18/2025 Wed	SB Travel	SB Passin							Total
12:00 PM		84	89							173
12:15		81	84							165
12:30		94	91							185
12:45		84	64							148
01:00		99	98							197
01:15		83	79							162
01:30		86	94							180
01:45		77	70							147
02:00		97	82							179
02:15		95	90							185
02:30		116	98							214
02:45		104	114							218
03:00		118	123							241
03:15		121	116							237
03:30		115	112							227
03:45		120	**137**							**257**
04:00		131	**129**							**260**
04:15		120	**136**							**256**
04:30		**137**	**143**							**280**
04:45		**120**	113							233
05:00		**135**	118							253
05:15		**129**	142							271
05:30		134	128							262
05:45		122	108							230
06:00		111	101							212
06:15		126	114							240
06:30		115	102							217
06:45		90	104							194
07:00		86	84							170
07:15		72	75							147
07:30		62	79							141
07:45		70	51							121
08:00		64	54							118
08:15		62	73							135
08:30		49	40							89
08:45		55	45							100
09:00		47	44							91
09:15		49	40							89
09:30		39	25							64
09:45		40	37							77
10:00		34	35							69
10:15		31	25							56
10:30		19	26							45
10:45		15	28							43
11:00		26	27							53
11:15		20	22							42
11:30		20	20							40
11:45		14	14							28
Total		3918	3823							7741
Percent		50.6%	49.4%							
Peak	-	16:30	15:45	-	-	-	-	-	-	15:45
Vol.	-	521	545	-	-	-	-	-	-	1053
P.H.F.		0.951	0.953							0.940

Intersection	
Int Delay, s/veh	0.6

Movement	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations						
Traffic Vol, veh/h	6	6	1169	15	15	824
Future Vol, veh/h	6	6	1169	15	15	824
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	75	-	-	-	-
Veh in Median Storage, #	0	-	0	-	-	0
Grade, %	-2	-	7	-	-	-8
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	7	7	1271	16	16	896

Major/Minor	Minor1		Major1		Major2	
Conflicting Flow All	1759	644	0	0	1287	0
Stage 1	1279	-	-	-	-	-
Stage 2	480	-	-	-	-	-
Critical Hdwy	8.4	7.2	-	-	3.9	-
Critical Hdwy Stg 1	5.44	-	-	-	-	-
Critical Hdwy Stg 2	5.44	-	-	-	-	-
Follow-up Hdwy	2.8	2.9	-	-	2.4	-
Pot Cap-1 Maneuver	39	439	-	-	554	-
Stage 1	294	-	-	-	-	-
Stage 2	746	-	-	-	-	-
Platoon blocked, %			-	-		-
Mov Cap-1 Maneuver	37	439	-	-	554	-
Mov Cap-2 Maneuver	37	-	-	-	-	-
Stage 1	294	-	-	-	-	-
Stage 2	703	-	-	-	-	-

Approach	WB	NB	SB
HCM Control Delay, s	67.7	0	0.5
HCM LOS	F		

Minor Lane/Major Mvmt	NBT	NBR	WBLn1	WBLn2	SBL	SBT
Capacity (veh/h)	-	-	37	439	554	-
HCM Lane V/C Ratio	-	-	0.176	0.015	0.029	-
HCM Control Delay (s)	-	-	122.1	13.3	11.7	0.3
HCM Lane LOS	-	-	F	B	B	A
HCM 95th %tile Q(veh)	-	-	0.6	0	0.1	-

Intersection	
Int Delay, s/veh	1.2

Movement	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations						
Traffic Vol, veh/h	14	14	1062	7	7	1071
Future Vol, veh/h	14	14	1062	7	7	1071
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	75	-	-	-	-
Veh in Median Storage, #	0	-	0	-	-	0
Grade, %	-2	-	7	-	-	-8
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	15	15	1154	8	8	1164

Major/Minor	Minor1		Major1		Major2	
Conflicting Flow All	1756	581	0	0	1162	0
Stage 1	1158	-	-	-	-	-
Stage 2	598	-	-	-	-	-
Critical Hdwy	8.4	7.2	-	-	3.9	-
Critical Hdwy Stg 1	5.44	-	-	-	-	-
Critical Hdwy Stg 2	5.44	-	-	-	-	-
Follow-up Hdwy	2.8	2.9	-	-	2.4	-
Pot Cap-1 Maneuver	39	486	-	-	612	-
Stage 1	339	-	-	-	-	-
Stage 2	651	-	-	-	-	-
Platoon blocked, %			-	-		-
Mov Cap-1 Maneuver	38	486	-	-	612	-
Mov Cap-2 Maneuver	38	-	-	-	-	-
Stage 1	339	-	-	-	-	-
Stage 2	627	-	-	-	-	-

Approach	WB	NB	SB
HCM Control Delay, s	82.6	0	0.3
HCM LOS	F		

Minor Lane/Major Mvmt	NBT	NBR	WBLn1	WBLn2	SBL	SBT
Capacity (veh/h)	-	-	38	486	612	-
HCM Lane V/C Ratio	-	-	0.4	0.031	0.012	-
HCM Control Delay (s)	-	-	152.6	12.6	11	0.2
HCM Lane LOS	-	-	F	B	B	A
HCM 95th %tile Q(veh)	-	-	1.4	0.1	0	-

Turn Lane Warrant and Length Analysis Workbook

STUDY LOCATION AND ANALYSIS INFORMATION

Municipality:	Whitemarsh Township	**Analysis Date:**	6/27/2025
County:	Montgomery County	**Conducted By:**	APF
PennDOT Engineering District:	6	**Checked By:**	
		Agency/Company Name:	Albert Federico Consulting, LLC

Intersection & Approach Description: Southbound Ridge Pike and Proposed Driveway

Analysis Period:	2030 Build	**Number of Approach Lanes:**	2
Design Hour:	AM Peak Hour	**Undivided or Divided Highway:**	Undivided
Intersection Control:	Unsignalized		
Posted Speed Limit (MPH):	35		**Type of Analysis**
Type of Terrain:	Rolling	**Left or Right-Turn Lane Analysis?:**	Left Turn Lane

VOLUME CALCULATIONS

Left Turn Lane Volume Calculations

Movement		Include?	Volume	% Trucks	PCEV
Advancing	Left	Yes	15	0.0%	15
	Through	-	824	2.0%	849
	Right	Yes	0	0.0%	0
Opposing	Left	Yes	0	0.0%	0
	Through	-	1169	2.0%	1205
	Right	Yes	15	0.0%	15

Advancing Volume:	864
Opposing Volume:	1220
Left Turn Volume:	15
% Left Turns in Advancing Volume:	1.74%

Right Turn Lane Volume Calculations

Movement		Include?	Volume	% Trucks	PCEV
Advancing	Left	Yes	0	0.0%	N/A
	Through	-	0	0.0%	N/A
	Right	-	0	0.0%	N/A

Advancing Volume:	N/A
Right Turn Volume:	N/A

TURN LANE WARRANT FINDINGS

Left Turn Lane Warrant Findings

Applicable Warrant Figure: Figure 7

Warrant Met?: Yes

Right Turn Lane Warrant Findings

Applicable Warrant Figure: N/A

Warrant Met?: N/A

TURN LANE LENGTH CALCULATIONS

Intersection Control:	Unsignalized
Design Hour Volume of Turning Lane:	15
Cycles Per Hour (Assumed):	Known
Cycles Per Hour (If Known):	40

Average # of Vehicles/Cycle: 1.0

PennDOT Publication 46, Exhibit 11-6

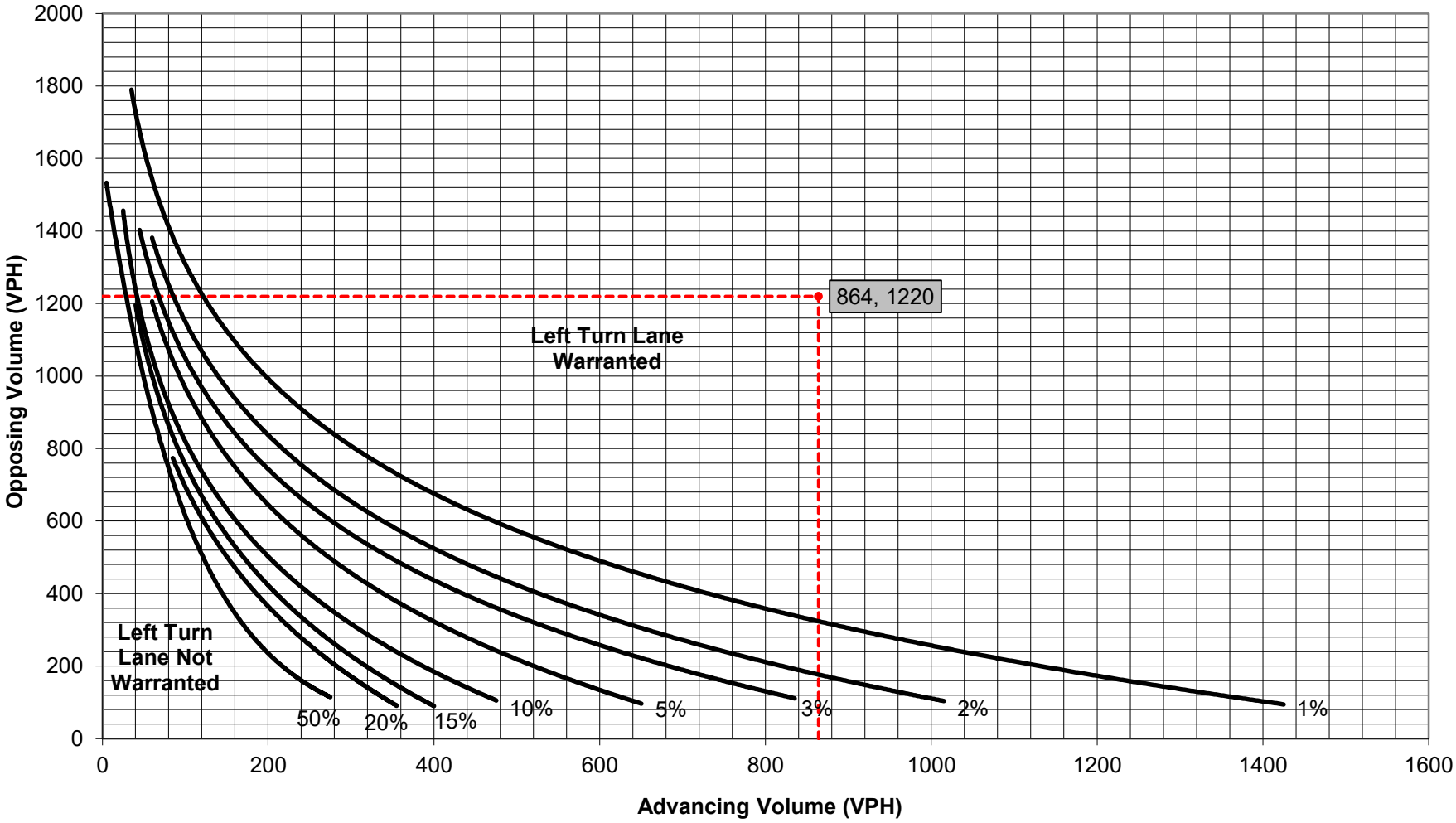
Type of Traffic Control	Speed (MPH)					
	25-35		40-45		50-60	
	Turn Demand Volume					
	High	Low	High	Low	High	Low
Signalized	A	A	B or C	B or C	B or C	B or C
Unsignalized	A	A	C	B	B or C	B

Left Turn Lane Storage Length, Condition A:	75	Feet
Condition B:	N/A	Feet
Condition C:	N/A	Feet
Required Left Turn Lane Storage Length:	75	Feet

Additional Findings: N/A

Additional Comments / Justifications:

Figure 7. Warrant for left turn lanes on four-lane, undivided highways (unsignalized and signalized intersections)
(L = % Left Turns in Advancing Volume)



ADDITIONAL ITEM SINCE 5.14.25 HEARING

MONTGOMERY COUNTY
BOARD OF COMMISSIONERS

NEIL K. MAKHIJA, CHAIR
JAMILA H. WINDER, 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

June 5, 2025

Mr. Charles L. Guttenplan, AICP
Director of Planning & Zoning Officer
Whitmarsh Township
616 Germantown Pike
Lafayette Hill, Pennsylvania 19444

Re: MCPC #25-0101-001
Plan Name: Smith Zoning Hearing Board #2024-19
(1 lot comprising 14.04 acres)
Situate: 717 Ridge Pike (Parcel No. 65-00-09628-00-9)
Whitemarsh Township

Dear Mr. Guttenplan:

We have reviewed the above-referenced special exception application as you requested on May 9, 2025. Please note that the review comments and recommendations contained in this report are advisory to the Whitemarsh Township Zoning Hearing Board ('ZHB'), in compliance with Section 116-217.D. of the Whitemarsh Township Zoning Ordinance, and final disposition for the approval of any proposal will be made by the ZHB. We forward this letter as a report of our review.

BACKGROUND

James J., Theresa, Mathew, Joseph and Francis V. Smith (collectively the "applicant") have submitted a special exception application to the Whitemarsh Township Zoning Hearing Board to permit nursing home use on a 14.04-acre (+/-) lot on Ridge Pike that is located within the AA Residential District and the Institutional Overlay District. The proposed use, nursing home, is permitted by special exception in the Institutional Overlay District pursuant to Section 116-175.L, Special Exception Uses, of the Whitemarsh Township Zoning Ordinance. It is important to note that the easternmost portion of the lot features steep slopes; however, due to a calculated steep slope ratio of 11.8% of the total lot area, the requirements of the Steep Slope Conservation District do not apply (the steep slope ratio threshold is 15%).

The submitted site plan, which is to be considered a sketch plan for the purposes of this review, would provide for the development of a 500-bed nursing home facility. The proposed building occupies much of the property frontage along Ridge Pike, and it is irregularly shaped with alternating recesses and protrusions in roughly 't' shapes. As proposed, the property would take vehicular access in roughly the same locations as three existing curb cuts along Ridge Pike, though it is worth noting that one of the curb cuts does not appear to be in use and the others appear to allow only one-way traffic. A total of 279 parking spaces are proposed: 231 parking spaces

are proposed within structured parking underneath the building that would be accessible via four entrances/egresses; 26 spaces are proposed in a parking area along the northernmost accessway, and 22 parking spaces are proposed at the main entrance to the proposed building, which is accessible via a main entrance. The northeast corner of the property currently features a roughly 1-acre stormwater detention basin, which was constructed by Montgomery County as part of the Ridge Pike Improvement Project. The applicant is proposing to install six (6) new stormwater management areas throughout the site. The provided 'illustrative plan' also provides for extensive landscaping throughout the site.

COMPREHENSIVE PLAN COMPLIANCE

***Whitemarsh Township's Selective Comprehensive Plan Update* (2020)**

The 2028 Future Land Use Plan for Whitemarsh Township categorizes this area of the township as "Conservation District Residential" character area. The intent of the Conservation District Residential is to "facilitate residential development that retains open space and larger lot sizes to prevent parcels from being over-developed by future subdividing," (page 31). The plan goes on to state that development within this character area is encouraged to provide private open space that maintains important viewsheds, natural features, and environmental characteristics. Three potential uses are provided for the Conservation District Residential Character Area: open space, large lot residential, and cluster residential. Although the future land use plan does not address institutional uses as is proposed, the overall site design appears to align with the goals of the conservation district residential.

***Montco 2040: A Shared Vision* (2015; amended 2021)**

The proposal appears generally consistent with the *Montco 2040: A Shared Vision* (2015; amended 2021). The Future Land Use Plan for Montgomery County defines this area of the township as a "suburban residential area." These areas are envisioned with variety of housing types with single-family detached homes as the most prominent land use; however, other appropriate uses include less dense multifamily development, single-family attached uses (e.g., townhomes and twins), and institutional uses. Extensive landscaping, buffers, and street trees should be provided by all developments, and recreation facilities (e.g., a central open space) should be provided. Buildings should have a 'residential' character, with pitched roofs, small building footprints, traditionally residential building materials, and appropriately scaled windows and doors. Development in a Suburban Residential area should be designed to limit potential adverse impacts of traffic, noise, and light.

RECOMMENDATION

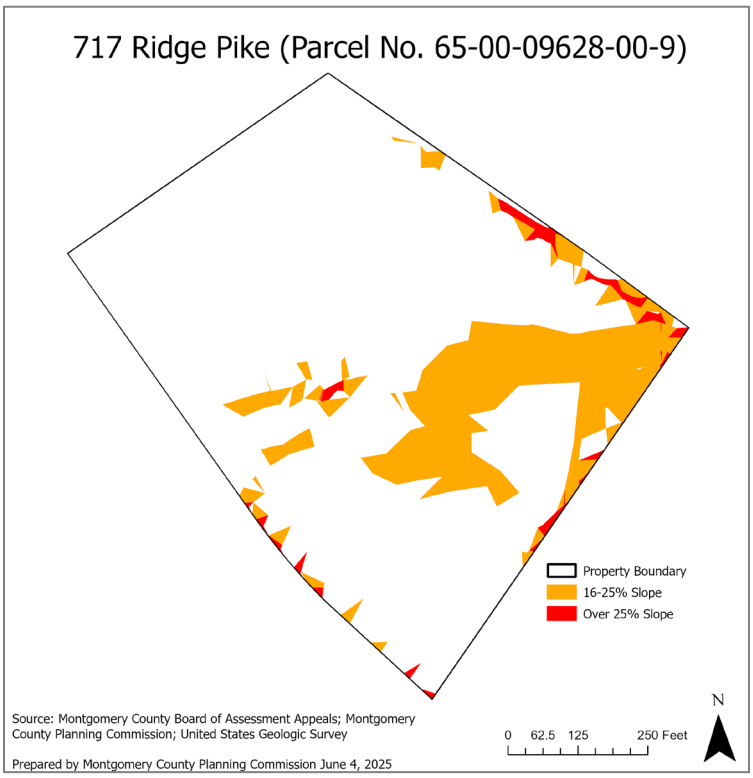
The Montgomery County Planning Commission (MCPC) generally supports the applicant's proposal, however, in the course of our review we have identified the following issues that the applicant and Whitemarsh Township may wish to consider prior to review and approval of the required Special Exception by the Township Zoning Hearing Board. Our comments are as follows:

REVIEW COMMENTS

STEEP SLOPE OVERLAY (ARTICLE XXIII)

A. Section 116-33.2, Overlay Districts, states that "For overlay uses, the requirements of the overlay district shall apply, and in the event of a conflict, the overlay district requirements take precedence over those of the underlying zoning district(s)," and goes on to state that "Unless otherwise stated in any section of this chapter, Steep Slope, Riparian and Floodplain overlay provisions shall take precedence over all underlying or overlying provisions." The latter section appears to state that the regulations of the Steep Slope Overlay District (Article XXIII) takes precedence over all other underlying and overlying zoning designations. The applicant should work with the Township Zoning Officer to ensure compliance with this Article.

B. Section 116-169.B., Modification of Regulations, states that any property in any zoning district that features slopes exceeding 15% are subject to limitations on grading and vegetation removal. A note on the submitted 'site layout plan' states that the steep slope ratio of 11.8% would not require compliance with Section 116-169; however, this only takes into account subsection A. As previously noted, subsection B would limit the amount of disturbance within steeply sloped portions of the property regardless of a set steep slope ratio threshold. Our analysis revealed that a significant portion of the property features slopes that would trigger compliance with Section 116-169.B. Please see the map, below, which highlights slopes of 16-25% and those exceeding 25%. Although this generally aligns with the steeply sloped land noted on the submitted site layout plan, the applicant should confirm the limits of any slopes that would require compliance with Section 116-169.B in coordination with the township.



SECTION 116-217, STANDARDS FOR ACTIONS [BEFORE THE ZONING HEARING BOARD]

The ZHB has sole jurisdiction over review of the criteria set forth in Section 116-217 of the Zoning Ordinance. MCPC provides the following comments related to Section 116-217 to aid in the ZHB's review of the application:

A. Regarding Section 116-217.A., subsection (1), the proposed use, nursing home, is expressly permitted by Special Exception in the Institutional Overlay District. Furthermore, the proposal meets all dimensional requirements for such use (Section 116-176). Please note that the site plan may be subject to change if/when the applicant proceeds with Land Development.
B. Regarding Section 116-217.A., subsection (2), the proposed use of nursing home is substantially similar to the use of the property abutting to the southeast ('Masonic Village at Lafayette Hill'). Furthermore, another institutional use, a place of worship ('Congregation Or Ami'), is established across Ridge Pike from the proposed development site. The ZHB should consider if additional concentration of institutional uses in this corridor is appropriate.
C. Regarding Section 116-217.A., subsection (3), MCPC has identified potential conflicts with vehicular and pedestrian traffic, which are outlined in following section (under the heading 'Transportation and Circulation').
D. Regarding Section 116-217.A., subsection (4), please refer to our previous section related to comprehensive plan compliance.
E. We make no comment regarding Section 116-217.A., subsections (5) and (6).
F. Lastly, MCPC would like to acknowledge that Article XXIV, Institutional Overlay District, does include specific criteria related to this land use. We encourage the township to consider reviewing this article and determining if these unique institutional uses warrant additional standards to aid with the review.

TRANSPORTATION AND CIRCULATION

In the course of review, MCPC has identified multiple potential conflicts with the accommodation of vehicular, pedestrian, and transit access.

A. Highway Occupancy Permit required. A Highway Occupancy Permit (HOP) is required for all construction within the right-of-way of a county road or adjacent to a county road. Please contact the Montgomery County Division of Roads and Bridges to learn more about the HOP process.
B. Vehicular access and circulation.
    a. Although multiple entrances/exits may appear to provide convenient access to the site, this may cause confusion for residents and visitors of the nursing home. It is therefore recommended that the applicant consider reducing the number of entrances/exits and/or install signage that clearly marks the main entrance for residents and visitors.
    b. Left turns into and exiting the site may cause excessive queuing, delays, and safety concerns for travelers on Ridge Pike. Therefore, the applicant, Whitemarsh Township, and the Montgomery County Division of Roads and Bridges should discuss options to avoid such conflict (e.g., right-turn-only for entrance and egress).
C. Pedestrians and transit users.
    a. Although we commend the applicant for providing sidewalk along the property frontage, this section of sidewalk neither connects to existing sidewalk nor does it provide access to nearby transit stops. It is therefore recommended that the applicant seek cooperation from neighboring property owners to pursue access to nearby transit stops, which are located on the east side of Ridge Pike at Park Avenue and Church Road (to the north of the site) and Manor Road (to the south of the site) and on the west side of Ridge Pike at Manor Road (to the south of the site) and at 700 Ridge Pike ('Holod's Garden Center'). A potential option would be the creation of a pedestrian crossing at the intersection of Ridge Pike and Barren Hill Road, which would enable access to many of the aforementioned bus stops. Alternatively, the applicant could seek

cooperation from neighboring property owners to install new sidewalk to the north and south of the site.

b. It is unclear what is provided within the large grey circle at the main entrance on the submitted site plan (i.e., are sidewalks provided?); regardless, this area would appear to pose a potential conflict between pedestrian and vehicles entering the site. If it is understood that any pedestrians accessing this site must cross an accessway at the main entrance, because there is no other sidewalk connecting Ridge Pike to the building, then MCPC must point out that vehicles entering the property from Ridge Pike will likely enter at a speed that would pose safety concerns for pedestrians. The applicant may wish to reconsider this design, and may also wish to provide additional pedestrian connection from the sidewalk along Ridge Pike to the building.

COUNTY STORMWATER BMP

Montgomery County owns a drainage easement covering the stormwater management BMP that was installed as part of the Ridge Pike Improvement Project and intends to assert their easement rights to ensure continued safe drainage of the roadway. The BMP is subject to a joint utility easement with Whitemarsh Township, an agreement that ensures access by both parties to the site. This agreement requires that no building or structure may be constructed within this area and no ditch or pipe may be connected to this BMP without express permission from the Pennsylvania Department of Transportation. We recommend that the applicant work with the township to ensure that all required stormwater management for the proposal can be accommodated outside of the county's stormwater easement area.

OUTDOOR AMENITIES

MCPC wishes to commend the applicant for the vast areas of open space and landscaping included on the submitted concept plan. We would, however, like to acknowledge that the concept plan lacks a defined outdoor amenity space for use by future employees and residents of the nursing home. We recommend that the applicant consider how outdoor amenities can be accommodated within the open space surrounding the proposed building. Examples of such may include an outdoor patio or gathering space, a loop trail, and other infrastructure such as benches to allow for the enjoyment of nature by residents and staff.

CONCLUSION

We wish to reiterate that MCPC generally supports the applicant's proposal but we believe that our suggested revisions will better achieve the township's planning objectives for institutional development. Please note that the review comments and recommendations contained in this report are advisory to the municipality and final disposition for the approval of any proposal will be made by the municipality. Should the Zoning Hearing Board approve the application for special exception, the applicant will be required to seek land development approval. Please note that MCPC must be afforded an opportunity to review said land development application, pursuant to Section 502 of Act 247, "The Pennsylvania Municipalities Planning Code."

Please print the assigned MCPC number (25-0101-001) on any future review requests related to this proposal.

Sincerely,

Timothy Konetchy

Timothy Konetchy, Senior Community Planner
timothy.konetchy@montgomerycountypa.gov – 610-292-4917

c: Craig McAnally, Township Manager
Aaron Kostyk, Chair, Township Planning Commission
Krista Heinrich, PE, Township Engineer
David Sander, Esq., Township Solicitor
Jessica Buck, District Manager, MCCD
John Gallagher, PE, PennDOT
Fran Hanney, PE, PennDOT

Attachment A: Aerial Image of Site
Attachment B: Reduced Copy of Applicant's Proposed Site Plan

ATTACHMENT A: AERIAL IMAGE OF SITE



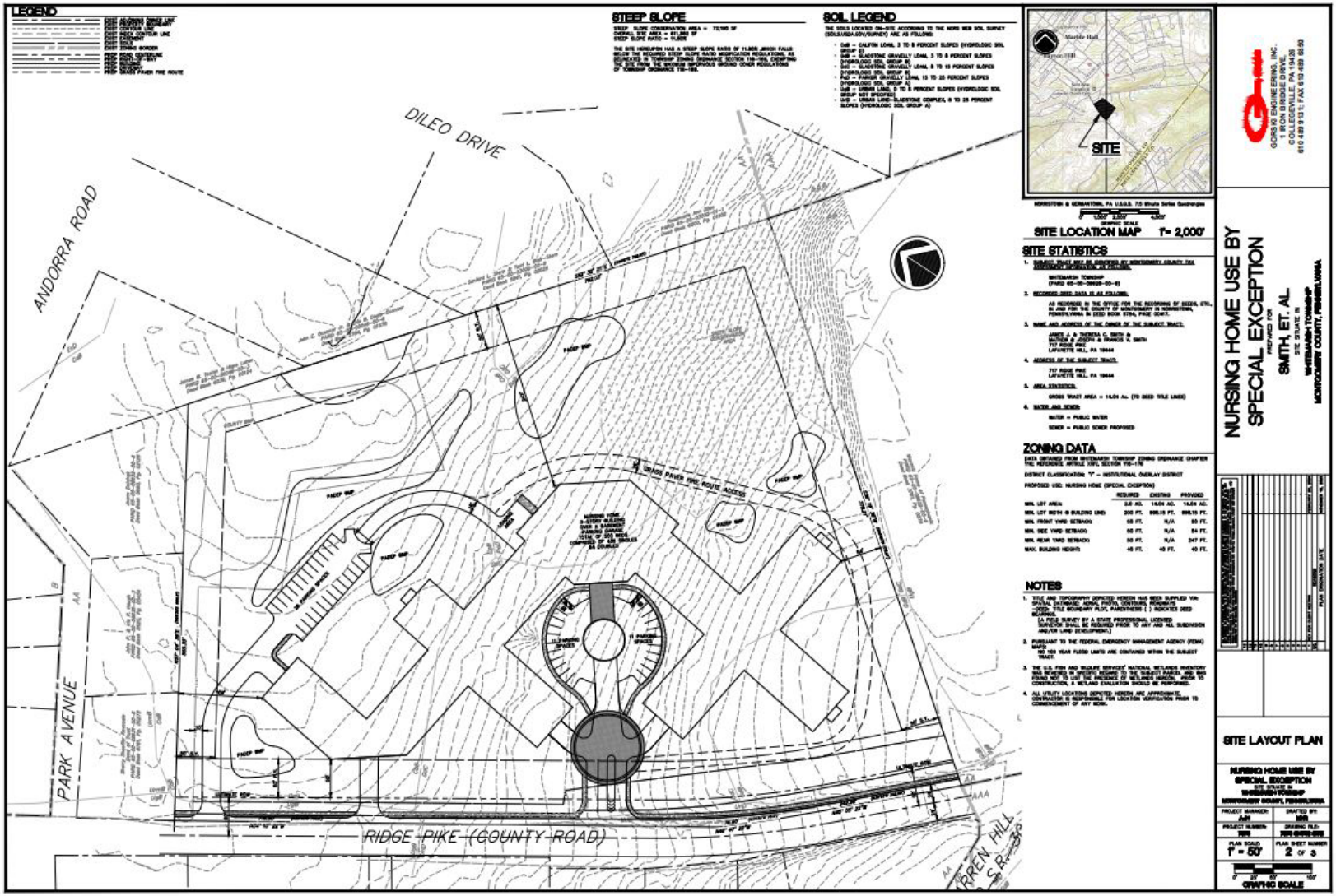
Smith Zoning Hearing Board #2024-19
MCPC#250101001

Montgomery County Planning Commission

0 100 200 400 Feet

N

ATTACHMENT B: REDUCED COPY OF APPLICANT'S PROPOSED SITE PLAN



ADDITIONAL ITEM SINCE 8.13.25 HEARING

RECEIVED
SEP 04 2025
WHITEMARSH TOWNSHIP
ZONING & ENGINEERING

robert e. blue consulting engineers, p.c.

September 3, 2025

Mr. Matthew J. McHugh, Partner
Klehr Harrison Harvey Branzburg LLP
1835 Market Street, Suite 1400
Philadelphia, PA 19103

Re: Application for Special Exception
717 Ridge Pike, Lafayette Hill, PA 19444
Whitemarsh Township, Montgomery County, PA
REBPC#2346-1

Dear Mr. McHugh:

At your request, we have reviewed the application for Special Exception for the subject property as submitted to Whitemarsh Township by the Applicant (Smith et al.) and Applicant's Civil Engineer (Gorski Engineering, Inc.). I am qualified to opine on the matters contained herein based upon my extensive experience as a professional engineer. I am the President of Robert E. Blue Consulting Engineers, P.C., having served in that role since 1986. I am a Registered Professional Engineer in the Commonwealth of Pennsylvania (License No. PE026169E) and the State of New Jersey (License No. 24GE02546). I am a Registered Land Surveyor in the Commonwealth of Pennsylvania (License No. SUOO1323A). I have over fifty (50) years of experience as a professional engineer, and I have been accepted as an expert in various engineering disciplines in local, state, and federal courts. I have provided expert testimony for landowners, developers, homebuilders, and local, county, and federal agencies. I currently serve on the Montgomery County Planning Commission.

Documents Reviewed

- Special Exception Plans prepared by Gorski Engineering, Inc. dated 11/15/2023, revision #1 dated 2/26/2024, sheets 1-3 of 3.
- Conceptual Stormwater Management Plan prepared by Gorski Engineering, Inc. dated 11/15/2023, revision #1 dated 2/26/2024, sheets 1-2 of 2.
- Conceptual Post-Construction Stormwater Management Report prepared by Gorski Engineering, Inc. dated November 2024.
- Montgomery County Planning Commission review letter dated 6/5/2025.
- LiDAR Slopes Analysis Memo prepared by Aterra Solutions dated 1/28/2025.
- Report prepared by Thomas J. Comitta, AICP dated 5/7/2025.
- Report prepared by Albert Federico Consulting, LLC dated 5/7/2025.
- Zoning Hearing Board transcripts dated 12/11/2024, 1/28/2025, 3/5/2025, 3/26/2025, and 5/7/2025.

robert e. blue
consulting engineers, p.c.
1149 Skippack Pike, Blue Bell, PA 19422
ph:610.277.9441 fx: 610.277.9897

Factual Background

The Applicant has submitted an application for special exception to the Whitemarsh Township Zoning Hearing Board to permit a nursing home use. The subject property, 717 Ridge Pike, is zoned as the AA Residential District and falls under the Institutional Overlay District. Under the Institutional Overlay District, a nursing home use is permitted by special exception.

The subject property consists of approximately fourteen (14) acres of land and has frontage on Ridge Pike to the south, abuts single-family residential properties to the west and north, and abuts an existing nursing home (Masonic Village at Lafayette Hill) to the east. The Applicant proposes to construct a 3-story nursing home with 500 beds and a basement-level parking garage. The plan depicts three (3) proposed access driveways to Ridge Pike (County Road) with driveways leading to 48 surface parking spaces and 231 parking spaces within the basement-level parking garage. Each access drive appears to be interconnected via the building's basement-level parking garage. An 18-foot wide grass paver fire route access is shown to wrap around the eastern half of the building.

The plan notes that "*Title and topography depicted hereon has been supplied via: Spatial Database: aerial photo, contours, roadways – Deed: title boundary plot, parenthesis ( ) indicates deed bearings. [A field survey by a state professional licensed surveyor shall be required prior to any and all subdivision and/or land development.]*" An actual field survey was not utilized by the Applicant for preparation of the plans.

Findings and Opinion

My findings and opinions as related to the subject matter are described herein:

- **Finding #1 – Applicant Plans are Misaligned**

The plans submitted to the Township by the Applicant, specifically Sheet 2 of 3 titled "Site Layout Plan" include Note #1 stating "*Title and topography depicted hereon has been supplied via: Spatial Database: Aerial photo, contours, roadways – Deed: title boundary plot, parenthesis () indicated deed bearings.*"

The Spatial Database referenced by the Applicant's plan is a publicly available Geo-Referenced dataset. Additionally, although our office has not received a copy of the property deed, the deeded bearings and distances are depicted on the Applicant's plan. Our office utilized the same Spatial Database data referenced by the Applicant's plan and prepared overlays for comparison and for purposes of reviewing areas of steep slopes. Through these overlays our office verified that the topographic contour data downloaded by REBPC exactly matches the contours depicted on the Applicant's plan, however, there are significant issues with spatial alignment of the contour data versus the property boundary.

robert e. blue
consulting engineers, p.c.
1149 Skippack Pike, Blue Bell, PA 19422
ph:610.277.9441 fx: 610.277.9897

Appended to this report is **Exhibit #1** which is a copy of the Applicant's "Site Layout Plan" overlaid with property boundary data and topographic data obtained from the same Spatial Database that the Applicant claims to reference. As seen in **Exhibit #1**, when aligning the Applicant's plan with the Geo-Referenced property boundary from the Spatial Database, the Geo-Referenced topographic data is misaligned with the Applicant's Plan.

Conversely, **Exhibit #2** appended to this report is a copy of the Applicant's "Site Layout Plan" overlaid with the same data as Exhibit #1, however, in **Exhibit #2** the Applicant's plan has been aligned with the Geo-Referenced topographic data instead of the property boundary data. As seen on Exhibit #2, the contour lines are identical to the Applicant's plan, however the property boundary is misaligned by more than 50-ft along the rear of the property.

As documented by Exhibit #1 and Exhibit #2, the Applicant's Site Layout Plan (on which the Applicant's steep slope analysis was performed) has a severe alignment issue. This is a significant issue which has a trickle-down effect as described further in Findings #2 and #3, below.

- **Finding #2 – Applicant Plans are not Suitable for Verification of Steep Slope**

Per §116-169 of the Whitemarsh Township Zoning Ordinance (Article XXIII – Steep Slope Overlay), the ordinance requires slopes of 8% or more to be "*delineated on a plan which meets the requirements of a preliminary plan as specified in the Whitemarsh Township Subdivision and Land Development Ordinance.*"

The Preliminary Plan requirements set forth in the Whitemarsh Township Subdivision and Land Development Ordinance (SALDO) per §105-21.B.(2)(b) require the plan to depict "*Contour lines measured at vertical intervals of two feet. Such elevations shall be determined by on-site survey, not interpretation of United States Geological Survey maps.*"

The plans submitted to the Township by the Applicant include Note #1 stating "*Title and topography depicted hereon has been supplied via: Spatial Database: Aerial photo, contours, roadways – Deed: title boundary plot, parenthesis () indicated deed bearings.*"

The Applicant's plan does not depict contour lines determined by an on-site survey, thus it does not meet the Preliminary Plan criteria of the SALDO and thereby not suitable to delineate slopes of 8% or greater as prescribed by the Article XXII of the Zoning Ordinance. As any impermissible disturbance of steep slopes is a zoning issue, it is my opinion that the Applicant must either provide a plan based upon an actual field survey or request a zoning variance.

robert e. blue
consulting engineers, p.c.
1149 Skippack Pike, Blue Bell, PA 19422
ph:610.277.9441 fx: 610.277.9897

- **Finding #3 – Steep Slope Disturbance**

Despite the property alignment and contour data issues, our office has reviewed the delineated slopes based on the information presented by the Applicant. In the case of both alignment scenarios, the amount of steep slopes present on the subject property were found to result in a steep slope ratio significantly greater than that reported on the Applicant's plan.

Whitemarsh Township has very specific criteria defining what constitutes a steep slope and instructions for calculating the steep slope ratio as defined in the Article XXIII of the Zoning Ordinance. Per §116-169, Whitemarsh Township dictates that "*The requirements of the following zoning districts shall be modified in accordance with the provisions of this article on all land having a slope of 8% or more as delineated on a plan which meets the requirements of a preliminary plan as specified in the Whitemarsh Township Subdivision and Land Development Ordinance.*"

The Applicant's plan depicts a Steep Slope Conservation Area and provides a calculation for the Steep Slope Ratio. However, the calculation for steep slope ratio per Whitemarsh Township Zoning Ordinance considers all slopes of 8% or more and does not distinguish between natural and man-made slopes. Upon review of the Applicant's plan, it is not clear how the "Steep Slope Conservation Area" was determined, as slopes of 8% or greater exist throughout much of the property.

Appended to this report are **Exhibit #3** and **Exhibit #4** where our office expands upon Exhibits #1 and #2 to delineate slope areas as defined by the Zoning Ordinance. Exhibits #3 and #4 define areas for slopes from 8% to 15%, 15% to 25%, and 25% or greater. Per Exhibit #3 where the Applicant's plan has been aligned via the parcel boundaries, the total slope area equates to 375,777 square feet. Per Exhibit #4 where the Applicant's plan has been aligned via the contour lines, the total slope area equates to 378,353 square feet. Calculating the steep slope ratio utilizing the Applicant's "Overall Site Area" of 611,582 square feet, the resultant steep slope ratio in either case is greater than 61%.

Per the Maximum Impervious Ground Cover chart under §116-169.A., a steep slope ratio between 50% and 75% results in a Maximum Impervious Ground Cover of 0.11 in the AA Zoning District. Further, per §116-169.B., no more than 30% of the total area containing slopes 15% to 25% is permitted to be disturbed and no more than 15% of the total area containing slopes 25% or greater is permitted to be disturbed.

It is my opinion that the Applicant has not provided proof that the proposal complies with the impervious coverage and disturbance requirements as defined in the Whitemarsh Township Steep Slope Overlay. Zoning variances may be required.

robert e. blue
consulting engineers, p.c.
1149 Skippack Pike, Blue Bell, PA 19422
ph:610.277.9441 fx: 610.277.9897

- **Finding #4 – Building Height**

The Applicant proposes to construct a 3-story building over a basement parking garage. The Zoning Data tabulation listed on the Applicant's Plan indicated a maximum building height requirement of 40 feet (in accordance with §116-176 of the Institutional Overlay District) and a provided building height of 40 feet.

Building Height is defined in the Whitemarsh Township Zoning Ordinance as the "*building's vertical measurement from the mean level of the ground surrounding the building to a point midway between the highest and lowest points of the roof on the highest roof plane*".

Given that the proposed building consists of three stories over a parking garage, and that the plan depicts access to the parking garage on multiple sides, the Applicant's proposal is essentially a 4-story building. Based on the Applicant's plan and the testimony from the Applicant's Engineer, it is my opinion that the proposed building will exceed the 40-foot maximum height requirement thereby requiring a zoning variance. Specifically:

- The shading of the roof line on the Applicant's Illustrative Plan, Sheet 1 of 3, indicates a pitched roof. Pitched roofs with asphalt shingle coverings commonly have a slope of 4:12 or greater. Based on a building width of 70 feet depicted on the Applicant's plan, the height of an assumed 4:12 pitched roof would be 11.67 feet. Taking the mean height per the Zoning Ordinance definition and accounting for a height of 10 feet for each of the 4-stories equates to a building height of 45.8 feet, exceeding the maximum requirement.

- A height of 45.8 feet assumes that the average finished grade elevation around the building perimeter is even with the base of the garage-level elevation. However, there are several other factors that will further add to the provided building height.

  Firstly, the ground slopes from the southeast corner of the building to northwest side of the building depicted on the Applicant's plan documents an elevation difference of approximately 68 feet. The Applicant's Engineer has a testified to various means of alleviating this grade difference, one of which was to provide ramps internal to the building. Internal ramps to provide a change in elevation from one side of the building to the other will increase the overall building height beyond 45.8 feet.

  Secondly, an elevation difference of 68 feet is immense. Federal ADA criteria limits ramp slopes to a maximum grade of 8.33%. If the Applicant intends to accommodate the elevation change via ADA compliant ramps, a total ramp length of over 800 linear feet would be necessary. Per the floor plans, the longest straight hallway is less than 400 linear feet. In order for internal ramps to provide a significant impact in the overall grading scheme, a series of switchback ramps over the entire length of the building would be needed. This is not a reasonable solution.

robert e. blue
consulting engineers, p.c.
1149 Skippack Pike, Blue Bell, PA 19422
ph:610.277.9441 fx: 610.277.9897

Thirdly, a more reasonable approach to make up the grade difference would be to utilize retaining features such as utilizing an extended parking garage foundation as retaining and/or use of stand-alone retaining walls. These features will affect the mean level of the ground surrounding the building and further increase the overall building height above the 45.8 feet noted above, which already exceeds the maximum of 40 feet required.

- **Finding #5 – Stormwater Management**

The Applicant has submitted a Conceptual Stormwater Management Plan and a Conceptual Post-Construction Stormwater Management Report, both prepared by the Applicant's Engineer. In addition, the Applicant's Engineer provided detailed testimony regarding the proposed stormwater management plan.

It is my opinion that the Applicant's Stormwater Management Plan and Report contain numerous errors and inappropriate assumptions as discussed herein:

- The footprint of BMP#1 encroaches into the easement area for the "County BMP" located in the northwest corner of the property. The Applicant has not provided proof of legal rights to modify grading or construct a stormwater management facility within the County easement area.

- The stormwater basin footprints shown by the Applicant are overestimated in the report calculations. On the Applicant's Plan, BMP areas are shown which depict the limit of proposed above-ground stormwater management facilities (i.e. detention and/or retention basins). However, the "Infiltration/Vegetated Area" for each BMP listed on Page 18 of the Applicant's Stormwater Report are inconsistent with the plan and grossly overestimated.

  For example, the area of BMP #1 on the Applicant's Plan measures to approximately 30,400 square feet, whereas the Infiltration Area is reported as 33,619 square feet in the calculation. Due to spatial constraints, it is inferred that the BMP boundary lines on the Applicant's plan are the outermost footprint of the basin area. Therefore, the boundary does not account for various grading features as required by Whitemarsh Township Ordinance §58-33, such as a minimum berm width of 10 feet, maximum side slopes of 3:1, and minimum freeboard of 1 foot. If the Applicant had accounted for these features, the Infiltration Area and overall size for each BMP reported in the calculations would be significantly smaller. Thus, the size of each BMP and therefore the retention and detention potential claimed by the Applicant is overstated.

- The Applicant's stormwater report lacked critical design calculations necessary to demonstrate that the proposed stormwater management system will provide the benefits claimed. A proposed grading design is required to verify the size of the six (6) above ground basin BMP's. In addition, the Applicant Peak Rate summary claims that there is zero (0) overall discharge for the 2-year and 10-year storms in the post-construction

robert e. blue
consulting engineers, p.c.
1149 Skippack Pike, Blue Bell, PA 19422
ph:610.277.9441 fx: 610.277.9897

condition, and massive reductions in the discharge for the 50-year and 100-year storms. However, basin routing calculations were not provided to support their claims.

In addition, there are inconsistencies with the reported peak rate values. Page 21 indicates that BMP #1 has a measured outflow in the 2-year and 10-year storms, but the peak rate summary on Page 22 reports zero (0) discharge in those storm events. Also on Page 21, the outflow from BMP #1 is lower in the 50-year storm event than it is in the 10-year storm event which is not possible. As the Applicant has not provided supporting calculations, the claims of reduced discharge are unfounded.

- The Applicant provided NOAA Atlas 14 rainfall data on Page 68 of the report which lists a 2-year/24-hour storm depth of 3.28 inches. However, the volume calculations on Pages 17-18 utilized a depth of 3.26 inches. Therefore, the Applicant's volume calculations underreport the required net change in volume to be managed. The Applicant should clarify whether the proposed BMP's have sufficient storage and infiltration potential to manage the full volume requirement utilizing a depth of 3.28 inches, and after accounting for the reduced BMP size due to necessary grading features described above.

- On Page 11 of the Applicant's Stormwater Report, several BMP's are listed that do not appear in the plan or calculations, such as Subsurface Detention and Vegetated Filter Strip. The Applicant should clarify whether these BMP's are proposed and, if so, how they fit in with the stormwater management plan scheme.

- Based on the spacing and location of the proposed storm basins, it appears they are intended to be connected in series as all will drain to the low point at the rear of the property. However, the BMP volume credit calculations on Page 18 of the Applicant's report do not account for the BMP's draining in series. This may impact the amount of volume credit able to be claimed.

Conclusion

In my opinion, the Applicant has not provided sufficient information to demonstrate compliance with the Whitemarsh Township Ordinances. As a result, there may be several instances where zoning relief would be required to support the current proposal. I am not aware of any zoning variances requested by the Applicant to date. Regarding the Applicant's conceptual stormwater management plan and report, there are several inconsistencies and a lack of supporting design and calculations which are critical. It is my opinion that the Applicant's stormwater claims are unfounded due to the incomplete design information, and because the limited design information available is wrought with errors and inconsistencies.

robert e. blue
consulting engineers, p.c.
1149 Skippack Pike, Blue Bell, PA 19422
ph:610.277.9441 fx: 610.277.9897

My fees are not contingent in any way upon the outcome of this proceeding. I reserve the right to amend or supplement this letter should additional documentation and information be provided. I further reserve the right to provide a rebuttal to any report or analysis submitted by the Applicant or their affiliates, if requested to do so.

Sincerely,

Robert E. Blue, Consulting Engineers, P.C.

By: _____
Robert E. Blue, Jr., P.E., P.L.S.
President

By: _____
Michael Baginski, P.E.
Senior Engineer and Project Manager

Attachments:
REBPC Exhibit #1 – Overlay Aligned by Property Boundary
REBPC Exhibit #2 – Overlay Aligned by Contour Lines
REBPC Exhibit #3 – Overlay Aligned by Property Boundary with Steep Slope Hatching
REBPC Exhibit #4 – Overlay Aligned by Contour Lines with Steep Slope Hatching
REBPC Exhibit #5 – Robert E. Blue, Jr., P.E., P.L.S. Curriculum Vitae
REBPC Exhibit #6 – Michael Baginski, P.E. Curriculum Vitae

Cc: Client
File

M:\Proj\2346-1\Expert Report\2025-09-03 Final Report for Issuance\2025-09-03_(2346-1) REBPC 717 Ridge Pike Review.docx

LEGEND

- EXIST ADJOINING OWNER LINE
- EXIST PROPERTY BOUNDARY
- EXIST CONTOUR LINE
- EXIST INDEX CONTOUR LINE
- EXIST EASEMENT
- EXIST SOILS
- EXIST ZONING BORDER
- PROP ROAD CENTERLINE
- PROP RIGHT-OF-WAY
- PROP BUILDING
- PROP DRIVEWAY
- PROP GRASS PAVER FIRE ROUTE

STEEP SLOPE

STEEP SLOPE CONSERVATION AREA = 72,190 SF
OVERALL SITE AREA = 611,582 SF
STEEP SLOPE RATIO = 11.80%

THE SITE HEREUPON HAS A STEEP SLOPE RATIO OF 11.80% ,WHICH FALLS BELOW THE REQUIRED STEEP SLOPE RATIO MODIFICATION REGULATIONS, AS DELINEATED IN TOWNSHIP ZONING ORDINANCE SECTION 116-169, EXEMPTING THE SITE FROM THE MAXIMUM IMPERVIOUS GROUND COVER REGULATIONS OF TOWNSHIP ORDINANCE 116-169.

SOIL LEGEND

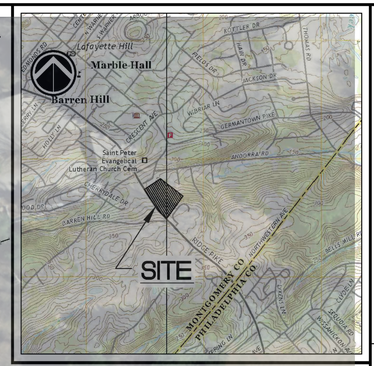
THE SOILS LOCATED ON-SITE ACCORDING TO THE NCRS WEB SOIL SURVEY (SOILS.USDA.GOV/SURVEY) ARE AS FOLLOWS:

- CaB — CALIFON LOAM, 3 TO 8 PERCENT SLOPES (HYDROLOGIC SOIL GROUP D)
- GdB — GLADSTONE GRAVELLY LOAM, 3 TO 8 PERCENT SLOPES (HYDROLOGIC SOIL GROUP D)
- GdC — GLADSTONE GRAVELLY LOAM, 8 TO 15 PERCENT SLOPES (HYDROLOGIC SOIL GROUP B)
- PaD — PARKER GRAVELLY LOAM, 15 TO 25 PERCENT SLOPES (HYDROLOGIC SOIL GROUP A)
- UgB — URBAN LAND, 0 TO 8 PERCENT SLOPES (HYDROLOGIC SOIL GROUP NOT SPECIFIED)
- UrlD — URBAN LAND-GLADSTONE COMPLEX, 8 TO 25 PERCENT SLOPES (HYDROLOGIC SOIL GROUP A)

REBPC NOTE
BLUE LINES DEPICT PARCEL DATA FROM THE SPATIAL DATABASE (REASONABLY ALIGNED AS COMPARED TO THE APPLICANT PLAN DEED PLOT)

REBPC NOTE
RED LINES DEPICT EDGE OF ROAD BREAKLINES FROM THE SPATIAL DATABASE

REBPC NOTE
GREEN DASHED LINES DEPICT CONTOUR LINES FROM THE SPATIAL DATABASE (SEVERELY MISALIGNED WITH APPLICANT CONTOURS)



NORRISTOWN & GERMANTOWN, PA U.S.G.S. 7.5 Minute Series Quadrangles

0' 1,000' 2,000' 4,000'
GRAPHIC SCALE

SITE LOCATION MAP 1"= 2,000'

SITE STATISTICS

1. SUBJECT TRACT MAY BE IDENTIFIED BY MONTGOMERY COUNTY TAX ASSESSMENT INFORMATION AS FOLLOWS:

   WHITEMARSH TOWNSHIP
   (PARID 65-00-09628-00-9)

2. RECORDED DEED DATA IS AS FOLLOWS:

   AS RECORDED IN THE OFFICE FOR THE RECORDING OF DEEDS, ETC., IN AND FOR THE COUNTY OF MONTGOMERY IN NORRISTOWN, PENNSYLVANIA IN DEED BOOK 5754, PAGE 00417.

3. NAME AND ADDRESS OF THE OWNER OF THE SUBJECT TRACT:

   JAMES J. & THERESA C. SMITH &
   MATHEW & JOSEPH & FRANCIS V. SMITH
   717 RIDGE PIKE
   LAFAYETTE HILL, PA 19444

4. ADDRESS OF THE SUBJECT TRACT:

   717 RIDGE PIKE
   LAFAYETTE HILL, PA 19444

5. AREA STATISTICS:

   GROSS TRACT AREA = 14.04 Ac. (TO DEED TITLE LINES)

6. WATER AND SEWER:

   WATER = PUBLIC WATER

   SEWER = PUBLIC SEWER PROPOSED

ZONING DATA

DATA OBTAINED FROM WHITEMARSH TOWNSHIP ZONING ORDINANCE CHAPTER 116, REFERENCE ARTICLE XXIV, SECTION 116-176

DISTRICT CLASSIFICATION: "I" – INSTITUTIONAL OVERLAY DISTRICT

PROPOSED USE: NURSING HOME (SPECIAL EXCEPTION)

	REQUIRED	EXISTING	PROVIDED
MIN. LOT AREA:	2.0 AC.	14.04 AC.	14.04 AC.
MIN. LOT WIDTH @ BUILDING LINE:	200 FT.	998.15 FT.	998.15 FT.
MIN. FRONT YARD SETBACK:	50 FT.	N/A	50 FT.
MIN. SIDE YARD SETBACK:	50 FT.	N/A	54 FT.
MIN. REAR YARD SETBACK:	50 FT.	N/A	247 FT.
MAX. BUILDING HEIGHT:	40 FT.	40 FT.	40 FT.

NOTES

1. TITLE AND TOPOGRAPHY DEPICTED HEREON HAS BEEN SUPPLIED VIA:
   SPATIAL DATABASE: AERIAL PHOTO, CONTOURS, ROADWAYS
   -DEED: TITLE BOUNDARY PLOT, PARENTHESIS ( ) INDICATES DEED BEARINGS.
   [A FIELD SURVEY BY A STATE PROFESSIONAL LICENSED SURVEYOR SHALL BE REQUIRED PRIOR TO ANY AND ALL SUBDIVISION AND/OR LAND DEVELOPMENT.]
2. PURSUANT TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) MAPS:
   NO 100 YEAR FLOOD LIMITS ARE CONTAINED WITHIN THE SUBJECT TRACT.
3. THE U.S. FISH AND WILDLIFE SERVICES' NATIONAL WETLANDS INVENTORY WAS REVIEWED IN SPECIFIC REGARD TO THE SUBJECT PARCEL AND WAS FOUND NOT TO LIST THE PRESENCE OF WETLANDS HEREON. PRIOR TO CONSTRUCTION, A WETLAND EVALUATION SHOULD BE PERFORMED.
4. ALL UTILITY LOCATIONS DEPICTED HEREON ARE APPROXIMATE, CONTRACTOR IS RESPONSIBLE FOR LOCATION VERIFICATION PRIOR TO COMMENCEMENT OF ANY WORK.

REBPC EXHIBIT #1 - OVERLAY ALIGNED BY PROPERTY BOUNDARY

GORSKI ENGINEERING, INC.
1 IRON BRIDGE DRIVE,
COLLEGEVILLE, PA 19426
610 489 9131; FAX 610 489 6850

NURSING HOME USE BY SPECIAL EXCEPTION

PREPARED FOR
SMITH, ET. AL.
SITE SITUATE IN
WHITEMARSH TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA

NO.	REVISIONS	DATE
1	REV PER CLIENT MEETING	FEBRUARY 26, 2024
2	PLAN ORIGINATION DATE	NOVEMBER 15, 2023

SITE LAYOUT PLAN

NURSING HOME USE BY SPECIAL EXCEPTION
SITE SITUATE IN
WHITEMARSH TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA

PROJECT MANAGER: AJH	DRAFTED BY: MNR
PROJECT NUMBER: 7873	DRAWING FILE: 7873 SHT02 SITE
PLAN SCALE: 1" = 50'	PLAN SHEET NUMBER 2 OF 3

0' 25' 50' 100'
GRAPHIC SCALE

LEGEND

- EXIST ADJOINING OWNER LINE
- EXIST PROPERTY BOUNDARY
- EXIST CONTOUR LINE
- EXIST INDEX CONTOUR LINE
- EXIST EASEMENT
- EXIST SOILS
- EXIST ZONING BORDER
- PROP ROAD CENTERLINE
- PROP RIGHT-OF-WAY
- PROP BUILDING
- PROP DRIVEWAY
- PROP GRASS PAVER FIRE ROUTE

STEEP SLOPE

STEEP SLOPE CONSERVATION AREA = 72,190 SF
OVERALL SITE AREA = 611,582 SF
STEEP SLOPE RATIO = 11.80%

THE SITE HEREUPON HAS A STEEP SLOPE RATIO OF 11.80% ,WHICH FALLS BELOW THE REQUIRED STEEP SLOPE RATIO MODIFICATION REGULATIONS, AS DELINEATED IN TOWNSHIP ZONING ORDINANCE SECTION 116-169, EXEMPTING THE SITE FROM THE MAXIMUM IMPERVIOUS GROUND COVER REGULATIONS OF TOWNSHIP ORDINANCE 116-169.

SOIL LEGEND

THE SOILS LOCATED ON-SITE ACCORDING TO THE NCRS WEB SOIL SURVEY (SOILS.USDA.GOV/SURVEY) ARE AS FOLLOWS:

- CaB — CALIFON LOAM, 3 TO 8 PERCENT SLOPES (HYDROLOGIC SOIL GROUP D)
- GdB — GLADSTONE GRAVELLY LOAM, 3 TO 8 PERCENT SLOPES (HYDROLOGIC SOIL GROUP B)
- GdC — GLADSTONE GRAVELLY LOAM, 8 TO 15 PERCENT SLOPES (HYDROLOGIC SOIL GROUP B)
- PaD — PARKER GRAVELLY LOAM, 15 TO 25 PERCENT SLOPES (HYDROLOGIC SOIL GROUP A)
- UgB — URBAN LAND, 0 TO 8 PERCENT SLOPES (HYDROLOGIC SOIL GROUP NOT SPECIFIED)
- UrlD — URBAN LAND-GLADSTONE COMPLEX, 8 TO 25 PERCENT SLOPES (HYDROLOGIC SOIL GROUP A)

REBPC NOTE
RED LINES DEPICT EDGE OF ROAD BREAKLINES FROM THE SPATIAL DATABASE

REBPC NOTE
BLUE LINES DEPICT PARCEL DATA FROM THE SPATIAL DATABASE (SEVERELY MISALIGNED AS COMPARED TO THE APPLICANT PLAN DEED PLOT)

REBPC NOTE
GREEN DASHED LINES DEPICT CONTOUR LINES FROM THE SPATIAL DATABASE (COINCIDENT WITH APPLICANT PLAN CONTOURS)

ANDORRA ROAD
DILEO DRIVE
PARK AVENUE
RIDGE PIKE (COUNTY ROAD)
Lafayette Hill
Marble Hall
Barren Hill
SITE

NORRISTOWN & GERMANTOWN, PA U.S.G.S. 7.5 Minute Series Quadrangles
0' 1,000' 2,000' 4,000'
GRAPHIC SCALE

SITE LOCATION MAP 1"= 2,000'

SITE STATISTICS

1. SUBJECT TRACT MAY BE IDENTIFIED BY MONTGOMERY COUNTY TAX ASSESSMENT INFORMATION AS FOLLOWS:
   WHITEMARSH TOWNSHIP
   (PARID 65-00-09628-00-9)
2. RECORDED DEED DATA IS AS FOLLOWS:
   AS RECORDED IN THE OFFICE FOR THE RECORDING OF DEEDS, ETC., IN AND FOR THE COUNTY OF MONTGOMERY IN NORRISTOWN, PENNSYLVANIA IN DEED BOOK 5754, PAGE 00417.
3. NAME AND ADDRESS OF THE OWNER OF THE SUBJECT TRACT:
   JAMES J. & THERESA C. SMITH &
   MATHEW & JOSEPH & FRANCIS V. SMITH
   717 RIDGE PIKE
   LAFAYETTE HILL, PA 19444
4. ADDRESS OF THE SUBJECT TRACT:
   717 RIDGE PIKE
   LAFAYETTE HILL, PA 19444
5. AREA STATISTICS:
   GROSS TRACT AREA = 14.04 Ac. (TO DEED TITLE LINES)
6. WATER AND SEWER:
   WATER = PUBLIC WATER
   SEWER = PUBLIC SEWER PROPOSED

ZONING DATA

DATA OBTAINED FROM WHITEMARSH TOWNSHIP ZONING ORDINANCE CHAPTER 116; REFERENCE ARTICLE XXIV, SECTION 116-176

DISTRICT CLASSIFICATION: "I" – INSTITUTIONAL OVERLAY DISTRICT

PROPOSED USE: NURSING HOME (SPECIAL EXCEPTION)

	REQUIRED	EXISTING	PROVIDED
MIN. LOT AREA:	2.0 AC.	14.04 AC.	14.04 AC.
MIN. LOT WIDTH @ BUILDING LINE:	200 FT.	998.15 FT.	998.15 FT.
MIN. FRONT YARD SETBACK:	50 FT.	N/A	50 FT.
MIN. SIDE YARD SETBACK:	50 FT.	N/A	54 FT.
MIN. REAR YARD SETBACK:	50 FT.	N/A	247 FT.
MAX. BUILDING HEIGHT:	40 FT.	40 FT.	40 FT.

NOTES

1. TITLE AND TOPOGRAPHY DEPICTED HEREON HAS BEEN SUPPLIED VIA: SPATIAL DATABASES: AERIAL PHOTO, CONTOURS, ROADWAYS -DEED: TITLE BOUNDARY PLOT, PARENTHESIS ( ) INDICATES DEED BEARINGS.
   [A FIELD SURVEY BY A STATE PROFESSIONAL LICENSED SURVEYOR SHALL BE REQUIRED PRIOR TO ANY AND ALL SUBDIVISION AND/OR LAND DEVELOPMENT.]
2. PURSUANT TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) MAPS:
   NO 100 YEAR FLOOD LIMITS ARE CONTAINED WITHIN THE SUBJECT TRACT.
3. THE U.S. FISH AND WILDLIFE SERVICES' NATIONAL WETLANDS INVENTORY WAS REVIEWED IN SPECIFIC REGARD TO THE SUBJECT PARCEL AND WAS FOUND NOT TO LIST THE PRESENCE OF WETLANDS HEREON. PRIOR TO CONSTRUCTION, A WETLAND EVALUATION SHOULD BE PERFORMED.
4. ALL UTILITY LOCATIONS DEPICTED HEREON ARE APPROXIMATE, CONTRACTOR IS RESPONSIBLE FOR LOCATION VERIFICATION PRIOR TO COMMENCEMENT OF ANY WORK.

REBPC EXHIBIT #2 - OVERLAY ALIGNED BY CONTOUR LINES

GORSKI ENGINEERING, INC.
1 IRON BRIDGE DRIVE,
COLLEGEVILLE, PA 19426
610 489 9131; FAX 610 489 6850

NURSING HOME USE BY SPECIAL EXCEPTION

PREPARED FOR
SMITH, ET. AL.
SITE SITUATE IN
WHITEMARSH TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA

NO.	REVISIONS	DATE
1	REV FOR CLIENT MEETING	FEBRUARY 26, 2024
	PLAN ORIGINATION DATE	NOVEMBER 15, 2023

SITE LAYOUT PLAN

NURSING HOME USE BY SPECIAL EXCEPTION
SITE SITUATE IN
WHITEMARSH TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA

PROJECT MANAGER: AJH	DRAFTED BY: MNR
PROJECT NUMBER: 7873	DRAWING FILE: 7873 SHT02 SITE
PLAN SCALE: 1" = 50'	PLAN SHEET NUMBER 2 OF 3

0' 25' 50' 100'
GRAPHIC SCALE

LEGEND

- EXIST ADJOINING OWNER LINE
- EXIST PROPERTY BOUNDARY
- EXIST CONTOUR LINE
- EXIST INDEX CONTOUR LINE
- EXIST EASEMENT
- EXIST SOILS
- EXIST ZONING BORDER
- PROP ROAD CENTERLINE
- PROP RIGHT-OF-WAY
- PROP BUILDING
- PROP DRIVEWAY
- PROP GRASS PAVER FIRE ROUTE

REBPC STEEP SLOPES LEGEND

- 8% TO 15% = 250,968 S.F.
- 15% TO 25% = 110,648 S.F.
- 25% OR GREATER = 14,161 S.F.

TOTAL SLOPE AREA = 375,777 S.F.

STEEP SLOPE RATIO = 375,777 S.F. / 611,582 S.F. = 61.4%

STEEP SLOPE

STEEP SLOPE CONSERVATION AREA = 72,190 SF
OVERALL SITE AREA = 611,582 SF
STEEP SLOPE RATIO = 11.80%

THE SITE HEREUPON HAS A STEEP SLOPE RATIO OF 11.80% ,WHICH FALLS BELOW THE REQUIRED STEEP SLOPE RATIO MODIFICATION REGULATIONS, AS DELINEATED IN TOWNSHIP ZONING ORDINANCE SECTION 116-169, EXEMPTING THE SITE FROM THE MAXIMUM IMPERVIOUS GROUND COVER REGULATIONS OF TOWNSHIP ORDINANCE 116-169.

SOIL LEGEND

THE SOILS LOCATED ON-SITE ACCORDING TO THE NCRS WEB SOIL SURVEY (SOILS.USDA.GOV/SURVEY) ARE AS FOLLOWS:

- CaB — CALIFON LOAM, 3 TO 8 PERCENT SLOPES (HYDROLOGIC SOIL GROUP D)
- GdB — GLADSTONE GRAVELLY LOAM, 3 TO 8 PERCENT SLOPES (HYDROLOGIC SOIL GROUP D)
- GdC — GLADSTONE GRAVELLY LOAM, 8 TO 15 PERCENT SLOPES (HYDROLOGIC SOIL GROUP B)
- PaD — PARKER GRAVELLY LOAM, 15 TO 25 PERCENT SLOPES (HYDROLOGIC SOIL GROUP A)
- UgB — URBAN LAND, 0 TO 8 PERCENT SLOPES (HYDROLOGIC SOIL GROUP NOT SPECIFIED)
- UrlD — URBAN LAND-GLADSTONE COMPLEX, 8 TO 25 PERCENT SLOPES (HYDROLOGIC SOIL GROUP A)

REBPC NOTE
RED LINES DEPICT EDGE OF ROAD BREAKLINES FROM THE SPATIAL DATABASE

REBPC NOTE
BLUE LINES DEPICT PARCEL DATA FROM THE SPATIAL DATABASE (REASONABLY ALIGNED AS COMPARED TO THE APPLICANT PLAN DEED PLOT)

REBPC NOTE
GREEN DASHED LINES DEPICT CONTOUR LINES FROM THE SPATIAL DATABASE (SEVERELY MISALIGNED WITH APPLICANT CONTOURS)

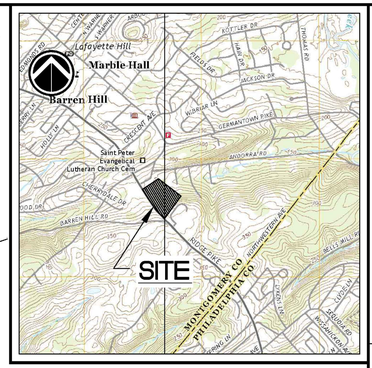
ANDORRA ROAD
DILEO DRIVE
PARK AVENUE
RIDGE PIKE (COUNTY ROAD)
MARYLAND HILL RD
SR-309

Sanford L. Stern & Terri L. Blair-Stern PARID 65-00-03002-02-9 Deed Book 5841, Pg. 02069
Rosemarie Ann Dileo PARID 65-00-03002-01-1 Deed Book 6004, Pg. 01902
John C. Oconnor Jr. & Lois B. Oconnor PARID 65-00-00049-00-6 Deed Book 2784, Pg. 01516
James W. Tobon & Hope Lutheran PARID 65-00-00049-00-6 Deed Book 6038, Pg. 00124
Joann Adcock PARID 65-00-03002-00-8 Deed Book 5603, Pg. 02125
John P. & Iris P. Hough PARID 65-00-03002-00-0 Deed Book 5824, Pg. 00
Jerry Shaffer Revocable Deed of Trust PARID 65-00-03002-00-0 Deed Book 6151, Pg. 00278
Masonic Homes of Pennsylvania PARID 65-00-03002-00-6 Deed Book 3761, Pg. 0579

NURSING HOME 3-STORY BUILDING OVER A BASEMENT PARKING GARAGE TOTAL OF 500 BEDS COMPRISED OF 436 SINGLES 64 DOUBLES

26 PARKING SPACES
11 PARKING SPACES
14 PARKING SPACES
LOADING AREA
34' GRASS PAVER FIRE ROUTE ACCESS
PADEP BMP
COUNTY BMP
STEEP SLOPE CONSERVATION AREA
ULTIMATE ROW
50' S.Y.
50' F.Y.
10'
109'
54'
S82° 32' 22" E 792.04' (792.04' REAR)
N57° 04' 38" E 556.30' (N56°30' E 556.30')
N34° 10' 22" W 776.30' (N34°10' W 776.30')
S30° 49' 38" E 1042.95' (S30°49' E 1042.95')
N42° 47' 22" W 76.30' (N42°47' W 76.30')
N49° 05' 22" W 242.95' (N49°05' W 242.95')

REBPC EXHIBIT #3 - OVERLAY ALIGNED BY PROPERTY BOUNDARY WITH STEEP SLOPE HATCHING



NORRISTOWN & GERMANTOWN, PA U.S.G.S. 7.5 Minute Series Quadrangles

0' 1,000' 2,000' 4,000'
GRAPHIC SCALE

SITE LOCATION MAP 1"= 2,000'

SITE STATISTICS

1. SUBJECT TRACT MAY BE IDENTIFIED BY MONTGOMERY COUNTY TAX ASSESSMENT INFORMATION AS FOLLOWS:

   WHITEMARSH TOWNSHIP
   (PARID 65-00-09628-00-9)

2. RECORDED DEED DATA IS AS FOLLOWS:

   AS RECORDED IN THE OFFICE FOR THE RECORDING OF DEEDS, ETC., IN AND FOR THE COUNTY OF MONTGOMERY IN NORRISTOWN, PENNSYLVANIA IN DEED BOOK 5754, PAGE 00417.

3. NAME AND ADDRESS OF THE OWNER OF THE SUBJECT TRACT:

   JAMES J. & THERESA C. SMITH &
   MATHEW & JOSEPH & FRANCIS V. SMITH
   717 RIDGE PIKE
   LAFAYETTE HILL, PA 19444

4. ADDRESS OF THE SUBJECT TRACT:

   717 RIDGE PIKE
   LAFAYETTE HILL, PA 19444

5. AREA STATISTICS:

   GROSS TRACT AREA = 14.04 Ac. (TO DEED TITLE LINES)

6. WATER AND SEWER:

   WATER = PUBLIC WATER

   SEWER = PUBLIC SEWER PROPOSED

ZONING DATA

DATA OBTAINED FROM WHITEMARSH TOWNSHIP ZONING ORDINANCE CHAPTER 116; REFERENCE ARTICLE XXIV, SECTION 116-176

DISTRICT CLASSIFICATION: "I" – INSTITUTIONAL OVERLAY DISTRICT

PROPOSED USE: NURSING HOME (SPECIAL EXCEPTION)

	REQUIRED	EXISTING	PROVIDED
MIN. LOT AREA:	2.0 AC.	14.04 AC.	14.04 AC.
MIN. LOT WIDTH @ BUILDING LINE:	200 FT.	998.15 FT.	998.15 FT.
MIN. FRONT YARD SETBACK:	50 FT.	N/A	50 FT.
MIN. SIDE YARD SETBACK:	50 FT.	N/A	54 FT.
MIN. REAR YARD SETBACK:	50 FT.	N/A	247 FT.
MAX. BUILDING HEIGHT:	40 FT.	40 FT.	40 FT.

NOTES

1. TITLE AND TOPOGRAPHY DEPICTED HEREON HAS BEEN SUPPLIED VIA:
   SPATIAL DATABASE: AERIAL PHOTO, CONTOURS, ROADWAYS
   -DEED: TITLE BOUNDARY PLOT, PARENTHESIS ( ) INDICATES DEED BEARINGS.
   [A FIELD SURVEY BY A STATE PROFESSIONAL LICENSED SURVEYOR SHALL BE REQUIRED PRIOR TO ANY AND ALL SUBDIVISION AND/OR LAND DEVELOPMENT.]
2. PURSUANT TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) MAPS:
   NO 100 YEAR FLOOD LIMITS ARE CONTAINED WITHIN THE SUBJECT TRACT.
3. THE U.S. FISH AND WILDLIFE SERVICES' NATIONAL WETLANDS INVENTORY WAS REVIEWED IN SPECIFIC REGARD TO THE SUBJECT PARCEL AND WAS FOUND NOT TO LIST THE PRESENCE OF WETLANDS HEREON. PRIOR TO CONSTRUCTION, A WETLAND EVALUATION SHOULD BE PERFORMED.
4. ALL UTILITY LOCATIONS DEPICTED HEREON ARE APPROXIMATE, CONTRACTOR IS RESPONSIBLE FOR LOCATION VERIFICATION PRIOR TO COMMENCEMENT OF ANY WORK.

GORSKI ENGINEERING, INC.
1 IRON BRIDGE DRIVE,
COLLEGEVILLE, PA 19426
610 489 9131; FAX 610 489 6850

NURSING HOME USE BY SPECIAL EXCEPTION

PREPARED FOR
SMITH, ET. AL.
SITE SITUATE IN
WHITEMARSH TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA

NO.	REVISIONS	DATE
1	REV FOR CLIENT MEETING	FEBRUARY 26, 2024
2		
3		
4		
5		
6		
7		
8		
9		
10		
11		
12		
13		
	PLAN ORIGINATION DATE	NOVEMBER 15, 2023

ALL INFORMATION CONTAINED ON THIS DRAWING IS THE PROPERTY OF GORSKI ENGINEERING, INC. AND IS NOT TO BE USED IN WHOLE OR IN PART FOR ANY OTHER PROJECT WITHOUT THE WRITTEN AUTHORIZATION OF GORSKI ENGINEERING, INC. ANY REPRODUCTION OF THESE PLANS MUST BEAR THE COPYRIGHT NOTICE OF GORSKI ENGINEERING, INC. ANY VISUAL OR PHYSICAL CONTACT WITH THESE PLANS SHALL CONSTITUTE CONCLUSIVE EVIDENCE OF ACCEPTANCE OF THESE RESTRICTIONS.

SITE LAYOUT PLAN

NURSING HOME USE BY SPECIAL EXCEPTION
SITE SITUATE IN
WHITEMARSH TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA

PROJECT MANAGER: AJH	DRAFTED BY: MNR
PROJECT NUMBER: 7873	DRAWING FILE: 7873 SHT02 SITE
PLAN SCALE: 1" = 50'	PLAN SHEET NUMBER 2 OF 3

0' 25' 50' 100'
GRAPHIC SCALE

LEGEND

- EXIST ADJOINING OWNER LINE
- EXIST PROPERTY BOUNDARY
- EXIST CONTOUR LINE
- EXIST INDEX CONTOUR LINE
- EXIST EASEMENT
- EXIST SOILS
- EXIST ZONING BORDER
- PROP ROAD CENTERLINE
- PROP RIGHT-OF-WAY
- PROP BUILDING
- PROP DRIVEWAY
- PROP GRASS PAVER FIRE ROUTE

REBPC STEEP SLOPES LEGEND

8% TO 15%	= 256,113 S.F.
15% TO 25%	= 109,726 S.F.
25% OR GREATER	= 12,514 S.F.
TOTAL SLOPE AREA	= 378,353 S.F.

STEEP SLOPE RATIO = 378,353 S.F. / 611,582 S.F. = 61.9%

STEEP SLOPE

STEEP SLOPE CONSERVATION AREA = 72,190 SF
OVERALL SITE AREA = 611,582 SF
STEEP SLOPE RATIO = 11.80%

THE SITE HEREUPON HAS A STEEP SLOPE RATIO OF 11.80% ,WHICH FALLS BELOW THE REQUIRED STEEP SLOPE RATIO MODIFICATION REGULATIONS, AS DELINEATED IN TOWNSHIP ZONING ORDINANCE SECTION 116-169, EXEMPTING THE SITE FROM THE MAXIMUM IMPERVIOUS GROUND COVER REGULATIONS OF TOWNSHIP ORDINANCE 116-169.

SOIL LEGEND

THE SOILS LOCATED ON-SITE ACCORDING TO THE NCRS WEB SOIL SURVEY (SOILS.USDA.GOV/SURVEY) ARE AS FOLLOWS:

- CaB — CALIFON LOAM, 3 TO 8 PERCENT SLOPES (HYDROLOGIC SOIL GROUP D)
- GdB — GLADSTONE GRAVELLY LOAM, 3 TO 8 PERCENT SLOPES (HYDROLOGIC SOIL GROUP B)
- GdC — GLADSTONE GRAVELLY LOAM, 8 TO 15 PERCENT SLOPES (HYDROLOGIC SOIL GROUP B)
- PaD — PARKER GRAVELLY LOAM, 15 TO 25 PERCENT SLOPES (HYDROLOGIC SOIL GROUP A)
- UgB — URBAN LAND, 0 TO 8 PERCENT SLOPES (HYDROLOGIC SOIL GROUP NOT SPECIFIED)
- UrlD — URBAN LAND-GLADSTONE COMPLEX, 8 TO 25 PERCENT SLOPES (HYDROLOGIC SOIL GROUP A)

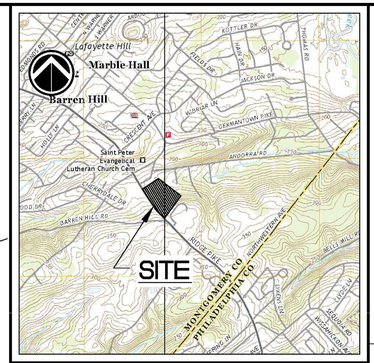
REBPC NOTE
RED LINES DEPICT EDGE OF ROAD BREAKLINES FROM THE SPATIAL DATABASE

REBPC NOTE
BLUE LINES DEPICT PARCEL DATA FROM THE SPATIAL DATABASE (SEVERELY MISALIGNED AS COMPARED TO THE APPLICANT PLAN DEED PLOT)

REBPC NOTE
GREEN DASHED LINES DEPICT CONTOUR LINES FROM THE SPATIAL DATABASE (COINCIDENT WITH APPLICANT PLAN CONTOURS)

ANDORRA ROAD
DILEO DRIVE
PARK AVENUE
RIDGE PIKE (COUNTY ROAD)
NURSING HOME 3-STORY BUILDING OVER A BASEMENT PARKING GARAGE TOTAL OF 500 BEDS COMPRISED OF 408 SINGLES & 46 DOUBLES
STEEP SLOPE CONSERVATION AREA
PADEP BMP
COUNTY BMP
GRASS PAVER FIRE ROUTE ACCESS
LOADING AREA
26 PARKING SPACES
11 PARKING SPACES
11 PARKING SPACES
ULTIMATE ROW
50' S.Y.
10'
109'
54'
S32° 32' 22"E (941.07' (RADIAL) 792.53')
N57° 04' 38"E 656.39'
N54° 10' 22"W (RADIAL) 716.80'
N42° 47' 22"W (RADIAL) 716.80'
N43° 05' 22"W (RADIAL) 792.53')
S56° 16' 38"W (RADIAL) 792.53')
Joann Dipaolo — PARID 65-00-09628-00-9, Deed Book 5603, Pg. 02405
John P. & Iris P. Hough — PARID 65-00-08605-00-6, Deed Book 5201, Pg. 00477
Nancy Schaffer Fenwick, Trustee of Trust — PARID 65-00-08631-00-8, Deed Book 5151, Pg. 00213
James W. Tooley & Hope Lavery — PARID 65-00-00049-00-3, Deed Book 6036, Pg. 00124
John P. Connor & Kathy O'Connor — PARID 65-00-00665-00-6, Deed Book 2784, Pg. 01578
Soward L. Stern & Terri L. Stern — PARID 65-00-00092-00-4, Deed Book 5864, Pg. 00025
Andorra Inn, Dileo, — PARID 65-00-13098-20-1, Deed Book 6000, Pg. 01902
Masonic Homes of Pennsylvania — PARID 65-00-08622-00-6, Deed Book 3761, Pg. 0579

REBPC EXHIBIT #4 - OVERLAY ALIGNED BY CONTOUR LINES WITH STEEP SLOPE HATCHING



NORRISTOWN & GERMANTOWN, PA U.S.G.S. 7.5 Minute Series Quadrangles

0' 1,000' 2,000' 4,000'
GRAPHIC SCALE

SITE LOCATION MAP 1"= 2,000'

SITE STATISTICS

1. SUBJECT TRACT MAY BE IDENTIFIED BY MONTGOMERY COUNTY TAX ASSESSMENT INFORMATION AS FOLLOWS:

   WHITEMARSH TOWNSHIP
   (PARID 65-00-09628-00-9)

2. RECORDED DEED DATA IS AS FOLLOWS:

   AS RECORDED IN THE OFFICE FOR THE RECORDING OF DEEDS, ETC., IN AND FOR THE COUNTY OF MONTGOMERY IN NORRISTOWN, PENNSYLVANIA IN DEED BOOK 5754, PAGE 00417.

3. NAME AND ADDRESS OF THE OWNER OF THE SUBJECT TRACT:

   JAMES J. & THERESA C. SMITH &
   MATHEW & JOSEPH & FRANCIS V. SMITH
   717 RIDGE PIKE
   LAFAYETTE HILL, PA 19444

4. ADDRESS OF THE SUBJECT TRACT:

   717 RIDGE PIKE
   LAFAYETTE HILL, PA 19444

5. AREA STATISTICS:

   GROSS TRACT AREA = 14.04 Ac. (TO DEED TITLE LINES)

6. WATER AND SEWER:

   WATER = PUBLIC WATER

   SEWER = PUBLIC SEWER PROPOSED

ZONING DATA

DATA OBTAINED FROM WHITEMARSH TOWNSHIP ZONING ORDINANCE CHAPTER 116; REFERENCE ARTICLE XXIV, SECTION 116-176

DISTRICT CLASSIFICATION: "I" — INSTITUTIONAL OVERLAY DISTRICT

PROPOSED USE: NURSING HOME (SPECIAL EXCEPTION)

	REQUIRED	EXISTING	PROVIDED
MIN. LOT AREA:	2.0 AC.	14.04 AC.	14.04 AC.
MIN. LOT WIDTH @ BUILDING LINE:	200 FT.	998.15 FT.	998.15 FT.
MIN. FRONT YARD SETBACK:	50 FT.	N/A	50 FT.
MIN. SIDE YARD SETBACK:	50 FT.	N/A	54 FT.
MIN. REAR YARD SETBACK:	50 FT.	N/A	247 FT.
MAX. BUILDING HEIGHT:	40 FT.	40 FT.	40 FT.

NOTES

1. TITLE AND TOPOGRAPHY DEPICTED HEREON HAS BEEN SUPPLIED VIA: SPATIAL DATABASE: AERIAL PHOTO, CONTOURS, ROADWAYS -DEED: TITLE BOUNDARY PLOT, PARENTHESIS ( ) INDICATES DEED BEARINGS.
   [A FIELD SURVEY BY A STATE PROFESSIONAL LICENSED SURVEYOR SHALL BE REQUIRED PRIOR TO ANY AND ALL SUBDIVISION AND/OR LAND DEVELOPMENT.]
2. PURSUANT TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) MAPS:
   NO 100 YEAR FLOOD LIMITS ARE CONTAINED WITHIN THE SUBJECT TRACT.
3. THE U.S. FISH AND WILDLIFE SERVICES' NATIONAL WETLANDS INVENTORY WAS REVIEWED IN SPECIFIC REGARD TO THE SUBJECT PARCEL AND WAS FOUND NOT TO LIST THE PRESENCE OF WETLANDS HEREON. PRIOR TO CONSTRUCTION, A WETLAND EVALUATION SHOULD BE PERFORMED.
4. ALL UTILITY LOCATIONS DEPICTED HEREON ARE APPROXIMATE, CONTRACTOR IS RESPONSIBLE FOR LOCATION VERIFICATION PRIOR TO COMMENCEMENT OF ANY WORK.

GORSKI ENGINEERING, INC.
1 IRON BRIDGE DRIVE,
COLLEGEVILLE, PA 19426
610 489 9131; FAX 610 489 6850

NURSING HOME USE BY SPECIAL EXCEPTION

PREPARED FOR
SMITH, ET. AL.
SITE SITUATE IN
WHITEMARSH TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA

NO.	REVISIONS	DATE
1	REV FOR CLIENT MEETING	FEBRUARY 26, 2024
2		
3		
4		
5		
6		
7		
8		
9		
10		
11		
12		
13	PLAN ORIGINATION DATE	NOVEMBER 15, 2023

ALL RIGHTS RESERVED. THIS PLAN IS THE PROPERTY OF GORSKI ENGINEERING, INC. AND IS NOT TO BE USED IN WHOLE OR IN PART FOR ANY PROJECT OTHER THAN THE ONE FOR WHICH IT WAS PREPARED. ANY REPRODUCTION OF THIS PLAN IN WHOLE OR IN PART WITHOUT THE WRITTEN PERMISSION OF GORSKI ENGINEERING, INC. IS STRICTLY PROHIBITED AND WILL BE SUBJECT TO LEGAL ACTION.

SITE LAYOUT PLAN

NURSING HOME USE BY SPECIAL EXCEPTION
SITE SITUATE IN
WHITEMARSH TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA

PROJECT MANAGER: AJH	DRAFTED BY: MNR
PROJECT NUMBER: 7873	DRAWING FILE: 7873 SHT02 SITE
PLAN SCALE: 1" = 50'	PLAN SHEET NUMBER 2 OF 3

0' 25' 50' 100'
GRAPHIC SCALE

robert e. blue consulting engineers, p.c.

CURRICULUM VITAE

ROBERT E. BLUE, JR., P.E., P.L.S.

EDUCATION

TEMPLE UNIVERSITY
B.S., Civil Engineering - 1972
A.D., Architectural Design - 1970

PROFESSIONAL EXPERIENCE

Robert E. Blue, Consulting Engineers, P.C., President - 1986 - Present

Consulting firm specializing in Civil and Municipal Engineering, Land Development and Land Surveying. Responsible for design and review of subdivision and land development plans ranging from two lot subdivisions and single lot commercial developments to multi-family developments and large commercial developments. Previously affiliated with the representation of municipalities in Montgomery, Bucks and Chester Counties, Pennsylvania, including East Norriton Township, Lower Gwynedd Township, Hatfield Township, Plymouth Township, Trappe Borough, Doylestown Township, Ambler Borough and Elverson Borough. Mr. Blue provided detailed plan reviews of projects submitted to municipalities for action by the municipalities.

Mr. Blue has been qualified as an expert witness in civil and municipal engineering matters before numerous Zoning Hearing Boards in Bucks, Chester and Montgomery Counties. Mr. Blue has also been qualified in Montgomery County Courts as an expert witness in civil and municipal engineering matters. Mr. Blue was chosen as an arbitrator for a case which had lasted five years (between 1989 - 1994), to determine the validity of claims brought against a Municipal Authority by a contractor.

Mr. Blue was appointed by the Montgomery County Courts (1995 – 2001) to be a member of a Board of View. His role as a member was to review expert testimony presented before him, and to determine and pass judgment on claims presented to the Board of View.

Mr. Blue, in April, 2002, was personally awarded a **Certificate Of Honor** from Temple University for his outstanding achievements in the fields of civil engineering, land planning and land surveying.

Mr. Blue was chosen by the **United States Department of the Interior as an expert in the fields of civil engineering and land planning to assist in the review of lands to be acquired by the Department from a developer who desired to develop sensitive lands adjacent to Valley Forge Park in Valley Forge, PA.**

Mr. Blue was appointed in 2014 to the Montgomery County Planning Commission by the County Commissioner and continues to serve in that capacity.

1149 Skippack Pike, Blue Bell, Pennsylvania 19422 • Telephone 610-277-9441 • Facsimile 610-277-9897
www.robertblue.com • e-mail: rblue@robertblue.com

Representing clients in the private sector, who are developers, Mr. Blue is responsible for the land planning, land surveying and civil engineering of various projects. Included in these responsibilities is the supervision of submissions to Township, County and Federal Agencies relative to permits and approvals required from these agencies. Mr. Blue works in conjunction with architects, land developers, and landscape architects to design plans that are the basis of land development plans. Over his career, Mr. Blue has personally designed the above noted plans.

Chambers Associates, Inc., Project Manager - 1982 through 1986

Responsible for the design of residential, commercial, and industrial development projects. Specific tasks included preparation of sketch plans, stormwater management design, floodplain studies, erosion and sedimentation control and general civil engineering responsibilities.

Projects ranged in size from ten to two hundred and eighty acres, located in Pennsylvania, New Jersey, Massachusetts and North Carolina.

During his tenure with Chambers Association, Mr. Blue also served as Township Engineering Representative for Municipalities located in Montgomery County, including Montgomery Township, Lower Providence Township, Lower Gwynedd Township, Towamencin Township and Upper Moreland Township. His duties included detailed reviews of land development submission.

L. Robert Kimball Associates, Staff Engineer - 1980 through 1982

As the engineer in charge of the civil engineering and land surveying department, Mr. Blue was responsible for the supervision of personnel and design and construction management of residential, industrial and commercial developments in Bucks and Montgomery Counties. Mr. Blue represented the firm as Municipal Engineer for various Municipalities located in Bucks and Montgomery Counties. Mr. Blue was responsible for design of various stormwater structures and municipal projects, along with the review of residential developments.

F. P. Kavanaugh and Son., Inc., Staff Engineer - 1979 - 1980

Mr. Blue served as principal engineer responsible for coordination and supervision of construction of site developments and improvements. Representative projects including single family developments ranging in size from five (5) to one hundred and fifty (150) units, multi-family developments, industrial parks and shopping centers of approximately 500,000 sq. ft.

Yerkes Associates, Inc., Staff Engineer - 1972 - 1979

Mr. Blue served as Staff Engineer responsible for design of single family, multi-family, planned residential developments (PRD), commercial and industrial projects. Included in the representative projects is Chesterbrook, a large mixed-use project located in Chester County, Pennsylvania. Mr. Blue also represented the firm during a 13-million-dollar sanitary sewer construction project located in Chester County. He was responsible for obtaining Environmental Protection Agency grants and supervision of seven inspectors, two survey crews and staff engineers during construction.

Mr. Blue served as a Staff Engineer at branch offices located in Kennett Square, Pennsylvania, and Hilton Head Island, South Carolina. Representative for clients included; Lower Oxford Township, East Marlborough Township, Pocopson Township, East Fallowfield Township, Easttown Township, East

Vincent Township, Pennsbury Township, Uwchlan Township along with special project consultant to Radnor Township. Mr. Blue was appointed by the Chester County Conservation District to review applications and to judge engineering adequacy of plans presented to the County Conservation District in matters of erosion and sedimentation control.

PROFESSIONAL REGISTRATIONS

Registered Land Surveyor, Pennsylvania – 1982 – Present
Registered Professional Engineer, New Jersey – 1979 – Present
Registered Professional Engineer, Pennsylvania – 1977 – Present

EXPERT WITNESS REFERENCES:

1. Ruffini v. Megill Construction – Tredyffrin Township, Chester County, Pennsylvania
   Theodore Kobus, Esquire
   Marshall, Dennehey, Warner, Coleman
   1845 Walnut Street
   Philadelphia, PA 19103
   (215)-575-2600

2. Burnley v. N. Graham, Inc. – Kitchen Kettle Village, Lancaster County, Pennsylvania
   Gregory Hirtzell, Esquire
   1857 William Penn Way
   P. O. Box 10248
   Lancaster, PA. 17605-0248
   (717)-391-4411

3. Lee v. PP & L – Hazelton, Luzerne County, Pennsylvania
   John M. Popilock, Esquire
   Cozen, Connor
   200 Four Falls Corporate Center
   West Conshohocken, PA 19428
   (610)-941-2361

4. Lawrence Borda, Esquire
   Powell, Trachtman, Logan, Carrle, Bowman and Lombardo
   475 Allendale Road
   Suite 200
   King of Prussia, PA 19406
   610-354-9700

5. Valley Forge Overlook – National Parks Service v. Valley Forge, Toll Brothers
Lower Providence Township, Montgomery County,
Pennsylvania Mr. William McLaughlin
National Parks Service
U.S. Department of Interior
U.S. Customs House
200 Chestnut Street
Philadelphia, PA 19106
215-597-4940

6. 437 East Burn Road – BBW – Upper Merion Township, Montgomery County, Pennsylvania
Amy Farrell, Esquire
Kaplan, Stewart, Meloff, Reiter, & Stein
Union Meeting Corporate Center
910 Harvest Drive
Blue Bell, PA 19422
(610) 941-2547

7. Church of the Saviour – Tredyffrin Township, Chester County, Pennsylvania
Carter Williamson, Esquire Cohen,
Seglias, Pallas, Greenhall & Furman
United Plaza, 19th Floor
30 South 17th Street
Philadelphia, PA 19103
(215) 564-1700

8. William Cooper – Gabions – Montgomery Township, Montgomery County, Pennsylvania
Douglas R. Blazey, Esquire
Elliott Greenleaf and Siedzikowski, PC
925 Harvest Road Blue
Bell, PA 19422
(215) 977-1069

9. Springton Pointe v. Pulte Homes – Newtown Square, Deleware County, Pennsylvania
Robert Ruggieri, Esquire
Cohen,Seglias,Pallas,Greenhall &
Furman United Plaza, 19th Floor
30 South 17th Street
Philadelphia, PA 19103
(215) 564-1700

10. Shops at Montage – Moosic Borough, Pennsylvania
Douglas R. Blazey, Esquire Elliott
Greenleaf and Siedzikowski, PC
925 Harvest Road
Blue Bell, Pa 19422
(215) 977-1069

1149 Skippack Pike, Blue Bell, Pennsylvania 19422 • Telephone 610-277-9441 • Facsimile 610-277-9897
www.robertblue.com • e-mail: rblue@robertblue.com

11. Miller v. Septa – Upper Dublin Township, Montgomery County, Pennsylvania
Robert Morris, Esquire Morris and Clemm, P.C
527 Plymouth Road, Suite 416
Plymouth Meeting, PA 19462
(610) 825-0500

12. Lobar v. Geotechnical Services – Harrisburg, Pennsylvania
Steven M. Williams, Esquire Cohen, Seglias,
Pallas, Greenhall & Furman
240 North 3rd Street, 8th Floor
Harrisburg, PA 17101
(717) 234-5530

13. Methacton School District– Lower Providence Township, Montgomery County,
Pennsylvania Robert A. Korn, Esquire
Kaplin/Stewart
910 Harvest Road
Blue Bell, Pa 19422
(610) 260-6000

14. Veloric v. Heffler – Whitemarsh Township, Montgomery County, Pennsylvania
Neil A. Stein, Esquire
Kaplan, Stewart, Meloff, Reiter, & Stein,
Attorney at Law
910 Harvest Road
Blue Bell, PA 19422
(610)941-2469

15. Petrongolo v. Gloucester County Authority– Harrison Township, Gloucester County, New Jersey
George E. Pallas, Esquire
Cohen,Seglias,Pallas,Greenhall & Furman
United Plaza, 19th Floor
30 South 17th Street Philadelphia, PA 19103
(215) 564-1700

16.Sullivan v. O'Connor Brothers Construction – Pennsylvania
John J. Branigan, Esq Branigan & Ortiz, Inc.
Attorneys at Law
1122 Locust Street
Philadelphia, PA 19107
(215) 592-9010

17. Gillard v. HSG & Ashlee Thompson v. Alpine Pest Control – Pennsylvania
Jonathan M. Field, Esquire
Mintzer, Sarowitz, Zeris, Ledva, & Meyers, LLP
Centre Square, West Tower
1500 Market Street, Suite 4100
Philadelphia, PA 19102
(215) 735-7200

18. Pankiv v. New Plan Realty & Seningen v. Rockbourne – Pennsylvania
Greg A. Ray, Esquire Comeau & Bunker
1600 John F. Kennedy Blvd.
Philadelphia, PA 19103-2808
(215) 814-6180

19. Chilton Engineering – Philadelphia - Pennsylvania
Mr. Patrick Wolfe, Esquire
Zarwin, Baum Devito, Kaplan, Schaer, Toddy, P.C.
1818 Market Street, 13th Floor
Philadelphia , PA 19103-3638
(215) 569-2800

20. Marshall, Dennehey, Warner, Coleman Goggin – Pennsylvania
King of Prussia Mall Levin v. Snyder
Matthew Sabatine v. JPC Group, LLC
Kreider v. Penndot v. Kirlin
Marshall, Dennehey, Warner, Coleman Goggin
Mr. Thomas P. Bracaglia, Esquire (215) 575-2600
Ms. Brooke R. Ginty, Esquire (610) 354-8250
Mr. Timothy G. Ventura, Esquire (215) 575-2582
Mr. Thomas P. Bracaglia, Esquire (215) 575-2600
Marshall, Dennehey, Warner, Coleman, & Goggin
1845 Walnut Street
Philadelphia, PA 19103

21. Keystone Custom Homes, Inc. v. Barakod-Landino, Inc/BL Companies
Kaplan, Stewart, Meloff, Reiter, & Stein
910 Harvest Road
Blue Bell, PA 19422
(610) 941.2469

22. Smith Property – Blue Bell, Pennsylvania
Mr. Louis Sinatra, Esquire
Blue Bell, PA 19422
(215) 896.7136

23. Comeau & Bunker – Pennsylvania
Haydens v. Kingsleys
Seningen v. Rockbourne
Pankiv v. New Plan Realty
Johnson v. Firsttrust,
Baker v. CSX v.Reading,
Grisson v. Kaufman Corp
Ms. Karen M. Ashdale, Esquire Four Penn
Center, Suite 500 Philadelphia, PA 19103

24.Merilyn Benedict v. Delaware County Community College

The Drafting Room
Fisher's Restaurant
Sprague & Sprague
Mr. Thomas Sprague, Esquire
Mr. Stephen B. Lavner, Esquire
The Wellington Building, Suite
400 135 South 19th Street
Philadelphia, PA 19103
(215) 561-7681

25. Smith-Route 202 309 Novelties & Gifts

Mr. Brian J. Smith & Associates
607 Easton Road, Suite B-1
Willow Grove, PA 19090

26. Lynch v. Solana

Kaplan, Stewart, Meloff, Reiter & Stein, P.C.
Mr. Neil Stein, Esquire.
Union Meeting Corporate Center
910 Harvest Drive
Blue Bell Pa 19422
(610) 260-6000

27. Truxell v. Dunkin Donuts

Deasy . Mahoney. Valentini & North LTD
Ms. Diane McCartney 1601
Market Street, Suite 3400
Philadelphia, PA 19103-2301

28.All Size Products v. Colson v. Ingrahm

Cipriani & Werner, P.C
Mr. Kevin Watson, Esquire
450 Sentry Parkway, Suite 200
Blue Bell, PA 19422

29. Springfield Township School District v. E.R. Stueb

Cassidy, Connor & Pitchford, LLC
Ms. Carla E. Connor, Esquire
295 East Swedesford Road
Wayne, PA 19087

30. Gonzalez v. Kaiserman

Kenneth R. Schuster & Associates
Mr. Kenneth R. Schuster, Esquire
334 West Front Street
Media, PA 19063
(610) 892-9200

1149 Skippack Pike, Blue Bell, Pennsylvania 19422 • Telephone 610-277-9441 • Facsimile 610-277-9897
www.robertblue.com • e-mail: rblue@robertblue.com

31. Harrah's – Chester, PA

Saltz, Mongeluzzi, Barrett & Bendesky
Mr. Joseph Deangelo, Esquire One Liberty
Place, 52nd Floor Philadelphia, PA 19103
(215) 575-2967

32. Woodlawn Tract – Concord Township

Drinker, Biddle & Reath, LLP
One Logan Square, Suite 200
Philadelphia, PA 19103
(215) 988-1146

33. Meridian at Valley Square-Condominium Report –

Cipriani & Werner PC
Kathryn Pettit, Esquire
450 Sentry Parkway
Suite 200
Blue Bell, PA 19422
610.567.0700

34. Keith Schmidt vs Vincent Hammond - New Township, Bucks County

Cipriani & Werner, P.C
Ms. Lois M. Shenk, Esquire
450 Sentry Parkway
Suite 200
Blue Bell, PA 19422
610.567.0700

35. Gail Silver vs Palermos Pizza Trappe PA

Cipriani & Werner, P.C –
Julia M Jacobell, Esquire
450 Sentry Parkway
Suite 200
Blue Bell, PA 19422
610.567.0700

36. Albert Kentrus vs Rite Aid Middletown, New Castle, Delaware

Cipriani & Werner, P.C
Lois M. Shenk, Esquire
450 Sentry Parkway
Suite 200
Blue Bell, PA 19422
610.567.0700

37. Deborah Paschal vs School District of Cheltenham

Cipriani & Werner, P.C
Lois M. Shenk, Esquire
450 Sentry Parkway
Suite 200
Blue Bell, PA 19422

610.567.0700

38. DARRYLE C. BANKS VS BOROUGH OF LANSDALE
MINTZER, SAROWITZ, ZERIS, LEDVA & MEYERS, LLC
Centre Square, West Tower
1500 Market Street
Philadelphia, PA 19102
215.735.7200

39. Hidden Ponds Associates, L.P. vs Boucher James, Inc .
Fox Rothschild LLP
Robert W. Gundlach, Jr., Esq
Stone Manor Corporate Center
2700 Kelly Road, Suite 300
Warrington, PA 18976
610.397.6500

40. Harbor Landing Stormwater Infiltration Basin - Egg Harbor Township, NJ
Braverman Kaskey Garber, PC
David L Braverman, Esq
1650 Market Street, 56th Floor
Philadelphia, PA 19103
215.575.3800

41. Boettger vs Lennar Corporation
Braverman Kaskey Garber, PC
Isabella Gray, Attorney at Law
1650 Market Street, 56th Floor
Philadelphia, PA 19103
215.575.3800

42. Gonchar vs Brown Elliot Greenleaf, P.C.
Elliot Greenleaf, P.C.
Colin J. O'Boyle, Esq.
925 Harvest Drive, Suite 300
Blue Bell, PA 19422
215.977.1000

43. Kabinoff vs Knopp Brothers Investments, LLC
Tabakin Wolfe, LLP
Brad S. Tabakin Esq.
1000 Germantown Pike
Plymouth Meeting, PA 19462
215.525.1616

44. Hyland -Twp of Robbinsville vs Mercer MHC
Hyland Levin Shapiro LLP
Robert S Baranowski, Jr., Esq
6000 Sagemore Drive
Suite 6301
Marlton, NJ 08053-2901
856.355.2900

45. Ardmore Septa Station, PECO, and Lower Merion Township
Connor, Weber & Oberlies
Jason G Bates, Esq
171 W. Lancaster Ave
Paoli, PA 19031
610.640.2800

46. Stephen Yusem vs. Kenneth F. Sheinen
Stephen G Yusem Esq.
7 Steeplechase Lane
Blue Bell, PA 19422
215.557.4447

47. Kristina Stephan Vs Mott MacDonald & Gary Snyder
Fox Rothschild LLP
Beth Weisser Esq.
980 Jolly Road, Suite 110
Blue Bell, PA 19422
610.397.6500

48. Kathleen Holzerman vs Rite Air Corporation
Donnelly & Associates, PC
1001 Conshohocken State Road
West Conshohocken, PA 19428
215.529.7848

49. Lapatta vs Rite Aid Pharmacy
Cipriani & Werner, P.C
Lois M. Shenk, Esquire
450 Sentry Parkway
Suite 200
Blue Bell, PA 19422

robert e. blue consulting engineers, p.c.

Representative Projects - Private Clientele

Valley Forge Overlook – Toll Brothers – Lower Providence Township, Montgomery County
Represented National Parks Service in purchase and preservation of lands proposed for development by Toll Brothers within Valley Forge National Park boundary.

Marketplace at Plymouth - Plymouth Township, Montgomery County
700,000 sq.ft. shopping center - performed all engineering and land surveying services for the development of this project.

IKEA – Plymouth Township, Montgomery County
327,000 sq.ft. retail complex, 100,000 sq.ft. office complex – performed all engineering and land surveying services.

Ashbridge Square – East Caln Township, Chester County
460,000 sq.ft. shopping center – performed all engineering, land surveying, and construction stakeout services for the development of this project.

Valley Forge Marketplace – West Norriton Township, Montgomery County
450,000 sq. ft. shopping center – performed engineering, land surveying and construction stakeout services for this project.

Six Tower Bridge Complex – Conshohocken Borough, Montgomery County
Performed engineering and surveying services for a 218,000 sq.ft. hotel and office complex

Eight Tower Bridge – Conshohocken Borough, Montgomery County
Provided engineering and surveying services for a 300,00 sq.ft. office building.

436 Plymouth Road - Plymouth Township, Montgomery County
Performed engineering and surveying services for the development of a commercial parcel of land including a hotel, restaurant, bank site and office building.

Royal Farms – Pennsylvania and New Jersey various sites
Performed engineering and land surveying services for project development.

Trappe Village Center – Trappe Borough – Montgomery County
Land surveying and civil engineering design of a 120,000 square foot multi-use shopping center

Park Ridge Shopping Center – Lower Providence Township – Montgomery County
Expansion of a shopping center including design of stormwater management facilities, and traffic improvements approximately 130,000 square feet.

Wawa – Various sites in Southeastern Pennsylvania
Performed engineering and surveying for land development of project sites.

CVS – Various sites in Southeastern Pennsylvania
Engineering and surveying services for land development of project sites. Royal Farms – Various sites in Pennsylvania, New Jersey and Delaware.

Walgreens – Various sites in Southeastern Pennsylvania
Engineering and surveying services for land development of project sites.

1149 Skippack Pike, Blue Bell, Pennsylvania 19422 • Telephone 610-277-9441 • Facsimile 610-277-9897
www.robertblue.com • e-mail: rblue@robertblue.com

Eagle Lodge Golf Course – Whitemarsh Township, Montgomery County
Engineering and surveying services for a new Gary Player Design Group Golf Course.

Montgomery Brook – Limerick Township – Montgomery County
Performed surveying and engineering services on a 400 unit condominium/townhouse development in Limerick Township.

Yorkshires of Blue Bell – Whitpain Township – Montgomery County
Designed and performed engineering and land surveying services for a 92 unit townhouse development in Whitpain Township.

Country Commons – Doylestown Township – Bucks County
Performed engineering services for a 300 unit apartment complex in Doylestown Township.

Rittenhouse Estates – Upper Providence Township, Montgomery County Engineering
and surveying services for 80 lot residential subdivision

CD Now Headquarters - Fort Washington, Pennsylvania, Montgomery County
Performed surveying and engineering services for the renovation of a 85,000 sq.ft. office complex building conversion.

Graterford Prison - Skippack Township, Montgomery County
Proposed 60,000 square foot expansion to the Graterford Prison Facilities, including site design, civil engineering, grading, and stormwater management.

1149 Skippack Pike, Blue Bell, Pennsylvania 19422 • Telephone 610-277-9441 • Facsimile 610-277-9897
www.robertblue.com • e-mail: rblue@robertblue.com

robert e. blue consulting engineers, p.c.

Curriculum Vitae

Michael Baginski, P.E.

EDUCATION

Drexel University *Philadelphia, PA (September 2011 to June 2016)*
Bachelor of Science in Civil Engineering
Master of Science in Civil Engineering
Concentration: Water Resources Engineering

PROFESSIONAL REGISTRATIONS

Registered Professional Engineer, Pennsylvania, No. PE095261 (2023 – Present)

CURRENT PROFESSIONAL EXPERIENCE

Robert E. Blue, Consulting Engineers, P.C. *Blue Bell, PA (September 2022 to Present)*

Title: Senior Engineer and Project Manager
Professional responsibilities include:

- Design of commercial and residential Land Development projects consisting of siting and layout design, general site grading design, detailed ADA grading design, construction material specifications and detailing, designs for managing erosion and sedimentation during construction, detailed hydraulic design of stormwater conveyance systems, hydrologic design of stormwater management facilities and Best Management Practices (BMP's), and Hydraulic and Hydrologic (H&H) studies of existing natural waterways.
- Land Development permitting and approvals with PADEP and County Conservation Districts (E&S/NPDES & SFPM), FEMA, Municipalities, and Utility Authorities.
- Project management tasks consisting of coordinating with reviewing agencies, municipal engineers, attending municipal public meetings as the Site-Civil Engineer representative for the development team.
- Preparation of Expert Reports for arbitration cases and lawsuits consisting of reviewing depositions made by claimants/plaintiffs and other case participants, reviewing documents, plans, and other relevant data related to the case, and formulating an opinion based on the depositions and information reviewed.

1149 Skippack Pike, Blue Bell, Pennsylvania 19422 • Telephone 610-277-9441 • Facsimile 610-277-9897
www.robertblue.com • e-mail: rblue@robertblue.com

PAST PROFESSIONAL EXPERIENCE

Bohler Engineering *Chalfont, PA (July 2016 to September 2022)*

Title: Assistant Project Manager *(June 2022 to September 2022)*

Professional responsibilities include:

- Involvement in various Land Development projects ranging from large scale industrial/warehouse and mixed-use/town center developments to smaller scale commercial and residential developments.
- Coordinating with Clients and members of the external Land Development project teams including developers, contractors, construction management companies, surveyors, traffic engineers, geotechnical engineers, etc.
- Coordinating with reviewing agencies, municipal engineers, and attending municipal public meetings as the Site-Civil Engineer representative for the development team.
- Oversight of the immediate project team including two Senior CAD Designers and two Staff Engineers. Oversight consisted of working with the Senior Project Manager to organize the project team's priorities, schedule, and workload. I was also responsible for training and guiding the Staff Engineers through various aspects of Land Development designs including grading, utility, E&S, and stormwater management. I was responsible for reviewing the completed designs and Land Development plans.
- Preparation of various aspects of Land Development designs consisting of grading, utility, E&S, and stormwater management.
- Preparing proposals and reviewing budgets and invoices.

Title: Junior Design Engineer/Design Engineer/Senior Design Engineer *(July 2016 to June 2022)*

Professional responsibilities include:

- Assisting with various aspects of Land Development designs while learning from experienced Professional Engineers (P.E.) and other senior design engineers.
- Preparing municipal land development applications and the necessary forms and documents for NPDES permit applications.
- Reviewing submittal packages and shop drawings with oversight from a P.E. or senior design engineer.

1149 Skippack Pike, Blue Bell, Pennsylvania 19422 • Telephone 610-277-9441 • Facsimile 610-277-9897
www.robertblue.com • e-mail: rblue@robertblue.com

REPRESENTATIVE PROJECTS

Arborcrest Office Campus – Whitpain Township, Montgomery County, PA
Prepared Land Development Plans, NPDES Permit Application package, and associated stormwater management design for a parking lot expansion and office building alterations.

Equus Capital Partners Headquarters Office – Newtown Township, Delaware County, PA
Prepared Land Development Plans, NPDES Permit Application package, and associated stormwater management design for a new office building and associated parking lot.

Wawa – Wyomissing Borough, Berks County, PA
Prepared Land Development Plans, NPDES Permit Application package, and associated stormwater management design for a new Wawa store with gasoline fueling station and associated parking areas.

Wawa – Bern Township, Berks County, PA
Prepared Land Development Plans, NPDES Permit Application package, and associated stormwater management design for a new Wawa store with gasoline fueling station and associated parking areas.

Madison Apartments – Lansdale Borough, Montgomery County, PA
Prepared Land Development Plans, NPDES Permit Application package, and associated stormwater management design for a "transit-oriented" mixed-use development consisting of 6 new apartment buildings and associated parking and plaza areas.

Wawa – Penrose Avenue, Philadelphia County, PA
Prepared Land Development Plans, Individual NPDES Permit Application package, and associated stormwater management design for a new extra large Wawa store with gasoline fueling station and a second commercial building with drive thru. This project also involved an Act II Cleanup Plan and realignment of an existing City street.

Wawa – Frankford Avenue, Philadelphia County, PA
Prepared Land Development Plans, NPDES Permit Application package, and associated stormwater management design for a new Wawa store with gasoline fueling station and associated parking areas.

Amerihealth Headquarters Office – Newtown Township, Delaware County, PA
Prepared Land Development Plans, NPDES Permit Application package, and associated stormwater management design for a new 80,000 square foot office building and associated 3-level parking garage and surface parking areas.

Phase II Town Center – Newtown Township, Delaware County, PA
Worked with a large team to prepare Land Development Plans, NPDES Permit Application package, and associated stormwater management design for a mixed-use town center development consisting of a multi-story apartment building, several townhome buildings, and a commercial building complex including plaza spaces, a 3-story parking garage, and an assembly building.

1149 Skippack Pike, Blue Bell, Pennsylvania 19422 • Telephone 610-277-9441 • Facsimile 610-277-9897
www.robertblue.com • e-mail: rblue@robertblue.com

Prickett Preserve – Lower Makefield Township, Bucks County, PA
Worked with a large team to prepare Land Development Plans, NPDES Permit Application package, and associated stormwater management design for a mixed-use development consisting of 9 townhome buildings with a central clubhouse and a commercial plaza consisting of a 100,000 square foot grocery store and 6 other commercial buildings. This development also included preservation of a historic house and barn as the focal point of the development to be repurposed into restaurant and retail uses.

Arbour Square Senior Living – Lower Moreland Township, Montgomery County, PA
Worked in parallel with the Land Development Plan and NPDES Permit application to prepare a Hydraulic & Hydrologic study of the Huntingdon Valley Creek, including the design of a new conspan arch culvert and flood storage areas to obtain a Conditional Letter of Map Revision from FEMA.

Amazon Fulfillment Center – Jackson Township, York County, PA
Worked with a large team to prepare Land Development Plans, NPDES Permit Application package, and associated stormwater management design for a 1,000,000 square foot fulfillment center with associated truck courts and employee parking facilities.

Dollar General – Marlborough Township, Montgomery County, PA
Prepared Land Development Plans, Individual NPDES Permit Application package, and associated stormwater management design for a new retail store and associated parking areas.

Royal Farms – Lower Pottsgrove Township, Montgomery County, PA
Prepared Land Development Plans, NPDES Permit Application package, and associated stormwater management design for a new Royal Farms store with gasoline fueling station, two pad sites for future development, and associated parking areas.

Royal Farms – Plymouth Township, Montgomery County, PA
Prepared Land Development Plans, NPDES Permit Application package, and associated stormwater management design for a new Royal Farms store with gasoline fueling station, associated parking areas, and accounting for future development of an adjacent parcel.

Wawa – City of Allentown, Lehigh County, PA
Prepared Land Development Plans, Individual NPDES Permit Application package, and associated stormwater management design for a new Wawa store with gasoline fueling station and associated parking areas.

Gunsalus Tract – Worcester Township, Montgomery County, PA
Prepared NPDES Permit Application package and associated stormwater management design for a 3-lot single-family residential subdivision and associated driveways.

1149 Skippack Pike, Blue Bell, Pennsylvania 19422 • Telephone 610-277-9441 • Facsimile 610-277-9897
www.robertblue.com • e-mail: rblue@robertblue.com

BEFORE THE WHITEMARSH TOWNSHIP ZONING HEARING BOARD
MONTGOMERY COUNTY, PENNSYLVANIA

IN RE: APPLICATION OF JAMES J. THERESA C., MATHEW, JOSEPH & FRANCIS SMITH	:	**ZHB #2024-19**
717 Ridge Pike	:	
Tax Parcel No. 65-00-09628-00-9	:	

APPLICANT'S PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW

James J & Theresa Smith, Mathew Joseph and Francis V. Smith (collectively herein after the "**Applicants**"), by their attorneys, Kaplin Stewart Meloff Reiter & Stein, P.C., hereby submits the following proposed findings of fact and conclusions of law in support of its Application for a special exception in accordance with Section 116-175.L of the Whitemarsh Township Zoning Ordinance ("**Zoning Ordinance**") to permit a nursing home use in the Institutional Overlay District ("**Institutional District**") on the property located at 717 Ridge Pike, Lafayette Hill, Whitemarsh Township, Pennsylvania ("**Property**").

I. PROPOSED FINDINGS OF FACT

Procedural History

1. On April 23, 2024, Applicants submitted an application ("**Application**") to the Whitemarsh Township Zoning Hearing Board ("**Board**") seeking Special Exception approval in accordance with Section 116-175.L of the Zoning Ordinance to permit a 3-story, 500 bed nursing home on the Property ("**Proposed Development**"). *See, Applicants' Exhibit A-2.*

2. After proper public notice, a hearing on the Application was scheduled before the Board. *See, Township Exhibits T-1A-1C.*

3. The hearing on the Application was conducted over the course of multiple nights being December 11, 2024, January 28, 2025, March 5, 2025, March 26, 2025, May 7, 2025, July 2, 2025, August 13, 2025, September 10, 2025, November 11, 2025 and December 11, 2025 (collectively hereinafter the "**Evidentiary Hearing**").

4. The Evidentiary Hearing was conducted before Board Vice-Chairman, Gregory Nester, James F. Behr, Marc A. Weinstein and William E. Kramer. Board Chairman, Robert A. Bacine, recused himself from the hearings. The Evidentiary Hearing was conducted before Acting Chairman, Gregory Nester, James Behr and Marc A. Weinstein after William E. Kramer resigned from the Zoning Hearing Board. The Zoning Hearing Board was represented by its counsel, Michael E. Furey, Esquire. *Notes of Testimony ("**N.T.**") 12/11/2024 p. 5.*

5. A stenographic record of the Evidentiary Hearing was prepared and certified.

6. The Applicants were represented by its counsel, Craig Robert Lewis, Esquire.

7. Objectors, Richard Eisenberg, Charles Uniatowski and Amanda Trayes, were represented by their counsel, Douglas R. Blazey, Esquire. *N.T. 12/11/2024 p. 11.*

8. Objectors, Mario Giannini, Ann Laughlin, Ted and Sarah Lodge, were represented by their counsel, Matthew J. McHugh, Esquire. *N.T. 12/11/2024 p. 14.*

9. Objector, Micheal Young, was represented by his counsel, Robert M. Careless, Esquire. *N.T. 12/11/2024 p. 15.*

10. Several members of the public, who were not represented by counsel, were granted party status and include the following: Joselyn Ney, Julian Dolchak, Denise Fitzpatrick, John Sheppard, John Hough, Virgina Sabia, Jim Toolan, Rosemarie DeLeo and Stewart Bobman.[1] *N.T. 12/11/2024 pp. 16-27.*

---

[1] Richard Eisenberg, Charles Uniatowski, Amanda Treyes, Mario Giannini, Ann Laughlin, Ted and Sarah Lodge, Michael Young, Joselyn Ney, Juliean Dolchak, Denise Fitzpatrick, John Shepard, John Hough, Virgina Sabia, Jim

11. A non-profit organization identified as the Andora Run Conservancy, Inc. requested party status but such party status was denied by the Board during the hearing on November 11, 2025. *N.T. 12/11/24 pp. 12-14; N.T. 11/12/25 pp. 6-7.*

12. During the Evidentiary Hearing, Applicants presented the expert testimony of Mr. Anthony Hibbeln, P.E. a licensed engineer in the Commonwealth of Pennsylvania. *N.T. 12/11/24 pp. 45-138 and N.T. 1/28/25 pp. 8-122.*

13. The represented Objectors presented the testimony of the following witnesses:

Fred Albert, PLA, ASLA, *N.T. 03/5/25 pp.18-103, 3/26/25 pp. 16-32.*
Shandor Szalay, *N.T. 03/5/25 pp. 106-154.*
James D. Press, Jr., PE, *N.T. 03/26/25 pp. 41-102.*
Thomas J Comitta, AICP, *N.T. 05/07/25 pp. 18-61, N.T. 07/02/25 pp. 7-21.*
Albert Federico, P.E., PTOE, *N.T. 07/02/25 pp.23-72.*
Rebecca Werner, *N.T. 08/13/25 pp. 8-54.*
Timothy Konetchy, *N.T. 08/13/25 pp. 55-65.*
Robert E. Blue, P.E., *N.T. 09/10/25 pp. 8-75.*
Michael Baginski, P.E., *N.T. 09/10/25 pp. 76-109.*

14. Several of the unrepresented Objectors also presented their own testimony. *N.T. 11/12/25 pp. 9-36.*

15. At the conclusion of testimony, the Board presented the opportunity for public comment during which one member of the public shared their concerns about the project. *N.T. 11/12/25 pp. 36-38.*

Toolan, Rosemarie DeLeo and Stewart Bobman are sometimes referred to herein as "**Objector**" or collectively as "**Objectors**".

16. During the course of the Evidentiary Hearing the following exhibits were admitted as evidence at the Evidentiary Hearing:

Township Exhibits

T-1A Proof of Publication

T-1B Meeting Notification

T-1C Posting of Notice

T-2 Zoning Map

T-3 Tax Map

T-4 Montgomery County Planning Commission Review Letter, June 5, 2025

Applicants' Exhibits

A-1 Deed to the Property

A-2 Application for Special Exception

A-3 Ariel Photograph of the Site

A-4 Site Layout Plan

A-5 Illustrative Special Exception

A-6 Zoning Ordinance, Institutional Overlay

A-7 Zoning Ordinance Definition of Nursing Home

A-8 Typical Floor Plan

A-9 Conceptual Stormwater Management Report

A-10 Conceptual Stormwater Shed Plan

A-11 Conceptual Stormwater Management Plan

A-12 Soil Infiltration and Carbonate Assessment Plan

A-13 Summary Stormwater Chart

A-14 Curriculum vitae of Anthony Hibblen, P.E.

A-15 Case Law re: Special Exception Standards

Protestant's Exhibits

P-2 Curriculum vitae for Fred Albert, PLA, ASLA

P-5 Resume of Shandor Szalay

P-6 Report of Shandor Szalay

P-7 Revised Report of Fred Albert dated March 25, 2025

P-8 Curriculum Vitae for James Press, Jr.

P-9 Analysis Memo dated March 5, 2025, Prepared by James Press, Jr.

P-10 Expert Report of Thomas J. Comitta

P-11 Curriculum Vitae of Albert Federico

P-12 Report of Albert Federico dated June 27, 2025

P-13 Supporting documentation for report of Albert Federico

P-14 Report of Robert E. Blue consulting engineer.

Dolchak Exhibits

Dolchack-1 Letter dated April 18, 1975

Dolchack-2 Excerpts of Whitemarsh Township Chapter 94 Report

Dolchack-3 Plan of sewer system

17. In accordance with an agreement by all parties, the parties were provided the opportunity to submit Proposed Findings of Fact and Conclusions of law on or before November 26, 2025.

18. On December 11, 2025 the Board permitted all represented parties to present closing arguments. *N.T. 12/11/25 pp.* ____ - _____.

19. At the conclusion of closing arguments, the evidentiary record in this matter was closed. *N.T. 12/11/25 pp.* ____ - _____.

20. On January ___, 2026, the Board convened solely for the purpose of rending its oral decision on the Application and the Board voted ____ to ____ to approve the Application.

21. In accordance with the agreement of all Counsel, the Board was granted forty-five (45) days from January ____, 2026 to issue its written decision in this matter.

Testimony and Factual Background

22. The Property that is the subject of the Application is located at 717 Ridge Pike, Lafayette Hill, Whitemarsh Township, Montgomery County, Pennsylvania and is just over fourteen acres. *N.T. 12/11/25, p. 49.*

23. Applicants are the legal owners of the Property. (*Applicants' Exhibit A-1*).

24. The Property is located in the AA-Residence District and is subject to the Institutional Overlay District. *Township Exhibit T-3.*

25. Applicants propose to redevelop the Property with a 3-story, 500 bed Nursing Home. *N.T. 12/11/2024 p. 54; Applicants' Exhibit A-2, A-5).*

26. The site slopes towards the north and the rear where stormwater concentrates. *N.T. 12/11/2024 p. 50.*

27. A watershed to Andorra Run sits at the southernmost corner of the Property. *N.T. 12/11/2024 p. 50.*

28. The Property was subject to a Montgomery County ("**County**") condemnation, which condemned land at the front of the Property along Ridge Pike to complete construction to widen Ridge Pike. *N.T. 12/11/2024 p.* 51-52.

29. The County's condemnation also included the taking of an easement for the construction of stormwater management facilities on the Property for the management and discharge of stormwater runoff from Ridge Pike. *N.T. 12/11/2024 p. 51-52.*

30. The County condemnation resulted in the removal of vegetation along Ridge Pike and the installation of stormwater best management practice ("**BMP**") towards the rear north corner of the site on the condemned land. *N.T. 12/11/2024 p. 50.*

31. The stormwater basin joins the same flow and volume of stormwater that contributes to Andorra Run and is ultimately discharges at Wissahickon Creek. *N.T. 12/11/2024 p. 52.*

32. The stormwater basins are subject to an exclusive easement with Montgomery County and therefore, the area is inaccessible to the Applicant. *Id.*

33. Whitmarsh Township also owns and operates a pump station at the northern corner of the Property. *N.T. 12/11/2024 p.* 53.

34. The Proposed Use is consistent with the Zoning Ordinance definition of a "nursing home", which is defined as "[a] building, or part thereof, used for the lodging, boarding and nursing care, on a twenty-four-hour basis, of four or more persons who, because of mental or physical incapacity, may be unable to provide for their own needs and safety without the assistance of another person." *N.T. 12/11/2024 pp. 56-57*; *Applicants' Exhibit A-7.*

35. The Proposed Use is permitted by special exception in the Institutional District. *N.T. 12/11/2024 pp. 55-56*; *Applicants' Exhibit A-7.*

36. Applicants presented the testimony of its licensed engineer, Anthony Hibbeln, P.E., of Gorski Engineering, Inc., who was sworn and presented testimony in support of the Application. *N.T. 12/11/2024 p. 45-138, N.T. 1/28/25 pp. 8-122.*

37. Mr. Hibbeln was accepted as an expert in civil engineering. *N.T. 12/11/2024 p.* 47.

38. Mr. Hibblen reviewed the Zoning Ordinance, subdivision and land development ordinance ("**SALDO**"), and Pennsylvania regulations applicable to the Proposed Use before designing the proposed facility. *N.T. 12/11/2024 p.* 57.

39. Mr. Hibbeln testified to, *inter alia*, the following:

40. The interior patient rooms are 20 x 10 feet to comply with Pennsylvania's state regulations for long-term nursing care. *N.T. 12/11/2024 p.* 63; *see also Applicants' Exhibit A-8.*

41. Similarly, the common rooms and dining areas are designed to meet Pennsylvania's state regulations for long-term nursing care facilities. *Id.*

42. The Proposed Use has elevators at its main core, in the service area and within the cross sections of the halls. *N.T. 1/28/2025 p.* 89.

43. The Proposed Use also meets or exceeds each of the Zoning Ordinance's area and bulk requirements for uses in the Institutional Overlay District. *N.T. 12/11/2024 pp.* 64-65; *see also Applicants' Exhibits A-4 and A-5.*

44. Specifically, the lot area is 14.04 acres, the front yard is setback 50 feet, the side yard is setback 54 feet, and the rear yard is setback 247 feet. *Id.*

45. The proposed nursing home facility will be sited toward the front yard of the Property to maximize the space at the back of the Property, and along Park Avenue *N.T. 12/11/2024 p. 65; Applicants' Exhibit A-5.*

46. The design allows the existing trees to continue as buffers along the Property, and provides space for other vegetation, such as perennials and canopy trees, to be planted for a year-round buffer of the Property. *N.T. 12/11/2024 p. 65.*; *see also Applicants' Exhibit A-5.*

47. The year-round buffer will safeguard neighboring properties, such as the Masonic Temple that sits to the east of the Property. *N.T. 12/11/2024 pp. 87-88.*

48. The height of the proposed Facility meets the Zoning Ordinance's 40-foot requirement and includes twelve-foot floor heights to ensure there is adequate space for ventilation in the understory garage. *N.T. 12/11/2024 pp. 65-66.*

49. The Proposed Use's parking lot design meets the Zoning Ordinance's and Pennsylvania state requirements for long-term care nursing facilities. *N.T. 12/11/2024 p. 60.*

50. Specifically, the Zoning Ordinance requires one space per two patient beds and one per two employees. *Zoning Ordinance, § 116-184.*

51. Whereas Pennsylvania state regulatory requirements for nursing home facilities, require (1) a minimum of 1 nurse aide per 12 residents during the day, 1 nurse aide per 12 residents during the evening, and 1 nurse aide per 20 residents overnight; (2) a minimum of 1 nurse aide per 10 residents during the day, 1 nurse aide per 11 residents during the evening, and 1 nurse aide per 15 residents overnight; (3) a minimum of 1 LPN per 25 residents during the day, 1 LPN per 30 residents during the evening, and 1 LPN per 40 residents overnight; and (4) a minimum of 1 RN per 250 residents during all shifts. *28 Pa. Code § 211.12(f).*

52. The Proposed Use will have a total of 279 parking spaces, which include 231 internal parking spaces in the understory garage, 22 outside parking spaces in the front of the Facility, 26 outside parking spaces on the western portion of the Property, and 15 accessible driving spaces as required under the Americans with Disabilities Act to both requirements under the Zoning Ordinance and state law. *N.T. 12/11/2024 p. 60; see also Applicants' Exhibit A-8.*

53. The parking lot will utilize down light fixtures with light shields to appropriately light the parking aisles. *N.T. 1/28/2025 p. 82.*

54. The lights will be pointed away from the property line and on timers to prevent disruption to neighbors. *Id.*

55. The Proposed Use's access point at Ridge Pike appropriately accounts for sight lines, the slope of the road and the average speed of traffic along the road. *N.T. 12/11/2024 pp. 66-67; see also Applicants' Exhibits. A-4 and A-5.*

56. The access point was mapped using plans from Montgomery County that depicted the improvements to Ridge Pike ensure the access points are appropriately located. *N.T. 12/11/2024 p. 67.*

57. The access points also account for the number of average trips during weekdays, off-peak hours and weekends to ensure safe and efficient ingress and egress from the proposed Facility *N.T. 12/11/2024 p. 90.*

58. The design will help traffic flow throughout the Property and ensure there is no harmful effect on local vehicular or pedestrian traffic. *N.T. 12/11/2024 pp. 90-91.*

59. The Zoning Ordinance also includes requirements for steep slopes. *N.T. 12/11/2024 p. 115.*

60. Best available data was used to calculate all steep slopes on the Property. *N.T. 1/28/2025 pp. 35-36.*

61. The Property has a steep slope ratio of 11.8%, which falls below the required steep slope ratio modification regulations and therefore exempts the site from maximum impervious ground cover requirements. *N.T. 1/28/2025 p. 116; see also Applicants' Exhibit A-10.*

62. Due to the topography of the Property, the Proposed Use will have a stepped building design. *N.T. 1/28/2025 p.* 89.

63. The stepped building design, and associated grading will be reviewed by the Township engineer during land development *N.T. 1/28/2025 pp. 51-52, 90-91, 98.*

64. Although stormwater mitigation is not a requirement for a special exception, the Facility's design features reduce the rate, volume and pollutants in stormwater runoff from the Property. *N.T. 12/11/2024 pp. 70, 72, 77; 78-79; see also Applicants' Exhibit A-14.*

65. The Proposed Use will implement various water infiltration methods that can be used on the site to control stormwater runoff for any two-, ten-, fifty- or one-hundred-year storm events. *N.T. 12/11/2024 pp.* 69-70, 77, 81; *see also Applicants' Exhibits A-13, A-14.*

66. By way of example, the Proposed Use will install small rain gardens to treat stormwater runoff, which allows the stormwater to infiltrate into the existing hydrologic soil on the Property, and then naturally seep through rock and sediment layers before discharging to the Wissahickon creek. *N.T. 12/11/2024 p. 73, see also Applicants' Exhibits. A-11, A-12, A-13.*

67. Based on the overall design of the Proposed Use, the surrounding neighborhood would not be subjected to any objectionable, noise, lighting, glare, heat, ventilation, smoke, fumes, dust, dirt, gases or radioactive or electrical disturbances due to the proposed use of the Property. *N.T. 12/11/2024 p. 92.*

68. The Applicant intends to have an operator identified by the time of its land development submission and will refine the design based on the operator's unique specifications. *N.T. 1/28/2025 p. 86.*

69. If the operations cause any significant deviations from the accepted special exception plan, then the operator may have to reappear before the Board and seek a new special exception. *N.T. 1/28/2025 p. 85.*

70. During the land development process, the Applicant must demonstrate compliance with all applicable criteria under the Zoning Ordinance and the SALDO. *N.T. 12/11/2024 pp. 88-89, 91; N.T. 1/28/25 p.83; see also Zoning Ordinance § 105-25 et seq.*

71. The Township engineer will review the proposed plans during the land development process to confirm the plan complies with the Zoning Ordinance and the SALDO. *N.T. 1/28/25 p.* 83.

72. Mr. Hibbeln's testimony was credible and unrebutted.

73. Objectors first presented the testimony of Mr. Fred Albert, PLA, ALSA. *N.T. 1/28/25 pp. 123-135; N.T. 3/05/25 pp. 18-103.*

74. Mr. Albert was accepted as an expert in landscape architecture. *N.T. 1/28/25 p.133.*

75. Mr. Albert's testimony consisted of superimposing an unauthenticated topographic plan prepared by others (Gannett Flemming) over Mr. Hibblen's.

76. Mr. Albert's conclusion was that to implement the Proposed Use, the Property would require extensive regrading and therefore in his opinion was unsuitable for the site. *N.T. 3/05/25 p. 61; see also Protestants' Exhibit P-7 at 1-2.*

77. Mr. Albert agreed that all issues relating to fill, retaining walls, and wall design would be addressed in land development process and subject to review of the Township engineer. *N.T. 3/05/25 pp. 100.*

78. Mr. Albert was unfamiliar with the Zoning Ordinance generally, the Zoning Ordinance requirements for special exceptions and/or the Zoning Ordinance requirements for a nursing home use in the Institutional District. *N.T. 3/05/25 pp. 83-84, 89-90.*

79. Mr. Albert failed to present any admissible or credible evidence that the proposed plan does not meet the requirements to grant a special exception. *N.T. 3/05/25 p. 52.*

80. Mr. Albert's testimony was non-credible.

81. Objectors next presented the testimony of Shandor J. Szalay, a fluvial geomorphologist. *N.T. 3/05/25 pp. 106-154.*

82. Mr. Shandor Szalay was accepted as an expert in fluvial geomorphology, which is the study of the physical forms of streams and rivers. *N.T. 3/05/25 pp. 104-5.*

83. After conducting a field assessment in October of 2024, Mr. Szalay prepared an expert report that concluded that the Andorra Run stream is beginning to present signs of instability due to the presence of several head cuts, or small waterfalls, throughout the stream. *N.T. 3/05/25 pp. 108-9; see also Protestants' Exhibit P-6 at 3-4.*

84. The head cuts indicate that the stream is adjusting to an excess of energy and eventually the stream will cut into its bed, flatten its slope and expand its width or length to adjust to the excess energy. *N.T. 3/05/25 p. 109.*

85. Mr. Szalay attributed the excess of energy in the Andorra Run stream to the development of impervious surfaces within the watershed because there is more stormwater runoff that discharges into the stream rather than soaking into soil. *N.T. 3/05/25 p. 116.*

86. Mr. Szalay concluded that a stream suitability analysis is necessary to determine if the proposed use would have a detrimental impact on the Andorra Run stream. *N.T. 3/05/25 p. 13*1.

87. A stream suitability analysis, however, is not a requirement under the stormwater provisions as outlined in the SALDO or a requirement to grant a special exception. *Zoning Ordinance § 116-217.A.*

88. Mr. Szalay failed to present any relevant evidence that the proposed stormwater plan presented by the Applicants' expert, Mr. Hibblen, fails to comply with the Zoning Ordinance. *N.T. 3/05/25 pp. 129, 131-32.*

89. Mr. Szalay, although credible, presented no non-speculative evidence that the Proposed use would have any greater impact on the Andora Run than would any other permitted use.

90. Objectors next presented the testimony of James D. Press, Jr., PE. *N.T. 03/26/25 pp. 41-102.*

91. Mr. James Press, P.E., was accepted as an expert in professional engineering with a specialty in geotechnical engineering. *N.T. 03/26/25 p. 41.*

92. Mr. Press prepared an expert report that analyzed the existing slope conditions on the Property using publicly available laser-obtained surface elevation data from the Pennsylvania Spatial Data Access. *N.T. 03/26/25 p. 42; see also Protestants' Exhibit P-9 at 1.*

93. In his report, Mr. Press calculated that the slope areas that would be disturbed to establish the building target's elevations as outlined in the Applicants' plan. *N.T. 03/26/25 pp. 56-57; see also Protestants' Exhibit P-9 at 1-3.*

94. Specifically, Mr. Press calculated approximately 61% of the lot area would be disturbed for steep slopes less than 8%, 21% of the lot area would be disturbed for steep slopes less than 15%, 32% of the lot area would be disturbed for steep slopes between 15%-25% and 46% of the lot area be disturbed for slopes with a grade of 25% or more. *N.T. 03/26/25 pp. 71-72; see also Protestants' Exhibit P-9 at 2-3.*

95. Mr. Press conceded, however, that the Zoning Ordinance imposes no limit on the disturbance of lot areas that have 8%-15% steep slopes. *N.T. 03/26/25 pp. 71-72.*

96. Mr. Press also agreed that his remaining calculations did not account for the existing slope conditions on the Property, which include slopes created due to the improvements along Ridge Pike and the large retention basin on the Property. *N.T. 03/26/25 pp. 75-76, 94-95, 97; see also Protestants' Exhibit P-9 at 2.*

97. Mr. Press' calculations are unreliable at best and likely inaccurate as to the percentage of steep slopes that will be disturbed on the Property because they attribute existing slope conditions to the proposed development. *N.T. 03/26/25 p. 97.*

98. Mr. Press did not present any credible evidence that the percentage of steep slopes that may be disturbed on the Property does not comply with the Zoning Ordinance.

99. Objectors next presented the testimony of Mr. Thomas J. Comitta, AICP. *N.T. 5/07/25 pp. 18-61, N.T. 07/02/25 pp. 7-21.*

100. Mr. Thomas J. Comitta was accepted as an expert in land use planning and zoning and landscape architecture. *N.T. 5/07/25 p. 18.*

101. Mr. Comitta testified that he reviewed the Application, materials submitted by Applicants and the transcripts from the prior Evidentiary hearings. *N.T. 5/07/25 p. 19.*

102. Mr. Comitta testified extensively as to the size of the Proposed Use and compared the Proposed Use to similar facilities in the Township and Montgomery County. *N.T. 5/07/25 pp. 23-30l; See also Protestants' Exhibit P-10.*

103. On cross-examination Mr. Comitta conceded that his comparisons were tailor to his desired conclusion as in each instance he failed to compare the Proposed Use to the full extent of the selected comparative projects. *N.T. 5/07/25 pp. 29-30 and N.T. 07/02/25 pp. 11-16.*

104. Mr. Comitta testified that there are no objective criteria for the grant of a special exception to permit a nursing home in the Institutional District. *N.T. 5/07/25 p. 21.*

105. Mr. Comitta testified that the Proposed Use, as detailed in the Application and Applicants' exhibits complies with the applicable area and bulk requirements of the Zoning Ordinance. *N.T. 07/02/25 p.8.*

106. Mr. Comitta did not perform any independent analysis of potential impacts from the Proposed Use, rather Mr. Comitta speculated as to possible impacts. *See e.g. N.T. 5/07/25 pp. 39-40.*

107. On cross-examination, Mr. Comitta conceded that the Proposed Use is not out of scale with other institutional uses in close proximity to the Proposed Use. *N.T. 07/02/25 pp. 13-16.*

108. Mr. Comitta failed to present any testimony or evidence demonstrating that the impacts of the Proposed Use would be any greater than those normally associated with a nursing home use.

109. Indeed, Mr. Comitta's testimony repeatedly assumed that the impacts of the Proposed Use would be consistent with those normally associated with a nursing home use and then speculated as to potential harm to the public health, safety and/or welfare. *See generally N.T. 05/07/25 pp. 40-55.*

110. Objectors next presented the testimony of Albert Federico, P.E. PTOE. *N.T. 7/02/25 pp. 23-72.*

111. Mr. Albert Federico was offered by Objectors and accepted as an expert in traffic planning and design. *N.T. 7/02/25 p. 25.*

112. Mr. Federico testified as to the location and spacing of the driveways for the Proposed Use. *N.T. 07/02/25 pp. 28-30.*

113. Mr. Federico testified as to the layout of the proposed parking and expressed concerns about dead-end aisles and slopes of various driveways and ramps. *N.T. 7/02/25 pp. 30-32.*

114. Mr. Federico testified as to existing traffic volumes and speeds along Rideg Pike. *N.T. 7/02/25 pp. 35-40.*

115. Mr. Federico testified that due to the existing traffic volumes along Ridge Pike and the volumes of traffic generated by the Proposed Use, additional improvements to Ridge Pike may

be necessary, including, but not limited to a traffic signal, deceleration lanes, and/or turning movement limitations. *N.T. 7/02/25 pp. 38-39.*

116. Mr. Federico testified that the Proposed Use would not have a detrimental impact to vehicular traffic along ridge pike. *N.T. 7/02/25 p.44.*

117. Mr. Federico testified that all of his concerns would be reviewed during the land development and Highway Occupancy Permit processes. *N.T. 7/02/25 pp.47-48.*

118. Mr. Federico also testified that if the number of onsite parking spaces were reduced during land development review, the number of proposed beds could also be reduced proportionally to ensure the Proposed Use complies with applicable off-street parking requirements. *N.T. 7/02/25 p.50.*

119. Although informative, Mr. Federico's testimony bore no relationship to the requirements for special exception for a nursing home use in the Institutional District. Mr. Federico's testimony addressed concerns that are properly addressed during the land development review process.

120. Mr. Federico failed to present any testimony or evidence demonstrating that the impacts of the Proposed Use would be any greater than those normally associated with a nursing home use.

121. Objectors next presented the testimony of Rebecca Werner, the chief of operations for Whitemarsh Ambulance. *N.T. 8/13/25 pp. 8-54.*

122. Ms. Werner testified to her experience and the call volumes experienced by Whitemarsh Ambulance responding to 9-1-1 dispatch calls from other local nursing home and elderly care facilities. *N.T. 8/13/25 pp. 6-7.*

123. Ms. Werner testified that based on her experience, the Proposed Use would generate impacts consistent with the other nursing homes and elderly care facilities. *See generally N.T. 8/13/25 pp. 8-54.*

124. Ms. Werner testified that because of the increase in call volume, Whitemarsh Ambulance would likely require additional staff, vehicles and equipment. *N.T. 8/13/25 pp. 18-19.*

125. Ms. Werner failed to present any testimony or evidence demonstrating that the impacts of the Proposed Use would be any greater than those normally associated with a nursing home use. Rather, Ms. Werner testified specifically that she assumed the Proposed Use would have impacts that are proportional to other such facilities in the Township.

126. Objectors next presented the testimony of Timothy Konetchy, a senior community planner with Montgomery County. *N.T. 8/13/25 pp. 55-65.*

127. At the Board's request, Mr. Konetchy, on behalf of the Montgomery County Planning Commission prepared a review of the Application which was marked as Township's Exhibit T-5.

128. Mr. Konetchy's review concerned only the Application and supporting materials, he did not review any notes of testimony from the Evidentiary Hearing. *N.T. 8/13/25 pp. 56-58.*

129. Mr. Konetchy testified that the Proposed Use is generally consistent with the Township's Comprehensive Plan. *N.T. 8/13/25 p. 60.*

130. As detailed in his review, Mr. Konetchy testified that he had concerns about pedestrian connectively and utilization of public transit. *N.T. 8/13/25 p. 63.*

131. As set forth in his review letter, the County generally supports the Proposed Use. *See, Township's Exhibit T-5.*

132. Objectors next presented the testimony of Robert E. Blue, P.E., PLS. *N.T. 9/10/25 pp. 8-75.*

133. Mr. Blue was offered and accepted as an expert in civil engineering, surveying and land development. *N.T. 9/10/25 p. 8.*

134. Mr. Blue submitted a report dated September 3, 2025, which was marked and accepted as Protestants' Exhibit P-14.

135. Mr. Blue testified that based on his review of Applicants' plan he believed that the topographic data may be misaligned in relationship to the property boundaries. *N.T. 9/10/25 pp. 15. See also Protestants' Exhibit P 14.*

136. Mr. Blue did not perform any site survey to support his speculation. *Protestants' Exhibit P-14, N.T. 9/10/25 p.11-13.*

137. Mr. Blue testified that in his opinion a slope analysis should have been performed. However, on cross-examination Mr. Blue conceded that such an analysis stems only from a requirement in the SLDO. *N.T. 9/10/25 pp. 41-44.*

138. Mr. Blue testified as to various aspects of concern and repeatedly stated that a grading plan was required to address his concerns. Mr. Blue conceded that a grading plan is a subdivision and land development requirement and is not an objective criteria for the grant of a special exception. *N.T. 9/10/25 pp. 37, 47.*

139. Mr. Blue testified that the Zoning Ordinance contains no objective requirements for the grant of a special exception for a nursing home in the Institutional District. *N.T. 9/10/25 p. 41.*

140. Mr. Blue testified that the criteria set forth in Section 116-217 of the Zoning Ordinance are general criteria, not specific objective criteria. *N.T. 9/10/25 p. 47.*

141. Mr. Blue further testified that a special exception plan is not required to meet the standards for a preliminary land development plan. *N.T. 9/10/25 pp. 57-58.*

142. Mr. Blue testified that the Proposed Use may require variances from the Zoning Ordinance including, but not limited to impervious coverage, despite the fact that the Zoning Ordinance does not limit impervious coverage for a nursing home use in the Institutional District. *N.T. 9/10/25 pp. 59-61.*

143. Indeed, Mr. Blue testified that he did not calculate any slope disturbance percentages, nor the proposed impervious coverage ratio for the Proposed Use. *N.T. 9/10/25 pp. 61-62.*

144. Mr. Blue's testimony was pure speculation and bald assertions. Mr. Blue presented no credible, non-speculative evidence that the Proposed Use does not comply with the objective requirements for a nursing home use in the Institutional District.

145. Objectors next presented the testimony of Michael Baginski, P.E. *N.T. 9/10/25 pp. 76-109.*

146. Mr. Baginski participated in the drafting of the report marked as Protestants' Exhibit P-14.

147. Mr. Baginski was offered and accepted as an expert in civil engineering. *N.T. 9/10/25 p. 79.*

148. Mr. Baginski testified extensively as to Applicants' stormwater design and stormwater report. Mr. Baginski did not prepare his own independent analysis or report. *N.T. 9/10/25 pp. 102.*

149. Mr. Baginski testified that the conceptual stormwater design presented by Applicants may be revised and/or reduced during the land development process. *N.T. 09/10/25 pp.86-87.*

150. Mr. Baginski testified that his review of Applicants' conceptual stormwater report found a discrepancy of 0.02 inches in calculation of a regulated rainfall event. *N.T. 09/10/25 p. 89.*

151. Mr. Baginski testified that as a result of this discrepancy the conceptual stormwater facilities may have to be altered or may achieve a lesser result than set forth in Applicants' stormwater report. *N.T. 09/10/25 pp.89-92.*

152. Mr. Baginski testified that all of the stormwater calculations and facilities will have to be reviewed by the Township and Montgomery County as part of the land development process. *N.T. 09/10/25 p. 97.*

153. Mr. Baginski also testified that there is ample room on the Property to expand the proposed stormwater facilities if necessary to meet the stated stormwater objectives. *N.T. 09/10/25 pp. 99-100.*

154. Mr. Baginski conceded that he did not perform any of his own analysis of the conceptual stormwater design. *N.T. 09/10/25 pp. 102-103.*

155. Mr. Baginski did not present any testimony to establish that the Proposed Use would, from a stormwater perspective, be detrimental to the public health safety or welfare. Mr. Baginski's testimony was based wholly on speculation and concerned matters readily addressed in the land development process.

156. Objectors Joslyn Nay, Joann Dolchak, Denise Fitzpatrick, John Sheppard and Jim Toolan each presented their own testimony. *N.T. 11/12/25 pp. 9-35.*

157. Objectors' testimony was general, speculative and unsubstantiated.

158. Objectors' testimony merely speculated as to potential impacts of the Proposed Use.

159. Objectors did not present any testimony establishing with any specificity that the Proposed Use would have a greater detrimental impact on the public health, safety or welfare than would normally be expected from such a use.

160. Although Objectors' concerns are valid, such concerns, such as lighting, sanitary sewer, traffic improvements, and construction noise are appropriately addressed during the land development process and are irrelevant to the requirements for a special exception.

II. DISCUSSION

A special exception is not an exception to the zoning ordinance, but rather a use to which the applicant is entitled provided the specific standards enumerated in the ordinance for the special exception are met by the applicant. *In re AMA/Am. Mktg. Ass'n, Inc., 142 A.3d 923, 934 (Pa. Commw. Ct. 2016)*. An applicant seeking a special exception bears the burden of proving only that its request complies with the specific, objective requirements contained in the zoning ordinance. *41 Valley Assocs. v. Bd. of Supervisors of London Grove Twp., 882 A.2d 5, 14 (Pa. Commw. Ct. 2005)*. Detailed design of the proposed development and compliance with detailed requirements of the zoning ordinance and subdivision and land development ordinance, while required for ultimate land development approval, are not required for special exception approval and are beyond the limited scope of the special exception proceeding. *In re Thompson, 896 A.2d 665, 671 (Pa. Commw. Ct. 2006)*. If the Zoning Hearing Board is persuaded that the application complies with the objective criteria of the zoning ordinance, a presumption arises that "the proposed use is consistent with the general welfare of the community." *H.E. Rohrer, Inc. v. Zoning Hearing Bd. of Jackson Twp., 808 A.2d 1014, 1018 (Pa. Commw. Ct. 2002)*. An applicant for special exception is entitled to that use as a matter of right unless it is determined that the use does

not satisfy the specific, objective criteria in the zoning ordinance for that use. *Brookview Solar I, LLC v. Mount Joy Twp. Bd. of Supervisors, 305 A.3d 1222,1241-42 (Pa. Commw. Ct. 2023); 53 P.S. § 10107(a).*

Once the applicant meets its burden of establishing compliance with the objective criteria of the ordinance for the proposed use, it has made out its *prima facie* case and the application must be granted unless the objectors present sufficient evidence that the proposed use will pose a detrimental threat to the public health, safety, and welfare beyond what would normally be anticipated from a use of its type and that those atypical impacts pose a substantial threat to the health and safety of the community. *Manor Healthcare Corp. v. Lower Moreland Twp. Zoning Hearing Bd., 590 A.2d 65, 7- (Pa. Commw. Ct. 1991).* Opponents of a special exception may not meet their burden by speculating as to possible negative effects. *Id.* "Mere speculation" of possible harm is not sufficient, and the objectors' burden may not be satisfied with personal opinion or bald assertions. *H.E. Rohrer, Inc., 808 A.2d at 1018.* Rather, after an applicant for special exception establishes that the proposed use complies with the objective requirements for the special exception use it may only be denied if objectors demonstrate, through competent and substantial evidence, that the impact of the proposed use on the public welfare is greater than that which would be expected from such a use in "normal" circumstances. *Dotterer v. Zoning Hearing Bd. of Upper Pottsgrove Twp., 588 A.2d 1023, 1026 (Pa. Commw. Ct. 1991).*

Objectors to an application for special exception– not the Applicant – bear the burden as to general requirements for a special exception. A zoning ordinance may contain specific objective requirements, on the one hand, and **general, non-specific, non-objective requirements**, on the other. The applicant has the burden as to the former and the objector has the burden as to the latter. Specific criteria of an ordinance are "reasonable definite conditions that are detailed in the

ordinance." *Tower Access Grp. LLC v. S. Union Twp. Zoning Hearing Board, 192 A.3d 291 (Pa. Commw. Ct. 2018) at 301.* Some examples of specific requirements can be classified as follows: (1) the kind of use (or area, bulk, parking or other approval); or specific requirements or standards applicable to the special exception such as special setbacks, size limits. *Bray v. Zoning Board of Adjustment, 410 A.2d 909 (Pa. Commw. Ct. 1980) at 911.* The definite criteria included in a zoning ordinance are in contrast to general, non-specific or non-objective requirements such as health and safety. *Id.*; *see also Jojo Oil Inc. v. Dingman Twp. Zoning Hearing Bd., 77 A.3d 679, 688 (Pa. Commw. Ct. 2013).* In particular, Pennsylvania courts hold that an objector bears the burden as to general requirements, such as traffic. *Tower Access Grp., LLC., 192 A.3d at 300* (holding an objector bore the burden of proof as to general special exception criteria, which required the zoning hearing board to consider whether access to the proposed use will not be hazardous or conflict with normal traffic on residential streets); *Yarnall v. Allen, 444 A.2d 1335, 1337 (Pa. Commw. Ct. 1982)* (holding that the objector bore the proof as to general special exception criteria, which required the zoning hearing board to determine that the proposed use was suitable with respect to traffic and highways and provides adequate off-street parking to protect highways from undue congestion because it relates to the general detrimental effect upon the neighborhood); *see generally Cellini v. Scott Twp. Zoning Hearing Bd., No. 202 C.D. 2011, 2012 WL 8668126, *6 (Pa. Cmwlth. Jan 12, 2012)* (holding that the objectors bear the burden as to requirements that lack specificity and are therefore general). Once the Applicant for a special exception shows compliance with the specific objective requirements of the ordinance, it is presumed that the use is consistent with the promotion of public health, safety and welfare, and the burden shifts to objectors to prove to a high degree of probability that the impact from the proposed use will substantially affect the health, safety and welfare of the community to a greater

extent than would be expected normally from that type of use. *Tower Access Grp., LLC., 192 A.3d at 300.*

The Zoning Ordinance does not prescribe any objective standards for the grant of a special exception in accordance with §116-175.L. Rather, the grant of such a special exception is subject only to the general criteria set forth in §116-217. Therefore, in order to defeat Applicants' special exception Application, Objectors must demonstrate through non-speculative, objective evidence that the Proposed Use would have a greater detrimental impact upon the public health, safety and welfare than would any other nursing home use of the Property or any other use permitted by right or by special exception within the Institutional District. Objectors presented no specific, credible evidence that the impacts from the Proposed Use would be greater than those normally attributable to a nursing home use.

III. CONCLUSIONS OF LAW

1. As the legal owner of the Property, Applicants have legal standing to make and proceed with the Application.

2. Applicants' exhibits were entered into and form a part of the record int his matter.

3. Applicants' witness was credible and uncontradicted.

4. The Whitemarsh Township Zoning Ordinance does not include any specific criteria to grant a special exception.

5. Objectors own witnesses testified that there are no objective criteria for the grant of a special exception to permit a nursing home use in the institutional district. 5/7/2025 p21.

6. The Proposed Use is permitted by special exception in the Institutional Overlay District. *Zoning Ordinance* § 116-175.L.; §166-217.A.(1).

7. The Proposed Use satisfies the objective requirements for a special exception under the Whitemarsh Township Zoning Ordinance. *Dec. 11, 2024*, N.T. 86; *see also Zoning Ordinance* § 166-217.

8. The Proposed Use enjoys a presumption that it is consistent with the public health, safety and welfare.

9. Objectors failed to present credible, objective, non-speculative evidence that the impacts of the Proposed Use are greater than those normally attributable to a nursing home use.

10. The Proposed Use will not substantially injure or detract from the use of the neighboring properties in any way that is materially greater than would normally be expected from this type of use.

11. The Proposed Use will not have any greater harmful effect on local vehicular or pedestrian traffic than would normally be expected from a nursing home use.

12. The Proposed Use will not subject the neighboring properties to objectionable noise, lighting, glare, heat, ventilation, smoke, fumes, vapors, dust, dirt, gases or radioactive or electrical disturbances in any manner greater than would normally be expected from a nursing home use.

13. The Proposed Use will not have any greater detrimental impact or unduly burden on sanitary, school, police, fire, park and other public facilities when compared to uses similarly situated to the use proposed by the Applicant.

14. The use will not have a negative impact on the public health, safety or welfare of the Township.

ORDER

AND NOW, this ___ day of January, 2026, after considering the testimony and documentary evidence presented during the hearings of this matter by and on behalf of the Applicants, the Objectors and individuals granted party status, the Zoning Hearing Board enters the following **ORDER** pursuant to Section 10908(9) of the Municipal Planning, 53 P.S. § 10101 *et seq.*

On the basis of evidence of record, which includes the hearing transcripts from the Zoning Hearing Board at the hearings on December 11, 2024, January 28, 2025, March 5, 2025, March 26, 2025, May 7, 2025, July 2, 2025, August 13, 2025, September 10, 2025, November 12, 2025 and all admitted exhibits, the Whitemarsh Township Zoning Hearing Board grants the Applicants' request for a special exception in accordance with Section 116-175.L of the Whitemarsh Township Zoning Ordinance. The special exception is granted as set forth below and subject to the following conditions:

(1) A special exception is granted from Section 116-175.L of the Zoning Ordinance to permit a nursing home at 717 Ridge Pike, Lafayette Hill, Whitemarsh Township, Montgomery County, Pennsylvania, 19444 subject to the conditions that:

(a) The Applicant will demonstrate compliance will all appliable requirements in the Subdivision and Land Development Ordinance;

(b) Any and all improvements and/or uses of the Property shall be in conformity with the improvements and/or uses described in the testimony and documentary evidence introduced in support of the special exception requested; and

(c) The Applicant shall comply with all other applicable federal, state, county and Township statues, laws, regulations and ordinances applicable to the Property and its development project thereon.

In making its determination, the Board has relied upon the testimony and exhibits presented by the Applicants. Compliance with the testimony and exhibits by the Applicants are also hereby incorporated as conditions of approval. The Applicants and the Applicants' successors in interest to the Property shall all be strictly bound by all of the representations made in the testimony on behalf of the Applicants, whether or not express reference thereto is contained in the Order.

This Decision and Order grants only the specific special exception as described in the Application and by the testimony and exhibits presented at hearing. Nothing contained in this Decision and Order shall be construed to abrogate or limit the obligation of the Applicants to comply with other applicable requirements of the Township's Zoning Ordinance or any other applicable Township Ordinances or regulations.

KLEHR HARRISON HARVEY BRANZBURG LLP
By: Matthew J. McHugh, Esquire
Attorney I.D. No. 308723
1835 Market Street, Suite 1400
Philadelphia, PA 19103
Telephone: (215) 569-1662
mmchugh@klehr.com
Attorney for Ted Lodge, Sarah Lodge, Mario Giannini, Ann Laughlin, Richard Eisenberg, Amanda Trayes, and Charles Uniatowski

COZEN O'CONNOR
By: Robert M. Careless, Esquire
Attorney I.D. No. 311144
One Liberty Place
1650 Market Street, Suite 2800
Philadelphia, PA 19103
Telephone: (215) 665-4798
rcareless@cozen.com
Attorney for Michael Young

BEFORE THE ZONING HEARING BOARD OF WHITEMARSH TOWNSHIP

IN RE: APPLICATION OF JAMES J. SMITH, THERESA C. SMITH, MATTHEW SMITH, JOSEPH SMITH, AND FRANCIS SMITH	**:**	**ZHB No. 2024-19**
	:	
	:	**717 Ridge Pike**
	:	**Lafayette Hill, PA 19444**
	:	**Tax Parcel No. 65-00-09628-00-9**

JOINT FINDINGS OF FACT AND CONCLUSIONS OF LAW

Ted Lodge, Sarah Lodge, Mario Giannini, Ann Laughlin, Richard Eisenberg, Amanda Trayes, Charles Uniatowski, and Michael Young submit to the Zoning Hearing Board of Whitemarsh Township ("ZHB") these joint findings of facts and conclusions of law in opposition to the Application for a Special Exception filed by James J. Smith, Theresa C. Smith, Matthew Smith, Joseph Smith, and Francis Smith (the "Smiths" or collectively, the "Applicant") for a proposed 500-bed nursing home use (the "Application") of the property located at 717 Ridge Pike, Lafayette Hill, Pennsylvania 19444, also known as Montgomery County Tax Parcel Number 65-00-09628-00-9 (the "Property").

FINDINGS OF FACT

I. The Parties

A. Applicant

1. The Smiths are the current record owners of the Property and the collective Applicant before the ZHB. N.T. 12/11/24 pp. 36-37; Exs. A-1, A-2.

2. During the proceedings in this matter, the Smiths were represented by Craig R. Lewis, Esq. of Kaplin Stewart Meloff Reiter and Stein. N.T. 12/11/24 p. 7.

B. Neighbors oppose the proposed 500-bed Nursing Home Use

3. Michael Young ("Young") of 800 Andorra Road, Lafayette Hill, Pennsylvania 19444 was granted party status without objection. N.T. 12/11/24 p. 15.

4. During the proceedings, Young was represented by Robert M. Careless, Esquire of Cozen O'Connor. N.T. 12/11/24 p. 15.

5. Ted and Sarah Lodge (together, "Lodge") of 3 Andorra Hill Road, 730 Andorra Road, and 736 Andorra Road, Lafayette Hill, Pennsylvania 19444 were granted party status without objection. N.T. 12/11/24 p. 14.

6. Mario Giannini and Ann Laughlin (together, "Giannini/Laughlin") of 5, 6, 7, 8, and 10 Andorra Hill Road, Lafayette Hill, Pennsylvania 1944 were granted party status without objection. N.T. 12/11/24 p. 15.

7. During the proceedings, Lodge and Giannini/Laughlin were represented by Matthew J. McHugh of Klehr Harrison Harvey Branzburg LLP. 12/11/24 p. 15.

8. Richard Eisenberg and Amanda Trayes (together, "Eisenberg/Trayes") of 3007 Park Avenue, Lafayette Hill, Pennsylvania 19444 were granted party status without objection. N.T. 12/11/24 pp. 12, 26.

9. Charles Uniatowski ("Uniatowski") of 720 Andorra Road, Lafayette Hill, Pennsylvania 19444 was granted party status without objection. N.T. 12/11/24 pp. 12, 26.

10. At the commencement of the proceedings, Eisenberg/Trayes and Uniatowski were represented by Douglas R. Blazey, Esquire of Elliot Greenleaf, P.C. N.T. 12/11/24 p. 11. During the May 7, 2025 hearing, Attorney McHugh entered his appearance on behalf of Eisenberg/Trayes and Uniatowski in place of Attorney Blazey. N.T. 5/7/25 p. 5.[1]

11. The Andorra Run Conservancy ("ARC"), a 501(c)(3) non-profit organization requested party status. N.T. 12/11/24 p. 13.

a. At the commencement of the proceedings, ARC was represented by Attorney Blazey. N.T. 12/11/24 p. 11. Attorney McHugh substituted his appearance on behalf of ARC at the May 7, 2025 hearing. N.T. 5/7/25 p. 5.

b. Uniatowski testified that he is the president of ARC. N.T. 12/11/24 p. 27.

c. Uniatowski testified that ARC was formed as a community organization for neighbors in the vicinity of the Property who are concerned about the Application. N.T. 12/11/24 p. 27.

d. The Smiths objected to ARC's request for party status on the basis that the organization does not own real property in the Township. N.T. 12/11/24 p. 28.

e. The ZHB denied ARC's request for party status. N.T. 12/11/24 p. 30.

[1] From the outset of the proceedings, Young, Lodge, and Giannini/Laughlin, although separately represented by Attorneys Careless and McHugh, proceeded in a coordinated fashion and presented a joint case in opposition to the Application. Eisenberg/Trayes and Uniatowski developed their case in opposition with Attorney Blazey until Attorney McHugh entered his appearance on their behalf at the May 7, 2025 hearing. In the interest of brevity, Young, Lodge, Giannini/Laughlin, Eisenberg/Trayes and Uniatowski are hereinafter referred to collectively as the "Represented Neighbors."

f. Before the 28, 2025 hearing, Attorney Blazey filed a motion for reconsideration of the ZHB's denial on the basis that ARC should be granted derivative standing. N.T. 1/28/25 pp. 6-7.

g. The ZHB heard argument on ARC's request for reconsideration for party status at the September 10, 2025 hearing. N.T. 9/10/25 pp. 115-120.

h. The ZHB sustained its denial of ARC's request for party status at the November 12, 2025 hearing. N.T. 11/12/25 pp. 6-7.

12. Joselyn Nay ("Nay") of 4 Andorra Hill Road, Lafayette Hill, Pennsylvania 19444 was granted party status without objection. N.T. 12/11/24 pp. 16-17.

13. Joann Dolchak ("Dolchak") of 3012 Park Avenue, Lafayette Hill, Pennsylvania 19444 was granted party status without objection. N.T. 12/11/24 pp. 18, 21.

14. Denise Fitzpatrick and John Sheppard ("Fitzpatrick/Sheppard") of 3009 Park Avenue, Lafayette Hill, Pennsylvania 19444 were granted party status without objection N.T. 12/11/24 p. 32, 34.

15. John Hough ("Hough") of 3004 Park Avenue, Lafayette Hill, Pennsylvania 19444 was granted party status without objection. N.T. 12/11/24 pp. 32, 35.

a. During the course of the proceedings, Hough sold his property. N.T. 9/10/25 p. 114.

b. Hough subsequently confirmed the withdrawal of his party status in an email to ZHB Solicitor Furey dated November 14, 2025.

16. Virginia Sabia ("Sabia") of 2 Andorra Hill Road, Lafayette Hill, Pennsylvania 19444 was granted party status without objection. N.T. 12/11/24 pp. 32, 35.

17. Jim Toolan ("Toolan") of 702 Andorra Road, Lafayette Hill, Pennsylvania 19444 was granted party status without objection. N.T. 9/10/25 p. 124.

18. Rosemarie DiLeo ("DiLeo") of 3050 DiLeo Drive, Lafayette Hill, Pennsylvania 19444 was granted party status without objection. N.T. 9/10/25 p. 126.

19. Stuart Bobman ("Bobman") of 3052 DiLeo Drive, Lafayette Hill, Pennsylvania 19444 was granted party status without objection. N.T. 9/10/25 p. 128.

20. As of the date of this submission, Nay, Dolchak, Fitzpatrick/Sheppard, Sabia, Toolan, DiLeo, and Bobman were not individually or collectively represented by counsel during the proceedings (hereinafter, collectively, the "Pro se Neighbors").

II. The Smiths present their case in chief

21. The Smiths called their civil engineer, Anthony J. Hibbeln, P.E. ("Hibbeln") of Gorski Engineering, Inc. to testify to the Application. N.T. 12/11/24 p. 45.

22. Hibbeln's curriculum vitae was marked as Exhibit A-14.

23. Hibbeln was accepted as an expert in civil engineering and stormwater design. N.T. 12/11/24 p. 47.

24. The Property is just over 14 acres in gross area. N.T. 12/11/24 p. 49.

25. The Property was subject to a condemnation proceeding initiated by Montgomery County in connection with the Ridge Pike expansion project that resulted in the taking of certain frontage along the Property and the installation of a stormwater basin. The use of the stormwater basin is exclusive to the County. N.T. 12/11/24 pp. 49, 51-52.

26. The Property is zoned AA-Residential and subject to the Institutional Overlay District. N.T. 12/11/24 p. 55.

27. A nursing home use is permitted by special exception in the Institutional Overlay District. N.T. 12/11/24 p. 56.

28. The Smiths' propose a 3-story, 500-bed nursing home facility with an underground parking garage, outdoor surface parking, and other associated site improvements. N.T. 12/11/24 pp. 54-55; Exs. A-2, A-4.

29. The facility is currently proposed to contain 436 single-bed units and 32 double-bed units. N.T. 1/28/25 p. 40.

30. Hibbeln testified that the Applicant would accept, as a condition of approval, that the proposed 500-bed nursing home facility must be "consistent" with the definition of a nursing home under the Whitemarsh Township Zoning Ordinance (the "Zoning Ordinance"). N.T. 12/11/24 p. 57.

31. Hibbeln consulted state regulations to calculate the minimum number of employees that are required for a nursing home in Pennsylvania. Hibbeln testified that one nurse aide is required for every 10 residents and one registered nurse is required for every 250 residents or beds. Further, a director of nursing is required. Applying these ratios to the proposed 500-bed facility produces a minimum of 53 employees. N.T. 12/11/24 pp. 57, 59.

32. With respect to the minimum number of employees calculated, Hibbeln noted "obviously, an operator could have more employees." N.T. 12/11/24 p. 59.

33. Hibbeln was unable to provide a citation to the authority utilized to compute the minimum employees beyond the "Pennsylvania state regulations for nursing home." N.T. 12/11/24 pp. 60-61.

34. Hibbeln calculated the required parking for a nursing home use under the Zoning Ordinance pursuant to the following ratio: 1 space per 2 patient beds and 1 space per 2 employees.

a. 500 nursing beds requires 250 parking spaces.

b. Hibbeln accounted for 56 employees for the 500-bed facility: 1 director of nursing, 3 nursing services personnel, 2 registered nurses, and 50 nurse aids.

c. 56 employees requires 28 additional parking spaces, for a total of 278 spaces required. Hibbeln provided 279 parking spaces on his plan (231 internal spaces and 48 surface spaces).

Ex A-8.

35. Hibbeln testified that the proposed building is currently a preliminary design; an operator and/or owner of the facility will ultimately take the plans and refine them during land development to meet operational specifications. N.T. 12/11/24 p. 63.

36. Although Hibbeln has not fully engineered the proposed building and layout, he testified that the building shown on the zoning drawings meets all applicable bulk and area requirements under the Zoning Ordinance. N.T. 12/11/24 p. 64.

37. Hibbeln testified that the proposed building would comply with the 40 foot height limitation of the Zoning Ordinance. N.T. 12/11/24 p. 65.

38. Hibbeln offered a considerable about of testimony related to the preliminary stormwater management design (approximately 18 pages of testimony). N.T. 12/11/24 pp. 68-86.

39. Hibbeln testified that the conceptual stormwater management design will exceed the applicable requirements set forth by the Township. N.T. 12/11/24 p. 85.

40. Hibbeln offered testimony with respect to the criteria for the grant of a special exception under Section 116-217 of the Zoning Ordinance.

a. Hibbeln testified that the proposed 500-bed nursing home use will not substantially injure or detract from the use of neighboring properties or from the character of the neighborhood, and that adjoining uses will be properly safeguarded. N.T. 12/11/24 p. 86-87.

b. Hibbeln testified that a number of "additional items" will be addressed during land development, such as lighting. N.T. 12/11/24 p. 88.

c. Hibbeln is not a traffic engineer and did not prepare a traffic impact study, but he "has no reason to believe" that safe and efficient ingress and egress can't be achieved. Hibbeln added that the access points will be reviewed during land development. N.T. 12/11/24 p. 89-91.

d. Hibbeln does not believe that the surrounding neighborhood would be subjected to objectionable noise, light, glare, heat, ventilation, smoke, fumes, vapor, dust, dirt, gases, or electrical disturbances. N.T. 12/11/24 p. 90-91.

e. Hibbeln testified that there would be no detrimental effect on sanitary, school, police, fire, park, or public facilities. N.T. 12/11/24 p. 93.

f. Hibbeln testified that there will not be an adverse impact on the general public health, safety, or welfare. N.T. 12/11/24 p. 93.

41. During Board-examination, Hibbeln admitted that he did not study the traffic patterns of Ridge Pike, and thus, could not opine on the burden placed on traffic flow in the area. N.T. 12/11/24 p. 96.

42. Hibbeln admitted that he did not study the expected 9-1-1 call volume for a proposed 500-bed nursing home facility. N.T. 12/11/24 p. 97

43. Hibbeln admitted that he did not study police calls or fire calls. N.T. 1/28/25 p. 115.

44. Hibbeln did not know how many nursing homes beds are currently in the Township, and further, he did not conduct a study with respect to the demand for a nursing home use. N.T. 12/11/24 p. 99.

45. Hibbeln is aware of the Masonic Village community immediately adjacent to the Property but does not know how many beds are provided at the community. N.T. 12/11/24 p. 99.

46. The Application has not been discussed with Masonic Village or Atria Senior Living. N.T. 1/28/25 p. 63.

47. Board Member Weinstein confronted Mr. Hibbeln with a letter from Rebecca Werner, Chief of Operations for the Whitemarsh Community Ambulance Association ("WCAA Letter") raising concerns about the Application given the existing nursing home and continuing care uses already within the Township. The WCAA Letter was read into the record by Solicitor Furey. The WCAA Letter states, *inter alia*:

a. "Whitemarsh Community Ambulance Association, WCAA, has many curiosities and some concerns regarding a 500-bed facility being placed on the Smith Property. Our primary concern is the sudden demand on emergency services." N.T. 12/11/24 p. 107.

b. "The Hill at Whitemarsh, THAW, 470 current beds occupied, and Masonic Village, 277 current beds occupied, are two facilities that come somewhat close

to this size. These facilities did not begin at this size. They were developed much smaller with room to grow and the opportunity to grow at a controlled rate." N.T. 12/11/24 pp. 107-108.

c. "The 9-1-1 call volume for THAW in 2023 was 186 and the year to 12/1/24 is 182 9-1-1 calls. The 9-1-1 call volume for Masonic Village in 2023 was 154 and for the year to 12/1/24 is 149 9-1-1 calls." N.T. 12/11/24 p. 108.

d."The expected 9-1-1 volume coming from a 500-bed facility will be, at minimum, comparable, if not exceeding, these facilities." N.T. 12/11/24 p. 108.

48. Hibbeln has never engineered a 500-bed nursing home facility. N.T. 1/28/25 p. 62.

49. Hibbeln admitted that he is not familiar with any comparably-sized nursing home facilities nor did he undertake any effort to study the facilities discussed in the WCAA Letter. N.T. 12/11/24 p. 100.

50. Hibbeln admitted that the Smiths will not be the ultimate developers of the Property nor will they operate the facility. N.T. 1/28/25 p. 10.

51. Hibbeln testified that an operator for the proposed 500-bed facility has not been identified. N.T. 1/28/25 p. 9.

52. As a result, Hibbeln had no input whatsoever from an operator when preparing his zoning plan and proposed building layout. N.T. 1/28/25 p.10

53. Hibbeln has no knowledge of the number of employees an operator will ultimately staff at the facility. N.T. 1/28/25 p. 10.

54. Hibbeln did not know how trash collection will be handled. N.T. 1/28/25 p. 11.

55. Hibbeln did not have any information on delivery operations (i.e., loading, unloading, volume, frequency, or cargo). N.T. 1/28/25 pp. 10-11.

56. Hibbeln did not know the square footage of the proposed building and, as a result, could not compare it to the size of other nursing home facilities in the area. N.T. 1/28/25 p. 38-39.

57. Hibbeln agreed that the amenities such as a gym, bank, or other features currently shown on the plan are purely speculative until an operator is involved. N.T. 1/28/25 p. 41.

58. Hibbeln agreed that the services ultimately provided by an operator will dictate how the space within the facility is delineated. N.T. 1/28/25 p. 42.

59. Hibbeln admitted he doesn't know the frequency at which residents of the facility will need to be transported from the Property. N.T. 1/28/25 p. 42.

60. Hibbeln did not know how many specialists will need to be brought to the facility. N.T. 1/28/25 p. 43.

61. Hibbeln opined that the operational elements of the proposed use would be better addressed during land development. N.T. 1/28/25 p. 43.

62. The only means of access to the proposed 500-bed nursing home are from Ridge Pike; there is no secondary means of access from any other roadway. N.T. 1/28//25 p. 48.

63. The sidewalks proposed for the front of the Property will dead-end as there are no sidewalks fronting the neighboring properties. N.T. 1/28/25 p. 46.

64. Hibbeln acknowledged that there will be employees relying on public transportation. N.T. 1/28/25 p. 48.

65. Hibbeln calculated employee parking for the 500-bed facility based on just 56 employees. N.T. 1/25/28 pp. 13-14.

66. Hibbeln did not account for any kitchen staff in his employee parking count. N.T. 1/28/25 p. 14.

67. Hibbeln did not account for any staff to bus tables or serve meals. N.T. 1/28/25 p. 15.

68. Hibbeln did not account for any staff of the proposed rec room, spa, physical therapy, gym, or a lounge, despite showing those amenities on the zoning plan. N.T. 1/28/25 p. 15-16.

69. Hibbeln did not account for occupational therapists. N.T. 1/28/25 p.16-17.

70. Hibbeln did not account for nutritionists. N.T. 1/28/25 p. 17.

71. Hibbeln did not account for housekeeping. N.T. 1/28/25 p. 18.

72. Hibbeln did not account for maintenance crew. N.T. 1/28/25 p. 18.

73. Hibbeln did not account for a receptionist. N.T. 1/28/25 p. 18-19.

74. Hibbeln did not account for staff dedicated to religious programs or activities. N.T. 1/28/25 p. 19.

75. Hibbeln did not account for overflow visitor parking. N.T. 1/28/25 p. 22.

76. Hibbeln agreed that more parking spaces will be required for additional employees that are currently omitted in the parking calculations. N.T. 1/28/25 pp. 103-104.

77. In addressing how additional parking will be added for the omitted employees, Hibbeln testified "we've provided areas on the site at the rear and inside the garage if we needed to have more parking to accommodate more employees. Once we have an operator to share those employee counts, we believe the site can handle those employees as well." N.T. 12/11/24 pp. 111-112.

78. Hibbeln admitted that the underground parking garage is still conceptual and will have to be fully designed from a structural perspective. N.T. 1/28/25 p. 20.

79. Hibbeln confirmed that the Smiths have not applied for a County Highway Occupancy Permit (HOP) or submitted a scoping application for the three full access drives with full turning movements along Ridge Pike. N.T. 1/28/25 p. 23-24.

80. Hibbeln agreed that the Township Code estimates 1,300 daily trips will be generated for the 500-bed nursing home use. Hibbeln did not compare that estimated trip generation against the current Institute of Transportation Engineers (ITE) Manual. N.T. 1/28/25 p. 27.

81. Hibbeln did not prepare a lighting plan showing the placement of the internal lights on the site or the height of the lighting poles. N.T. 1/28/25 p. 48.

82. On cross-examination, Hibbeln testified to a "stepped" structure for the building due to the grade changes of the Property but confirmed that architectural plans have not been developed. N.T. 1/28/25 p. 87.

83. Although not shown on the plans submitted to the ZHB, Hibbeln testified that retaining walls will be needed for the structure. N.T. 1/28/25 p. 53.

84. Hibbeln's plan was prepared utilizing public data made available through the Pennsylvania Spacial Database ("PASDA"). N.T. 12/11/24 p. 129.

85. Hibbeln testified that the topographic data available through PASDA does not include slopes created by the County in connection with the Ridge Pike expansion project; as such, those slopes are not accounted for on the Smiths' plans. N.T. 1/28/25 p. 35.

86. A topographic survey of the Property has not been prepared. N.T. 12/11/24 p. 129; N.T. 1/28/25 p. 32.

87. Hibbeln conceded that the stormwater analysis will be impacted by a topographic survey and grading plan. N.T. 1/28/25 p. 54.

88. Hibbeln did not conduct an off-Property assessment of the downstream conditions on the Andorra Run tributary. N.T. 12/11/24 p. 139.

89. Hibbeln opined that the Township's Comprehensive Plan "forgot" the Property in their future land use plan but later admitted that the location of the Property is situated in the "Conservation District Residential" future land use category. N.T. 1/28/25 pp. 55-56; Ex. P-1.

90. Following the cross-examination of Mr. Hibbeln, the Smiths called no other witnesses in support of the Application and rested their case. N.T. 1/28/25 p. 101.

III. The Represented Neighbors present their Case in Opposition to the Application

A. Fred Albert

91. Eisenberg/Trayes and Uniatowski called Fred Albert of Fred Albert Design, Landscape Architecture, Interiors, and Building Solutions ("Albert"). N.T. 1/28/25 p. 123; Ex. P-2.

92. Albert's curriculum vitae was marked as Exhibit P-2.

93. Albert's professional experience includes work on a project involving grading across 500 acres, and his expertise regularly includes roadway and slope design for access to parking areas. N.T. 3/5/25 p. 56.

94. Albert has experience with the design of nursing homes, hospitals, and medical clinics. N.T. 3/5/25 p. 70.

95. Albert was admitted as an expert in landscape architecture. N.T. 1/28/25 p. 133.

96. Albert prepared a report dated March 3, 2025 that was marked as Exhibit P-4; his revised expert report dated March 24, 2025 was marked as Exhibit P-7.

97. Based on his expertise and qualifications, Albert analyzed how the site conditions of the Property can be married to the proposed 500-bed nursing home building. N.T. 3/5/25 pp. 45-46, 55.

98. Albert testified that he visited the outer perimeter of the Property and studied the drawings submitted by the Smiths. N.T. 3/5/25 p. 20.

99. Albert testified that the drawings submitted by the Smiths show a proposed building with a constant floor elevation with no breaks, no stairs, no steps, and no ramps. N.T. 3/5/25 pp. 21, 54.

100. However, when analyzing the grade changes of the Property, there is an approximate 72 foot sloping fall from the south (high point) to north (low point). N.T. 3/5/25 p. 22.

101. Albert utilized the construction drawings prepared by Gannett Fleming, the engineers for the Ridge Pike roadway expansion project, to ascertain the topography of the Property. Albert later testified that the topographic information shown on Hibbeln's drawings are the same as shown on the Gannett Fleming drawings. N.T. 3/26/15 p. 17.

102. Albert calculated the existing and proposed elevations at the north and south ends of the proposed building according to the Gannett Fleming topography and concluded that the south end of the building will be 13 feet below existing grade at the southeast wing and 21 feet below existing grade at the southwest wing; by contrast, the north end will be 50 feet above existing grade to the first level of the building. N.T. 3/5/25 p. 41, Ex. P-7.

103. As a result, a massive retaining wall and 50 feet of fill or the construction of elevated structures will be required to raise the existing grade of the northern end of the proposed building due to the significant drop in grade. N.T. 3/5/25 p. 42, Ex. P-7.

104. Albert contested Hibbeln's testimony with respect to the proposed building being "stepped" to deal with the grade changes. Albert highlighted that this critical information is not shown on the Smiths' drawings. N.T. 3/5/25 pp. 73-74.

105. Albert explained that townhomes have party walls; the proposed nursing home building is shown to have a constant corridor like a hospital which will require a 150 foot long ADA ramp, and thus, six modules stepping 12 feet to account for the 72 foot drop in grade which is not possible with the proposed parking garage. N.T. 3/5/25 pp. 73-74

106. In addition, Albert analyzed the height of the proposed building in relationship to the topography of the site and amount of fill needed to address the grade change of the Property, and concluded that the building at the northern end will be 91.67 feet above the existing grade, far exceeding the 40 foot height limitation (i.e., once the 3-story building is placed on top of the 50 feet of fill needed, the structure will be 91.67 feet above the existing grade). N.T. 3/5/25 pp. 42-43, N.T. 3/26/25 p. 22, Ex. P-7.

107. Albert opined that there will be a detrimental effect on the community due to the proposed building being approximately 90 feet above the existing grade with the amount of fill that will be needed for support (i.e., the building will have the impact of 9 stories). N.T. 3/5/25 p. 98, N.T. 3/26/25 p. 29.

108. Albert opined that the slopes leading into the parking garage from the main entrance are unworkable. N.T. 3/5/25 p. 59-60.

109. Albert testified that the proposed driveway designs are not in line with standard design practice. N.T. 3/5/25 p. 60.

110. Albert's opined that the 500-bed nursing home building cannot be constructed on the Property as proposed. N.T. 3/5/25 pp. 29, 55.

111. Albert opined that the building proposed to house the 500-bed nursing home use is inappropriate for the Property. N.T. 3/26/25 p. 29.

B. Shandor Szalay

112. Eisenberg/Trayes and Uniatowski called Shandor Szalay of Arcadis ("Szalay").

113. Szalay's resume marked as Exhibit P-5.

114. Szalay was accepted as an expert in fluvial geomorphology. N.T. 3/5/25 p. 105.

115. Fluvial geomorphology is the study of streams and rivers and their physical forms. Szalay conducts an applied form of that study to analyze the effect of changes to the landscape, development, and other features of nature on river and stream systems. N.T. 3/5/25 p. 104.

116. Szalay prepared a report that was marked as Exhibit P-6. N.T. 3/5/25 p. 106.

117. Szalay conducted a field assessment of the unnamed tributary to the Wissahickon Creek known as the "Andorra Run" which lies downstream from the proposed 500-bed facility. N.T. 3/5/25 p. 107; Ex. P-6.

118. Andorra Run has severe signs of instability. N.T. 3/5/25 p. 108.

119. Andorra Run is in "active adjustment" and has multiple "head cuts" (i.e., a vertical change in the stream bed elevation, more commonly understood as a water fall). This means the stream is in an erosive process and susceptible to collapse. N.T. 3/5/25 pp. 111-112; Ex. P-6.

120. Szalay observed bank erosion which causes the surrounding area to be flood prone. N.T. 3/5/25 p. 115.

121. The development of impervious surfaces leads to a more forceful runoff into the stream, resulting in channel evolution. N.T. 3/5/25 pp. 115-116.

122. Szalay reviewed the post-construction management plan for the proposed nursing home and is concerned that there will be a significant problem for the stream and impact for the surrounding property owners. N.T. 3/5/25 pp. 118-119.

123. In Szalay's professional opinion, the Smiths' Stormwater Plan does not take into account the instability of the stream and factors surrounding its evolving erosion. N.T. 3/5/25 p. 123.

124. In Szalay's professional opinion, the surrounding properties and residents will suffer when the Andorra Run falls apart. N.T. 3/5/25 pp. 144, 146.

C. James Press

125. Eisenberg/Trayes and Uniatowski called James Press of Aterra Solutions ("Press").

126. Press' curriculum vitae was marked as Exhibit P-8.

127. Press was admitted as an expert in professional engineering with a specialty in geotechnical engineering. N.T. 3/26/25 p. 41.

128. Press prepared a report that was marked as Exhibit P-9.

129. Press testified that he analyzed the existing slope conditions of the Property utilizing Light Imaging Detection and Ranging ("LiDAR") data which is made available through the PASDA database. N.T. 3/26/25 pp. 42, 84.

130. The Township regulates the permissible disturbances (i.e., regrading and/or the stripping of vegetation) of certain percentages of slopes within all zoning districts. N.T. 3/26/25 p. 50.

131. Press testified that the Township does not permit more than 30% of steep slopes of 15% and 25% on the Property to be disturbed. N.T. 3/26/25 p. 57.

132. Press testified that the Township does not permit more than 15% of steep slopes of 25% or more on the Property to be disturbed. N.T. 3/26/25 p. 57.

133. Press identified slopes on the Property outside of Hibbeln's "steep slope conservation area" shown on his drawings, particularly those of 15 percent or greater. N.T. 3/26/25 pp. 49, 53; Ex. P-9.

134. Press identified 38,235 square feet of the proposed developed area of the project to have slopes between 15% and 25%. N.T. 3/26/25 p. 52; Ex. P-9.

135. As a result, Press concluded that 32.7% of the total land area of the Property having grades of 15-25% will be regraded and/or stripped of vegetation pursuant to the proposed plan. N.T. 3/26/25 pp. 54-56, 58; Ex. P-9.

136. Press identified 4,979.2 square feet of the proposed developed area of the project to have slopes of 25% or greater. N.T. 3/26/25 p. 52; Ex. P-9.

137. As a result, Press concluded that 46.4% of the total land area of the Property having grades of 25% or more will be regraded and/or stripped of vegetation pursuant to the proposed plan. N.T. 3/26/25 pp. 56, 58; Ex. P-9.

138. Press relied on the Application and materials submitted therewith along with the same public topographic data available to and utilized by the Applicant. N.T. 3/26/25 pp. 81-82.

139. Press opined that the Smiths' Exhibit A-10 does not offer a complete steep slopes analysis because Hibbeln did not analyze the Property as a whole. N.T. 3/26/25 p. 101.

140. Press disagrees with Hibbeln's testimony that there will be no steep slope disturbance under the proposed nursing home structure. N.T. 3/26/25 p. 113.

141. Based on the information submitted by the Smiths and the publicly available data, Press opined that the Application does not comply with the Zoning Ordinance with respect to the disturbance of steep slopes. N.T. 3/26/25 pp. 82, 90-91.

D. Thomas Comitta

142. Young, Lodge, and Giannini/Laughlin called Thomas J. Comitta of Thomas Comitta Associates, Inc. ("Comitta").

143. Comitta's curriculum vitae was included as Appendix C within his report marked as Exhibit P-10.

144. Comitta has represented 149 municipalities, mostly in Pennsylvania, for the last 51 years as a municipal planning consultant. N.T. 5/7/25 p. 15.

145. Comitta's firm currently represents 26 municipalities in Pennsylvania. N.T. 5/7/25 p. 15.

146. Comitta was accepted as an expert in land use planning and zoning and landscape architecture. N.T. 5/7/25 p. 18.

147. Comitta testified to the standards under Section 116-217 of the Zoning Ordinance. N.T. 5/7/25 p. 20.

148. Comitta opined that the proposed use will substantially detract from the character of the surrounding neighborhood due to the "massive size of the proposed 500-bed nursing

home and the associated driveways, parking areas, and related structures on the existing significantly sloping site." N.T. 5/7/25 p. 22; Ex. P-10.

149. Comitta reviewed the sizes of other facilities in the area and other nursing homes in Pennsylvania. N.T. 5/7/25 p. 23.

150. Within the surrounding area of the Property, Comitta reviewed Masonic Village, Atria, and The Hill at Whitemarsh ("The Hill"). N.T. 5/7/25 p. 23.

151. Masonic Village is an active retirement community with 60 nursing beds. N.T. 5/7/25 p. 23; Ex. P-10.

152. Masonic Village and Atria are "set back more substantially from Ridge Pike" as compared to the proposed 500-bed facility. N.T. 5/7/25 p. 24.

153. Comitta testified to Appendix A of his report which catalogs nursing homes for the Pennsylvania, New Jersey, and Delaware region. Comitta then focused on the nursing homes within Montgomery County. N.T. 5/7/25 p. 26.

154. Comitta identified 48 nursing homes and rehabilitation facilities within Montgomery County. 40 percent of the nursing homes have fewer than 100 nursing beds; 58 percent have fewer than 196 nursing beds; and only one facility had 470 nursing beds. The average amongst the 48 facilities is 115 nursing beds. Further, 98% of the existing nursing homes in Montgomery County have less than 196 beds. N.T. 5/7/25 p. 26; Ex. P-10.

155. No existing nursing home in Montgomery County has 500 beds. N.T. 5/7/25 p. 27.

156. Comitta opined that the proposed 500-bed facility is monolithic and out of character with the surrounding area. N.T. 5/7/25 p. 28.

157. Comitta reviewed the Township's Comprehensive Plan and identified the Property to be within the future land use category of Conservation District Residential. N.T. 5/7/25 pp. 33-35.

158. Comitta recited the intent of the Conservation District Residential to "facilitate residential development that retains open space and larger lot sizes to prevent parcels from being overdeveloped." N.T. 5/7/25 p. 33.

159. Comitta opined that the proposed 500-bed nursing home is not consistent with the Comprehensive Plan because it does not include open space preservation or conservation area, is a parcel being proposed for overdevelopment, and proposes a massive 500-bed building. N.T. 5/7/25 p. 36; Ex. P-10.

160. Comitta explained that he could not formulate an opinion with respect to Section 116-217(5) of the Zoning Ordinance because the Smiths failed to provide information on the operational aspects of the proposed development (e.g., there is no or incomplete data on the number of employees, shifts, medical supply and food deliveries, frequency of ambulances, and lighting). As such, Comitta was foreclosed from opining on the impact of the development on the surrounding neighborhood as it relates to objectionable noise, light, and other nuisances. N.T. 5/7/25 pp. 37-40; Ex. P-10.

161. With respect to Section 116-217(6) Comitta opined that the proposed 500-bed nursing home will unduly burden emergency medical services. N.T. 5/7/25 p. 40.

162. Comitta conferred with Rebecca Werner, Chief of Operations at the Whitemarsh Community Ambulance Association and obtained factual information that The Hill has 200 ambulance visits per year. N.T. 5/7/25 p. 44; Ex. P-10.

163. Further, Comitta learned that the addition of a 500-bed nursing home would require the addition of an additional ambulance, stretchers, a cardiac monitor, and personnel. N.T. 5/7/25 p. 44; Ex. P-10.

164. Comitta testified that he has reviewed "countless" plans for conformance with similar language as contained Section 116-217(6); some specific examples of his experience with proposed skilled nursing and/or continuing care facilities include White Horse Village in Edgmont, Riddle Village in Middletown Township, and Morris Grove in Concord Township. N.T. 5/7/25 p. 53.

165. Comitta testified that the Smiths' application, as proposed, should be denied. Comitta elaborated that "it's enormous. It's too much. There is nothing like it. It's not normative. It's aggressive for the site. It's overdevelopment. It's high density." N.T. 5/7/25 p. 61.

166. Comitta opined that, if the ZHB were inclined to grant a special exception for a nursing home use, the amount of beds should be limited to 115 as the normative size. N.T. 5/7/25 pp. 56-57.

E. Albert Federico

167. Young, Lodge, and Giannini/Laughlin called Albert Federico of Albert Federico Consulting, LLC ("Federico").

168. Federico has been in the practice of transportation engineering for more than 30 years. Federico works with municipalities and developers. N.T. 7/2/25 pp. 23-24.

169. Federico's curriculum vitae was marked as Exhibit P-11.

170. Federico was accepted as an expert in traffic planning and design. N.T. 7/2/25 p. 25.

171. Federico prepared an expert report that was marked as Exhibit P-12 ("Federico Report"). The data supporting the Federico Report was marked as Exhibit P-13.

172. Federico testified that the Smiths have not submitted a traffic study, gap study, or sight distance analysis for the proposed 500-bed nursing home use. N.T. 7/2/25 p. 27.

173. The Smiths have not submitted any information regarding the traffic operations for the 500-bed nursing home facility. N.T. 7/2/25 p. 28.

174. With respect to the requirements for the grant of a special exception, Federico reviewed Section 116-217.A(3) and focused on subsections (c) and (d) – the location of entrance and exist drives on the street and the design and capacity of off-street parking facilities. N.T. 7/2/25 p. 28.

175. Federico determined that the proposed driveways for the facility are closely spaced, particularly the middle and northern driveways. N.T. 7/2/25 p. 29.

176. Federico opined that "overlapping left turns in such close proximity would be considered undesirable from an operations perspective." N.T. 7/2/25 p. 29.

177. Federico reviewed the historic collision data for the site area. Federico testified that there were 15 reportable mid-block collisions between 2019 and 2023 along Ridge Pike between Park Avenue and Barren Hill Road, with the majority of collisions involving northbound traffic. N.T. 7/2/25 p. 29; Ex. P-12.

178. Federico is unaware of any proposed accommodations to get pedestrian bus riders to the Septa bus route along Ridge Pike; as such, bus riders will have to attempt to cross Ridge Pike. N.T. 7/2/25 pp. 29-30.

179. Federico identified issues with Hibbeln's subsurface parking plan due to the grade changes of the Property. N.T. 7/2/25 p. 30.

180. Federico identified three dead-ends within the sub-surface parking area which will pose an undesirable condition for emergency services. N.T. 7/2/25 p. 30.

181. In order to address the circulation issues due to the dead-ends and other identified spaces which appear to block stairways within the parking area, parking spaces will have to be removed, thus resulting in a lower internal parking count than what is currently represented on the zoning plan. N.T. 7/2/25 p. 31.

182. Federico identified 12 spaces that will be lost because of inadequate maneuverability and 8 spaces that will be lost because they obstruct access to stairs or other areas. N.T. 7/2/25 p. 31.

183. In addition, Federico observed that the parking layout does not show any structural elements. As such, additional spaces may be lost once the structural elements are added. N.T. 7/2/25 p. 31.

184. If the insufficient interior parking areas cannot be reconfigured, those spaces will need to be shifted to the outdoor surface lot to maintain the current parking count. Federico noted that these relocated spaces would be in *addition* to those Hibbeln already acknowledged were necessary to account for the employees omitted from his parking calculations. N.T. 7/2/25 p. 32.

185. Federico conducted a supplemental assessment of the actual site conditions and sight distance on Ridge Pike. N.T. 7/2/25 p. 32.

186. In connection with the assessment, Federico requested a traffic count to be performed. N.T. 7/2/25 p. 34; Ex. P-12.

187. On Wednesday, June 18, 2025, the total daily traffic volume was 24,402 vehicles – 12,462 vehicles traveling northbound and 11,940 vehicles traveling southbound. The peak

hour volumes were measured to be 1,972 vehicles during the morning peak hour (1,159 northbound and 813 southbound) and 2,106 vehicles during the evening peak hour (1,053 northbound and 1,053 southbound). N.T. 7/2/25 p. 35; Exs. P-12, P-13.

188. During the period studied, northbound vehicles traveled at a speed of 48 mph for the 85th percentile speed. Southbound vehicles traveled at a speed of 43 mph. The speed limit in this section of Ridge Pike is 35 mph. N.T. 7/2/25 p. 34; Ex. P-12.

189. To meet PennDOT's standards, the proposed driveways will need sight lines of 500 feet for turns to the left and 570 feet for turns to the right. N.T. 7/2/25 p. 34; Ex. P-12.

190. Federico identified challenges with complying with PennDOT standards for sight lines. The northern driveway sight line is proposed to go through the adjacent property. For the southern driveway, in order to achieve adequate sight lines there will need to be additional disturbance of the embankment that was recently regraded by the County. N.T. 7/2/25 p. 35.

191. The volume data collected by Federico allowed for the preparation of an analysis of anticipated driveway operations using the procedures set forth in the Highway Capacity Manual along with the estimated traffic based on the most current edition of the ITE Trip Generation Manual. N.T. 7/2/25 p. 36.

192. Because the operations of the driveways have not been made clear by the Applicant, Federico applied an assumption that 60% of the traffic would use the main driveway and the remaining traffic coming to and from the site would be split evenly from the north and south. N.T. 7/2/25 pp. 37-38.

193. Federico identified that left turning movements out of the site would operate at a deficient level of "Service F" with delays which will cause drivers to become impatient with delays and making risky driving maneuvers. N.T. 7/2/25 p. 38.

194. Federico opined that the location of the entrance and exit drives are undesirable and will create "overlapping" left turns, meaning that there will be conflicts amongst vehicles trying to turn left into the site and left out of the site. Moreover, this will lead to lockages in the flow of southbound traffic on Ridge Pike. N.T. 7/2/25 p. 56.

195. A new left turn lane would require a further widening of Ridge Pike. N.T. 7/2/25 p. 61.

196. Federico opined that the driveways do not demonstrate compliant slopes, acceptable sight distance, or acceptable operations. Moreover, Federico opined that the number of parking spaces and internal vehicle circulations are inadequate. N.T. 7/2/25 p. 42; Ex. P-12.

197. Federico opined that the propose project will have a harmful effect on the traffic elements that are identified in the Zoning Ordinance. N.T. 7/2/25 pp. 42-43.

198. Federico opined that the proposed project will have a harmful effect on circulation, traffic, and parking. N.T. 7/2/25 p. 43.

F. Rebecca Werner

199. Young, Lodge, and Giannini/Laughlin called Rebecca Werner ("Werner") who is the Chief of Operations for the Whitemarsh Community Ambulance Association ("WCAA"). WCAA is the "9-1-1 squad" for the Township. N.T. 8/13/25 p. 6.

200. Werner has been with WCAA for 15 years and in her current role as the Chief of Operations for 8 years. N.T. 7/2/25 p. 6.

201. Werner is still active on emergency calls. N.T. 7/2/25 pp. 6-7.

202. Werner testified that WCAA handles approximately 5,000 calls per year, the majority of which are 9-1-1 calls. WCAA also handles non-emergency transports for facilities like The Hill and Masonic Village. N.T. 7/2/25 p. 7.

203. Werner explained that WCAA's ambulances are comprised of "ALS Squads" (Advanced Life Support) and "BLS Squads" (Basic Life Support) – ALS Squads have a paramedic and an emergency medical technician ("EMT") on each ambulance and are able to provide advanced skills; BLS Squads have two EMTs on each ambulance. N.T. 7/2/25 p. 7.

204. WCAA currently has five fully equipped ALS ambulances. N.T. 7/2/25 p. 8.

205. WCAA currently has a total of 43 employees; 15 of the employees are full time; 9 are paramedics and the remainder are EMTs. N.T. 7/2/25 p. 8.

206. WCAA is the primary emergency responder for Whitemarsh Township, but can and will be called to respond to other areas of Montgomery County. N.T. 7/2/25 p. 9.

207. Werner has extensive experience with nursing homes, independent living facilities, assisted living facilities, and senior living centers. N.T. 7/2/25 pp. 10-11.

208. Werner explained that Whitemarsh Township has the second highest amount Medicaid/Medicare beds in Montgomery County. N.T. 7/2/25 p. 10.

209. Werner explained that residents of nursing facilities are those with co-morbidities, meaning that they have multiple medical conditions with multiple medications and therefore utilize the 9-1-1 system at a higher rate. N.T. 7/2/25 p. 12.

210. There are no facilities in Whitemarsh Township that have 500, 400, or even 300 nursing beds. N.T. 7/2/25 p. 13.

211. As an example, The Hill has 400 independent living beds but just 56 nursing beds and 14 memory care beds. N.T. 7/2/25 p. 11.

212. Werner testified to the number of 9-1-1 calls to which WCAA responded in 2023 and/or 2024 for Masonic Village, The Hill, and Atria. N.T. 7/2/25 p. 14:

a. Masonic Village: WCAA responded to 154 calls in 2023 and 165 calls in 2024.

b. The Hill: WCAA responded to 186 calls in 2023 and 204 in 2024.

c. Atria: WCAA responded to 190 calls in 2024.

213. The data on calls reported by Werner are just for WCAA-responses (i.e., it's not how many 9-1-1 ambulances responded to the facilities per year because other outside squads will cover calls when WCAA is active on another emergency). N.T. 7/2/25 p. 40.

214. Werner further explained that this data does not include lift assist calls or when WCAA is cancelled on the scene because a patient refused the emergency service. N.T. 7/2/25 p. 41.

215. Werner testified that senior facilities, including nursing homes, have specific rules and regulations dictating when calls must be made for emergency services: for example, there are many facilities that require a 9-1-1 call when a patient is found on the ground because staff is not permitted to lift the patient. N.T. 7/2/25 p. 43.

216. Werner is not aware of any other facility in the area that has subsurface parking like that of the proposed 500-bed facility. N.T. 7/2/25 p. 15.

217. Werner testified that ambulances require at least nine feet of clearance to enter a parking garage. Inadequate clearance prevents ambulances from accessing the parking area, forcing WCAA personnel to stage outside and proceed on foot to reach the patient, thus increasing response times. N.T. 7/2/25 pp. 15-16.

218. Werner testified that the Applicant has not consulted with WCAA regarding the proposed 500-bed facility. N.T. 7/2/25 p. 17.

219. Werner testified that the impact of the 500-bed will result in a significant increase in 9-1-1 calls. N.T. 7/2/25 p. 18.

220. If the 500-bed facility is approved, Werner testified that WCAA will need additional personnel and an additional response truck due to the increase of 9-1-1 calls originating from the 500-bed facility. N.T. 7/2/25 p. 18.

221. Werner explained that there is a national shortage of paramedics which will contribute to the challenge of responding to the new 500-bed facility. N.T. 7/2/25 p. 18.

222. A paramedic's salary is $80,000; an EMT's salary is approximately $50,000. N.T. 7/2/25 p. 19.

223. The cost associated with adding a new, fully equipped, ambulance would be over $500,000. N.T. 7/2/25 p. 44.

224. Only a portion of the cost incurred by WCAA to respond to a call is covered by insurance. N.T. 7/2/25 p. 21.

225. On an average bill from WCAA of $2,000-$3,000 for a response, Werner testified that the average return is between $400-$700. WCAA will attempt collection, but Werner testified that WCAA often will not be reimbursed for the remaining portion of the bill. N.T. 7/2/25 p. 37.

226. The reimbursement rate for calls with Medicaid and Medicare patients is lower. Nursing homes are typically filled with people on Medicaid and Medicare as opposed to private insurance. N.T. 7/2/25 p. 51.

227. There is no contract with any of the nearby facilities to reimburse WCAA for the cost of responding to calls. N.T. 7/2/25 p. 24.

228. Werner testified that the addition of the 500-bed nursing home would be a major burden on WCAA. N.T. 7/2/25 p. 28.

229. Werner is concerned over the lack of information on the proposed nursing home use – for example, "is this going up to hospice level? Are they going to accept vent-dependable patients? There's a whole realm of possibilities here as Clara Burke is a vent-dependent facility. If we had another Clara Burke pop up, we're in a lot of trouble overnight. We have to gain something quickly because they're all ALS or Advanced Life Care patients. If it's a nursing home not vent-dependent, then we'd have to consider, are they going up to hospice? Are these patients that are going to be nearing the end of life, pending that kind of stuff, what all does that entail. But a large facility of that many nursing home beds initially is a big shock to us." N.T. 7/2/25 p. 29.

230. Werner testified that call volumes and response times will increase overnight due to the 500-bed nursing home. N.T. 7/2/25 pp. 31, 43.

231. WCAA does not have the capacity to take on the additional calls from a 500-bed nursing home facility. N.T. 7/2/25 pp. 43-44.

232. Using Atria as a reference point (125 beds with a corresponding 190 calls), Werner testified a 500-bed nursing home could produce upwards of 600 calls per year. N.T. 7/2/25 p. 33.

233. As another reference point, Werner testified that WCAA responded to 175 calls at Clara Burke in 2024 with only 60 beds. N.T. 7/2/25 p. 35.

234. Werner testified that based on the capacity of WCAA, the addition of the 500-bed nursing home facility will be injurious to the health, safety and welfare of the community. N.T. 7/2/25 p. 46.

G. Timothy Konetchy

235. Young, Lodge, and Giannini/Laughlin subpoenaed Timothy Konetchy ("Konetchy") who is a senior planner with the Montgomery County Planning Commission ("MCPC"). N.T. 7/2/25 p. 55.

236. Konetchy handles the MCPC plan reviews for Whitemarsh Township. N.T. 7/2/25 p. 55.

237. Konetchy issued an advisory plan review letter dated June 5, 2025 in connection with the zoning application filed by the Smiths for the 500-bed nursing home. N.T. 7/2/25 pp. 55-56; Exhibit T-4.

238. Konetchy was provided with the Smiths' zoning application, site plan, stormwater report, zoning map, and tax map for purposes of his review. N.T. 7/2/25 p. 57.

239. Konetchy did not review any of the notes of testimony from the hearings before the ZHB. N.T. 7/2/25 p. 57.

240. Konetchy did not review any of the exhibits submitted to the ZHB beyond the plans filed by Smiths. N.T. 7/2/25 p. 57.

241. Konetchy was not aware that an operator hasn't been identified for the facility and that the facility is therefore being developed on spec. N.T. 7/2/25 p. 58.

242. Konetchy was not aware of Hibbeln's admissions that the employee parking count is insufficient and that additional surface parking spaces will need to be added. N.T. 7/2/25 p. 59.

243. Konetchy was not aware of Hibbeln's testimony that the proposed structure will need to be stepped in order to deal with the topography of the Property. N.T. 7/2/25 p. 59.

244. Konetchy did not have the benefit of topographic survey when reviewing the steep slopes of the Property. N.T. 7/2/25 p. 60.

245. With respect to the Township's Comprehensive Plan, Konetchy admitted that the proposed nursing home use of the Property does not fit within the three enumerated uses of the future land use category of Conservation District Residential. N.T. 7/2/25 p. 61.

246. Konetchy is not including the County's stormwater facility on the Property as part of an available "open space" area as shown on the Smiths' plans (i.e., green space area); Konetchy admitted that the available areas for open space will be reduced when a developer must add additional surface parking to address the number of employees for the facility. N.T. 7/2/25 pp. 62-63.

247. Konetchy testified to certain concerns related to pedestrian connectivity from the site to the nearby Septa bus stops. N.T. 7/2/25 pp. 63-64.

248. Konetchy agreed that it is important to have information regarding how the facility is going to be operated in order to make a full determination with respect to the criteria for approving a special exception. N.T. 7/2/25 p. 65.

H. Robert Blue

249. Young, Lodge, and Giannini/Laughlin called Robert E. Blue, Jr. ("Blue") who is a professional engineer, a registered land surveyor, and the President of Robert E. Blue Consulting Engineers, P.C. N.T. 9/10/25 pp. 6-7.

250. Blue prepared a report marked as Exhibit P-14 ("Blue Report"), and his curriculum vitae was appended as Exhibit 5 thereto.

251. Blue was accepted as an expert in civil engineering, land surveying, and land development. N.T. 9/10/25 p. 8.

252. Hibbeln did not utilize a field survey. N.T. 9/10/25 p. 11.

253. The topographic information contained within Hibbeln's survey is derived from PASDA which collected its data on the Property from the time period of 2008-2012. N.T. 9/10/25 p. 11.

254. The Applicant's plans are misaligned, which is a product of not having a current field survey. N.T. 9/10/25 pp. 12-13.

a. Blue prepared an overlay plan based on the Smiths' drawings and publicly available data. N.T. 9/10/25 p. 14.

b. Exhibit 1 to the Blue Report demonstrates the misalignment of the contour lines of Hibbeln's plans against the property boundaries. N.T. 9/10/25 p. 16.

c. Exhibit 2 to the Blue Report depicts the misalignment of the Property boundary by approximately 50 feet, which is a significant discrepancy. Blue aligned the contours of the Smiths' plan and the PASDA data and the corresponding result is that the boundaries are not matching. N.T. 9/10/25 pp. 17-18.

d. The significance of this exhibit illuminates to the ability to properly account for the steep slope disturbance attributable to the proposed 500-bed nursing home facility. N.T. 9/10/25 p. 16; Ex. P-14.

255. Blue opined that the Smiths' plans are not suitable to verify compliance with the steep slope disturbance requirements of the Zoning Ordinance. N.T. 9/10/25 pp. 19-20.

256. As such, Blue opined that the drawings are not compliant with the Zoning Ordinance because of the inability to properly identify the slopes on the Property, and thus, compliance with the disturbance limitations. N.T. 9/10/25 pp. 22-23.

257. Notwithstanding the insufficiency of PASDA data for purposes of complying with the Township's steep slope requirements, Blue opined that the Smiths nevertheless miscalculated the steep slopes as shown on the drawings submitted to the ZHB. N.T. 9/10/25 pp. 24-25.

a. Exhibits 3 and 4 of the Blue Report demonstrate that the Smiths significantly understated the amount of steep slopes on the Property. Exhibits 3 and 4 expand on Exhibits 1 and 2 to delineate slope areas as defined by the Zoning Ordinance. Blue testified that the Smiths represented a ratio of 11.8 percent whereas he believes the ratio to be 61.9%. N.T. 9/10/25 pp. 27-28, 30.

b. The significance of this understatement is that the proposed development will therefore exceed the limitation of steep slope disturbance and a variance is required. N.T. 9/10/25 p. 27.

258. Blue opined that the proposed building exceeds the height limitation of the Zoning Ordinance. N.T. 9/10/25 p. 35.

a. The Township defines building height as the building's vertical measurement from the mean level of ground surrounding the building to a point midway between the highest and lowest point of the roof. N.T. 9/10/25 p. 33.

b. The height limitation for the 500-bed facility is 40 feet pursuant to Section 116-176 of the Zoning Ordinance. N.T. 9/10/25 p. 34.

c. Blue is not aware of any elevations submitted by the Smiths to demonstrate compliance with the height limitation. N.T. 9/10/25 p. 33.

d. Blue testified that there is a significant drop in grade on the Property. N.T. 9/10/25 pp. 34, 36.

e. Blue's opinion is that the height of the proposed structure will be approximately 45.8 feet based on his analysis of the materials submitted. N.T. 9/10/25 p. 35.

f. Blue also testified that retaining walls will be required to support the construction of the proposed facility, but that information has not be provided by the Smiths. N.T. 9/10/25 p. 37.

259. Blue opined that the Smiths' plans are not substantial enough to show the detail and clarity to accurately reflect what will be built or erected based on the lack of information provided. N.T. 9/10/25 p. 75.

I. Michael Baginski

260. Young, Lodge, and Giannini/Laughlin called Michael Baginski ("Baginski") who is a senior professional engineer and project manager at Robert E. Blue Consulting Engineers, P.C. N.T. 9/10/25 p. 77.

261. Baginski's curriculum vitae was included within the Blue Report as Exhibit 6. Exhibit P-14.

262. Baginski was accepted as an expert in civil engineering, land development and stormwater management. N.T. 9/10/25 pp. 78-79.

263. Hibbeln testified at length about regarding his proposed stormwater management plan during his direct examination. N.T. 9/10/25 p. 97.

264. Baginski testified that the basin footprints shown by Hibbeln in his stormwater report are overstated, especially with BMP#1. N.T. 9/10/25 pp. 84-86.

265. Baginski testified that the stormwater report lacks certain design calculations necessary to demonstrate that the proposed stormwater management system will provide the benefits claimed by Hibbeln during his direct testimony. N.T. 9/10/25 pp. 87-88.

266. Baginski testified to certain discrepancies with Hibbeln's volume calculations. The importance of reconciling these issues is to ensure that the stormwater management system proposed by the Applicant has sufficient storage and infiltration potential. N.T. 9/10/25 pp. 88-89; Ex. P-14.

267. Baginski identified several BMPs listed within Hibbeln's stormwater report that do not appear in the submitted plans or stormwater calculations. The missing BMPs must be accounted for because they'll take up additional space on the Property. N.T. 9/10/25 pp. 89-90.

268. Baginski identified a lack of clarity with respect to an apparent system of having the proposed storm basins drain in a series. The importance of this information relates to the overall impact on volume credit, peak rate control, and the capacity of each facility. N.T. 9/10/25 pp. 90-92.

269. Baginski opined that the stormwater management plan will change significantly in land development from what was presented to the ZHB by Hibbeln. N.T. 9/10/25 p. 92.

270. Baginski opined that the significant changes to the stormwater plan will have the corresponding effect of reducing the volume and peak rate controls. N.T. 9/10/25 pp. 92-93.

271. Following the conclusion of Baginski's testimony, the Represented Neighbors rested their case and moved their exhibits P-1 through P-14 into evidence. N.T. 9/10/25 pp. 109-110.

IV. The Pro se Neighbors present their respective Cases in Opposition to the Application

272. Nay, Dolchak, Fitzpatrick, Sheppard, and Toolan testified in opposition to the Application.

273. Nay constructed her home in the Township in 1968 and has resided there since. N.T. 11/12/25 pp. 11, 13.

274. Nay testified to historical issues with stormwater, which have increased over time as development has occurred. N.T. 11/12/25 p. 11.

275. Nay testified that when Masonic Village was built, stormwater issues became substantially worse notwithstanding the developer's assurances about stormwater control. N.T. 11/12/25 pp. 11-12.

276. Nay is concerned about lighting and noise from ambulances. N.T. 11/12/25 p. 13.

277. Dolchak was an employee of the Pennsylvania Department of Environmental Protection ("DEP") for 14 years, working in operations and was in "the field" during that time period. N.T. 11/12/25 p. 25.

278. Dolchak testified to her experience witnessing many sewage overflows. N.T. 11/12/25 p. 25.

279. Dolchak testified that the 500-bed facility will double the flow of sewer to the nearest pump station to the Property (i.e., pump station 8). N.T. 11/12/25 pp. 17-19.

280. Dolchak testified that doubling the flows to this pump station will increase the operation and maintenance needs, leading to more expense and liability for the Township. N.T. 11/12/25 p. 20.

281. Dolchak marked the following exhibits in support of her testimony to the ZHB:

a. Exhibit D-1, which is a letter dated April 18, 1975 from Dolchak's predecessor in title with a copy of a drawing depicting a force main traversing her property.
b. Exhibit D-2, which is the Chapter 94 report submitted by Whitemarsh Township to DEP, dated March of 2025.

c. Exhibit D-3, which is a one-page plan with pump station locations that was received from DEP.

282. Based on her experience, Dolchak is concerned about sewage overflow on her property as a result of the proposed 500-bed nursing home use. N.T. 11/12/25 p. 25.

283. Fitzpatrick testified to the impacts to her home which was constructed before the Revolutionary War. N.T. 11/12/25 pp. 29-30.

284. Sheppard testified that the proposed 500-bed facility is out of character with the community. N.T. 11/12/25 pp. 30-31.

285. Toolan testified to stormwater management concerns noting that Andorra Road is flood-prone. Toolan also testified to concerns over sanitary sewer overflow, ventilation from the subsurface garage being directed toward Andorra Road, trash, lighting and buffering. N.T. 11/12/25 pp. 34-35.

DISCUSSION

I. INTRODUCTION

The Smiths' objective in this case should be recognized for what it is: an attempt to secure zoning approval for the use so they can sell the Property to a developer at a higher value. The record is clear that the Smiths are seeking approval for the proposed facility "on spec" and they will not serve as the developer. Moreover, there is no identified operator for the proposed 500-bed facility. Despite this, the Smiths ask the ZHB to grant a critical approval for a use where the operation and corresponding impacts are entirely undefined.

The evidence offered in support of the Application is woefully inadequate to justify the grant of a special exception. Board Member Nester characterized the zoning plan submitted by the Smiths as "eyewash" during the first hearing (N.T. 12/11/24, p. 126). After this statement was aptly made, the zoning plan was never modified for clarity or bolstered. The Smiths rested their case solely on the testimony of their civil engineer. Not only was Hibbeln unable to answer any questions regarding how the nursing home facility will be operated, he confirmed that no such information would be provided in this case. The Smiths ask the ZHB to allow this information to be provided later. The ZHB is entitled to this information now in order to evaluate the impacts of the use. Beyond their inability to provide operational information, the Smiths failed to provide the necessary testimony and evidence to carry their burden with respect to the criteria required for the grant of a special exception for the 500-bed nursing home use under Section 116-217 of the Zoning Ordinance.

Assuming, *arguendo*, that the Smiths met their initial burden, the record overwhelmingly demonstrates that the proposed 500-bed nursing home will be detrimental to the health, safety, and welfare of the community, well beyond the impacts typically associated with a nursing home use.

The Smiths propose the largest nursing bed facility in Montgomery County. Both Werner and Comitta testified that no comparable nursing facility exists in terms of scale or number of beds. Werner further testified that the 500-bed nursing home will have a significant, immediate adverse impact on emergency services. Werner's testimony highlights that while the Smiths failed to identify even the most fundamental aspects of the proposed operation, there are critical, unanswered elements such as whether hospice care and/or ventilator-dependent services will be provided which have an additional impact.

From a traffic standpoint, Federico opined that the proposed project will have a harmful effect on circulation, traffic, and parking. Hibbeln admitted that once an operator is involved and the actual number of employees are identified, more parking will have to be added to the site. These operational details are essential to the ZHB's review now so that the impacts from the use can be fully evaluated. Even with the scant information from the Applicant, the Represented Neighbors revealed detrimental impacts beyond what would be expected from a typical nursing home use.

Additionally, the Represented Neighbors demonstrated that the building proposed to house the 500-bed nursing home use does not comply with the Zoning Ordinance and will also cause immediate adverse impacts to the surrounding community. Despite the fact that the Smiths have not obtained a field survey as required by the Zoning Ordinance in order to adequately assess compliance with the steep slope regulations contained therein, Press presented clear and convincing evidence, utilizing the same data sources as the Applicant, that the proposed building will exceed the limitations allowed for steep slope disturbance on the Property. As discussed herein, the Township regulates such disturbances to prevent the very types of inappropriate site development and excess grading that will occur here. Albert and Blue testified that the proposed building will exceed the maximum height limitation due to the incredible amount of fill that will

be required to address the approximate 70 foot sloping fall from the south to the north side of the Property, thus resulting in a towering structure above the existing grade.

The testimony and evidence presented by the Represented Neighbors' stands unrebutted.

II. ARGUMENT

A zoning application seeking relief in the nature of a special exception "is properly denied if the applicant fails to carry its burden of establishing that the proposed use satisfies the requirements of the ordinance or where, even if such requirements are met, protestants can show that the proposed use would be adverse to the public health, safety and welfare." *Hannon v. Zoning Hearing Bd. of City of Wilkes-Barre,* 379 A.2d 641, 642 (Pa. Cmwlth. 1977). To obtain a special exception, an applicant must demonstrate more than the intention to pursue a permitted use. *Council Rock Sch. Dist. v. Wrightstown Twp. Zoning Hearing Bd.,* 709 A.2d 453, 459 (Pa. Cmwlth., 1998).

An applicant for a special exception "has both the persuasion burden and the initial evidence presentation duty to show that the proposal complies with the 'terms of the ordinance' which expressly govern such a grant." *Bray v. Zoning Bd. of Adjustment*, 10 A.2d 909, 910 (Pa. Cmwlth. 1980). In *Bray*, the Commonwealth Court explained that an applicant bears the initial presentation burden and evidentiary duty with respect to the "specific requirements, e. g., categorical definition of the special exception as a use type or other matter, and objective standards governing such matter as a special exception and generally." 410 A.2d at 913. Protestants to a special exception have the burden and evidentiary duty with respect to "general detrimental effect, e.g., to the health, safety and welfare of the neighborhood." *Id*. The express terms of an ordinance *can* place the burden of persuasion with respect to health, safety and welfare on the applicant but *cannot* relieve the protestant of the duty of evidentiary presentation as to the general detrimental effect. *Id*.

It is incumbent on the applicant to establish compliance with the requirements necessary to obtain a special exception. Evidence is not a promise that the applicant will comply. *Edgmont Twp. v. Springton Lake Montessori Sch., Inc.*, 622 A.2d 418, 420 (Pa. Cmwlth. 1993). The Commonwealth Court has held that:

> ***[a] self-serving declaration of a future intent to comply is not sufficient to establish compliance with the criteria contained in the ordinance***. If we were to adopt a rule that to obtain a special exception all that would be required is for an applicant to promise to come into compliance at some future date, it would make Board approval meaningless because once an applicant promises it is entitled to receive the special exception.

Id. (emphasis supplied).

Once the applicant meets its initial burden, a presumption arises that the use is consistent with the public health, safety, and welfare. The burden then shifts to the protestant(s) to prove that the impact(s) from the proposed use will affect the health, safety, and welfare of the community to a greater extent than ordinarily expected from that type of use. *Cogan Properties, LLC v. E. Union Twp. Zoning Hearing Bd.*, 318 A.3d 981, 986 (Pa.Cmwlth. 2024). Protestants to an application for a special exception cannot meet this burden by merely speculating as to possible harm; they must show a high degree of probability that the proposed use will substantially affect the health, safety, and welfare of the community. *Id*. *See also Siya Real Estate LLC v. Allentown City Zoning Hearing Bd.*, 210 A.3d 1152, 1160 (Pa.Cmwlth. 2019) (holding that a protestant "must demonstrate more than unsubstantiated concerns or vague generalities…"). Where protestants show that the proposed use would substantially affect the health, safety, and welfare of the community to an extent greater than expected of the proposed use, a special exception must be denied. *Accelerated Enterprises, Inc. v. Hazel Township Zoning Hearing Board,* 773 A.2d 824 (Pa. Cmwlth. 2001).

Finally, any argument by the Applicant that the ZHB's review of the proposed 500-bed facility must be confined solely to comparisons with other 500-bed nursing homes is without merit. In cases such as *Manor Health Care Corp. v. Lower Moreland Township*, 590 A.2d 65 (Pa. Cmwlth. 1991), and *Rexrode v. Zoning Hearing Bd. of North Coventry Township*, 36 Pa. D. & C. 521, 1984 WL 2545 (CCP Chester County 1984), the courts held that evidence showing a lower impact from a smaller permitted use, by itself, is insufficient to defeat a special exception. However, these decisions do not establish a right to an "apples-to-apples" comparison for a 500-bed nursing home. In any event, the Smiths are proposing the largest nursing home in the County, creating an island of one. In *Accelerated Enterprises*, the Court was clear that the comparison is whether the impacts of the proposed use are greater than that normally posed by other uses of the same type. 773 A.2d at 827 (holding that "the important comparison under the law is whether the danger posed by AE's proposed use is greater than that normally posed by other uses of the same type, that is, commercial recreational facilities"). The comparison is not a size or density bar that gets to be set by an applicant from which a zoning hearing board must then measure impacts in rigid, lateral fashion. The grant or denial of a special exception must be based on the evidence presented in view of the objective requirements of the Zoning Ordinance and the impact to the welfare of the community based on the totality of the proposed use.

A. THE SMITHS FAILED TO CARRY THEIR INITIAL BURDEN OF PERSUSION AND DUTY OF EVIDENTIARY PRESENTATION

The Application submitted by the Smiths states, *inter alia,* "[a]s will be demonstrated through exhibits and testimony at the hearing in this matter, the Proposed Development complies with all objective criteria for special exception approval." Ex. A-2. The Smiths failed to meet this threshold.

Pennsylvania law has long defined a special exception as "one allowable where requirements and conditions detailed in the ordinance are found to exist." *Cogan*, 318 A.3d at 988 (citing *Bray*, 410 A.2d at 911-12). The Zoning Ordinance requires the Applicant to satisfy the objective criteria set forth under Section 116-217 for the grant of a special exception. These standards are not land development issues; rather, they fall within the Applicant's burden in this matter to present testimony and evidence sufficient for the ZHB to determine whether the initial burden of persuasion and duty of presentation are met. Any argument by the Smiths that they're excused from their initial burden and duty in this matter because the Zoning Ordinance does not set forth an additional set of criteria relative to a nursing home use is erroneous. Stated differently – if the Smiths are excused from their initial burden and duty under Section 116-217 where there is no additional set of criteria for a nursing home use, a future applicant could simply appear before the ZHB, note the absence of objectors, and the board would be compelled to grant approval. The flaws in that rationale are apparent. The Smiths were required to carry their initial burden and duty with respect to Section 116-217 of the Zoning Ordinance such that the ZHB can make specific findings on the Application.

The Represented Neighbors will discuss the requirements of Section 116-217 *in seriatim*.

Determine that the proposed change will not substantially injure or detract from the use of neighboring property or from the character of the neighborhood and that the use of property adjacent to the area of the proposed use or change is adequately safeguarded

Section 116-217(2) required the Smiths to present evidence that the 500-bed facility will not substantially injure or detract from the use and character of the surrounding area and that the use of property adjacent to the proposed redevelopment is adequately safeguarded. The Smiths presented nothing beyond their engineer's testimony about buffering (*See* N.T. 12/11/24, pp. 87–88).

In *Cogan*, a similar standard of compatibility with the adjoining development and character of the neighborhood was deemed to be a specific objective criteria placed within the applicant's burden and duty. *Id*. at 995. *Cogan* involved an application for a recreational facility in the form of a gun range which was permitted by special exception. In that case, despite the applicant calling numerous expert witnesses - a professional engineer/land surveyor, an environmental scientist, an architect, and an acoustical consultant – the Commonwealth Court held that that the evidence presented by applicant was insufficient to demonstrate compatibility with the adjoining developments, character of the neighborhood, and underlying zoning district. *Id*. The Smiths' showing in support of their Application is far weaker.

Moreover, the record in this matter is clear that the "buffer" area cited by the Smiths will shrink. Hibbeln acknowledged that additional surface parking will be required to accommodate the employees omitted from his parking calculations. These changes will directly alter the impacts of the proposed use and exemplify precisely the kind of detail the ZHB must evaluate now, not later.

> ***Determine that the proposed use or change will not have a harmful effect on local vehicular or pedestrian traffic due to any of the following: (a) size or bulk of the proposed use or change, (b) expected daily and peak hour traffic generated by the proposed use or change, (c) location of entrance and exit drives or new streets, (d) design and capacity of off-street parking facilities.***

Section 116-217(3) required the Smiths to present evidence that the proposed 500-bed facility will not have a harmful effect on local vehicular or pedestrian traffic due the size facility, the expected daily and peak hour traffic generated by the use, the location of entrance and exit drives, or the design and capacity of the parking areas.

The Smiths presented no credible testimony or evidence on traffic. Hibbeln, admittedly not a traffic engineer, testified to his belief that adequate sight distances can be achieved but submitted

no plans or studies to corroborate his statement. Further, Hibbeln did not study the traffic patterns of Ridge Pike or conduct any analysis to opine on the burden that will be placed on traffic flow in the area. As noted, Hibbeln further admitted that employee counts, and therefore parking needs, are understated, overlooking key staffing categories such as kitchen, dining room, gym, physical and/or occupational therapy, housekeeping, maintenance, and administrative.

The Applicant's failure to fill these evidentiary voids should be fatal. The Smiths ask this ZHB to allow the largest nursing home use in Montgomery County, but the record is missing the necessary basic operational information sufficient for the ZHB to even determine that the Property can handle the parking needs of the 500-bed facility. Failure to adequately address parking for the proposed use justifies the denial of the special exception. *See Lafayette Coll. v. Zoning Hearing Bd. of City of Easton*, 588 A.2d 1323, 1326–27 (Pa. Cmwlth. 1991). Moreover, denial of a special exception application is warranted when testimony to an application is "premised on erroneous data and unfounded assumptions." *See Elizabethtown/Mt. Joy Assocs., L.P. v. Mount Joy Twp. Zoning Hearing Bd.*, 934 A.2d 759, 766 (Pa. Cmwlth. 2007). Here, the Applicant acknowledges that the parking calculations omit entire staffing categories. The ZHB should not set a precedent allowing such fundamental omissions to be rehabilitated later.

Determine that the proposed use or change is consistent with the policies contained within the Whitemarsh Township Comprehensive Plan.

Section 116-217 (4) required the Smiths to present evidence that the 500-bed nursing home is consistent with the Comprehensive Plan. On cross-examination, Hibbeln conceded that the Comprehensive Plan designates the Property as Conservation District Residential, yet speculated that the Comprehensive Plan "forgot" to include this Property. No other witness corroborated that view. In any event, this conjecture falls far short for the necessary presentation of evidence.

Determine that the surrounding neighborhood will not be subjected to objectionable noise, lighting, glare, heat, ventilation, smoke, fumes, vapors, dust, dirt, gases or radioactive or electrical disturbances by the proposed use or change

Section 116-217(5) required the Smiths to present evidence that the surrounding neighborhood will not be subjected to objectionable noise, lighting, or other enumerated disturbances and nuisance by the proposed 500-bed nursing home facility. The Smiths presented none. Instead, the Smiths took the position that these matters will be addressed in land development.

The lack of information prohibits anyone from being able to understand the adverse impacts on the surrounding area which stem entirely from the use of the Property. For example, the Represented Neighbors cannot create a plan for how ambulances will utilize the site or place lights on the Smiths plan. Hibbeln offered testimony that "we will work with the ambulance providers and medical providers and volunteer fire groups to make sure that there's no need to have sirens once on the site." (N.T. 12/11/24 p. 92). Hibbeln also testified that "lighting will be pointed inwards" but there was no plan or other evidence presented to corroborate these statements. (N.T. 12/11/24 p. 92). These promises of compliance later are insufficient for the grant of a special exception. *See Springton Lake Montessori Sch., Inc.*

Determine that the proposed use or change does not unduly burden sanitary, school, police, fire, park or other public facilities

Section 116-217(6) required the Smiths to present evidence that the 500-bed facility will not unduly burden public facilities or emergency services. Much to the contrary, the Smiths have not discussed the Application with WCAA, Township Police, or the local Fire Companies. Hibbeln did not study the impact of the 500-bed facility on the emergency responders. Presumably, the Smiths believe these issues are better suited to be addressed in land development.

With respect to their approach to the Application, the Smiths rely on *Quaker Valley School District v. Leet Township Zoning Hearing Board*, 309 A.3d 279 (Pa. Cmwlth. 2024). In that case, the School District applied for a special exception to construct a new public high school. The zoning hearing board denied the application but the lower court reversed on the basis that the ordinance at issue "does not set forth any specific or general criteria for review of an application for special exception and merely requires that an application address certain topics." *Id*. at 285. The Court outlined the applicable criteria to the subject application:

> 2. Approval of uses by special exception. The Z[HB] shall hear and decide requests for uses by special exception. The Z[HB] shall not approve an application for a use by special exception unless and until:
>
> > A. A written application for approval of a use by special exception is submitted to the Township. The application shall indicate the section of this chapter under which approval of the use by special exception is sought and shall state the grounds upon which it is requested. The application shall include the following ....
>
> R.R. at 38a. Ordinance No. 2019-02 then lists 13 items to be included in an application for special exception, such as a current property survey, the application fee, and a traffic impact study when appropriate. R.R. at 38a-39a. What Ordinance No. 2019-02 does *not* include is express criteria which must be considered by the ZHB when reviewing an application for special exception.

Id. at 287 (emphasis in the original). The Commonwealth Court characterized the ordinance provision as one that "merely provides what must be included in an application before it can be considered by the ZHB." *Id*. That is not the case here as the Zoning Ordinance clearly sets forth standards which must be addressed by the Applicant. Moreover, the standards of the Zoning Ordinance ask for more than demonstrating that there will be no general impact to the health, safety, and welfare to the community. The lack of additional, supplemental criteria specific to a nursing home use under the Zoning Ordinance does not result in an amorphous burden for the Applicant.

Accordingly, for the reasons discussed, the record shows that the testimony and evidence offered by the Smiths in support of the Application is deficient and inadequate to carry their burden and duty for the grant of a special exception.

B. THE REPRESENTED NEIGHBORS PROVED THAT THE PROPOSED 500-BED NURSING HOME FACILITY WILL SUBSTANTIALLY AFFECT THE HEALTH, SAFETY, AND WELFARE OF THE COMMUNITY TO A GREATER EXTENT THAN WOULD BE EXPECTED FROM A TYPICAL NURSING HOME USE

Assuming, *arguendo*, that the Smiths met their burden and evidentiary duty for the Application, and a presumption therefore arose that the 500-bed facility is consistent with the health, safety and welfare of the community, the Represented Neighbors rebutted the presumption with substantial testimony and evidence as to the detrimental impacts that will occur far beyond those normally associated with a nursing home.

Rebecca Werner, Chief of Operations for the WCAA, testified that there are no facilities in Whitemarsh Township and the surrounding area that approach 500 nursing beds. Indeed, Hibbeln, the Smiths' sole witness in this matter, admitted that he neither knew the number of existing nursing home beds in the Township nor conducted any study regarding the demand for additional beds. Hibbeln did not discuss the Application with Atria or Masonic Village. Hibbeln also conceded that he conducted no analysis of anticipated emergency call volumes, further undermining his statement on direct examination that the proposed facility will not impose an operational burden. Werner testified unequivocally that the addition of a 500-bed facility will be injurious to the health, safety, and welfare of the community. WCAA lacks the staffing and equipment capacity to absorb the significant increase in emergency and non-emergency calls that such a facility will generate. Werner was clear that the overwhelming strain on WCAA caused by

the 500-bed facility will adversely impact response times, thus resulting in a clear harm to those in need of medical attention.

Although offered as a fact witness, Werner clearly possessed a level of expertise given her extensive experience with nursing homes in the Township and surrounding municipalities. Werner's testimony went well beyond lay concerns; she stated definitively that the proposed facility will result in an immediate shock to WCAA's ability to respond to emergencies. Werner further explained that nearby facilities, such as The Hill, expanded gradually and in a coordinated manner. Given that the record lacks any information from the Applicant on the pace of the proposed facility, an approval in this matter would be for an immediate, large-scale use which contrasts sharply with the growth of a facility like The Hill. Werner also highlighted certain critical operational features that should be identified now, such as whether hospice care and ventilator-dependent services will be provided at the 500-bed facility, as these elevated levels of care will have an additional demand on emergency responders.

The Represented Neighbors presented seven (7) experts to testify in opposition to the Application. Comitta, an expert land planner, opined that the proposed use will substantially detract from the character of the surrounding neighborhood due to the "massive size" of the proposed 500-bed nursing home. Comitta further opined that the proposed 500-bed facility is out of character with the surrounding area and is not consistent with the Comprehensive Plan, adding that it's overdevelopment and not normative. Comitta's opinions are in lock-step with Werner's testimony regarding the enormous size of the proposed facility. Comitta testified that 40 percent of the nursing home and rehab facilities in Montgomery County have fewer than 100 nursing beds and 58 percent have fewer than 196 nursing beds. The average across the County is 115 nursing

beds, further solidifying the Represented Neighbors' case that a 500-bed nursing home will cause detrimental impacts beyond normative expectations.

Federico, an expert in traffic engineering, opined that the proposed facility will have a harmful effect on circulation, traffic, and parking. Federico opined that the driveways do not demonstrate compliant slopes, acceptable sight distance, or acceptable operations. Federico opined that the number of parking spaces and internal vehicle circulations are inadequate. Federico highlighted that the Smiths have not submitted any information regarding how the proposed 500-bed facility will operate from a traffic standpoint. Notwithstanding the lack of information from the Smiths, Federico identified deficient entrance and exit drives with undesirable turning movements. In addition, Federico identified dead-ends within the structured parking area posing issues related to circulation, especially for emergency service vehicles.

Albert, an expert landscape architect, analyzed the proposed building relative to the topography and amount of fill needed to address the sloping grade changes of the Property, and concluded that the building at the northern end of the Property will be more than 90 feet above the existing grade. Albert opined that there will be a detrimental effect on the community due to the proposed building having the effect of 9 stories. Albert also identified that the proposed driveway designs are not in line with standard design practice for dealing with the grade changes.

Szalay, a fluvial geomorphologist, reviewed the post-construction management plan for the proposed nursing home and opined that it does not account for the instability of the Andorra Run. Szalay opined that when the Andorra Run collapses, the surrounding properties and residents will suffer as a result.

Three civil engineers, Press, Blue, and Baginski testified to the incomplete nature of the Smiths' zoning plan and inconsistencies of Hibbeln's testimony with respect to steep slope

disturbance, building height and stormwater management (the former two matters being zoning issues which the Applicant has endeavored to kick to the eventual developer of the Property). Utilizing the same source of topographic information as the Smiths, Press opined that the Application does not comply with the Zoning Ordinance with respect to the disturbance of steep slopes. The Township makes a clear statement in Section 116-168 of the Zoning Ordinance that the intent of the regulation of steep slope disturbance is:

> *To conserve and protect those areas having steep slopes, as defined herein, from inappropriate development and excessive grading.*
>
> *To minimize stormwater runoff, accelerated soil erosion and resultant stream siltation which may create a danger to life and/or property.*
>
> *To relate the intensity of development to the steepness of terrain in order to minimize grading, the removal of vegetation, runoff and erosion.*
>
> *To protect the Township from development in areas of steep slopes which may cause a subsequent expenditure for public works and disaster relief, which affects the welfare of the Township and its residents.*
>
> *To implement Article I, § 27, of the Constitution of the Commonwealth of Pennsylvania, which decrees that the people have a right to clean air, pure water and to the preservation of the natural, scenic, historic and aesthetic values of the environment.*

Article XXIII, § 116-168.

The Smiths ask the ZHB to ignore the issues clearly plaguing the building for the proposed use. The Township provides that no more than 30% of the total areas of the Property having slopes between 15% and 25% can be regraded and/or stripped of vegetation. Press presented clear and credible evidence that the proposed facility will exceed the limitation of disturbance for such areas. In addition, the Township provides that no more than 15% of the total areas of the Property having slopes greater than 25% can be disturbed. Again, Press presented clear and credible evidence that

the proposed facility will exceed the limitation of disturbance for such areas by more than 30%. The testimony and evidence presented by Press went unrebutted by the Smiths.

Blue also testified that the amount of steep slopes represented by the Smiths is far understated. In addition, like Albert, Blue opined that the proposed building exceeds the height limitation of the Zoning Ordinance due to the amount of fill that will be necessary to deal with the approximate 70 foot fall from the south end of the Property to the north. Again, this testimony was unrebutted by the Smiths.

Hibbeln testified at length about his conceptual stormwater management plan in an effort to assuage the concerns of neighbors who already contend with a flood-prone area. Yet, the testimony in this matter is clear that the stormwater management design presented by Hibbeln is untenable for several reasons. First, Hibbeln admitted that additional surface parking must be added. Further, Baginski testified that the basin footprints shown by Hibbeln in his stormwater report are overstated and the stormwater program proposed by Hibbeln lacks certain information necessary to demonstrate that the system will actually provide the claimed benefits. Baginski opined that the stormwater management plan presented at length to the ZHB will change significantly in reduced manner for volume and peak rate controls.

The record contains overwhelming evidence proving that the proposed 500-bed facility will pose risks to public health, safety, and welfare that far exceed what is ordinarily anticipated from a nursing home use. Curiously, the Smiths elected not to present any additional evidence to supplement or correct the identified deficiencies in the record despite being provided the opportunity to do so in rebuttal.

C. THE PRO SE NEIGHBORS CORROBORATE THE CASE IN OPPOSITION PRESENTED BY THE REPRESENTED NEIGHBORS

Nay has resided at her property for close to 60 years and, based on her historical knowledge, testified to the stormwater impacts on an already-flood prone area. Nay specifically testified to the adverse impacts that occurred from the development of Masonic Village notwithstanding the developer's promise of stormwater control. Toolan similarly testified that the surrounding area is flood prone. Dolchak, a 14-year employee of DEP, testified that sewer flows will double with the construction of the 500-bed facility. Sheppard testified that the proposed facility is out of character with the surrounding community.

Even when not coupled with expert testimony as in this case, Courts have relied upon factual testimony from surrounding neighbors to support denial of a special exception. *Tuckfelt v. Zoning Bd. of Adjustment of City of Pittsburgh,* 471 A.2d 1311 (Pa.Cmwlth. 1984). Here, the testimony from the Pro se Neighbors bolsters the case presented by the Represented Neighbors that, even with the limited amount of information offered by the Applicant, the proposed 500-bed nursing home use will cause detrimental impacts to the health, safety, and welfare of the surrounding area well beyond the expectations of normative nursing home use.

CONCLUSIONS OF LAW

1. The Smiths failed to carry their burden and duty of evidentiary presentation in order to be granted a special exception for the proposed 500-bed nursing home use of the Property pursuant to Section 116-217 of the Zoning Ordinance.

2. Even if the Smiths met their burden and duty, the Represented Neighbors proved that the proposed 500-bed nursing home use will be detrimental to the health, safety, and welfare beyond what would be expected from a typical nursing home use.

3. The Smiths failed to rebut the Represented Neighbors' case in opposition to the Application.

Respectfully submitted,

KLEHR HARRISON HARVEY BRANZBURG LLP

Matthew McHugh

By: Matthew J. McHugh, Esquire
Attorney I.D. No. 308723
1835 Market Street, Suite 1400
Philadelphia, PA 19103
Attorney for Ted Lodge, Sarah Lodge, Mario Giannini, Ann Laughlin, Richard Eisenberg, Amanda Trayes, and Charles Uniatowski

COZEN O'CONNOR

Robert M Cahe

By: Robert M. Careless, Esquire
Attorney I.D. No. 311144
One Liberty Place
1650 Market Street, Suite 2800
Philadelphia, PA 19103
Attorney for Michael Young

CERTIFICATE OF SERVICE

The undersigned certifies that on November 26, 2025 he served a true and correct copy of the foregoing Joint Findings of Fact and Conclusions of Law via electronic mail upon the following:

Michael E. Furey, Esq.
Mike@fbpclaw.com
Solicitor to ZHB

Craig R. Lewis, Esq.
rlewis@kaplaw.com
Attorney for the Smiths

Joselyn Nay
joselynney@gmail.com
Pro se

Joann Dolchak
jovon@netzero.com
Pro se

Stuart Bobman
stubobman@gmail.com
Pro se

Virginia Sabia
gingersabia@comcast.net
Pro se

Jim Toolan
jim.toolan@gmail.com
Pro se

Rosemarie DiLeo
rodileo925@gmail.com
Pro se

Denise Fitzpatrick
deniseffitzpatrick@hotmail.com
Pro se

John Sheppard
john@shepshop.net
Pro se



Robert M. Careless, Esquire
On behalf of the Represented Neighbors

ZHB APPEAL #2025-38
SUMMARY

APPLICANT: Cadence Development Partners, LLC

PROPERTY LOCATION: Parcel #65-00-12916-00-6
Block 049D, Unit 009
318 Whitemarsh Valley Road
Fort Washington, PA 19034

ZONING DISTRICT: AAA-Residential District

SUMMARY OF RELIEF REQUEST:

The Applicant is proposing to construct a new single-family home and related improvements on this vacant lot approved as a building lot by agreement between record owner and Whitemarsh Township in 1997. The following relief is requested:

(1) **Special Exceptions pursuant to Sections 116-31.1.A. and 116-31.1.B.** to allow a portion of the proposed detention/retention facility between the front lot line and front principal building plane and a portion of said facility within a required side yard.

(2) **Special Exception pursuant to Section 116-166.B**. to allow a detention basin (rain garden) to be located in the Floodplain Conservation District or Riparian Corridor Conservation District.

(3) **Variance from Section 116-259.A.** to allow required front yards, side yards and rear yards within the Riparian Conservation District and to permit the proposed single family home and related accessory improvements (as shown on the plans) to be located within the Riparian Corridor Conservation District.

(4) **Variance from Section 116-259.C.** to permit the proposed residential dwelling use to be located within Zone 2 of the Riparian Corridor Conservation District.

(5) **Variance from Section 116-259.C.(4)** to permit residential accessory structures (as shown on the plans) greater than 200 square feet to be located within Zone 2 of the Riparian Corridor Conservation District.

(6) **Variance from Section 116-260.A.** to permit the applicant to not show all of the existing vegetation in the area to be cleared for the proposed single family home development and to allow clearing as proposed on the plans.

(7) **Variance from Section 116-260.I.** which prohibits stormwater basins, berms and outfall structures in Zone 2 of the Riparian Corridor Conservation District to permit the stormwater basin, berms and outfall structures to be designed and installed as proposed on the plans.

PRIOR DECISIONS:
ZHB#2021-02: Variance to continue validity of zoning approvals granted in ZHB #2017-22.
ZHB#2017-22: Special exception & variances to allow single family dwelling.

Respectfully Submitted,

Charles L. Guttenplan, AICP
Director of Planning and Zoning/Zoning Officer

APPEAL TO ZONING HEARING BOARD
WHITEMARSH TOWNSHIP
COMMONWEALTH OF PENNSYLVANIA

APPEAL NO: 2025-38

Applicant/Appellant: Cadence Development Partners, LLC

Address: c/o Eric F. Wert, Esq., Dischell Bartle Dooley, 1800 Pennbrook Parkway, Suite 200, Lansdale, PA 19446

Phone #: (215) 362-2474 **Cell Number:** _____ **E-Mail:** ewert@dbdlaw.com

Owner: Pat Sparango, Inc.

Address: 508 Bethlehem Pike, Fort Washington, PA 19034

Phone #: _____ **Cell Number:** _____ **E-Mail:** _____

Location of the Property Involved: 318 Whitemarsh Valley Road

Block #: 49D **Unit #:** 9 **Parcel #:** 65-00-12916-00-6

NATURE OF APPLICATION (Describe proposed use and/or construction: type of appeal requested and specific section(s) of Whitemarsh Township Zoning Code which is (are) relied upon):

single family home on vacant 3.7 acre tract

see attached

GROUNDS FOR APPEAL (State reasons for appeal and nature of hardship, if claimed):
****Attach additional sheets if necessary**

see attached

Legal Counsel (if represented): Eric F. Wert

Address: 1800 Pennbrook Parkway, Suite 200, Lansdale, PA 19446

Phone #: 215-362-2474 **E-Mail:** ewert@dbdlaw.com

My (Our) signature(s) authorize(s) permission to pose my (our) property and permission to the Zoning Hearing Board and their representative to enter thereon for inspection purposes.

I (We) certify the information provided on this application and supporting documentation and plans are true and correct to the best of my (our) knowledge, information, and belief. You are required to submit proof that you are one of the following:

RECEIVED
AUG 21 2025
WHITEMARSH TOWNSHIP
ZONING & ENGINEERING

I am (We are)

- ☐ **Owner(s) of Legal Title**
- ☒ **Owner(s) of Equitable Title**
- ☐ **Tenant(s) with permission of Owner(s) of Title (Enclose letter attesting to same)**

Date: 8/21/25

Signature of Applicant/Appellant:

Signature of Applicant/Appellant:

CADENCE DEVELOPMENT PARTNERS, LLC – 318 WHITEMARSH VALLEY ROAD
WHITEMARSH TOWNSHIP, MONTGOMERY COUNTY, PENNSYLVANIA

ZONING SUMMARY

Equitable Owner and Applicant:	Cadence Development Partners, LLC c/o Eric F. Wert, Esq. Dischell Bartle Dooley 1800 Pennbrook Parkway, Suite 200 Lansdale, PA 19446
Property:	318 Whitemarsh Valley Road
Zoning District:	AAA
Proposal:	The construction of a single family home on the vacant property which was approved as a building lot by agreement between the Applicant and Whitemarsh Township in 1997.
Requested Relief:	Relief is requested as follows:

RECEIVED
AUG 2 1 2025
WHITEMARSH TOWNSHIP
ZONING & ENGINEERING

(1) a special exception pursuant to Zoning Ordinance Section 116-31.1.A. and .B to permit a portion of the proposed detention/retention facility between the front lot line and front principal building plane and a portion of said facility within a required side yard;

(2) a special exception pursuant to Zoning Ordinance Section 116-166.B. to allow a detention basin (rain garden) to be located in the Floodplain Conservation District or Riparian Corridor Conservation District;

(3) a variance from Zoning Ordinance Section 16-259.A to allow required front yards, side yards and rear yards within the Riparian Conservation District and to permit the proposed single family home and related accessory improvements (as shown on the attached plans) to be located within the Riparian Corridor Conservation District;

(4) a variance from Zoning Ordinance Section 16-259.C to permit the proposed residential dwelling use to be located within Zone 2 of the Riparian Corridor Conservation District;

(5) a variance from Zoning Ordinance Section 116-259.C(4) to permit residential accessory structures (as shown on the attached Plans) greater than 200 square feet to be located within Zone 2 of the Riparian Corridor Conservation District;

(6) a variance form Zoning Ordinance Section 116-260.A to permit applicant to not show all of the existing vegetation in the area to be cleared for the proposed single

family home development and to allow clearing as shown on the attached plans; and

(7) a variance from Zoning Ordinance Section 116-260.I which prohibits stormwater basins, berms and outfall structures in Zone 2 of the Riparian Corridor Conservation District to permit the stormwater basin, berms and outfall structures to be designed and installed as shown on the attached plans.

Reason for Relief:

The Subject Property has existed as a building lot since 1997. Applicant proposes a single family home which is permitted by the Zoning Ordinance – no use relief is necessary.

Recent changes to the Township's Zoning Ordinance would prohibit any use or development of the Subject Property. As shown on the attached plans, the Zone 1 and Zone 2 Riparian Corridor Conservation District takes up almost the entirety of the Subject Property. The Subject Property contains the hardships of being an oddly shaped lot which contains Floodways drainage channel, and a sewer easement. Given the requirements of the Zoning Ordinance it cannot be developed for any use other than as an open field without the granting of zoning relief. The development of the Subject Property with a single family home is consistent with the surrounding properties and will not detrimentally effect the general public or that of the adjacent and surrounding properties/neighborhood.

The Single family home has been designed to be in keeping with the surrounding properties and has been located to have the least impact on the Subject Property and surrounding neighbors. The relief requested represents the minimum relief necessary for the reasonable use of the Subject Property.

The Property was the subject of a 2017 application to this Zoning Hearing Board for relief that is identical to what is currently requested. In Application No. 2017-22, this Zoning Hearing Board granted the necessary relief to construct the proposed single family home. In Application No. 2021-02, then applicant Pat Sparango, Inc. applied for and received the necessary relief to extend the relief received in 2017. Copies of the Decisions and Orders for these matters is included with this Application.

Because of the financial conditions in the global economy that existed at the time, the previous applicant was unable to move forward with the project and allowed the zoning relief to expire. Current applicants, Cadence Development Partners, LLC, now seek the relief necessary to construct a similar single family home in essentially the same location as was permitted by this Zoning Hearing Board in the previous applications.

Docusign Envelope ID: 4BC79ACB-CEAC-4FA4-9EAD-B71A83692585

STANDARD AGREEMENT FOR THE SALE OF VACANT LAND

ASVL

This form recommended and approved for, but not restricted to use by, the members of the Pennsylvania Association of Realtors® (PAR).

RECEIVED
AUG 21 2025
WHITEMARSH TOWNSHIP
ZONING & ENGINEERING

PARTIES

BUYER(S): Cadence Development Partners LLC or Assignee

BUYER'S MAILING ADDRESS:

SELLER(S): Pat Sparango Inc.

SELLER'S MAILING ADDRESS:

PROPERTY

☐ **See Property Description Addendum**

ADDRESS (including postal city) 318 Whitemarsh Valley Rd
Fort Washington PA ZIP 19034,
in the municipality of _____, County of Montgomery,
in the School District of COLONIAL, in the Commonwealth of Pennsylvania.
Tax ID #(s): 65-00-12916-00-6 and/or
Identification (e.g., Parcel #; Lot, Block; Deed Book, Page, Recording Date; Control #): _____

BUYER'S RELATIONSHIP WITH PA LICENSED BROKER

☐ **No Business Relationship (Buyer is not represented by a broker)**

Broker (Company) KW Empower
Company License # RB069820
Company Address 728 S Broad Street
Philadelphia PA 19146
Company Phone (215) 627-3500
Company Fax _____
Broker is (check only one):
☒ Buyer Agent (Broker represents Buyer only)
☐ Dual Agent (See Dual and/or Designated Agent box below)

Licensee(s) (Name) Sean Killeen
State License # _____
Direct Phone(s) (610) 505-2281
Cell Phone(s) _____
Email seankilleen@kw.com
Licensee(s) is (check only one):
☐ Buyer Agent (all company licensees represent Buyer)
☒ Buyer Agent with Designated Agency (only Licensee(s) named above represent Buyer)
☐ Dual Agent (See Dual and/or Designated Agent box below)

☐ Transaction Licensee (Broker and Licensee(s) provide real estate services but do not represent Buyer)

SELLER'S RELATIONSHIP WITH PA LICENSED BROKER

☐ **No Business Relationship (Seller is not represented by a broker)**

Broker (Company) Isbell Enterprises
Company License # _____
Company Address _____
Company Phone _____
Company Fax _____
Broker is (check only one):
☒ Seller Agent (Broker represents Seller only)
☐ Dual Agent (See Dual and/or Designated Agent box below)

Licensee(s) (Name) Jim Isbell
State License # RS345283
Direct Phone(s) (610) 731-5724
Cell Phone(s) _____
Email _____
Licensee(s) is (check only one):
☐ Seller Agent (all company licensees represent Seller)
☒ Seller Agent with Designated Agency (only Licensee(s) named above represent Seller)
☐ Dual Agent (See Dual and/or Designated Agent box below)

☐ Transaction Licensee (Broker and Licensee(s) provide real estate services but do not represent Seller)

DUAL AND/OR DESIGNATED AGENCY

A Broker is a Dual Agent when a Broker represents both Buyer and Seller in the same transaction. A Licensee is a Dual Agent when a Licensee represents Buyer and Seller in the same transaction. All of Broker's licensees are also Dual Agents UNLESS there are separate Designated Agents for Buyer and Seller. If the same Licensee is designated for Buyer and Seller, the Licensee is a Dual Agent.
By signing this Agreement, Buyer and Seller each acknowledge having been previously informed of, and consented to, dual agency, if applicable.

COPYRIGHT PENNSYLVANIA ASSOCIATION OF REALTORS® 2024

Sean Killeen Keller Williams Realty, LLC

1. By this Agreement, dated 06/25/2025, Seller hereby agrees to sell and convey to Buyer, who agrees to purchase, the identified Property.
2. PURCHASE PRICE AND DEPOSITS (1-16)
   (A) [redacted]
   (B) **All funds paid by Buyer, including deposits, will be paid by check, cashier's check or wired funds. All funds paid by Buyer within 30 DAYS of settlement, including funds paid at settlement, will be by cashier's check or wired funds, but not by personal check.**
   (C) Deposits, regardless of the form of payment and person designated as payee, will be paid in U.S. Dollars to Broker for Seller (unless otherwise stated here: _____), who will retain deposits in an escrow account in conformity with all applicable laws and regulations until consummation or termination of this Agreement. Only real estate brokers are required to hold deposits in accordance with the rules and regulations of the State Real Estate Commission. Checks tendered as deposit monies may be held uncashed pending the execution of this Agreement.
3. SELLER CONCESSIONS (8-24)
   (A)Buyer Broker Fee
   In addition to any cooperating compensation negotiated between the brokers using the Cooperating Broker Compensation Agreement (PAR Form CBC) or via some other agreement, Seller will pay the following fee to Broker for Buyer on behalf of Buyer at settlement. $_____ or _____ % of Purchase Price (0 if not specified)
   (B) Closing Cost Assistance
   Seller will pay the following amount towards Buyer's closing costs **other than** a brokerage fee payable to Broker for Buyer, as permitted by the mortgage lender, if any. Seller is only obligated to pay up to the amount or percentage which is approved by mortgage lender. $_____ or _____ % of Purchase Price (0 if not specified)
4. SETTLEMENT AND POSSESSION (1-16)
   (A) Settlement Date is 9/29/25, or before if Buyer and Seller agree.
   (B) Settlement will occur in the county where the Property is located or in an adjacent county, during normal business hours, unless Buyer and Seller agree otherwise.
   (C) At time of settlement, the following will be pro-rated on a daily basis between Buyer and Seller, reimbursing where applicable: current taxes; rents; interest on mortgage assumptions; water and/or sewer fees, together with any other lienable municipal service fees. All charges will be pro-rated for the period(s) covered. Seller will pay up to and including the date of settlement and Buyer will pay for all days following settlement, unless otherwise stated here: _____
   _____
   (D) For purposes of prorating real estate taxes, the "periods covered" are as follows:
      1. Municipal tax bills for all counties and municipalities in Pennsylvania are for the period from January 1 to December 31.
      2. School tax bills for the Philadelphia, Pittsburgh and Scranton School Districts are for the period from January 1 to December 31. School tax bills for all other school districts are for the period from July 1 to June 30.
   (E) Conveyance from Seller will be by fee simple deed of special warranty unless otherwise stated here: _____
   _____
   (F) Payment of transfer taxes will be divided equally between Buyer and Seller unless otherwise stated here: _____
   _____
   (G) Possession is to be delivered by deed, existing keys and physical possession to a vacant Property free of debris, with all structures broom-clean, at day and time of settlement, unless Seller, before signing this Agreement, has identified in writing that the Property is subject to a lease.
   (H) If Seller has identified in writing that the Property is subject to a lease, possession is to be delivered by deed, existing keys and assignment of existing leases for the Property, together with security deposits and interest, if any, at day and time of settlement. Seller will not enter into any new leases, nor extend existing leases, for the Property without the written consent of Buyer. Buyer will acknowledge existing lease(s) by initialing the lease(s) at the execution of this Agreement, unless otherwise stated in this Agreement.
5. DATES/TIME IS OF THE ESSENCE (2-12)
   (A) Written acceptance of all parties will be on or before: 06/27/2025
   (B) The Settlement Date and all other dates and times identified for the performance of any obligations of this Agreement are of the essence and are binding.
   (C) The Execution Date of this Agreement is the date when Buyer and Seller have indicated full acceptance of this Agreement by signing and/or initialing it. For purposes of this Agreement, the number of days will be counted from the Execution Date, excluding the day this Agreement was executed and including the last day of the time period. **All changes to this Agreement should be initialed and dated.**

32. HEADINGS (1-16)

The section and paragraph headings in this Agreement are for convenience only and are not intended to indicate all of the matter in the sections which follow them. They shall have no effect whatsoever in determining the rights, obligations or intent of the parties.

33. SPECIAL CLAUSES (2-12)

(A) **The following are part of this Agreement if checked:**

- ☐ Sale & Settlement of Other Property Contingency Addendum (PAR Form SSP)
- ☐ Sale & Settlement of Other Property Contingency with Right to Continue Marketing Addendum (PAR Form SSPCM)
- ☐ Sale & Settlement of Other Property Contingency with Timed Kickout Addendum (PAR Form SSPTKO)
- ☐ Settlement of Other Property Contingency Addendum (PAR Form SOP)
- ☐ Short Sale Addendum to Agreement of Sale (PAR Form SHS)
- ☐ Appraisal Contingency Addendum (PAR Form ACA)
- ☐ _____
- ☐ _____
- ☐ _____

(B) **Additional Terms:**

60-day due diligence period begins on 6/30/25.

All deposit monies are fully refundable during due diligence period.

All documentation with regard to Township zoning approval, and subsequent permit approvals must be released to buyer with 2 days of contract execution.

Seller will provide full site access to buyer during due diligence period

Buyer and Seller acknowledge receipt of a copy of this Agreement at the time of signing.

This Agreement may be executed in one or more counterparts, each of which shall be deemed to be an original and which counterparts together shall constitute one and the same Agreement of the Parties.

NOTICE TO PARTIES: WHEN SIGNED, THIS AGREEMENT IS A BINDING CONTRACT. Parties to this transaction are advised to consult a Pennsylvania real estate attorney before signing if they desire legal advice.

Return of this Agreement, and any addenda and amendments, including return by electronic transmission, bearing the signatures of all parties, constitutes acceptance by the parties.

CDPL **Buyer has received the Consumer Notice as adopted by the State Real Estate Commission at 49 Pa. Code §35.336.**

CDPL **Buyer has received a statement of Buyer's estimated closing costs before signing this Agreement.**

CDPL **Buyer has received the Deposit Money Notice (for cooperative sales when Broker for Seller is holding deposit money) before signing this Agreement.**

BUYER _____ Signed by: FAB0E37356D74F6... **DATE** 6/25/2025 | 11:13 PDT

BUYER _____ **DATE** _____

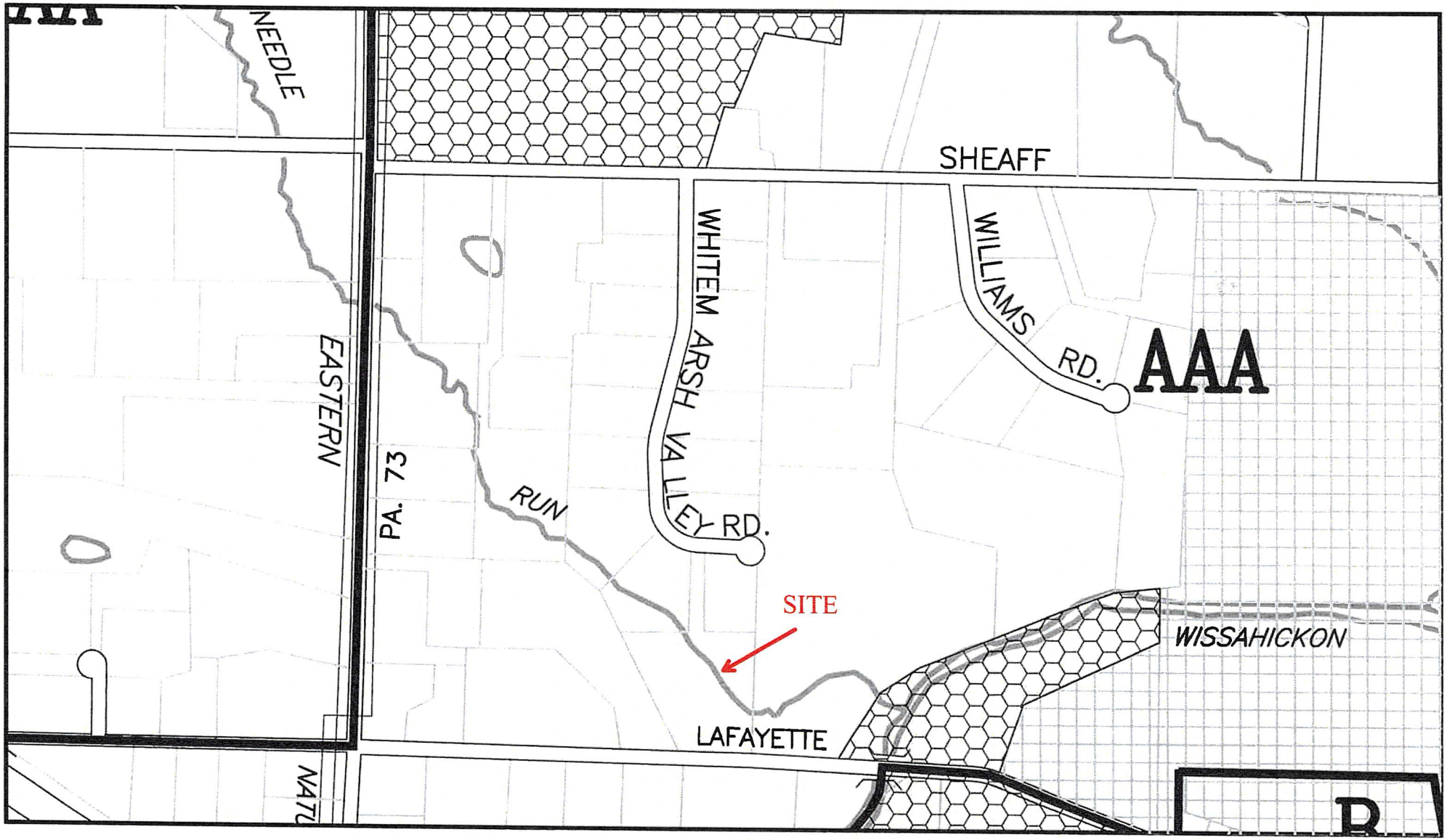
BUYER _____ **DATE** _____

Seller has received the Consumer Notice as adopted by the State Real Estate Commission at 49 Pa. Code § 35.336.
Seller has received a statement of Seller's estimated closing costs before signing this Agreement.

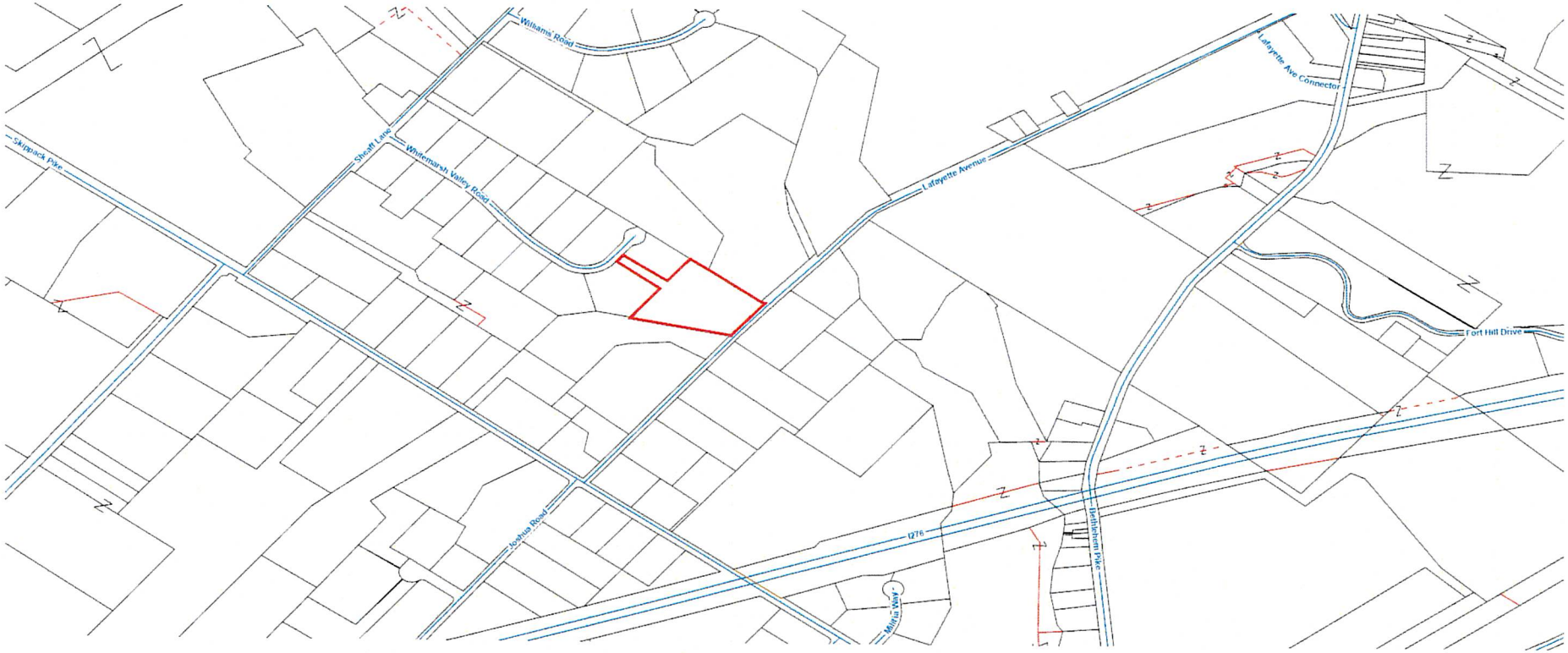
SELLER _____ President **DATE** 6/25/2025 4:45 pm

SELLER _____ **DATE** _____

SELLER _____ **DATE** _____


NEEDLE
SHEAFF
WHITEM ARSH VALLEY RD.
WILLIAMS RD.
AAA
EASTERN
PA. 73
RUN
SITE
WISSAHICKON
LAFAYETTE

Tax Map - 318 Whitemarsh Valley Road - 65-00-12916-00-6



GILMORE & ASSOCIATES, INC.
ENGINEERING & CONSULTING SERVICES

401 Plymouth Road, Suite 150
Plymouth Meeting, PA 19462
610.489.4949
Fax 610.489.8447
www.gilmore-assoc.com

MEMORANDUM

Date: October 3, 2025

To: Charles L. Guttenplan, AICP - Director of Planning and Zoning

From: Krista Heinrich, P.E., Township Engineer

Reference: 318 Whitemarsh Valley Road
ZHB #2025-38
G&A Project No. 2021-01088

In reference to the above-mentioned property, we have reviewed the application prepared by the applicant and offer the following comments for your consideration.

The granting of any relief should be conditioned that:

1. Any structures, including fencing and mechanical equipment, shall be elevated and/or adequately anchored to prevent flotation, collapse, or lateral movement.
2. Any new construction must be in full compliance with 44 CFR 60.3(a) through (d) of the National Flood Insurance Program regulations.
3. Any new construction must be in full compliance with Chapter 101 'Floodplain Management' of the Whitemarsh Township Code.
4. Within any floodway area, no encroachments, including fill, new construction, substantial improvements, or other development shall be permitted unless it has been demonstrated through hydrologic and hydraulic analysis performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.
5. Within any floodway area, no new construction or development shall be allowed, unless the appropriate approvals are obtained from the Army Corps of Engineers, Federal Emergency Management Agency, Pennsylvania Department of Environmental Protection and approved by the Township.
6. Within any identified floodplain area, no new construction or development shall be located within the area measured 50 feet landward from the top-of-bank of any watercourse, unless the appropriate permit is obtained from the Department of Environmental Protection regional office.
7. In accordance with Section 101-32(F) of the Township Code, the applicant is hereby notified that (1) The granting of any variance may result in increased premium rates for flood insurance. (2) Such variances may increase the risks to life and property.

Please note, the applicant will require an Earth Disturbance Permit as required by Ordinance Section 58-13(A)(4), since the increase in impervious surfaces would exceed 1,000 square feet. These comments are only in reference to impacts of the proposed features within the Floodplain and Riparian Corridor Conservation Districts and do not reflect engineering considerations related to the Subdivision and Land Development, Chapter 58 and or any other aspect of the Township Code.

Should you have any questions or need further information regarding this matter, please do not hesitate to contact me at this office.

LEGEND

CENTERLINE
TRACT BOUNDARY
PROPERTY LINE
LEGAL R.O.W., EASEMENTS
REQUIRED R.O.W.
EXISTING CONTOUR
PROPOSED CONTOUR
EXISTING WATER LINE
EXISTING SAN. SEWER LINE
EXISTING TELEPHONE LINE
EXISTING GAS LINE
EXISTING ELECTRIC LINE
EXISTING STORM SEWER/INLET
PROPOSED STORM SEWER/INLET
PROPOSED WATER LINE
PROPOSED SAN. SEWER LINE
PROPOSED ELECTRIC LINE
PROPOSED TELEPHONE LINE
PROPOSED GAS LINE
EXISTING MANHOLE
PROPOSED MANHOLE
EXISTING CURBLINE
PROPOSED CURBLINE
UTILITY POLE
EXISTING VALVE, VENT, CO.

PROPOSED HOUSE

IMPERVIOUS PAVING DRIVEWAY
POROUS PAVING DRIVEWAY
GRASS PAVER SHOULDER
PROPOSED CONCRETE WALK

STEEP SLOPE LEGEND

8-15% SLOPES (176 SF)
15-25% SLOPES (225 SF)
+ 25% SLOPES (4,702 SF)

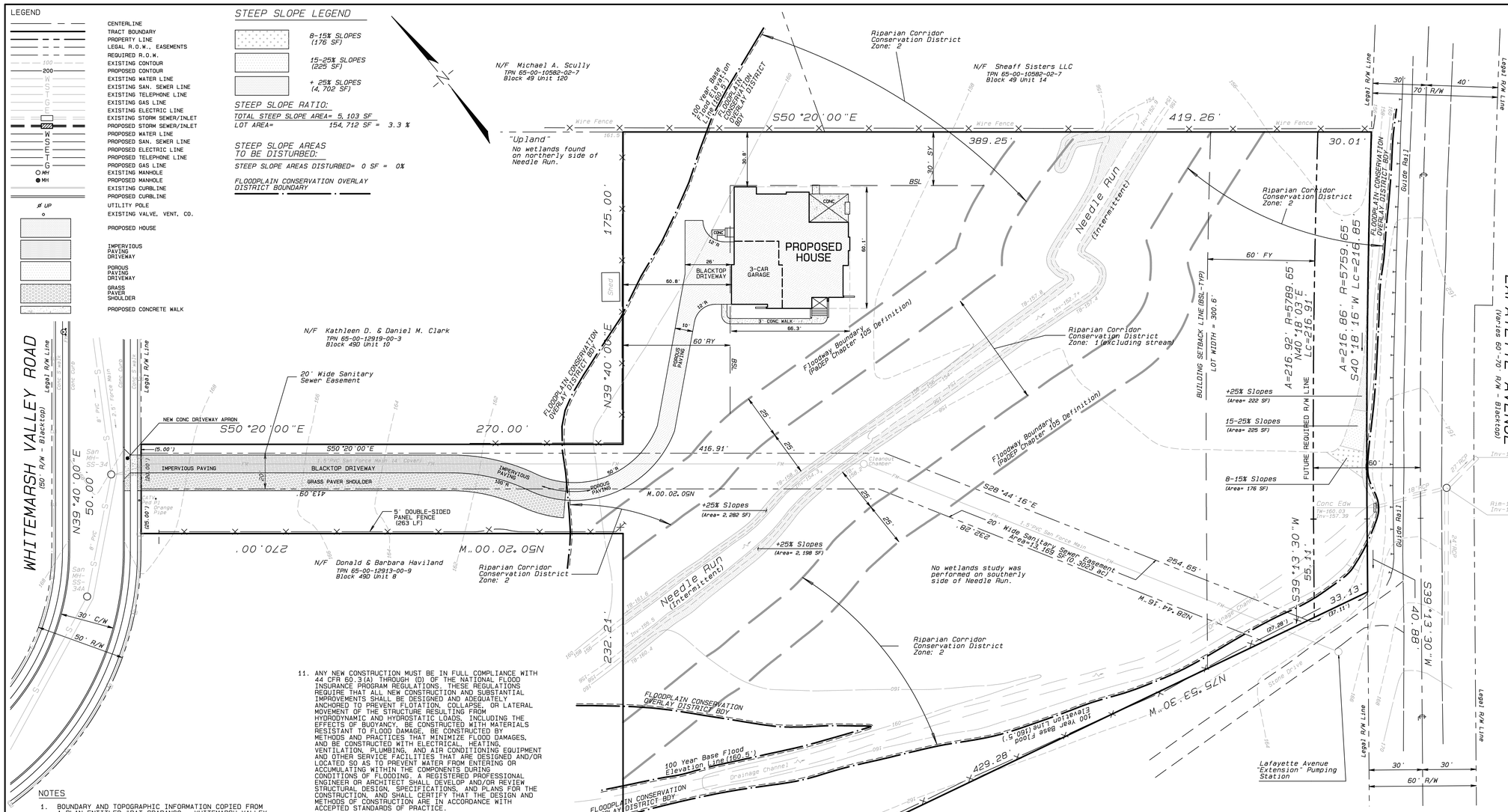
STEEP SLOPE RATIO:

TOTAL STEEP SLOPE AREA= 5,103 SF
LOT AREA= 154,712 SF = 3.3 %

STEEP SLOPE AREAS TO BE DISTURBED:

STEEP SLOPE AREAS DISTURBED= 0 SF = 0%

FLOODPLAIN CONSERVATION OVERLAY DISTRICT BOUNDARY



NOTES

1. BOUNDARY AND TOPOGRAPHIC INFORMATION COPIED FROM A PLAN ENTITLED "PAT SPARANGO - WHITEMARSH VALLEY ROAD - SITE PLAN" PREPARED BY JOSEPH M. ESTOCK, PE. PLS., DATED 12-23-94 AND LAST REVISED 08-20-96.
2. A WETLANDS STUDY WAS PERFORMED BY NOVA CONSULTANTS, LTD FOR THE AREA ALONG THE NORTHERLY SIDE OF NEEDLE RUN AND AND A REPORT WAS ISSUED ON JUNE 29, 2015.
3. SANITARY SEWER FACILITIES PLOTTED FROM TOWNSHIP MAPS. THESE FACILITIES WERE NOT FIELD SURVEYED.
4. PURSUANT TO ZONING ORDINANCE §116-258.A.2, OTHER THAN ZONE 1 AND THE STREAM, THE ENTIRE FLOODPLAIN AREA IS DEFINED AS A RIPARIAN CORRIDOR CONSERVATION DISTRICT ZONE 2.
5. FLOODPLAIN DATA OBTAINED FROM THE FEMA FIRM PANEL 288 OF 451, MAP REVISED MARCH 2, 2016 AND WAS CONVERTED TO NGVD-29 DATUM.
6. ELEVATIONS REFER TO NGVD-29 DATUM BASED UPON FEMA BENCHMARK KY-1041.

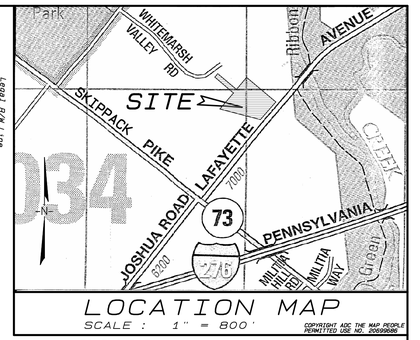
   ELEV=175.51 NGVD-29
   ELEV=174.55 NAVD-88
7. THE PERMANENT REMOVAL OF TOPSOIL FROM LAND WITHIN THE TOWNSHIP IS PROHIBITED.
8. THE APPLICANT SHALL PROVIDE A LETTER OF AVAILABILITY AND SUPPLY OF WATER FOR THE SITE FROM THE APPROPRIATE WATER AUTHORITY.
9. THE APPLICANT MUST OBTAIN APPROVAL OF THE WHITEMARSH TOWNSHIP AUTHORITY WITH REGARD TO THE PROPOSED CONNECTION TO THE SANITARY SEWER, THE LOCATION OF PROPOSED FEATURES WITHIN THE EXISTING SANITARY SEWER EASEMENT AND THE AVAILABILITY AND CAPACITY TO SERVE THE PROPOSED NEW RESIDENTIAL BUILDING.

   ALL PUBLIC SANITARY SEWERS SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH WHITEMARSH TOWNSHIP AUTHORITY SPECIFICATIONS. SUCH SEWERS SHALL BE LOCATED OR CONSTRUCTED SO AS TO ELIMINATE POSSIBILITY OF FLOOD DAMAGE.
10. NO USE, ACTIVITY OR DEVELOPMENT SHALL ADVERSELY AFFECT THE CAPACITY OF THE CHANNELS OR THE FLOODWAY OF ANY WATER COURSE.
11. ANY NEW CONSTRUCTION MUST BE IN FULL COMPLIANCE WITH 44 CFR 60.3(A) THROUGH (D) OF THE NATIONAL FLOOD INSURANCE PROGRAM REGULATIONS. THESE REGULATIONS REQUIRE THAT ALL NEW CONSTRUCTION AND SUBSTANTIAL IMPROVEMENTS SHALL BE DESIGNED AND ADEQUATELY ANCHORED TO PREVENT FLOTATION, COLLAPSE, OR LATERAL MOVEMENT OF THE STRUCTURE RESULTING FROM HYORODYNAMIC AND HYDROSTATIC LOADS, INCLUDING THE EFFECTS OF BUOYANCY, BE CONSTRUCTED WITH MATERIALS RESISTANT TO FLOOD DAMAGE, BE CONSTRUCTED BY METHODS AND PRACTICES THAT MINIMIZE FLOOD DAMAGES, AND BE CONSTRUCTED WITH ELECTRICAL, HEATING, VENTILATION, PLUMBING, AND AIR CONDITIONING EQUIPMENT AND OTHER SERVICE FACILITIES THAT ARE DESIGNED AND/OR LOCATED SO AS TO PREVENT WATER FROM ENTERING OR ACCUMULATING WITHIN THE COMPONENTS DURING CONDITIONS OF FLOODING. A REGISTERED PROFESSIONAL ENGINEER OR ARCHITECT SHALL DEVELOP AND/OR REVIEW STRUCTURAL DESIGN, SPECIFICATIONS, AND PLANS FOR THE CONSTRUCTION, AND SHALL CERTIFY THAT THE DESIGN AND METHODS OF CONSTRUCTION ARE IN ACCORDANCE WITH ACCEPTED STANDARDS OF PRACTICE.
12. STORMWATER FACILITIES SHALL BE OWNED AND MAINTAINED BY THE PROPERTY OWNER IN PERPETUITY. THE PROPERTY OWNER SHALL PROVIDE A BLANKET STORMWATER ACCESS EASEMENT TO THE TOWNSHIP FOR THE PURPOSE OF ACCESS TO THE STORMWATER FACILITIES, IF, IN THE JUDGMENT OF THE TOWNSHIP ENGINEER, THE OWNER HAS FAILED TO MAINTAIN THE STORMWATER FACILITIES IN SUCH A MANNER AS TO ENSURE THEIR PROPER FUNCTIONING. THE TOWNSHIP AFTER PROVIDING A WRITTEN NOTICE, SHALL HAVE THE RIGHT TO ENTER UPON THE LANDS OF THE OWNER AND TO MAKE ANY REPAIRS AS MAY BE NECESSARY TO THE STORMWATER FACILITIES TO ENSURE THAT SUCH FACILITIES FUNCTION AND PERFORM IN ACCORDANCE WITH THE DESIGN SPECIFICATIONS. ANY AND ALL COSTS INCURRED BY THE TOWNSHIP FOR SUCH REPAIRS AND/OR MAINTENANCE SHALL BE PAID IN FULL BY THE OWNER. A LIEN OR LIENS MAY BE PLACED AGAINST THE PROPERTY IF THE OWNER FAILS TO REMIT PAYMENT WITHIN SIXTY (60) DAYS.
13. THE STORMWATER PERMIT HOLDER WILL NOTIFY THE TOWNSHIP ENGINEER IN ORDER TO OBTAIN INSPECTIONS AT LEAST 48 HOURS BEFORE THE INSPECTION IS TO BE MADE FOR: INITIAL INSPECTION, ROUGH GRADING, DRAINAGE FACILITIES, BMPS, SPECIAL STRUCTURES AND FINAL INSPECTION.
14. I CERTIFY THAT THE PROPOSED FACILITY IS NOT UNDERLAIN BY LIMESTONE.
15. FIRE PROTECTION NOTES
    A. WHITEMARSH TOWNSHIP HAS ADOPTED AND ENFORCES THE 2015 INTERNATIONAL CODES. IN THE 2015 INTERNATIONAL FIRE CODE, CHAPTER 5, FIRE SERVICE FEATURES, SECTION 503, FIRE APPARATUS ACCESS ROADS, SUBSECTION 503.2.1 DIMENSIONS: FIRE APPARATUS ACCESS ROADS SHALL HAVE AN UNOBSTRUCTED WIDTH OF NOT LESS THAN 20 FEET EXCLUSIVE OF SHOULDERS, EXCEPT FOR APPROVED SECURITY GATES IN ACCORDANCE WITH SECTION 503.6, AND AN UNOBSTRUCTED VERTICAL CLEARANCE OF NOT LESS THAN 13'-6".
    B. IN THE 2009 INTERNATIONAL FIRE CODE, APPENDIX D, FIRE APPARATUS ACCESS ROADS, SECTION D102 REQUIRED ACCESS, SUBSECTION D102.1 ACCESS AND LOADING, STATES: FACILITIES, BUILDINGS OR PORTIONS OF BUILDINGS HEREAFTER CONSTRUCTED SHALL BE ACCESSIBLE TO FIRE DEPARTMENT APPARATUS BY WAY OF AN APPROVED FIRE APPARATUS ACCESS ROAD WITH AN ASPHALT, CONCRETE, OR OTHER APPROVED DRIVING SURFACE CAPABLE OF SUPPORTING THE IMPOSED LOADS OF FIRE APPARATUS WEIGHING AT LEAST 75,000 POUNDS.

VARIANCES GRANTED

THE FOLLOWING RELIEF WAS GRANTED BY THE ZONING HEARING BOARD IN ZHB #2017-22.

1. SPECIAL EXCEPTIONS PURSUANT TO SECTIONS 116-31.1.A. AND 116-31.1.B. TO ALLOW THE PROPOSED DETENTION/RETENTION FACILITY BETWEEN THE FRONT LOT LINE AND FRONT PRINCIPAL BUILDING PLANE AND A PORTION OF SAID FACILITY WITHIN A REQUIRED SIDE YARD.
2. SPECIAL EXCEPTION PURSUANT TO SECTION 116-166.B. TO PERMIT A BASIN FACILITY WITHIN THE TOWNSHIP'S FLOODPLAIN CONSERVATION DISTRICT.
3. VARIANCE FROM SECTION 16-259.A. TO ALLOW REQUIRED FRONT YARDS, SIDE YARDS AND REAR YARDS WITHIN THE RIPARIAN CONSERVATION DISTRICT AND TO PERMIT THE PROPOSED SINGLE FAMILY HOME AND RELATED ACCESSORY IMPROVEMENTS TO BE LOCATED WITHIN THE RIPARIAN CORRIDOR CONSERVATION DISTRICT.
4. VARIANCE FROM SECTION 16-259.C. TO PERMIT THE PROPOSED RESIDENTIAL DWELLING USE TO BE LOCATED WITHIN ZONE 2OF THE RIPARIAN CORRIDOR CONSERVATION DISTRICT.
5. VARIANCE FROM SECTION 116-259.C.(4) TO PERMIT RESIDENTIAL ACCESSORY STRUCTURES GREATER THAN 200 SQUARE FEET TO BE LOCATED WITHIN ZONE 2 OF THE RIPARIAN CORRIDOR CONSERVATION DISTRICT.
6. VARIANCE FROM SECTION 116-260.A. TO PERMIT THE APPLICANT TO NOT SHOW ALL OF THE EXISTING VEGETATION IN THE AREA TO BE CLEARED FOR THE PROPOSED SINGLE FAMILY HOME DEVELOPMENT AND TO ALLOW CLEARING AS PROPOSED.



LOCATION MAP

SCALE : 1" = 800'

COPYRIGHT ADC THE MAP PEOPLE PERMITTED USE NO. 20699686

ZONING DATA

DISTRICT: AAA RESIDENTIAL
USE: SINGLE-FAMILY DETACHED

REQUIREMENTS:

	REQUIRED		PROVIDED
LOT AREA:	1.00 AC (MIN)		3.5517 AC
LOT WIDTH @ B.S.B.L.:	175 FT (MIN)		300.6 FT
FRONT YARD:	60 FT (MIN)		233.8 FT
SIDE YARD:	30 FT (MIN)		30.00 FT
REAR YARD:	60 FT (MIN)		60.00 FT
BUILDING HEIGHT:	35 FT (MAX)	≤	35 FT
BUILDING COVERAGE:	15 % (MAX)		3 %

SITE DATA

OWNER OF RECORD: PAT SPARANGO, INC.
506 BETHLEHEM PIKE
FORT WASHINGTON, PA 19034
(215) 643-1298

PREMISES: TAX MAP BLOCK 49D UNIT 9
PARCEL NO. 65-00-12916-00-6
DEED BOOK 3367 PAGE 952

LOT AREA: 3.7341 ACRES (GROSS)
3.5517 ACRES (NET)

EQUITABLE OWNER: CADENCE DEVELOPMENT PARTNERS, LLC
ATTN: SEAN KILLEEN
13 SPRINGHOUSE LANE
HAVERTOWN, PA 19083
(610) 505-2281
SEAN@CADENCEDP.COM

DATE	REVISIONS
08-15-25	REVISE BUILDING FOOTPRINT
03-29-22	REV NOTES
02-15-22	PER 01-13-21 GILMORE LETTER
05-22-17	REV PER TWP. REVIEW-ZHB APPLICATION
03-17-17	ADD RAIN GARDEN

REVISION NO.

GRAPHIC SCALE 1"=30'
0 30 60 90

UNDERGROUND UTILITIES
PA. ACT 187 OF 1996-ONE CALL NOTIFICATION(1-800-242-1776)
DATE: 02-15-2022 SERIAL NO.: 20220461891

ALL LOCATIONS OF EXISTING UTILITIES SHOWN ON THE PLAN HAVE BEEN DEVELOPED FROM EXISTING UTILITY OR MUNICIPAL RECORDS AND/OR VISUAL EVALUATION OF THE SITE. NO REPRESENTATION OR ACCURACY OF LOCATION AND DEPTH OF UNDERGROUND UTILITIES OR STRUCTURES IS NOT GUARANTEED NOR IS IT GUARANTEED THAT ALL EXISTING UTILITIES ARE SHOWN. THE CONTRACTOR SHALL BE RESPONSIBLE FOR DETERMINING THE EXISTENCE OF UTILITIES AND FOR NOTIFYING THE UTILITY COMPANIES AT LEAST THREE (3) WORKING DAYS PRIOR TO THE START OF CONSTRUCTION TO VERIFY LOCATION AND DEPTH OF SAME.

COMMONWEALTH OF PENNSYLVANIA
REGISTERED PROFESSIONAL
JOSEPH M. ESTOCK
LAND SURVEYOR
49525-E

PROJECT TITLE :

318 WHITEMARSH VALLEY ROAD

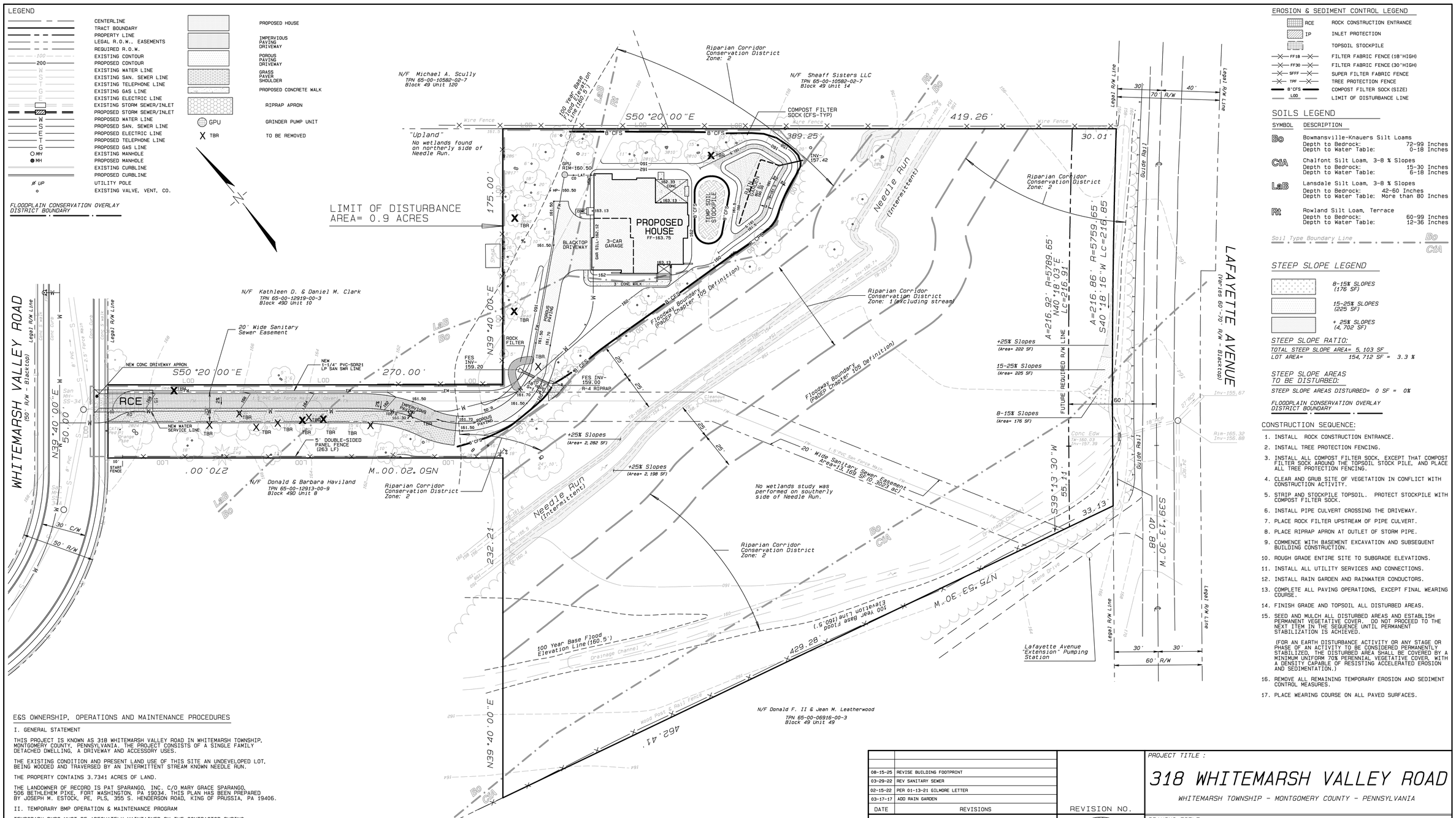
WHITEMARSH TOWNSHIP - MONTGOMERY COUNTY - PENNSYLVANIA

DRAWING TITLE :

SITE PLAN

PREPARED BY :
JOSEPH M. ESTOCK
Consulting Engineers & Land Surveyors
933 Mystic Lane
Eagleville, PA 19403-3614
(610) 666-0257
joe@josephmestock.com

SCALE	DATE	FILE NO.	FIELD BOOK	SHT. NO.
1" = 30'	08 MARCH 2017	93089	251, 260, 342	1 of 7



E&S OWNERSHIP, OPERATIONS AND MAINTENANCE PROCEDURES

I. GENERAL STATEMENT

THIS PROJECT IS KNOWN AS 318 WHITEMARSH VALLEY ROAD IN WHITEMARSH TOWNSHIP, MONTGOMERY COUNTY, PENNSYLVANIA. THE PROJECT CONSISTS OF A SINGLE FAMILY DETACHED DWELLING, A DRIVEWAY AND ACCESSORY USES.

THE EXISTING CONDITION AND PRESENT LAND USE OF THIS SITE AN UNDEVELOPED LOT, BEING WOODED AND TRAVERSED BY AN INTERMITTENT STREAM KNOWN NEEDLE RUN.

THE PROPERTY CONTAINS 3.7341 ACRES OF LAND.

THE LANDOWNER OF RECORD IS PAT SPARANGO, INC. C/O MARY GRACE SPARANGO, 506 BETHLEHEM PIKE, FORT WASHINGTON, PA 19034. THIS PLAN HAS BEEN PREPARED BY JOSEPH M. ESTOCK, PE, PLS, 395 S. HENDERSON ROAD, KING OF PRUSSIA, PA 19406.

II. TEMPORARY BMP OPERATION & MAINTENANCE PROGRAM

TEMPORARY BMPS MUST BE ADEQUATELY MAINTAINED BY THE CONTRACTOR DURING CONSTRUCTION AND UNTIL PERMANENT UNIFORM VEGETATIVE COVER IS ESTABLISHED ON THE ENTIRE SITE. THESE TEMPORARY BMPS, SUCH AS, ALL SILT FENCING, ALL COMPOST FILTER SOCKS, TREE PROTECTION FENCING, THE ROCK CONSTRUCTION ENTRANCE, INLET PROTECTION, TOPSOIL STOCKPILE, TEMPORARY SEEDING, ETC. THE TEMPORARY BMPS MUST BE INSPECTED AFTER EACH STORM EVENT OF MEASURABLE PRECIPITATION AND MUST FUNCTION IN A MANNER AS ORIGINALLY INTENDED BY THE APPROVED "EROSION & SEDIMENT CONTROL PLAN".

THE CONTRACTOR MUST PROVIDE A WRITTEN REPORT DOCUMENTING EACH INSPECTION. SAID REPORT MUST INCLUDE THE DATE OF SAID INSPECTION AND A LIST OF THOSE BMPS INSPECTED ALONG WITH AN INDICATION OF ANY BMP FAILURES AND CORRECTIVE MEASURES TAKEN TO REMEDIATE FAILURE.

FOR AN EARTH DISTURBANCE ACTIVITY OR ANY STAGE OR PHASE OF AN ACTIVITY TO BE CONSIDERED PERMANENTLY STABILIZED, THE DISTURBED AREA SHALL BE COVERED BY A MINIMUM UNIFORM 70% PERENNIAL VEGETATIVE COVER, WITH A DENSITY CAPABLE OF RESISTING ACCELERATED EROSION AND SEDIMENTATION.

EROSION & SEDIMENT CONTROL LEGEND

- RCE — ROCK CONSTRUCTION ENTRANCE
- IP — INLET PROTECTION
- TOPSOIL STOCKPILE
- FF18 — FILTER FABRIC FENCE (18"HIGH)
- FF30 — FILTER FABRIC FENCE (30"HIGH)
- SFFF — SUPER FILTER FABRIC FENCE
- TPF — TREE PROTECTION FENCE
- 8"CFS — COMPOST FILTER SOCK (SIZE)
- LOD — LIMIT OF DISTURBANCE LINE

SOILS LEGEND

SYMBOL	DESCRIPTION	
Bo	Bowmansville-Knauers Silt Loams	
	Depth to Bedrock:	72-99 Inches
	Depth to Water Table:	0-18 Inches
ChA	Chalfont Silt Loam, 3-8 % Slopes	
	Depth to Bedrock:	15-30 Inches
	Depth to Water Table:	6-18 Inches
LaB	Lansdale Silt Loam, 3-8 % Slopes	
	Depth to Bedrock:	42-60 Inches
	Depth to Water Table:	More than 80 Inches
Rt	Rowland Silt Loam, Terrace	
	Depth to Bedrock:	60-99 Inches
	Depth to Water Table:	12-36 Inches

Soil Type Boundary Line Bo / ChA

STEEP SLOPE LEGEND

- 8-15% SLOPES (176 SF)
- 15-25% SLOPES (225 SF)
- + 25% SLOPES (4,702 SF)

STEEP SLOPE RATIO:

TOTAL STEEP SLOPE AREA= 5,103 SF
LOT AREA= 154,712 SF = 3.3 %

STEEP SLOPE AREAS TO BE DISTURBED:

STEEP SLOPE AREAS DISTURBED= 0 SF = 0%

FLOODPLAIN CONSERVATION OVERLAY DISTRICT BOUNDARY

CONSTRUCTION SEQUENCE:

1. INSTALL ROCK CONSTRUCTION ENTRANCE.
2. INSTALL TREE PROTECTION FENCING.
3. INSTALL ALL COMPOST FILTER SOCK, EXCEPT THAT COMPOST FILTER SOCK AROUND THE TOPSOIL STOCK PILE, AND PLACE ALL TREE PROTECTION FENCING.
4. CLEAR AND GRUB SITE OF VEGETATION IN CONFLICT WITH CONSTRUCTION ACTIVITY.
5. STRIP AND STOCKPILE TOPSOIL. PROTECT STOCKPILE WITH COMPOST FILTER SOCK.
6. INSTALL PIPE CULVERT CROSSING THE DRIVEWAY.
7. PLACE ROCK FILTER UPSTREAM OF PIPE CULVERT.
8. PLACE RIPRAP APRON AT OUTLET OF STORM PIPE.
9. COMMENCE WITH BASEMENT EXCAVATION AND SUBSEQUENT BUILDING CONSTRUCTION.
10. ROUGH GRADE ENTIRE SITE TO SUBGRADE ELEVATIONS.
11. INSTALL ALL UTILITY SERVICES AND CONNECTIONS.
12. INSTALL RAIN GARDEN AND RAINWATER CONDUCTORS.
13. COMPLETE ALL PAVING OPERATIONS, EXCEPT FINAL WEARING COURSE.
14. FINISH GRADE AND TOPSOIL ALL DISTURBED AREAS.
15. SEED AND MULCH ALL DISTURBED AREAS AND ESTABLISH PERMANENT VEGETATIVE COVER. DO NOT PROCEED TO THE NEXT ITEM IN THE SEQUENCE UNTIL PERMANENT STABILIZATION IS ACHIEVED.

    (FOR AN EARTH DISTURBANCE ACTIVITY OR ANY STAGE OR PHASE OF AN ACTIVITY TO BE CONSIDERED PERMANENTLY STABILIZED, THE DISTURBED AREA SHALL BE COVERED BY A MINIMUM UNIFORM 70% PERENNIAL VEGETATIVE COVER, WITH A DENSITY CAPABLE OF RESISTING ACCELERATED EROSION AND SEDIMENTATION.)
16. REMOVE ALL REMAINING TEMPORARY EROSION AND SEDIMENT CONTROL MEASURES.
17. PLACE WEARING COURSE ON ALL PAVED SURFACES.

DATE	REVISIONS
08-15-25	REVISE BUILDING FOOTPRINT
03-29-22	REV SANITARY SEWER
02-15-22	PER 01-13-21 GILMORE LETTER
03-17-17	ADD RAIN GARDEN

REVISION NO.

GRAPHIC SCALE 1"=30'
0 30 60 90

UNDERGROUND UTILITIES
PA. ACT 187 OF 1996-ONE CALL NOTIFICATION(1-800-242-1776)
DATE: 02-15-2022 SERIAL NO.: 20220461891

ALL LOCATIONS OF EXISTING UTILITIES SHOWN ON THE PLAN HAVE BEEN DEVELOPED FROM EXISTING RECORDS OR FROM ABOVE GROUND EVIDENCE. EXCAVATION OF THE EXISTING UTILITIES SHALL BE DONE TO DETERMINE THE EXACT LOCATION OF UTILITIES OR STRUCTURES IS NOT GUARANTEED NOR IS IT GUARANTEED THAT ALL EXISTING UTILITIES ARE SHOWN. THE CONTRACTOR SHALL BE RESPONSIBLE FOR DETERMINING THE EXISTENCE OF UTILITIES AND FOR NOTIFYING THE UTILITY COMPANIES AT LEAST THREE WORKING DAYS PRIOR TO THE START OF CONSTRUCTION TO VERIFY LOCATION AND DEPTH OF SAME.

COMMONWEALTH OF PENNSYLVANIA REGISTERED PROFESSIONAL JOSEPH M. ESTOCK ENGINEER PE037320E

PROJECT TITLE :

318 WHITEMARSH VALLEY ROAD

WHITEMARSH TOWNSHIP - MONTGOMERY COUNTY - PENNSYLVANIA

DRAWING TITLE :

EROSION AND SEDIMENT CONTROL PLAN

PREPARED BY :
JOSEPH M. ESTOCK
Consulting Engineers & Land Surveyors
933 Mystic Lane
Eagleville, PA 19403-3614
(610) 666-0257
joe@josephmestock.com

SCALE	DATE	FILE NO.	FIELD BOOK	SHT. NO.
1" = 30'	08 MARCH 2017	93089	251, 260, 342	2 OF 7

EROSION AND SEDIMENTATION CONTROL NOTES

A. GENERAL NOTES

1. EROSION AND SEDIMENT BMP'S MUST BE CONSTRUCTED, STABILIZED AND FUNCTIONAL BEFORE SITE DISTURBANCE BEGINS WITHIN THE TRIBUTARY AREAS OF THOSE BMP'S.
2. STORMWATER INLETS WHICH DO NOT DISCHARGE TO SEDIMENT TRAPS OR BASINS, MUST BE PROTECTED UNTIL THE TRIBUTARY AREAS ARE STABILIZED.
3. STOCKPILE HEIGHTS MUST NOT EXCEED 35 FEET. STOCKPILE SLOPES MUST BE 2:1 OR FLATTER.
4. AFTER FINAL SITE STABILIZATION HAS BEEN ACHIEVED, TEMPORARY EROSION AND SEDIMENT BMP CONTROLS MUST BE REMOVED. AREAS DISTURBED DURING REMOVAL OF THE BMP'S MUST BE STABILIZED IMMEDIATELY.
5. VEHICLES AND EQUIPMENT MUST ENTER DIRECTLY TO AND EXIT FROM THE SITE AT THE POINT WHERE THE ROCK CONSTRUCTION ENTRANCE HAS BEEN PLACED.
6. ONLY LIMITED DISTURBANCE WILL BE PERMITTED TO PROVIDE ACCESS TO THE CONTROLS FOR GRADING AND ACQUIRING BORROW TO CONSTRUCT THOSE CONTROLS.
7. AT LEAST THREE DAYS BEFORE STARTING ANY EARTH DISTURBANCE ACTIVITIES, ALL CONTRACTORS INVOLVED IN THOSE ACTIVITIES SHALL NOTIFY THE PENNSYLVANIA ONE CALL SYSTEM INCORPORATED AT 1-800-242-1776 FOR BURIED UTILITY LOCATIONS.
8. ALL EARTH DISTURBANCE ACTIVITIES SHALL PROCEED IN ACCORDANCE WITH THE SEQUENCE. EACH STAGE SHALL BE COMPLETED BEFORE ANY FOLLOWING STAGE IS INITIATED. CLEARING AND GRUBBING SHALL BE LIMITED TO THOSE AREAS DESCRIBED IN EACH STAGE.
9. THE PROJECTS RECEIVING WATERCOURSE IS NEEDLE RUN FLOWING TO THE WISSAHICKON CREEK, WHOSE CHAPTER 93 CLASSIFICATION IS TSF, MF. WITHIN THE SCHUYLKILL RIVER WATERSHED, WHOSE CHAPTER 93 CLASSIFICATION IS WWF, MF.

B. FILTER FABRIC FENCING & STRAW BALE BARRIERS

1. FILTER FABRIC FENCING AND STRAW BALE BARRIERS MUST BE INSTALLED AT LEVEL GRADE. BOTH ENDS OF EACH FENCE OR BARRIER SECTION MUST EXTEND 8 FEET UP SLOPE AT 45 DEGREES TO THE ALIGNMENT OF THE MAIN FENCE OR BARRIER.
2. SEDIMENT MUST BE REMOVED WHERE ACCUMULATIONS REACH ½ THE ABOVE GROUND HEIGHT OF FILTER FABRIC FENCING OR 1/3 THE ABOVE GROUND HEIGHT OF STRAW BALE BARRIERS.
3. ANY FILTER FABRIC FENCING OR STRAW BALE BARRIER WHICH HAS BEEN UNDERMINED OR TOPPED MUST BE IMMEDIATELY REPLACED WITH ROCK FILTER OUTLETS.
4. STRAW BALE BARRIERS SHOULD NOT BE USED FOR MORE THAN 3 MONTHS.

C. SEDIMENT REMOVAL

1. SEDIMENT MUST BE REMOVED FROM STORM WATER INLET PROTECTION AFTER EACH RUNOFF EVENT.
2. ALL SILT AND FOREIGN MATTER SHALL BE REMOVED FROM THE TOP OF THE BINDER COURSE AND PROPERLY DISPOSED OF BEFORE WEARING SURFACE IS INSTALLED.
3. ALL PUMPING OF SEDIMENT LADEN WATER SHALL BE THROUGH A SEDIMENT CONTROL BMP, SUCH AS A PUMPED WATER FILTER BAG DISCHARGING OVER NON-DISTURBED AREAS.
4. SEDIMENT REMOVED FROM BMP'S SHALL BE DISPOSED OF IN LANDSCAPED AREAS OUTSIDE OF STEEP SLOPES, WETLANDS, FLOODPLAINS OR DRAINAGE SWALES AND IMMEDIATELY STABILIZED OR PLACED IN TOPSOIL STOCKPILES.

D. OPERATOR'S RESPONSIBILITY

1. MAINTENANCE OF ALL SEDIMENT AND EROSION CONTROL DEVICES IS THE RESPONSIBILITY OF THE OPERATOR DURING CONSTRUCTION.
2. THE RETENTION/SEDIMENT BASIN WILL BE CONSTRUCTED AND MAINTAINED BY THE OPERATOR. THE MAINTENANCE OF THIS BASIN WILL BE TRANSFERRED TO THE PERMITTEE UPON THE COMPLETION OF FINAL STABILIZATION.
3. THE OPERATOR IS RESPONSIBLE FOR PROVIDING DIVERSION TRENCHES, EROSION CHECKS, BERMS, ETC., OR OTHER MEANS OF ACCEPTED PRACTICE AS REQUIRED ON THE SITE TO PREVENT ACCELERATED RUNOFF AND EROSION, WHICH MAY NOT BE INDICATED, BUT IS WITHIN THE INTENT OF THIS PLAN.
4. THE OPERATOR MUST INSURE THE PROPER OPERATION OF THE DEVICES IS NOT HINDERED DUE TO EXCESSIVE SEDIMENT BUILD-UP OR UNAUTHORIZED ACTS OF THIRD PARTIES.
5. SHOULD ANY MEASURES CONTAINED WITHIN THIS PLAN PROVE INCAPABLE OF ADEQUATELY REMOVING SEDIMENT FROM ON-SITE FLOWS PRIOR TO DISCHARGE OR OF STABILIZING THE SURFACES INVOLVED, ADDITIONAL MEASURES MUST BE IMMEDIATELY IMPLEMENTED BY THE OPERATOR TO ELIMINATE ALL SUCH PROBLEMS.
6. UNTIL THE SITE IS STABILIZED, ALL EROSION AND SEDIMENT BMP'S MUST BE MAINTAINED PROPERLY. MAINTENANCE MUST INCLUDE INSPECTIONS OF ALL EROSION AND SEDIMENT CONTROL BMP'S AFTER EACH RUNOFF EVENT AND ON A WEEKLY BASIS. ALL PREVENTATIVE AND REMEDIAL MAINTENANCE WORK, INCLUDING CLEAN OUT, REPAIR, REPLACEMENT, REGRADING, RESEEDING, REMULCHING, AND RENETTING MUST BE PERFORMED IMMEDIATELY. IF EROSION AND SEDIMENT CONTROL BMP'S FAIL TO PERFORM AS EXPECTED, REPLACEMENT BMP'S OR MODFICATIONS TO THOSE INSTALLED WILL BE REQUIRED.
7. THE OPERATOR SHALL REMOVE FROM THE SITE, RECYCLE OR DISPOSE OF ALL BUILDING MATERIALS AND WASTES IN ACCORDANCE WITH THE DEPARTMENT'S SOLID WASTE MANAGEMENT REGULATIONS AT 25 PA. CODE 260.1 ET SEQ., 271.1 ET SEQ. THE CONTRACTOR SHALL NOT ILLEGALLY BURY, DUMP OR DISCHARGE ANY BUILDING MATERIAL OR WASTES AT THIS SITE.
8. IT IS THE INTENT OF THIS PLAN TO MEET REQUIREMENTS OF SOIL EROSION CONTROL.
9. THE OPERATOR IS ADVISED TO BECOME THOROUGHLY FAMILIAR WITH THE PROVISIONS OF APPENDIX 64, EROSION CONTROL RULES AND REGULATIONS, TITLE 25, PART I, DEPARTMENT OF ENVIRONMENTAL PROTECTION, SUB-PART C, PROTECTION OF NATURAL RESOURCES, ARTICLE II, WATER RESOURCES, CHAPTER 102 EROSION CONTROL.
10. A COPY OF THE APPROVED EROSION AND SEDIMENT CONTROL PLAN MUST BE AVAILABLE AT THE PROJECT SITE AT ALL TIMES.
11. AT ANY TIME PRIOR TO STABILIZATION SHOULD ANY E & S PROBLEMS OCCUR WHICH REQUIRE ADDITIONAL MEASURES, IMMEDIATE ACTION MUST BE TAKEN TO CORRECT THE PROBLEM.
12. THE OPERATOR SHALL ASSURE THAT THE APPROVED EROSION AND SEDIMENT CONTROL PLAN IS PROPERLY AND COMPLETELY IMPLEMENTED
13. IMMEDIATELY UPON DISCOVERING UNFORESEEN CIRCUMSTANCES POSING THE POTENTIAL FOR ACCELERATED EROSION AND/OR SEDIMENT POLLUTION, THE OPERATOR SHALL IMPLEMENT APPROPRIATE BEST MANAGEMENT PRACTICES TO ELIMINATE POTENTIAL FOR ACCELERATED EROSION AND/OR SEDIMENT POLLUTION.
14. ONLY LIMITED DISTURBANCE WILL BE PERMITTED TO PROVIDE ACCESS TO BMP'S FOR GRADING AND ACQUIRING BORROW TO CONSTRUCT THOSE BMP'S.
15. AT STREAM CROSSINGS, 50 FOOT STREAM BANK BUFFER AREAS SHOULD BE MAINTAINED. ON BUFFERS, CLEARING, SOD DISTURBANCES, EXCAVATION, AND EQUIPMENT TRAFFIC SHOULD BE MINIMIZED. ACTIVITIES SUCH AS STACKING CUT LOGS, BURNING CLEARED BRUSH, DISCHARGING RAINWATER FROM TRENCHES, WELDING PIPE SECTIONS, REFUELING AND MAINTAINING EQUIPMENT SHOULD BE ACCOMPLISHED OUTSIDE OF BUFFERS.

E. MULCHING

1. MULCHING OF DISTURBED OR SEEDED AREA SHALL BE FURNISHED, PLACED, ANCHORED AND MAINTAINED IN ACCORDANCE WITH PENNDOT PUBL. 408, SECTION 805.
2. MULCHING SHALL BE PLACED IMMEDIATELY AFTER SEEDING OR WITHIN 48 HOURS AFTER SEEDING IS COMPLETE.
3. HAY OR STRAW SHALL BE UNIFORMLY PLACED IN A CONTINUOUS BLANKET, AT A MINIMUM RATE OF 3.0 TONS PER ACRE.
4. MULCH WITH MULCH CONTROL NETTING OR EROSION CONTROL BLANKETS SHOULD BE INSTALLED ON ALL SLOPES 3:1 OR STEEPER.
5. STRAW MULCH SHOULD BE APPLIED IN LONG STRANDS, NOT CHOPPED OR FINELY BROKEN

F. SEEDING

1. SEEDING SHALL BE PLACED IN ACCORDANCE WITH PENNDOT PUBL. 408, SECTION 804.
2. SEED FORMULAS:

FORMULA AND SPECIES	% BY WT	MIN. % PURITY	MIN. % GERMINATION	MAX. % WEED	SEEDING RATE LBS/1000 SQ. YDS.
FORMULA B					21.0 TOTAL
* PERENNIAL RYEGRASS MIXTURE	20	98	90	0.15	4.0
* CREEPING RED FESCUE OR CHEWINGS FESCUE	30	98	85	0.15	6.0
* KENTUCKY BLUEGRASS MIXTURE	50	98	80	0.20	11.0
FORMULA C					9.0 TOTAL
* CROWNVETCH	45	99	70	0.10	4.0
* ANNUAL RYEGRASS	55	98	90	0.15	5.0
FORMULA D					21.0 TOTAL
* TALL FESCUE	70	98	85	0.15	15.0
* CREEPING RED FESCUE OR CHEWINGS FESCUE	30	98	85	0.15	6.0
FORMULA E					10.0 TOTAL
* ANNUAL RYEGRASS	100	98	90	0.15	10.0
FORMULA L					24.0 TOTAL
* HARD FESCUE MIXTURE	55	98	85	0.15	13.0
* CREEPING RED FESCUE	35	98	85	0.15	8.5
* ANNUAL RYEGRASS	10	98	90	0.15	2.5
FORMULA W					10.5 TOTAL
* TALL FESCUE	70	98	85	0.15	7.5
* BIRDSFOOT TREFOIL MIXTURE	20	98	80*	0.10	2.0
* REDTOP	10	92	80	0.15	1.0

* MINIMUM 20% HARD SEED AND 60% NORMAL SPROUTS

3. APPLICATION DATES:
   - FORMULA B, D, & L – MARCH 15 TO JUNE 15 / AUGUST 1 TO OCTOBER 15
   - FORMULA C – RYEGRASS PORTION: MARCH 1 TO OCTOBER 15
   - CROWNVETCH PORTION: ANYTIME EXCEPT SEPTEMBER & OCTOBER
   - FORMULA E – MARCH 15 TO OCTOBER 15
   - FORMULA W – APRIL 1 TO JUNE 15 / AUGUST 16 TO SEPTEMBER 15
4. SOIL SUPPLEMENTS MAY BE ADDED IN ACCORDANCE WITH SECTION 804 OR AS FOLLOWS:

   FERTILIZER - STANDARD QUALITY
   0-20-20 BASIC FERTILIZER 200 LBS. PER 1000 S.Y.
   10-10-10 STARTER FERTILIZER 100 LBS. PER 1000 S.Y.

   LIME - AGRICULTURAL LIMESTONE
   90% MINIMUM OF CARBONATES 500 LBS. PER 1000 S.Y.
5. FORMULA B SHALL BE USED TO ESTABLISH FINAL VEGETATION IN LAWN AREAS, FORMULA D SHALL BE USED TO ESTABLISH FINAL VEGETATION IN ROUGH AREAS, AND FORMULA E SHALL BE USED TO ESTABLISH TEMPORARY VEGETATION. FORMULAS C, L, AND W SHALL BE USED AS SPECIFICALLY INDICATED ON THE PLAN.

G. SEEDING AND MULCHING SCHEDULE

1. THE DIVERSIONS, CHANNELS, SEDIMENT BASINS, SEDIMENT TRAPS, AND STOCKPILES, WHEN USED, MUST BE STABILIZED IMMEDIATELY.
2. IMMEDIATELY AFTER EARTH DISTURBANCE ACTIVITIES CEASE, THE OPERATOR SHALL STABILIZE ANY AREAS DISTURBED BY THE ACTIVITIES. DURING NON-GERMINATING PERIODS, MULCH MUST BE APPLIED AT THE SPECIFIED RATES. DISTURBED AREAS WHICH ARE NOT AT FINISHED GRADE AND WHICH WILL BE REDISTURBED WITHIN ONE YEAR MUST BE STABILIZED IN ACCORDANCE WITH THE TEMPORARY VEGETATIVE STABILIZATION SPECIFICATIONS. DISTURBED AREAS WHICH ARE AT FINISHED GRADE OR WHICH WILL NOT BE REDISTURBED WITHIN ONE YEAR MUST BE STABILIZED IN ACCORDANCE WITH THE PERMANENT VEGETATIVE STABILIZATION SPECIFICATIONS.
3. AN AREA SHALL BE CONSIDERED TO HAVE ACHIEVED FINAL STABILIZATION WHEN IT HAS A MINIMUM UNIFORM 70% PERENNIAL VEGETATIVE COVER OR OTHER PERMANENT NON-VEGETATIVE COVER WITH A DENSITY SUFFICIENT TO RESIST ACCELERATED SURFACE EROSION AND SUBSURFACE CHARACTERISTICS SUFFICIENT TO RESIST SLIDING AND OTHER MOVEMENTS.

H. UTILITY LINE TRENCH EXCAVATION

1. CONSTRUCTION REQUIREMENTS
   - A. LIMIT ADVANCE CLEARING AND GRUBBING OPERATIONS TO A DISTANCE EQUAL TO TWO TIMES THE LENGTH OF PIPE INSTALLATION THAT CAN BE COMPLETED IN ONE DAY.
   - B. WORK CREWS AND EQUIPMENT FOR TRENCHING, PLACEMENT OF PIPE, PLUG CONSTRUCTION AND BACKFILLING WILL BE SELF CONTAINED AND SEPARATE FROM CLEARING AND GRUBBING AND SITE RESTORATION AND STABILIZATION OPERATIONS.
   - C. LIMIT DAILY TRENCH EXCAVATION TO THE LENGTH OF PIPE PLACEMENT, PLUG INSTALLATION AND BACKFILLING THAT CAN BE COMPLETED IN THE SAME DAY.
   - D. WATER WHICH ACCUMULATES IN THE OPEN TRENCH WILL BE COMPLETELY REMOVED BY PUMPING BEFORE PIPE PLACEMENT AND/OR BACKFILLING BEGINS. WATER REMOVED FROM THE TRENCH SHALL BE PUMPED THROUGH A FILTRATION DEVICE.
   - E. ON THE DAY FOLLOWING PIPE PLACEMENT AND TRENCH BACKFILLING, THE DISTURBED AREA WILL BE GRADED TO FINAL CONTOURS AND IMMEDIATELY STABILIZED.
   - F. ALL SOIL EXCAVATED FROM THE TRENCH WILL BE PLACED ON THE UPHILL SIDE OF THE TRENCH.
   - G. SOILS EXCAVATED FROM EXISTING SURFACE LAYER SHOULD BE STOCKPILED SEPARATELY AND RETURNED AS FINAL SURFACE LAYER FOLLOWING TRENCH BACKFILLING.
   - H. TRENCH PLUGS WILL BE SPACED IN ACCORDANCE WITH AND BE CONSTRUCTED OF THE MATERIALS AS INDICATED ON THE TRENCH PLUG DETAIL.

   (1) AT ALL CROSSINGS OF WATERS OF THE COMMONWEALTH, TRENCH PLUGS WILL BE INSTALLED AT THE BANKS AFTER TRENCH EXCAVATION. THE PLUGS MAY BE TEMPORARILY REMOVED WHEN PLACING THE PIPE, BUT THEN REPLACED.

   (2) CONSTRUCTION OF THE CROSSING WILL BE IN ACCORDANCE WITH THE REQUIREMENTS OF THE 'PIPELINES AND UTILITY LINE PROJECTS' SECTION OF THE EROSION AND SEDIMENT POLLUTION CONTROL PROGRAM MANUAL
2. EXCEPTIONS

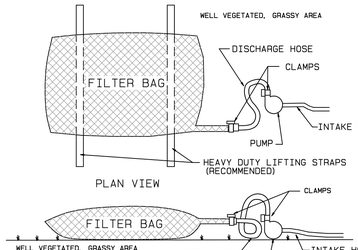
   IN CERTAIN CASES TRENCHES CANNOT BE BACKFILLED UNTIL THE PIPE IN HYDROSTATICALLY TESTED, OR ANCHORS AND OTHER PERMANENT FEATURES INSTALLED. IN THESE CASES, ALL OF THE REQUIREMENTS LISTED UNDER ITEM 1 WILL REMAIN IN EFFECT WITH THE FOLLOWING EXCEPTIONS:

   1C. DAILY BACKFILLING OF THE TRENCH MAY BE DELAYED FOR SIX DAYS. ALL PRESSURE TESTING AND THE COMPLETE BACKFILLING OF THE OPEN TRENCH MUST BE COMPLETED BY THE SEVENTH WORKING DAY.

   1E. IF DAILY BACKFILLING IS DELAYED, THE DISTURBED AREA WILL BE GRADED TO FINAL CONTOURS, APPROPRIATE TEMPORARY EROSION AND SEDIMENT CONTROL MEASURES/FACILITIES WILL BE INSTALLED, AND THE AREAS SEEDED AND MULCHED WITHIN THE NEXT TWO CALENDAR DAYS.

I. CLEAN FILL

1. IF THE SITE WILL NEED TO IMPORT OR EXPORT MATERIAL FROM THE SITE, THE RESPONSIBILITY FOR PERFORMING ENVIRONMENTAL DUE DILIGENCE AND DETERMINATION OF CLEAN FILL WILL REST WITH THE CONTRACTOR.
2. CLEAN FILL IS DEFINED AS: UNCONTAMINATED, NON-WATER SOLUBLE, NON-DECOMPOSABLE, INERT, SOLID MATERIAL. THE TERM INCLUDES SOIL, ROCK, STONE, DREDGED MATERIAL, USED ASPHALT, AND BRICK, BLOCK OR CONCRETE FROM CONSTRUCTION AND DEMOLITION ACTIVITIES THAT IS SEPARATE FROM OTHER WASTE AND IS RECOGNIZABLE AS SUCH. THE TERM DOES NOT INCLUDE MATERIALS PLACED IN OR ON THE WATERS OF THE COMMONWEALTH UNLESS OTHERWISE AUTHORIZED. (THE TERM 'USED ASPHALT' DOES NOT INCLUDE MILLED ASPHALT OR ASPHALT THAT HAS BEEN PROCESSED FOR RE-USE).
3. CLEAN FILL AFFECTED BY A SPILL OR RELEASE OF A REGULATED SUBSTANCE. FILL MATERIALS AFFECTED BY A SPILL OR RELEASE OF A REGULATED SUBSTANCE SHALL QUALIFIES AS CLEAN FILL PROVIDED THE TESTING REVEALS THAT THE FILL MATERIAL CONTAINS CONCENTRATIONS OF REGULATED SUBSTANCES THAT ARE BELOW THE RESIDENTIAL LIMITS IN TABLES FP-1A AND FP-1B FOUND IN THE DEPARTMENT'S POLICY "MANAGEMENT OF FILL".
4. ANY PERSON PLACING CLEAN FILL THAT HAS BEEN AFFECTED BY A SPILL OR RELEASE OF A REGULATED SUBSTANCE MUST USE FORM FP-001 TO CERTIFY THE ORIGIN OF THE FILL MATERIAL AND THE RESULTS OF THE ANALYTICAL TESTING TO QUALIFY THE MATERIAL AS CLEAN FILL. FORM FP-001 MUST BE RETAINED BY THE OWNER OF THE PROPERTY RECEIVING THE FILL. A COPY OF FORM FP-001 CAN BE FOUND AT THE END OF THESE INSTRUCTIONS.
5. ENVIRONMENTAL DUE DILIGENCE: THE APPLICANT MUST PERFORM ENVIRONMENTAL DUE DILIGENCE TO DETERMINE IF THE FILL MATERIALS ASSOCIATED WITH THE PROJECT QUALIFY AS CLEAN FILL. ENVIRONMENTAL DUE DILIGENCE IS DEFINED AS: INVESTIGATIVE TECHNIQUES, INCLUDING, BUT NOT LIMITED TO, VISUAL PROPERTY INSPECTIONS, ELECTRONIC DATA BASE SEARCHES, REVIEW OF PROPERTY OWNERSHIP, REVIEW OF PROPERTY USE HISTORY, SANBORN MAPS, ENVIRONMENTAL QUESTIONNAIRES, TRANSACTION SCREENS, ANALYTICAL TESTING, ENVIRONMENTAL ASSESSMENTS OR AUDITS. ANALYTICAL TESTING IS NOT A REQUIRED PART OF DUE DILIGENCE UNLESS VISUAL INSPECTION AND/OR REVIEW OF THE PAST LAND USE OF THE PROPERTY INDICATES THAT THE FILL MAY HAVE BEEN SUBJECTED TO A SPILL OR RELEASE OF REGULA TED SUBSTANCE. IF THE FILL MAY HAVE BEEN AFFECTED BY A SPILL OR RELEASE OF A REGULATED SUBSTANCE, IT MUST BE TESTED TO DETERMINE IF IT QUALIFIES AS CLEAN FILL. TESTING SHOULD BE PERFORMED IN ACCORDANCE WITH APPENDIX A OF THE DEPARTMENT'S POLICY "MANAGEMENT OF FILL".
6. FILL MATERIAL THAT DOES NOT QUALIFY AS CLEAN FILL IS REGULATED FILL. REGULATED FILL IS WASTE AND MUST BE MANAGED IN ACCORDANCE WITH THE DEPARTMENT'S MUNICIPAL OR RESIDUAL WASTE REGULATIONS BASED ON 25 PA. CODE CHAPTERS 287 RESIDUAL WASTE MANAGEMENT OR 271 MUNICIPAL WASTE MANAGEMENT, WHICHEVER IS APPLICABLE. THESE REGULATIONS ARE AVAILABLE ON-LINE AT www.pacode.com.



STANDARD CONSTRUCTION DETAIL #3-16 PUMPED WATER FILTER BAG

(NTS)

LOW VOLUME FILTER BAGS SHALL BE MADE FROM NON-WOVEN GEOTEXTILE MATERIAL SEWN WITH HIGH STRENGTH, COLOR STITCHED THREAD. THE SEAMS SHALL BE CAPABLE OF TRAPPING PARTICLES LARGER THAN 150 MICRONS. HIGH VOLUME FILTER BAGS SHALL BE MADE FROM WOVEN GEOTEXTILES THAT MEET THE STANDARDS LISTED INTHE EROSION AND SEDIMENT POLLUTION CONTROL PROGRAM MANUAL.

A SUITABLE MEANS OF ACCESSING THE BAG WITH MACHINERY REQUIRED FOR DISPOSAL PURPOSES SHALL BE PROVIDED. FILTER BAGS SHALL BE REPLACED WHEN THEY BECOME 1/2 FULL. SPARE BAGS SHALL BE KEPT AVAILABLE FOR REPLACEMENT OF THOSE THAT HAVE FAILED OR ARE FILLED. BAGS SHALL BE PLACED ON STRAPS TO FACILITATE REMOVAL UNLESS BAGS COME WITH LIFTING STRAPS ALREADY ATTACHED.

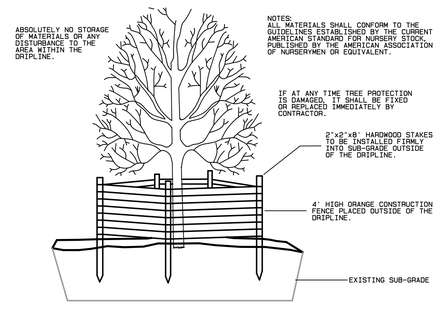
BAGS SHALL BE LOCATED IN WELL-VEGETATED (GRASSY) AREAS, AND DISCHARGE ONTO STABLE, EROSION RESISTANT AREAS. WHERE THIS IS NOT POSSIBLE, A GEOTEXTILE UNDERLAYMENT AND STONE PAD SHALL BE PROVIDED. BAGS SHALL BE SIZED TO THE PUMP DISCHARGE HOSE AND PUMP CAPACITY. BAGS SHALL BE PLACED ON SLOPES OF LESS THAN 5%. WHERE SLOPES ARE GREATER THAN 5%, CLEAN ROCK OR OTHER NON-ERODIBLE AND NON-POLLUTING MATERIAL MAY BE PLACED UNDER THE BAG TO REDUCE SLOPE STEEPNESS.

NO DOWNSLOPE SEDIMENT BARRIER IS REQUIRED FOR MOST INSTALLATIONS. COMPOST BERM OR COMPOST FILTER SOCK SHALL BE INSTALLED BELOW BAGS LOCATED IN HQ OR EV WATERSHEDS WITHIN 50 FEET OF ANY RECEIVING SURFACE WATER OR WHERE GRASSY AREA IS NOT AVAILABLE.

THE PUMP DISCHARGE HOSE SHALL BE INSERTED INTO THE BAGS IN THE MANNER SPECIFIED BY THE MANUFACTURER AND SECURELY CLAMPED. A PIECE OF PVC PIPE IS RECOMMENDED FOR THIS PURPOSE.

THE PUMPING RATE SHOULD BE NO GREATER THAN 750 GPM OR 1/2 THE MAXIMUM SPECIFIED, SPECIFIED BY THE MANUFACTURER, WHICHEVER IS LESS. PUMP INTAKES SHOULD BE FLOATING AND SCREENED.

FILTER BAGS SHALL BE INSPECTED DAILY. IF ANY PROBLEM IS DETECTED, PUMPING SHALL CEASE IMMEDIATELY AND NOT RESUME UNTIL THE PROBLEM IS CORRECTED.



NOTES:
ALL MATERIALS SHALL CONFORM TO THE GUIDELINES ESTABLISHED BY THE CURRENT AMERICAN STANDARD FOR NURSERY STOCK, PUBLISHED BY THE AMERICAN ASSOCIATION OF NURSERYMEN OR EQUIVALENT.

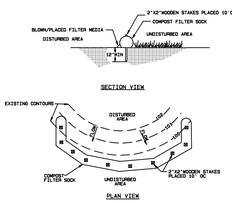
TREE PROTECTION DETAIL

(NTS)

PROTECTION BARRIER SHALL BE ERECTED A MINIMUM OF ONE (1) FOOT OUTSIDE THE DRIPLINE OR A MINIMUM OF TWENTY (20) FEET FROM THE TREE'S TRUNK, WHICHEVER IS GREATER, ON ALL SIDES OF THE TREES OR TREE MASSES PRIOR TO MAJOR CLEARING OR CONSTRUCTION.

TREE PROTECTION STANDARDS

1. PROTECTIVE FENCING MUST BE PLACED AROUND TREES ON THE PROPERTY AND AROUND TREES IMMEDIATELY ADJACENT TO THE PORPERTY LINES PRIOR TO CONSTRUCTION.
2. A PRE-CONSTRUCTION CONFERENCE WITH THE TOWNSHIP SHADE TREE COMMISSION IS REQUIRED PRIOR TO THE START OF CONSTRUCTION.



SOCK FABRIC SHALL MEET STANDARD OF TABLE 4.1. COMPOST SHALL MEET THE STANDARDS OF TABLE 4.2.

COMPOST FILTER SOCK SHALL BE PLACED AT EXISTING LEVEL GRADE. BOTH ENDS OF THE SOCK SHALL BE EXTENDED AT LEAST 8 FEET UP SLOPE AT 45 DEGREES TO THE MAIN SOCK ALIGNMENT (FIGURE 4.1). MAXIMUM SLOPE LENGTH ABOVE ANY SOCK SHALL NOT EXCEED THAT SHOWN ON FIGURE 4.2. STAKES MAY BE INSTALLED IMMEDIATELY DOWNSLOPE OF THE SOCK IF SO SPECIFIED BY THE MANUFACTURER.

TRAFFIC SHALL NOT BE PERMITTED TO CROSS FILTER SOCKS.

ACCUMULATED SEDIMENT SHALL BE REMOVED WHEN IT REACHES HALF THE ABOVEGROUND HEIGHT OF THE SOCK AND DISPOSED IN THE MANNER DESCRIBED ELSEWHERE IN THE PLAN.

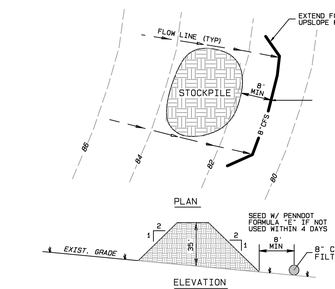
SOCKS SHALL BE INSPECTED WEEKLY AND AFTER EACH RUNOFF EVENT. DAMAGED SOCKS SHALL BE REPAIRED ACCORDING TO THE MANUFACTURER'S SPECIFICATIONS OR REPLACED WITHIN 24 HOURS OF INSPECTION.

BIODEGRADABLE FILTER SOCKS SHALL BE REPLACED AFTER 6 MONTHS. PHOTODEGRADABLE SOCKS AFTER 1 YEAR. POLYPROPYLENE SOCKS SHALL BE REPLACED ACCORDING TO MANUFACTURER'S RECOMMENDATIONS.

UPON STABILIZATION OF THE AREA TRIBUTARY TO THE SOCK, STAKES SHALL BE REMOVED. THE SOCK MAY BE LEFT IN PLACE AND VEGETATED OR REMOVED. IN THE LATTER CASE, THE MESH SHALL BE CUT OPEN AND THE MULCH SPREAD AS A SOIL SUPPLEMENT.

COMPOST FILTER SOCK STANDARD CONSTRUCTION DETAIL #4-1

(NTS)



NOTES:
1. INSTALL COMPOST FILTER SOCK DOWNSLOPE OF AREA OF STOCKPILE.
2. PLACE STOCKPILE IN AREAS SHOWN ON EROSION CONTROL PLAN WITHOUT BLOCKING NATURAL DRAINAGE PATTERNS.
3. FOLLOW DIMENSIONS SHOWN ABOVE. HEIGHT SHOULD NOT EXCEED 35 FEET. SIDE SLOPES SHOULD NOT BE STEEPER THAN 2:1(V):1(H).
4. SEED IMMEDIATELY WITH PENNDOT SEED FORMULA "E" IF MATERIAL IS NOT USED WITHIN 4 DAYS. FOLLOW MULCHING AND SEEDING SPECIFICATIONS AND SCHEDULE.

TEMPORARY SOIL STOCKPILE AND MAINTENANCE DETAIL

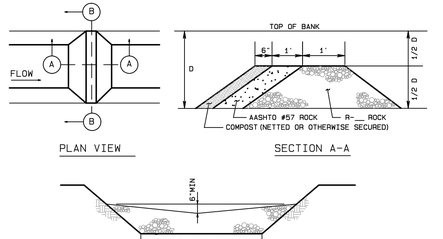
(NTS)

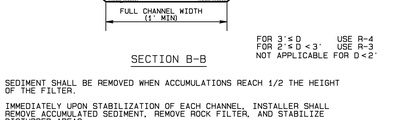
A ONE FOOT THICK LAYER OF AASHTO #57 (OR SMALLER) STONE SHOULD BE PLACED ON THE UPSTREAM SIDE OF THE FILTER. IN SPECIAL PROTECTION WATERSHEDS, A 6" LAYER OF COMPOST SHOULD BE PLACED AND ANCHORED ON TOP OF THE FILTER STONE.
NOTE: FILTER FABRIC AND STRAW BALES SHOULD NOT BE USED IN ROCK FILTERS.

ROCK FILTERS SHOULD BE INSPECTED WEEKLY AND AFTER EACH RUNOFF EVENT.

CLOGGED FILTER STONE (AASHTO #57) SHOULD BE REPLACED.

NEEDED REPAIRS SHOULD BE INITIATED IMMEDIATELY AFTER THE INSPECTION.





SECTION B-B

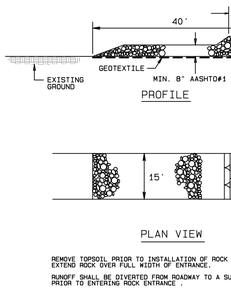
FOR 3'≤ D ≤ 8' USE R-4
FOR 2'≤ D < 3' USE R-3
NOT APPLICABLE FOR D<2'

SEDIMENT SHALL BE REMOVED WHEN ACCUMULATIONS REACH 1/2 THE HEIGHT OF THE FILTER.

IMMEDIATELY UPON STABILIZATION OF EACH CHANNEL, INSTALLER SHALL REMOVE ACCUMULATED SEDIMENT, REMOVE ROCK FILTER, AND STABILIZE DISTURBED AREAS.

STANDARD CONSTRUCTION DETAIL #4-14 ROCK FILTER

(NTS) (RF)



REMOVE TOPSOIL PRIOR TO INSTALLATION OF ROCK CONSTRUCTION ENTRANCE. EXTEND ROCK OVER FULL WIDTH OF ENTRANCE.

RUNOFF SHALL BE DIVERTED FROM ROADWAY TO A SUITABLE SEDIMENT REMOVAL BMP PRIOR TO ENTERING ROCK ENTRANCE .

MOUNTABLE BERM SHALL BE INSTALLED WHEREVER OPTIONAL CULVERT PIPE IS USED AND PROPER PIPE COVER AS SPECIFIED BY MANUFACTURER IS NOT OTHERWISE PROVIDED. PIPE SHALL BE SIZED APPROPRIATELY FOR SIZE OF DITCH BEING CROSSED.

MAINTENANCE:

ROCK CONSTRUCTION ENTRANCE THICKNESS WILL BE CONSTANTLY MAINTAINED TO THE SPECIFIED DIMENSIONS BY ADDING ROCK. IF STOCKPILE OF ROCK MATERIAL HAS BEEN MAINTAINED ON THE SITE FOR THIS PURPOSE, ANY SEDIMENT LOCATED ON THE ROADWAY SHOULD BE REMOVED IMMEDIATELY AND REDIRED TO THE CONSTRUCTION SITE.

STANDARD CONSTRUCTION DETAIL #3-1 ROCK CONSTRUCTION ENTRANCE

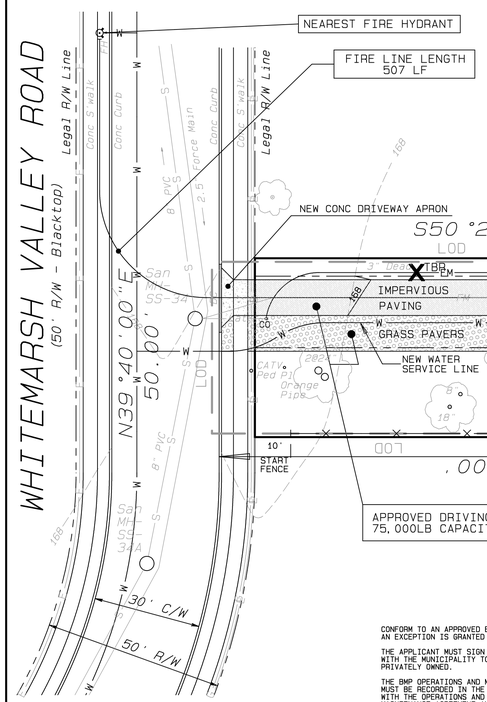
(NTS) (RCE)

LEGEND

CENTERLINE	PROPOSED HOUSE
TRACT BOUNDARY	IMPERVIOUS PAVING DRIVEWAY
PROPERTY LINE	POROUS PAVING DRIVEWAY
LEGAL R.O.W., EASEMENTS	GRASS PAVER SHOULDER
REQUIRED R.O.W.	PROPOSED CONCRETE WALK
EXISTING CONTOUR	RIPRAP APRON
PROPOSED CONTOUR	GRINDER PUMP UNIT
EXISTING WATER LINE	TO BE REMOVED
EXISTING SAN. SEWER LINE	
EXISTING TELEPHONE LINE	
EXISTING GAS LINE	
EXISTING ELECTRIC LINE	
EXISTING STORM SEWER/INLET	
PROPOSED STORM SEWER/INLET	
PROPOSED WATER LINE	
PROPOSED SAN. SEWER LINE	
PROPOSED ELECTRIC LINE	
PROPOSED TELEPHONE LINE	
PROPOSED GAS LINE	
EXISTING MANHOLE	
PROPOSED MANHOLE	
EXISTING CURBLINE	
PROPOSED CURBLINE	
UTILITY POLE	
EXISTING VALVE, VENT, CO.	

FLOODPLAIN CONSERVATION OVERLAY DISTRICT BOUNDARY

GENERAL SANITARY SEWER NOTE:
ALL PUBLIC SANITARY SEWERS SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH WHITEMARSH TOWNSHIP AUTHORITY SPECIFICATIONS. SUCH SEWERS SHALL BE LOCATED OR CONSTRUCTED SO AS TO ELIMINATE POSSIBILITY OF FLOOD DAMAGE.



LONG-TERM OWNERSHIP, OPERATIONS AND MAINTENANCE SCHEDULE

I. GENERAL STATEMENT

THIS PROJECT IS KNOWN AS 318 WHITEMARSH VALLEY ROAD IN WHITEMARSH TOWNSHIP, MONTGOMERY COUNTY, PENNSYLVANIA. THE PROJECT CONSISTS OF A SINGLE FAMILY DETACHED DWELLING, A DRIVEWAY AND ACCESSORY USES.

THE EXISTING CONDITION AND PRESENT LAND USE OF THIS SITE AN UNDEVELOPED LOT, BEING WOODED AND TRAVERSED BY AN INTERMITTENT STREAM KNOWN NEEDLE RUN.

THE PROPERTY CONTAINS 3.7341 ACRES OF LAND.

THE LANDOWNER OF RECORD IS PAT SPARANGO, INC. C/O MARY GRACE SPARANGO, 506 BETHLEHEM PIKE, FORT WASHINGTON, PA 19034. THIS PLAN HAS BEEN PREPARED BY JOSEPH M. ESTOCK, PE, PLS, 355 S. HENDERSON ROAD, KING OF PRUSSIA, PA 19406.

II. OWNERSHIP

THE PROPERTY OWNER OF SUBJECT PARCEL IS RESPONSIBLE FOR THE PERPETUAL OWNERSHIP, OPERATION AND MAINTENANCE OF ALL POST CONSTRUCTION STORMWATER FACILITIES ON SITE.

THE PROPERTY OWNER SHALL HAVE THE RESPONSIBILITY FOR THE PERPETUAL MAINTENANCE OF THE PERMANENT STORMWATER MANAGEMENT FACILITIES. NO CHANGES SHALL BE MADE TO THE STORMWATER MANAGEMENT FACILITIES OR FINISH GRADING WITHOUT PRIOR WRITTEN APPROVAL FROM THE MUNICIPALITY. THE MUNICIPALITY HAS THE RIGHT, BUT NOT THE OBLIGATION, TO ENTER THE PROPERTY TO PERFORM ANY REQUIRED MAINTENANCE WHICH HAS NOT BEEN PROPERLY PERFORMED IN A TIMELY MANNER. THE PROPERTY OWNER SHALL BE RESPONSIBLE FOR THE COST OF ANY MAINTENANCE WHICH IS PERFORMED BY THE MUNICIPALITY. THE MUNICIPALITY SHALL LIEN THE PROPERTY FOR SAID COSTS UNTIL THE MUNICIPALITY HAS BEEN REIMBURSED IN FULL.

IT IS UNLAWFUL TO ALTER OR REMOVE ANY PERMANENT STORMWATER BMP REQUIRED BY AN APPROVED BMP OPERATIONS AND MAINTENANCE PLAN (PCSM PLAN), OR TO ALLOW THE PROPERTY TO REMAIN IN A CONDITION WHICH DOES NOT CONFORM TO AN APPROVED BMP OPERATIONS AND MAINTENANCE PLAN, UNLESS AN EXCEPTION IS GRANTED IN WRITING BY THE MUNICIPALITY.

THE APPLICANT MUST SIGN A BMP OPERATIONS AND MAINTENANCE AGREEMENT WITH THE MUNICIPALITY TO COVER ALL STORMWATER BMP'S THAT ARE TO BE PRIVATELY OWNED.

THE BMP OPERATIONS AND MAINTENANCE PLAN AND RELATED AGREEMENTS MUST BE RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS FOR COUNTY WITH THE OPERATIONS AND MAINTENANCE PLAN, BMP OPERATIONS AND MAINTENANCE AGREEMENT AND EASEMENTS.

A DEED RESTRICTION PROHIBITING THE REMOVAL OR ALTERATION OF STORMWATER FACILITIES SHALL BE PROVIDED FOR ALL STORMWATER FACILITIES. THE DEED RESTRICTION SHALL ALLOW REMOVAL OR ALTERATION THAT IS APPROVED BY THE MUNICIPALITY.

III. STORMWATER MANAGEMENT EASEMENTS

A BLANKET STORMWATER MANAGEMENT EASEMENT SHALL BE PROVIDED OVER THE ENTIRE PROPERTY GRANTING THE MUNICIPALITY THE RIGHT, BUT NOT THE OBLIGATION, TO ENTER AND IMPROVE STORMWATER FACILITIES. THIS EASEMENT SHALL PROVIDE THE MUNICIPALITY ACCESS FOR INSPECTION AND MAINTENANCE AND/OR PRESERVATION OF THE STORMWATER MANAGEMENT BMP FACILITIES, INCLUDING, BUT NOT LIMITED TO, THE UNDERGROUND STORMWATER DETENTION SYSTEM, ALL STORM SEWER PIPING AND THE RELATED STRUCTURES AND BMPS.

IV. LONG-TERM BMP OPERATION & MAINTENANCE PROGRAM

THE POST CONSTRUCTION STORMWATER MANAGEMENT CONTROLS/DEVICES AND OTHER BMPS MUST BE ADEQUATELY MAINTAINED BY THE PROPERTY OWNER IN PERPETUITY. THESE BMPS MUST FUNCTION IN A MANNER AS ORIGINALLY INTENDED BY THE APPROVED "POST CONSTRUCTION STORMWATER MANAGEMENT PLAN".

V. STORM SEWER SYSTEM

THE DRIVEWAY CULVERT SHALL BE INSPECTED ONCE A YEAR AND AFTER EACH STORM EVENT GREATER THAN 1 YEAR TO ENSURE THE PIPE IS NOT CLOGGED. THE CULVERT SHALL BE FLUSHED EVERY YEAR TO PREVENT BUILDUP OF DEBRIS AND SEDIMENT. THIS SEDIMENT SHALL BE DISPOSED OF AT AN APPROVED SITE.

VI. RAIN GARDEN MAINTENANCE NOTES

THE PROPOSED RAIN GARDEN HAS BEEN DESIGNED TO FUNCTION AS A STORMWATER BEST MANAGEMENT PRACTICE TO IMPROVE WATER QUALITY OF THE RUNOFF GENERATED BY THE PROPOSED LAND DEVELOPMENT. THIS DESIGN HAS BEEN INCORPORATED TO THE STORMWATER MANAGEMENT PLAN TO SATISFY REQUIREMENTS SET FORTH BY THE PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL PROTECTION. AS SUCH, THE VEGETATION LOCATED WITHIN THE DETENTION BASIN HAS BEEN SELECTED BASED ON THEIR ABILITY TO THRIVE IN A WET ENVIRONMENT AND ARE NOT TO BE MAINTAINED AS A "LAWN" AREA. THE FOLLOWING MAINTENANCE REQUIREMENTS SHALL BE ADHERED TO IN ORDER TO INSURE PROPER FUNCTIONING OF THE RAIN GARDEN AS WATER QUALITY BEST MANAGEMENT PRACTICES. ONCE ESTABLISHED, THE OWNER OF THE BASIN SHALL MONITOR THE VEGETATION GROWTH CAREFULLY DURING THE FIRST YEAR.

1. WHILE VEGETATION IS BEING ESTABLISHED, PRUNING AND WEEDING MAY BE REQUIRED. WEEDS SHOULD BE REMOVED THEREAFTER BY HAND.
2. DEBRITUS MAY ALSO NEED TO BE REMOVED APPROXIMATELY TWICE PER YEAR. COMMERCIAL PLANTINGS MAY BE CUT DOWN AT THE END OF THE GROWING SEASON.
3. MULCH SHOULD BE RE-SPREAD WHEN EROSION IS EVIDENT AND BE REPLENISHED ANNUALLY. ONCE EVERY 2 TO 3 YEARS THE ENTIRE AREA MAY REQUIRE MULCH REPLACEMENT.
4. BIO-RETENTION AREAS SHOULD BE INSPECTED AT LEAST 2 TIMES PER YEAR FOR SEDIMENT BUILD-UP, EROSION, VEGETATIVE CONDITIONS, ETC.
5. DURING PERIODS OF EXTENDED DROUGHT, BIO-RETENTION AREAS MAY REQUIRE WATERING.
6. BIO-RETENTION AREAS SHOULD NOT BE MOWED ON A REGULAR BASIS.
7. TREES AND SHRUBS SHOULD BE INSPECTED TWICE PER YEAR TO EVALUATE HEALTH.

VII.PERMEABLE PAVERS OPERATION & MAINTENANCE NOTES

1. PROTECTION
   A. PROTECT COMPLETED WORK FROM DAMAGE DUE TO SUBSEQUENT CONSTRUCTION ACTIVITY ON THE SITE.
2. PERMEABLE JOINT AGGREGATE MATERIAL REFILLING
   A. REMOVE ALL DEBRIS FROM JOINT AND PROVIDE ADDITIONAL PERMEABLE JOINT AGGREGATE MATERIAL AFTER 120 DAYS AND BEFORE 150 DAYS AFTER DATE OF SUBSTANTIAL COMPLETION/PROVISIONAL ACCEPTANCE.
1. FILL PERMEABLE JOINT AGGREGATE MATERIAL FULL TO THE LIP OF THE PAVER.

(NOTE: THIS PREVENTATIVE MAINTENANCE REQUIREMENT IS VERY IMPORTANT TO INCLUDE IN YOUR SPECIFICATION TO HELP INCREASE THE LONG TERM FUNCTION OF THE SYSTEM. THIS IS A GOOD ITEM TO MENTION DURING THE PREBID MEETING.)

3.LIFE CYCLE ACTIVITIES

A. PAVER CLEANING: CLEAN PERMEABLE CONCRETE PAVERS AS NEEDED TO REMOVE STAINING, DIRT, DEBRIS, ETC.
   1. CLEAN PER MANUFACTURERS RECOMMENDATIONS.
B. MAINTENANCE: PERMEABLE JOINT AGGREGATE MATERIAL.
   1. ANNUALLY INSPECT PERMEABLE JOINT AGGREGATE MATERIAL FOR AREAS CLOGGED WITH DEBRIS.
   2. VACUUM OR SWEEP AS NECESSARY TO RESTORE SURFACE INFILTRATION.
   3. REMOVE DEBRIS BY VACUUMING OR SWEEPING PERMEABLE JOINT AGGREGATE
      a. REPLENISH REMOVED PERMEABLE JOINT AGGREGATE MATERIAL WITH CLEAN AGGREGATE MATERIAL FLUSH TO PAVER LIP.
      b. SWEEP EXCESS MATERIAL FROM PAVER SURFACE.

VIII. LANDOWNER'S CERTIFICATION

THE STORMWATER MANAGEMENT FACILITIES AND BMPS ARE FIXTURES THAT CAN BE ALTERED OR REMOVED ONLY AFTER APPROVAL BY THE MUNICIPALITY.

(LANDOWNER)

DATE	REVISIONS
08-15-25	REVISE BUILDING FOOTPRINT
03-29-22	REV SANITARY SEWER, ADD NOTE
02-15-22	PER 01-13-21 GILMORE LETTER
05-22-17	REV PER TWP. REVIEW-ZHB APPLICATION
03-17-17	ADD RAIN GARDEN

GRAPHIC SCALE 1"=20'
0 20 40 60

UNDERGROUND UTILITIES
PA. ACT 187 OF 1996-ONE CALL NOTIFICATION(1-800-242-1776)
DATE: 02-15-2022 SERIAL NO.: 20220461891

ALL LOCATIONS OF EXISTING UTILITIES SHOWN ON THE PLAN HAVE BEEN DEVELOPED FROM EXISTING UTILITY CO. RECORDS AND/OR ABOVE GROUND EXAMINATION OF THE SITE. COMPLETENESS OR ACCURACY OF LOCATION AND DEPTH OF UNDERGROUND UTILITIES OR STRUCTURES IS NOT GUARANTEED NOR IS IT GUARANTEED THAT ALL EXISTING UTILITIES ARE SHOWN. THE CONTRACTOR SHALL BE RESPONSIBLE FOR CONTACTING ALL UTILITIES AND SHOP DRAWINGS SHALL BE SUBMITTED TO THE COMPANIES AT LEAST THREE(3) WORKING DAYS PRIOR TO THE START OF CONSTRUCTION TO VERIFY LOCATION AND DEPTH OF SAME.

REVISION NO.

COMMONWEALTH OF PENNSYLVANIA REGISTERED PROFESSIONAL JOSEPH M. ESTOCK ENGINEER PE037320E

PROJECT TITLE :

318 WHITEMARSH VALLEY ROAD

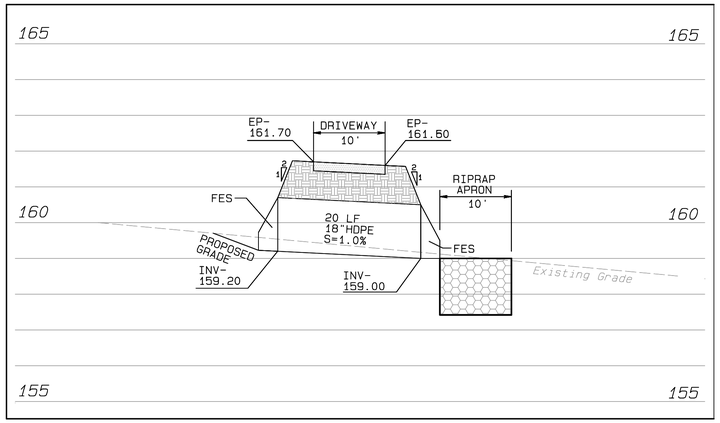
WHITEMARSH TOWNSHIP - MONTGOMERY COUNTY - PENNSYLVANIA

DRAWING TITLE :

POST CONSTRUCTION STORMWATER MANAGEMENT PLAN

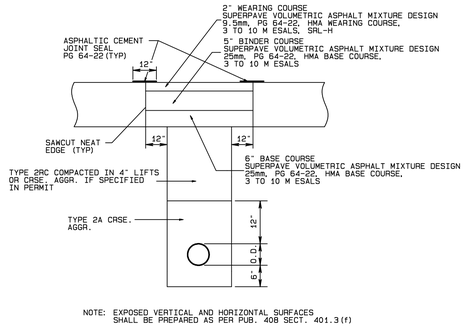
PREPARED BY :
JOSEPH M. ESTOCK
Consulting Engineers & Land Surveyors
933 Mystic Lane
Eagleville, PA 19403-3614
(610) 666-0257
joe@josephmestock.com

SCALE	DATE	FILE NO.	FIELD BOOK	SHT. NO.
1" = 20'	08 MARCH 2017	93089	251, 260, 342	4 OF 7



CULVERT PROFILE

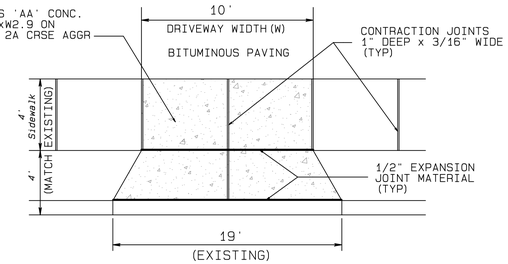
SCALE: 1" = 10' HORIZ
1" = 2' VERT



NOTE: EXPOSED VERTICAL AND HORIZONTAL SURFACES SHALL BE PREPARED AS PER PUB. 408 SECT. 401.3(f)

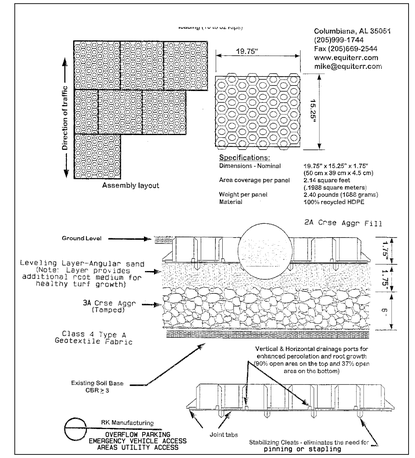
FLEXIBLE PAVEMENT RESTORATION

(NTS)



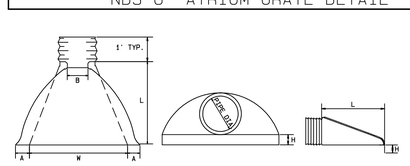
CONCRETE DRIVEWAY APRON

(NTS)





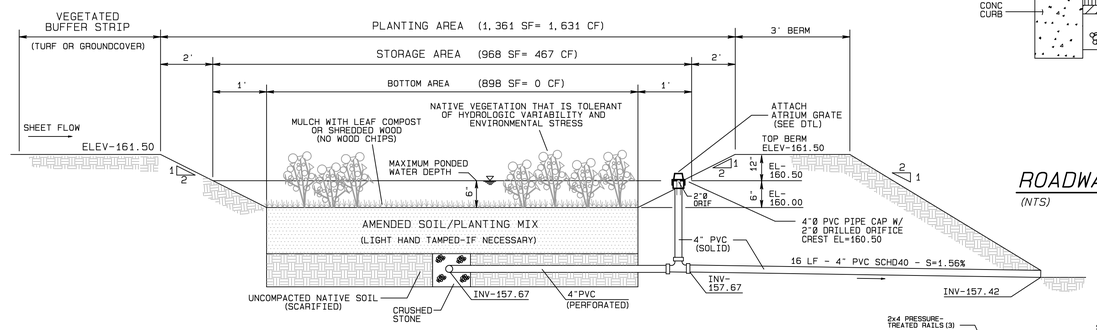
NDS 6" ATRIUM GRATE DETAIL



DIMENSIONS (INCHES)						
PIPE DIAMETER	PART NUMBER	A (± +/-)	B MAX	H (± +/-)	L (1/2 +/-)	W (2 +/-)
18"	1810 NP	7.5	15	6.5	32	35

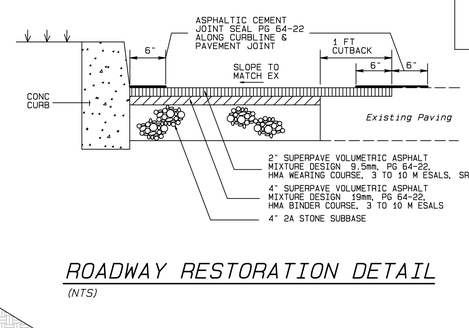
FLARED END SECTION
HIGH DENSITY POLYETHYLENE PIPE (HDPE)

(NTS)



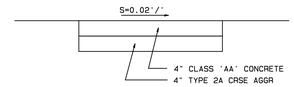
RAIN GARDEN/BIORETENTION DETAIL

(NTS)



ROADWAY RESTORATION DETAIL

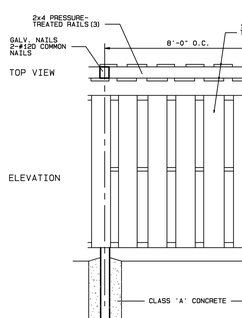
(NTS)



NOTE: WALK SHALL BE CONSTRUCTED IN 5' SECTIONS, SCORED 1" DEEP, EXPANSION JOINTS 1/2" WIDE SHALL BE PLACED EVERY 25' AND INSTALLED AT ALL STRUCTURES. EXPANSION JOINTS SHALL CONSIST OF PREPARED MATERIAL SUCH AS ASPHALTIC FELT.

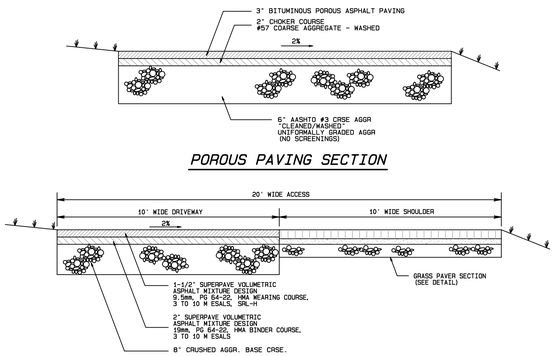
CONCRETE SIDEWALK

(NTS)



DOUBLE-SIDED PANEL FENCE

(NTS)



DRIVEWAY PAVING DETAILS

(NTS)

DATE	REVISIONS
08-15-25	REVISE BUILDING FOOTPRINT
03-29-22	REVISE DETAILS
02-15-22	PER 01-13-21 GILMORE LETTER
03-17-17	ADD RAIN GARDEN

REVISION NO.

UNDERGROUND UTILITIES
PA. ACT 187 OF 1996-ONE CALL NOTIFICATION(1-800-242-1776)
DATE: 02-15-2022 SERIAL NO.: 20220461891

ALL LOCATIONS OF EXISTING UTILITIES SHOWN ON THE PLAN HAVE BEEN DEVELOPED FROM EXISTING UTILITY CO. RECORDS AND/OR ABOVE GROUND EXAMINATION OF THE SITE. COMPLETENESS OR ACCURACY OF LOCATION AND DEPTH OF UNDERGROUND UTILITIES OR STRUCTURES IS NOT GUARANTEED NOR IS IT GUARANTEED THAT ALL SUCH UNDERGROUND UTILITIES OR STRUCTURES ARE SHOWN. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO DETERMINE THE EXISTENCE OF UTILITIES AND FOR NOTIFYING THE UTILITY COMPANIES AT LEAST THREE (3) WORKING DAYS PRIOR TO THE START OF CONSTRUCTION TO VERIFY LOCATION AND DEPTH OF SAME.

COMMONWEALTH OF PENNSYLVANIA
REGISTERED PROFESSIONAL
JOSEPH M. ESTOCK
ENGINEER
PE037320E

PROJECT TITLE :

318 WHITEMARSH VALLEY ROAD

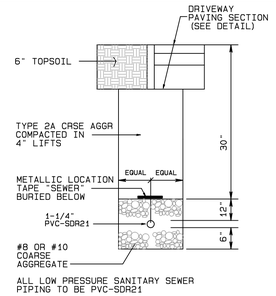
WHITEMARSH TOWNSHIP - MONTGOMERY COUNTY - PENNSYLVANIA

DRAWING TITLE :

CONSTRUCTION DETAILS

PREPARED BY :
JOSEPH M. ESTOCK
Consulting Engineers & Surveyors
933 Mystic Lane
Eagleville, PA 19403-3614
(610) 666-0257
joe@josephmestock.com

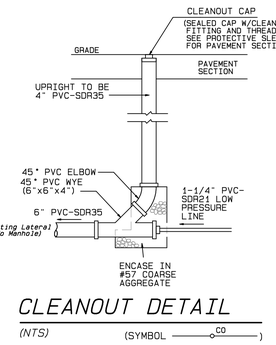
SCALE	DATE	FILE NO.	FIELD BOOK	SHT. NO.
AS NOTED	08 MARCH 2017	93089	251, 260, 342	5 OF 7



ALL LOW PRESSURE SANITARY SEWER PIPING TO BE PVC-SDR21

LOW PRESSURE SANITARY SEWER PIPE TRENCH

(NTS)

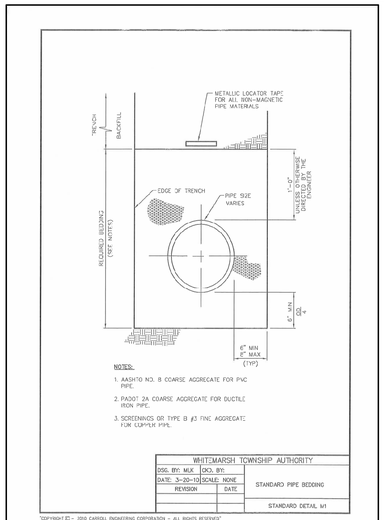


CLEANOUT DETAIL

(NTS) (SYMBOL — CO)

GENERAL SANITARY SEWER NOTE:

ALL PUBLIC SANITARY SEWERS SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH WHITEMARSH TOWNSHIP AUTHORITY SPECIFICATIONS. SUCH SEWERS SHALL BE LOCATED OR CONSTRUCTED SO AS TO ELIMINATE POSSIBILITY OF FLOOD DAMAGE.

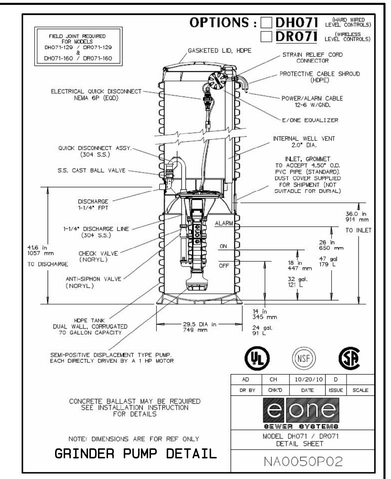


NOTES:

1. AASHTO NO. 8 COARSE AGGREGATE FOR PVC PIPE.
2. PADOT 2A COARSE AGGREGATE FOR DUCTILE IRON PIPE.
3. SCREENINGS OR TYPE B #3 FINE AGGREGATE FOR COPPER PIPE.

WHITEMARSH TOWNSHIP AUTHORITY			
DSG. BY: MJK	CKD. BY:		
DATE: 3-20-10	SCALE: NONE	STANDARD PIPE BEDDING	
REVISION	DATE		
		STANDARD DETAIL W1	

"COPYRIGHT © - 2010 CARROLL ENGINEERING CORPORATION - ALL RIGHTS RESERVED"



CONCRETE BALLAST MAY BE REQUIRED SEE INSTALLATION INSTRUCTION FOR DETAILS

NOTE: DIMENSIONS ARE FOR REF ONLY

GRINDER PUMP DETAIL

AD	CH	10/20/10	D	
DR BY	CHK'D	DATE	ISSUE	SCALE

e/one SEWER SYSTEMS

MODEL DH071 / DR071 DETAIL SHEET

NA0050P02

THE GRINDER PUMP UNITS TO BE INSTALLED IN ACCORDANCE WITH THE FOLLOWING DOCUMENTS:

- E/ONE EXTREME DH071 - TYPICAL INSTALLATION INSTRUCTIONS
- E/ONE EXTREME TYPICAL SPECIFICATIONS

NOTES:

1. FRAME AND COVER SHALL BE NEENAH FOUNDRY COMPANY MODEL R-1976 OR APPROVED EQUAL
2. CLEAN-OUT PROTECTION SLEEVES ARE TO BE INSTALLED FOR CLEAN-OUTS LOCATED IN PAVED AREAS, OR LESS THAN 3 FEET FROM A PAVED AREA.

WHITEMARSH TOWNSHIP AUTHORITY			
DSG. BY: MJK	CKD. BY:		
DATE: 3-20-10	SCALE: NONE	CLEANOUT PROTECTION SLEEVE FOR USE IN OR NEAR PAVED AREAS	
REVISION	DATE		
		STANDARD DETAIL S12	

"COPYRIGHT © - 2010 CARROLL ENGINEERING CORPORATION - ALL RIGHTS RESERVED"

WHITEMARSH TOWNSHIP AUTHORITY			
DSG. BY: MJK	CKD. BY:		
DATE: 3-20-10	SCALE: NONE	TYPICAL SERVICE CONNECTION AT BUILDING FOR PVC LATERAL	
REVISION	DATE		
		STANDARD DETAIL S11	

"COPYRIGHT © - 2010 CARROLL ENGINEERING CORPORATION - ALL RIGHTS RESERVED"

DATE	REVISIONS
08-15-25	REVISE BUILDING FOOTPRINT
02-15-22	PER 01-13-21 GILMORE LETTER
03-17-17	ADD RAIN GARDEN

REVISION NO.

UNDERGROUND UTILITIES
PA. ACT 187 OF 1996-ONE CALL NOTIFICATION (1-800-242-1776)
DATE: 02-15-2022 SERIAL NO.: 20220461891

ALL LOCATIONS OF EXISTING UTILITIES SHOWN ON THE PLAN HAVE BEEN DEVELOPED FROM EXISTING UTILITY CO. RECORDS AND/OR ABOVE GROUND EXAMINATION OF THE SITE. COMPLETENESS OR ACCURACY OF LOCATION AND DEPTH OF UNDERGROUND UTILITIES AS SHOWN ON THIS PLAN IS NOT GUARANTEED. THE CONTRACTOR SHALL ASSUME THAT ALL EXISTING UTILITIES ARE SHOWN. THE CONTRACTOR SHALL BE RESPONSIBLE FOR DETERMINING THE EXISTENCE OF UTILITIES AND FOR NOTIFYING THE UTILITY COMPANIES AT LEAST THREE (3) WORKING DAYS PRIOR TO THE START OF CONSTRUCTION TO VERIFY LOCATION AND DEPTH OF SAME.

COMMONWEALTH OF PENNSYLVANIA — REGISTERED PROFESSIONAL — JOSEPH M. ESTOCK — ENGINEER PE037320E

PROJECT TITLE :

318 WHITEMARSH VALLEY ROAD

WHITEMARSH TOWNSHIP - MONTGOMERY COUNTY - PENNSYLVANIA

DRAWING TITLE :

SANITARY SEWER CONSTRUCTION DETAILS

PREPARED BY :
JOSEPH M. ESTOCK
Consulting Engineers & Land Surveyors
933 Mystic Lane
Eagleville, PA 19403-3614
(610) 666-0257
joe@josephmestock.com

SCALE	DATE	FILE NO.	FIELD BOOK	SHT. NO.
AS NOTED	08 MARCH 2017	93089	251, 260, 342	6 OF 7

LEGEND

CENTERLINE
TRACT BOUNDARY
PROPERTY LINE
LEGAL R.O.W., EASEMENTS
REQUIRED R.O.W.
EXISTING CONTOUR
PROPOSED CONTOUR
EXISTING WATER LINE
EXISTING SAN. SEWER LINE
EXISTING TELEPHONE LINE
EXISTING GAS LINE
EXISTING ELECTRIC LINE
EXISTING STORM SEWER/INLET
PROPOSED STORM SEWER/INLET
PROPOSED WATER LINE
PROPOSED SAN. SEWER LINE
PROPOSED ELECTRIC LINE
PROPOSED TELEPHONE LINE
PROPOSED GAS LINE
EXISTING MANHOLE
PROPOSED MANHOLE
EXISTING CURBLINE
PROPOSED CURBLINE
UTILITY POLE
EXISTING VALVE, VENT, CO.
PROPOSED HOUSE
IMPERVIOUS PAVING DRIVEWAY
POROUS PAVING DRIVEWAY
PROPOSED CONCRETE WALK
RIPRAP APRON
GRINDER PUMP UNIT
TREE PROTECTION FENCE
LIMIT OF DISTURBANCE LINE

EXISTING TREE LEGEND

EXISTING DECIDUOUS TREE
EXISTING EVERGREEN TREE
EXISTING TREE DEAD ('DBR')
X TBR TO BE REMOVED

EXISTING TREE CONDITION:
'DBR' - DECLINE BEYOND RECOVERY

EXISTING TREES LOCATED WITHIN THE PROPOSED LIMIT OF DISTURBANCE AREA		
EXISTING TREES TO BE PRESERVED	EXISTING TREES TO BE REMOVED	EXISTING TREES TO BE REMOVED DEAD ('DBR')
CALIPER (INCHES)	CALIPER (INCHES)	CALIPER (INCHES)
24 7 10 6	14	3
24 10 10 20	36	6
6 15 10 17	9	9
18 12 18 17	13	10
12 14 11 6	24	10
13 16 21 15	15	12
10 15 14 16	21	
10 12 8 10	9	
12 12 16 8	9	
16 15 11 8	10	
15 10 6 16	16	
15 10 6 8		
12 10 6 15		
10 10 18 12		
TOTAL CAL PRESERVED = 706"	TOTAL CAL REMOVED = 176"	TOTAL CAL REMOVED DEAD ('DBR') = 50"

§55-4.B. (6) (a)
REPLACEMENT TREES REQUIRED

176" TOTAL CALIPER REMOVED / 3" CAL MIN/REPLACEMENT TREE = 59 TREES

N/F Michael A. Scully
TPN 65-00-10582-02-7
Block 49 Unit 120
(Existing Use: SFD Residential)

N/F Sheaff Sisters LLC
TPN 65-00-10582-02-7
Block 49 Unit 14
(Existing Use: Vacant Land)

N/F Kathleen D. & Daniel M. Clark
TPN 65-00-12919-00-3
Block 49D Unit 10
(Existing Use: SFD Residential)

N/F Donald & Barbara Haviland
TPN 65-00-12913-00-9
Block 49D Unit 8
(Existing Use: SFD Residential)

"Upland"
No wetlands found on northerly side of Needle Run.

No wetlands study was performed on southerly side of Needle Run.

WHITEMARSH VALLEY ROAD (50' R/W - Blacktop)

100 Year Base Flood Elevation Line (160.5')

FLOODPLAIN CONSERVATION OVERLAY DISTRICT BDY

FLOODPLAIN CONSERVATION OVERLAY DISTRICT

Floodway Boundary (PaDEP Chapter 105 Definition)

Riparian Corridor Conservation District Zone: 1 (excluding stream)

Riparian Corridor Conservation District Zone: 2

Needle Run (intermittent)

PROPOSED HOUSE FF-163.75

3-CAR GARAGE

BLACKTOP DRIVEWAY

TREE PROTECTION FENCE (TPF-TYP)

20' Wide Sanitary Sewer Easement

NEW CONC DRIVEWAY APRON

NEW 1-1/4" PVC-SDR21 LP SAN SWR LINE

5' DOUBLE-SIDED PANEL FENCE (263 LF)

IMPERVIOUS PAVING

POROUS PAVING

RAIN GARDEN

FES INV- 159.20

FES INV 159.00 R-4 RIPRAP

Cleanout Chamber

S50°20'00"E 389.25'

S50°20'00"E 270.00'

N39°40'00"E 175.00'

N39°40'00"E 50.00'

N50°20'00"W 270.00'

PLANT LIST

SYMBOL	NATIVE TO PA	BOTANICAL NAME	COMMON NAME	CALIPER	HEIGHT	QTY PROPOSED	REPLACEMENT RATIO	REPLACEMENT CREDIT	TYPE	CREDIT TYPE QTY	MAX % REPLACEMENT ALLOWED	MAX % REPLACEMENT PROPOSED
AR	YES	ACER RUBRUM	RED MAPLE	3"	-	5	1:1	5	SHADE TREE	47	100 %	80 %
BN	YES	BETULA NIGRA	RIVER BIRCH	3"	-	8	1:1	8				
LS	YES	LIQUIDAMBAR STYRACIFLUA	SWEETGUM	3"	-	12	1:1	12				
PO	YES	PLATANUS OCCIDENTALIS	AMERICAN SYCAMORE	3"	-	12	1:1	12				
QA	YES	QUERCUS ALBA	WHITE OAK	3"	-	10	1:1	10				
MV	YES	MAGNOLIA VIRGINIANA	SWEETBAY MAGNOLIA	2"	-	2	2:1	1	ORN/FLWR TREE	5	30 %	8 %
CF	YES	CORNUS FLORIDA	FLOWERING DOGWOOD	2"	-	3	2:1	1.5				
MS	YES	MAGNOLIA STELLATA	STAR MAGNOLIA	2"	-	1	2:1	0.5				
RB	YES	CERCIS CANADENSIS	EASTERN REDBUD	2"	-	4	2:1	2				
ABV	YES	THUJA PLICATA	GREEN GIANT ARBORVITAE	-	4' (3' SPACING)	6	2:1	3	EVERGREEN TREES	3	30 %	5 %
BB	YES	CALLICARPA AMERICANA	AMERICAN BEAUTYBERRY	-	24"	12	6:1	2	SHRUBS	4	20 %	7 %
IV	YES	ITEA VIRGINICA	VIRGINIA SWEETSPIRE	-	24"	12	6:1	2				
TOTALS:						87 TOTAL TREES/ PLANTS PROVIDED		59	REQUIRED 59			100 %

NOTES:

1. PROTECTIVE FENCING IS TO BE PLACED AROUND TREES ON THE PROPERTY PRIOR TO CONSTRUCTION.
2. A PRECONSTRUCTION CONFERENCE WITH THE TOWNSHIP SHADE TREE COMMISSION PRIOR TO THE START OF CONSTRUCTION.
3. STREET TREES SHALL BE OF NURSERY STOCK. THEY SHALL BE OF SYMMETRICAL GROWTH, FREE OF INSECTS, PESTS AND DISEASE, SUITABLE FOR STREET USE, AND IN CONFORMITY WITH THE STANDARDS OF THE AMERICAN ASSOCIATION OF NURSERYMEN.
4. THE MINIMUM TRUNK DIAMETER, MEASURED AT A HEIGHT OF SIX (6) INCHES ABOVE THE ROOT BALL, SHALL BE THREE (3) INCHES.
5. STREET TREES AND OTHER REQUIRED PLANT MATERIAL SHALL NOT BE PLANTED UNTIL THE FINISHED GRADING OF THE LAND DEVELOPMENT HAS BEEN COMPLETED.
6. ALL NEWLY PLANTED REPLACEMENT TREES SHALL HAVE DEER PROTECTION ON THE TREE TRUNKS AT A MINIMUM OF 4-1/2 FEET FROM THE GROUND UP TO PREVENT BARK DAMAGE WITHOUT THE USE OF CHEMICALS. THE DEER PROTECTION SHALL REMAIN IN PLACE 18 MONTHS FROM THE POST-CONSTRUCTION CONFERENCE.

DATE	REVISIONS
08-15-25	REVISE BUILDING FOOTPRINT
03-29-22	REV SANITARY SEWER
03-18-22	REVISED PER SHADE TREE COMMISSION MEETING
02-15-22	ADD SHEET TO SET PER MUNICIPAL REVIEW

REVISION NO.

GRAPHIC SCALE 1"=20'
0 20 40 60

UNDERGROUND UTILITIES
PA. ACT 187 OF 1996-ONE CALL NOTIFICATION(1-800-242-1776)
DATE: 02-15-2022 SERIAL NO.: 20220461891

ALL LOCATIONS OF EXISTING UTILITIES SHOWN ON THE PLAN HAVE BEEN DEVELOPED FROM EXISTING UTILITY CO. RECORDS AND/OR ABOVE GROUND EXAMINATION OF THE SITE. COMPLETENESS OR ACCURACY OF UTILITY LOCATION AND DEPTH SHOWN ON THIS PLAN IS NOT GUARANTEED. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO LOCATE ALL EXISTING UTILITIES ARE SHOWN. THE CONTRACTOR SHALL BE RESPONSIBLE FOR DETERMINING THE EXISTENCE OF UTILITIES AND FOR NOTIFYING THE UTILITY COMPANIES AT LEAST THREE (3) WORKING DAYS PRIOR TO THE START OF CONSTRUCTION TO VERIFY LOCATION AND DEPTH OF SAME.

COMMONWEALTH OF PENNSYLVANIA REGISTERED PROFESSIONAL JOSEPH M. ESTOCK ENGINEER PE037320E

PROJECT TITLE :
318 WHITEMARSH VALLEY ROAD
WHITEMARSH TOWNSHIP - MONTGOMERY COUNTY - PENNSYLVANIA

DRAWING TITLE :
TREE SURVEY AND LANDSCAPING PLAN

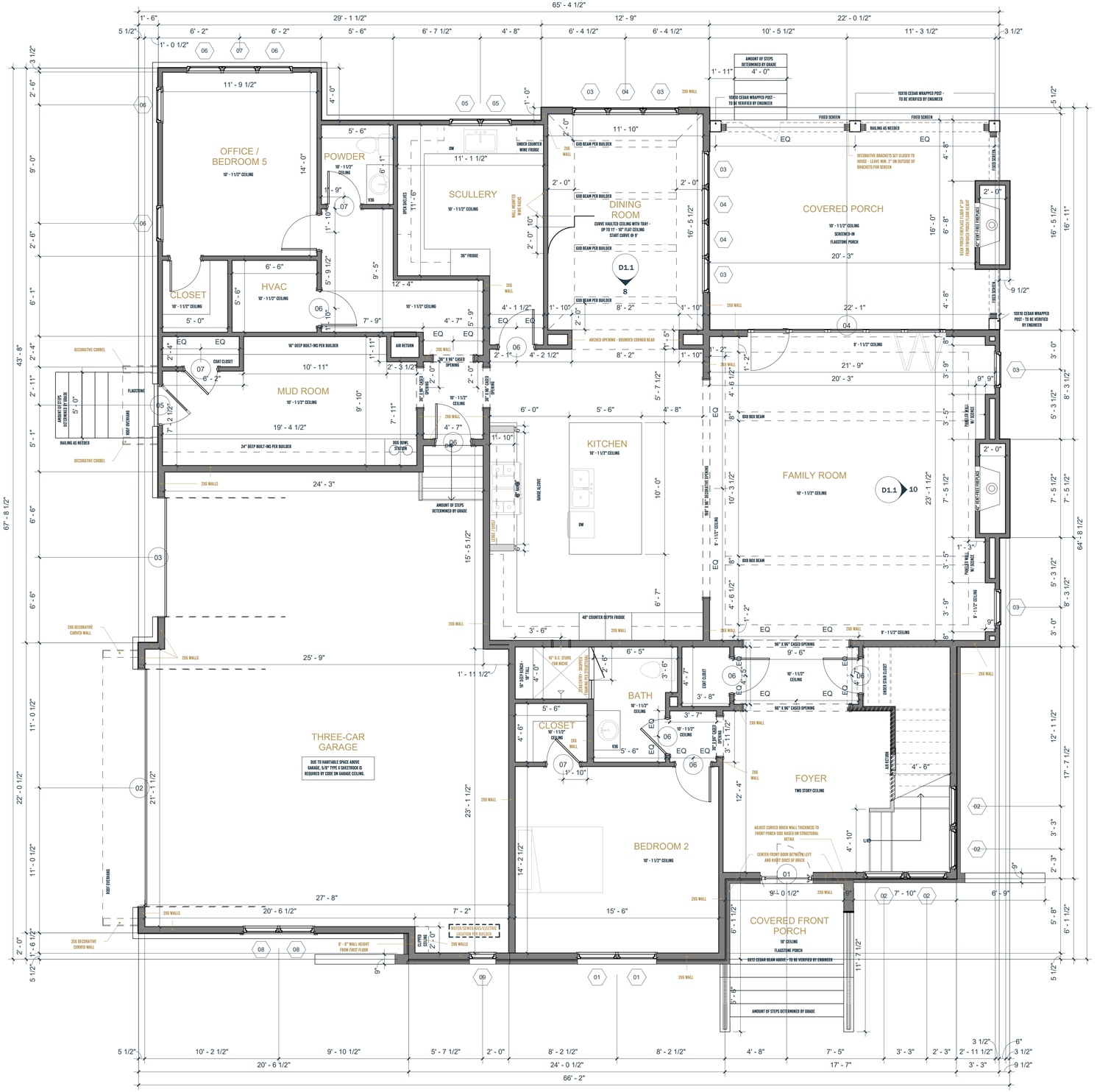
PREPARED BY :
JOSEPH M. ESTOCK
Consulting Engineers & Land Surveyors
933 Mystic Lane
Eagleville, PA 19403-3614
(610) 666-0257
joe@josephmestock.com

SCALE	DATE	FILE NO.	FIELD BOOK	SHT. NO.
1" = 20'	08 MARCH 2017	93089	251, 260, 342	7 OF 7

DOOR SCHEDULE				
MARK	COUNT	WIDTH	HEIGHT	COMMENTS
01	1	4' - 0"	8' - 0"	PIVOT FRONT DOOR
02	1	18' - 0"	8' - 0"	DOUBLE GARAGE DOOR
03	1	9' - 0"	8' - 0"	SINGLE GARAGE DOOR
04	1	15' - 0"	8' - 0"	5 PANEL FOLDING DOOR
05	1	3' - 0"	8' - 0"	SIDE ENTRY
06	14	2' - 8"	8' - 0"	SINGLE - PANELED
07	9	2' - 6"	8' - 0"	SINGLE - PANELED
08	2	2' - 4"	8' - 0"	SINGLE - PANELED
09	1	2' - 8"	8' - 0"	SINGLE - PANELED
10	1	2' - 4"	8' - 0"	
11	1	2' - 8"	8' - 0"	SINGLE - PANELED

SAFETY GLAZING SHALL BE INSTALLED IN HAZARDOUS LOCATIONS AND SHALL MEET THE REQUIREMENTS OF NCRC R308.

WINDOW SCHEDULE				
MARK	COUNT	WIDTH	HEIGHT	COMMENTS
01	4	3' - 0"	7' - 0"	CASEMENT
02	11	3' - 0"	7' - 0"	FIXED
03	6	2' - 8"	8' - 0"	CASEMENT
04	3	2' - 8"	8' - 0"	FIXED
05	2	2' - 4"	4' - 6"	CASEMENT
06	4	2' - 8"	7' - 0"	<varies>
07	1	2' - 8"	7' - 0"	FIXED
08	2	2' - 8"	5' - 6"	CASEMENT
09	1	2' - 0"	4' - 6"	CASEMENT
10	5	2' - 8"	4' - 6"	CASEMENT
11	2	3' - 0"	6' - 0"	CASEMENT
12	1	3' - 0"	6' - 0"	FIXED
13	2	2' - 8"	4' - 0"	CASEMENT
14	1	2' - 8"	4' - 0"	FIXED
15	7	2' - 8"	5' - 0"	CASEMENT
16	1	2' - 8"	5' - 0"	FIXED
17	1	2' - 0"	2' - 0"	FIXED - CIRCLE



PIKE PROPERTIES
WWW.PIKEPROPERTIES.COM
©2022

DRAWN BY: DYLAN GIORGIO
CONTACT: (704) 332-3332

DATE: 08/12/2025
PROJECT NO. 050
REVISION DATE

LENOX

318 WHITEMARSH VALLEY RD.
FORT WASHINGTON, PA 19034

FIRST FLOOR

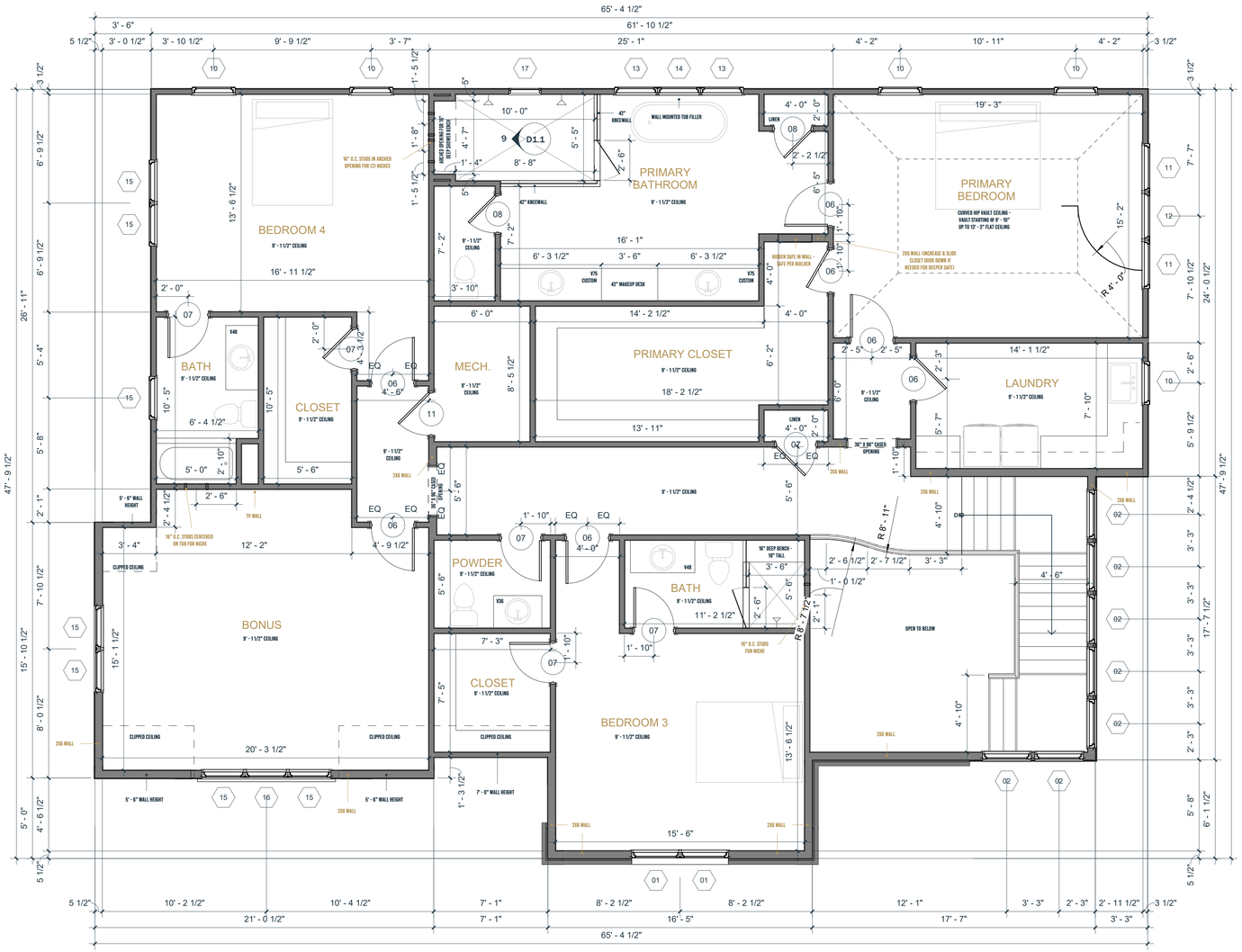
A1.1

SCALE: 1/4" = 1'-0"
DRAWN BY: PIKE

DOOR SCHEDULE				
MARK	COUNT	WIDTH	HEIGHT	COMMENTS
01	1	4' - 0"	8' - 0"	PIVOT FRONT DOOR
02	1	18' - 0"	8' - 0"	DOUBLE GARAGE DOOR
03	1	9' - 0"	8' - 0"	SINGLE GARAGE DOOR
04	1	15' - 0"	8' - 0"	5 PANEL FOLDING DOOR
05	1	3' - 0"	8' - 0"	SIDE ENTRY
06	14	2' - 8"	8' - 0"	SINGLE - PANELED
07	9	2' - 6"	8' - 0"	SINGLE - PANELED
08	2	2' - 4"	8' - 0"	SINGLE - PANELED
09	1	2' - 8"	8' - 0"	SINGLE - PANELED
10	1	2' - 4"	8' - 0"	
11	1	2' - 8"	8' - 0"	SINGLE - PANELED

SAFETY GLAZING SHALL BE INSTALLED IN HAZARDOUS LOCATIONS AND SHALL MEET THE REQUIREMENTS OF NCRC R308.

WINDOW SCHEDULE				
MARK	COUNT	WIDTH	HEIGHT	COMMENTS
01	4	3' - 0"	7' - 0"	CASEMENT
02	11	3' - 0"	7' - 0"	FIXED
03	6	2' - 8"	8' - 0"	CASEMENT
04	3	2' - 8"	8' - 0"	FIXED
05	2	2' - 4"	4' - 6"	CASEMENT
06	4	2' - 8"	7' - 0"	<varies>
07	1	2' - 8"	7' - 0"	FIXED
08	2	2' - 8"	5' - 6"	CASEMENT
09	1	2' - 0"	4' - 6"	CASEMENT
10	5	2' - 8"	4' - 6"	CASEMENT
11	2	3' - 0"	6' - 0"	CASEMENT
12	1	3' - 0"	6' - 0"	FIXED
13	2	2' - 8"	4' - 0"	CASEMENT
14	1	2' - 8"	4' - 0"	FIXED
15	7	2' - 8"	5' - 0"	CASEMENT
16	1	2' - 8"	5' - 0"	FIXED
17	1	2' - 0"	2' - 0"	FIXED - CIRCLE



PIKE PROPERTIES
WWW.PIKEPROPERTIES.COM

©2022

DRAWN BY: DYLAN GIORGIO
CONTACT: (704) 332-3332

DATE: 08/12/2025
PROJECT NO. 050
REVISION DATE

LENOX

318 WHITEMARSH VALLEY RD.
FORT WASHINGTON, PA 19034

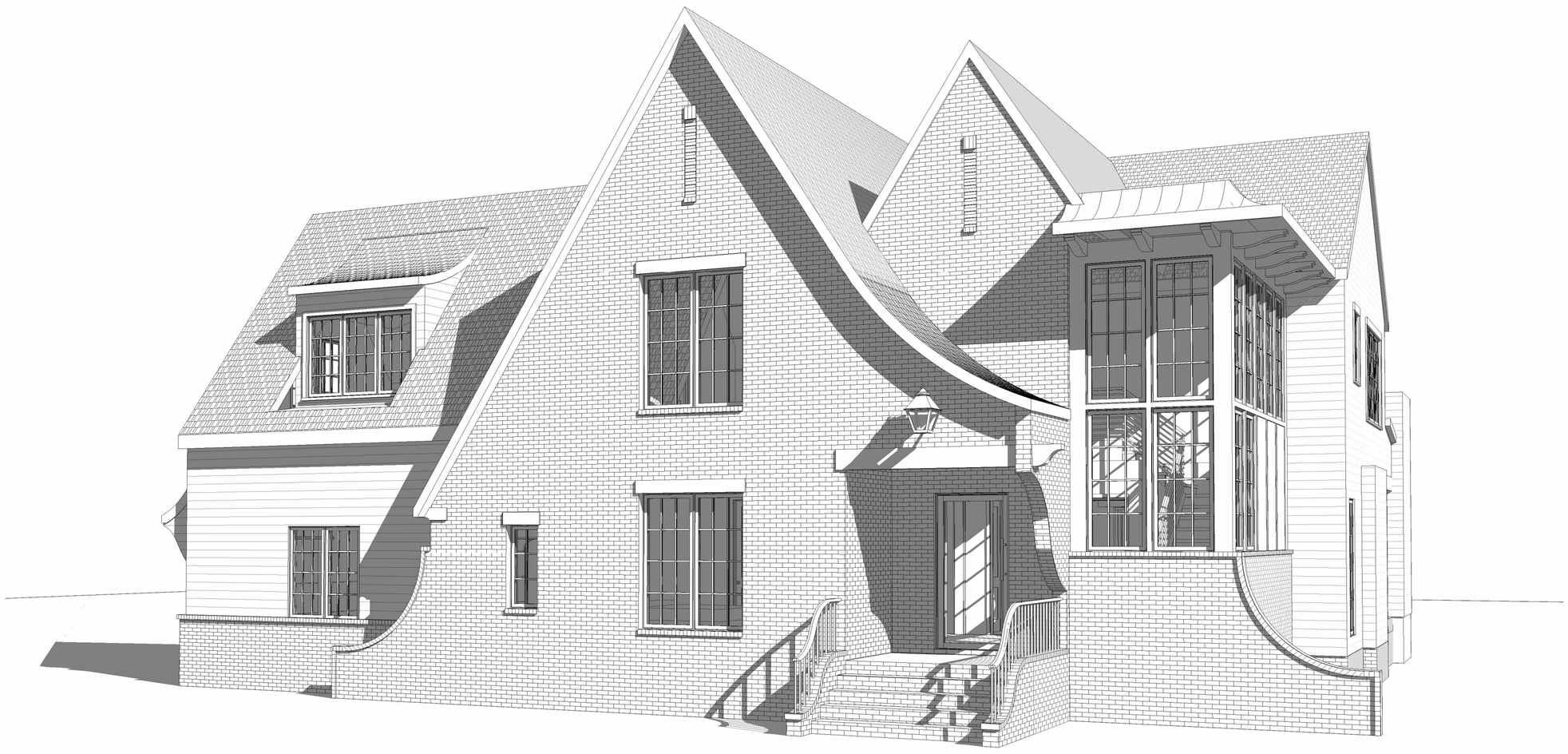
SECOND FLOOR

A1.2

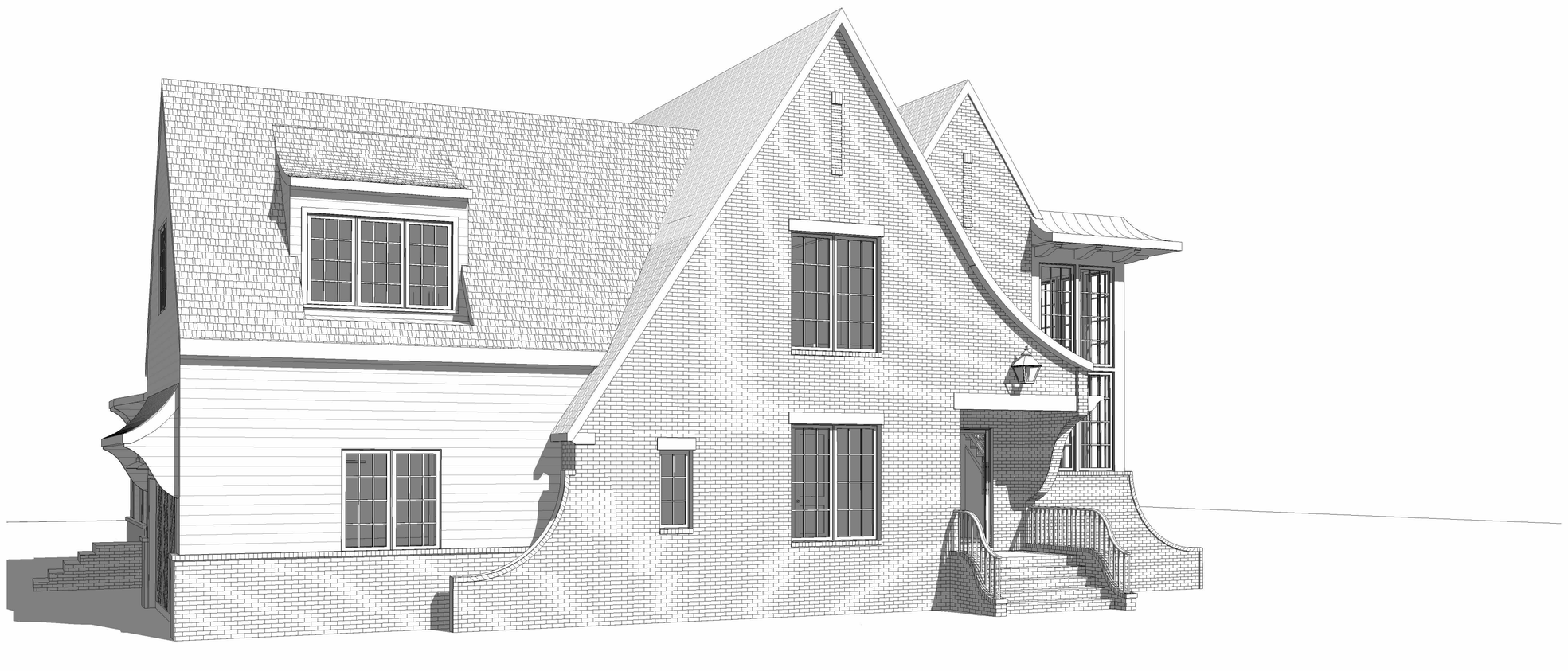
SCALE: 1/4" = 1'-0"

DRAWN BY: PIKE

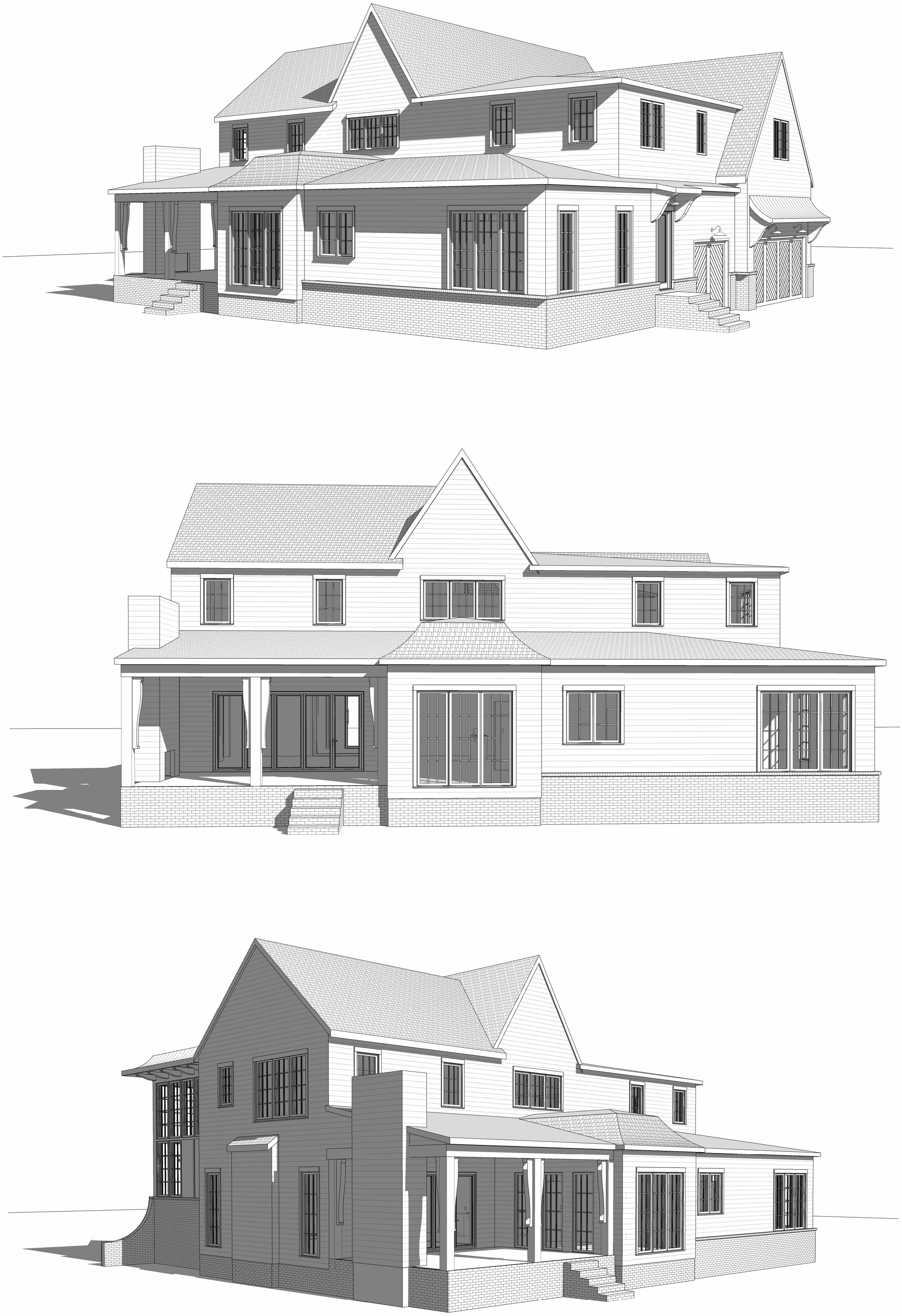
3D VIEWS







3D VIEWS



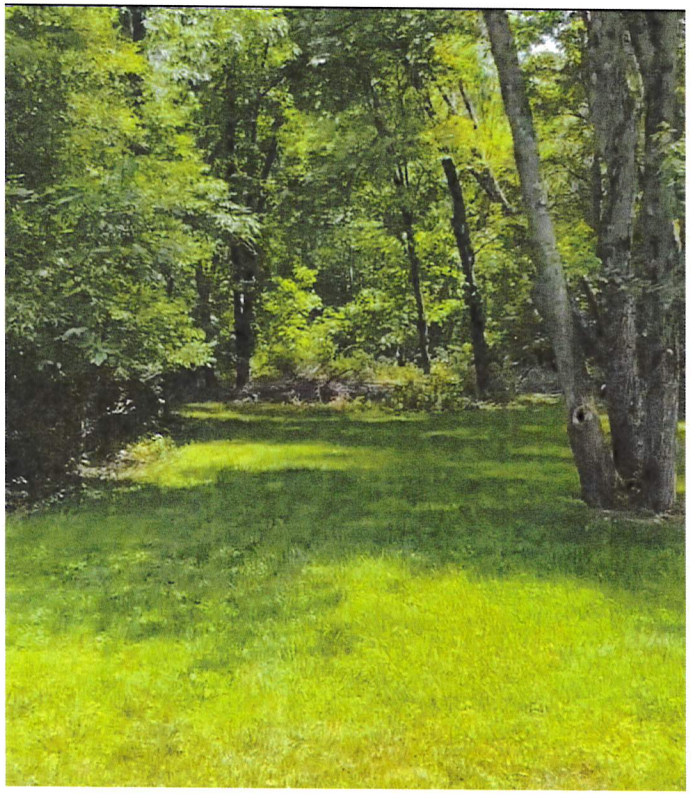
318 Whitemarsh Road

Parcel No. 65-00-12916-00-6

Photographs of Existing Conditions

RECEIVED
AUG 2 1 2025
WHITEMARSH TOWNSHIP
ZONING & ENGINEERING







RECEIVED
AUG 2 1 2025
WHITEMARSH TOWNSHIP
ZONING & ENGINEERING

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

IN RE: APPLICATION OF PAT SPARANGO, INC. NO. 2021-02

DECISION

I. BACKGROUND

The Applicant, Pat Sparango, Inc. ("Applicant") filed an application with the Whitemarsh Township Zoning Hearing Board ("Board") regarding the continued validity of the zoning relief received from the Board in Application No. 2017-22, related to the planned construction a single-family home and related improvements on an approximately 3.7 acre vacant lot located at 318 Whitemarsh Valley Road, Whitemarsh Township, Montgomery County, Pennsylvania, in the AAA-Residential District. The property is impacted by the Floodplain Conservation Overlay District and the Riparian Corridor Conservation Overlay District. Public hearings were conducted on March 10, 2021, March 18, 2021 and May 12, 2021. The Board engaged in public discussion and conducted a vote in this matter on June 2, 2021.

In Application No. 2017-22, after hearings conducted on July 12, 2017 and September 27, 2017, the Board voted on September 27, 2017, and issued Findings of Fact, Conclusions of Law, Decision and Order on November 2, 2017. In the Decision and Order for Application No. 2017-22, Board granted the Applicant the following zoning approvals and relief:

1. Special exceptions under Sections 116-31.1.A and 116-31.1.B, so as to permit a stormwater detention/retention facility to be located between the front lot line and front principal building plane, and a portion of said facility within a required side yard.

2. A special exception under Section 116-166.B, so as to permit a basin facility to be located within the Township's Floodplain Conservation District.

3. A variance from Section 116-259.A, so as to permit required front yards, side yards and rear yards, and the proposed single-family home and related accessory improvements, to be located within the Riparian Corridor Conservation District.

4. A variance from Section 116-259.C, so as to permit the proposed residential dwelling use to be located within Zone 2 of the Riparian Corridor Conservation District.

5. A variance from Section 116-259.C(4), so as to permit residential accessory structures greater than 200 square feet to be located within Zone 2 of the Riparian Corridor Conservation District.

6. A variance from Section 116-260.A, so as to permit the Applicant to not show on a plan all of the existing vegetation in the area to be cleared for the proposed single-family home development, and to allow the clearing as proposed, provided that the Applicant provides mitigation as required by the Township.

7. A variance from Section 116-260.I, so as to permit the stormwater basin, berms and outfall structures to be located in Zone 2 of the Riparian Corridor Conservation.

In the Decision and Order for Application No. 2017-22, the Board imposed the following conditions:

1. All use and development permitted by this Decision shall conform to the exhibits and testimony presented by the Applicant, unless inconsistent with any specific conditions imposed by this Board, in which case these specific conditions shall take precedence.

2. The Applicant shall apply for and obtain all permits required by the Township Codes in a timely manner.

3. The Applicant shall comply with all requirements of the Township Engineer's Letter dated June 29, 2017, and any other requirements of the Township Engineer with respect to storm water controls.

4. The Applicant shall provide for vegetation mitigation as directed by the Township.

5. The Applicant shall provide to the objectors herein copies of the plans submitted to the Township in relation to the Application for the Earth Disturbance Permit.

6. All construction shall be in compliance with the National Flood Insurance Program regulations.

In the Decision and Order in Application No. 2017-22, the Board noted the following provisions from the Zoning Code:

As required by Section 116-227. D of the Zoning Ordinance, the Applicant is on notice that: Certain relief from floodplain requirements may result in increased premium rates for flood insurance and/or may increase the risks to life and property.

Section 116-223 of the Zoning Ordinance provides as follows:

> Expiration of granted appeals. Unless otherwise specified by the Board, all approvals granted by the Zoning Hearing Board shall automatically expire 365 days after the date of the decision unless: (1) the applicant has acted upon the approval by obtaining the required permit(s) and paying the prescribed fees for same, or (2) the Zoning Hearing Board decision is on appeal to the courts, at which point, the approval, if upheld on appeal, shall expire 365 days after final determination on appeal.
>
> The Zoning Hearing Board may extend the expiration date of approvals for a 180 day period upon request by the applicant, provided that the applicant is, in the opinion of the Zoning Hearing Board, diligently pursuing governmental and/or regulatory approvals as required. Requests for extensions shall be in writing and submitted to the Zoning Hearing Board at least 30 days before any applicable expiration date. Only one (1) extension may be provided for any application.

The Applicant takes the position that the approvals and relief have not expired as determined by the Zoning Officer, however, in an abundance of caution, has requested a variance from Section 116-223 for relief from the expiration provisions of the Zoning Ordinance reflected in the Decision and Order for Application No. 2017-22, so that the approvals and relief shall not expire until December 31, 2021. In the alternative, the Applicant requests a determination that the Applicant has a vested right, is entitled to a variance by estoppel, or is entitled to the application of the doctrine of equitable estoppel, in support of a determination that the relief granted in Application No. 2017-22 remains valid and has not expired.

The Zoning Hearing Board members participating in the hearings were Robert A. Bacine, who served as Chair, James Behr, Stanley A. Casacio, William E. Kramer, and Marc Weinstein. The Applicant was represented by Eric Wert, Esquire. The following neighboring property owners elected to enter appearance as parties: Donald E. Haviland, Esquire, an attorney representing himself, Christine Vlahos, pro se, and Donald Leatherwood, pro se, and John Weber, pro se.

The witnesses were duly sworn or affirmed and Notes of Testimony for the hearings were transcribed and are hereby made a part of this record. After the hearings and public discussion, on

June 2, 2021, the Board voted to grant the Application in part, and deny the Application in part, as reflected in the Decision and Order attached. The Board hereby issues Findings of Fact and Conclusions of Law in support of the Decision and Order.

II. FINDINGS OF FACT

1. The Applicant is Pat Sparango, Inc. ("Applicant"), the legal owner of the property in question located at 318 Whitemarsh Valley Road, Block 049D, Unit 009, Whitemarsh Township, Montgomery County, Pennsylvania. (Exhibit A-1)

2. The following Exhibits were marked and duly admitted into evidence:

Township Exhibits:

T-1A	Proof of Publication
T-1B	Meeting Notification
T-1C	Posting of Notice
T-2	Zoning Map
T-3	Tax Map
T-4	Prior Decision: ZHB Decision 2017-22

Applicant's Exhibits:

A-1	Zoning Application
A-2	2017 Plan
A-3	ZHB Decision 2017-22
A-4	Montgomery County Court of Common Pleas Dockets No. 2017-28033
A-5	PA Commonwealth Court Dockets Nos. 615 CD 2018 and 616 CD 2018
A-6	Emails – Applicant and Zoning Officer
A-7	ZHB Solicitor Letter dated May 18, 2020
A-8	Emails – Applicant and Zoning Officer
A-9	Earth Disturbance Permit Application
A-10	Applicant Letter to Neighbors with Permit Application
A-11	Emails – Applicant and Zoning Officer

Objectors' Exhibits:

Haviland-1	Emails – Applicant and Zoning Officer
Haviland-2	Subdivision Plan of Pat Sparango, 1965

Haviland-3	Whitemarsh Township Comprehensive Plan, November 2020
Haviland-4	Historical Views - Whitemarsh Valley Road and Lafayette Avenue, 1965, 1970, 2005
Haviland-5	Montgomery County Parcel Information - Parcel on Lafayette Avenue
Haviland-6	Photo 318 Whitemarsh Valley Road, August 2020
Haviland-7	Photo 318 Whitemarsh Valley Road, August 2020
Haviland-8	Photo 318 Whitemarsh Valley Road, August 2020
Haviland-9	Excerpt from Transcript, September 27, 2017 with Objector Exhibits

3. As reflected in Decision No. 2017-22, the Applicant proposes to construct a single-family house and accessory improvements on a vacant lot located at 318 Whitemarsh Valley Road, Whitemarsh Township, Montgomery County, PA, which lot was created by subdivision in the 1960's, and measures approximately 3.7 acres. (Exhibit T-4).

4. The 1965 subdivision plan designated the lot as "Possible Future Recreation Area", which note did not specifically restrict the lot to open space or recreational use. (Exhibit T-4).

5. The Applicant had originally planned to hold the lot as an unimproved lot, but in October 1997, after negotiations, the Applicant and the Township entered into an agreement whereby the Applicant granted to the Township a sanitary sewer easement, after which the lot was assessed for public sewer service. (Exhibit T-4)

6. On May 14, 1998, the Township amended the Floodplain Conservation District Ordinance to permit dwellings in the floodway fringe area of the District and, in a letter dated May 27, 1998, the Township acknowledged that the lot could be developed for a single-family dwelling. (Exhibit T-4)

7. In March of 2003, the Township adopted the Riparian Corridor Conservation District Ordinance which prohibited single-family dwellings in the Riparian Corridor.

8. At the hearings in 2017, the Applicant presented the testimony of a licensed civil

engineer, Joseph M. Estock, P.E., P.L.S., who holds a Master's Degree in Civil Engineering, with a specialty in water resources engineering, and who was qualified as an expert in civil engineering and land surveying ("Engineer"). (Exhibit T-4)

9. The Engineer had calculated the base flood elevation and also received a certification that there are no wetlands in the portion of the lot where the house will be located. (Exhibit T-4)

10. The lot has a 50-foot wide fee simple strip of land leading out to Whitemarsh Valley Road, with a driveway curb cut located on Whitemarsh Valley Road. (Exhibit T-4)

11. The house was proposed to be located on the lot so as to minimize encroachment into both the Floodplain and the Riparian Corridor, on an elevated portion on the lot, above the base flood elevation. (Exhibit T-4)

12. Based on the testimony of the Engineer, the Board determined that it is not possible to build a single-family dwelling on this lot in any area outside the Riparian Corridor, and that the Engineer designed the location of the house and improvements so as to not have any adverse impact on the Floodplain Conservation District or the Riparian Corridor. (Exhibit T-4)

13. At the time, the Township Engineer provided a letter approving of the development and stating no objections to construction of the proposed improvements within the Floodplain Conservation District, as long as the Applicant demonstrated compliance with all floodplain regulations and obtains an Earth Disturbance Permit. (Exhibit T-4)

14. The Board found that the Township had recognized the lot as a building lot for a single-family residence, but there is no buildable area on the lot on which to place the house without a variance, and that the development was proposed to be in compliance with the National Flood Insurance Program. (Exhibit T-4)

15. The Board determined that the Applicant presented competent, and uncontroverted

expert testimony and evidence that the property cannot be used for the only reasonable and feasible permitted use of a single family residence without variance relief, that the criteria for variance relief had been established, that the development will not have an adverse impact on the floodplain, riparian corridor or the surrounding neighborhood, that the Applicant's proposal met the objective criteria of the Ordinance to be entitled to the special exception approvals requested, and finally that the proposed use would not be contrary to the health, safety and welfare of the community. (Exhibit T-4)

16. As a result of the testimony and evidence submitted by the Applicant at the hearings in 2017, the Board granted the approvals and relief noted above, over the objections of the Objectors, Donald E. Haviland, Esq. George Vlahos and Donald Leatherwood at the time. (Exhibit T-4)

17. On December 1, 2017, Objector Haviland filed a Notice of Appeal with the Montgomery County Court of Common Pleas, and then attempted to amend the Notice of Appeal by filing an Amended Notice of Appeal on December 4, 2017 to add the other Objectors; then after a Motion to Quash was filed by the Board, the Objectors attempted to file another Amended Notice of Appeal on January 5, 2018, all of which Notices were determined to be invalid by the Court, ultimately granting the Board's and Applicant's Motions to Quash the appeals on March 28, 2018. (Exhibit A-4)

18. With virtually no chance of success on appeal, the Objectors nevertheless filed appeals to the PA Commonwealth Court, which Honorable Court affirmed the Decision of the Montgomery County Court of Common Pleas on May 6, 2019. (Exhibit A-6)

19. In the meantime, the Applicant's buyer for the lot lost interest in pursuing the purchase of the lot and construction of the home. (N.T. 03/10/21, p. 40)

20. In accordance with Section 116-223 of the Whitemarsh Township Zoning Ordinance

quoted above, the Applicant had until May 5, 2020 to obtain whatever permit(s) the Township determined had to be obtained (the "required permit[s]"), or request a 180 day extension of the zoning approvals.

21. The Board takes notice that a global pandemic occurred in March of 2020, causing the issuance of Declarations of Disaster Emergency by state and local authorities, the unprecedented closure of businesses, the imposition of stay-at-home orders, and issuance of shut-down orders regarding construction activities in the Commonwealth of Pennsylvania; the Declarations of Disaster Emergency related to the pandemic are still in effect to this day.

22. By email dated March 26, 2020, as result of an inquiry from the Applicant regarding the impending expiration of the approvals, the Zoning Officer determined and so advised the Applicant that the Grading Permit (also known as an Earth Disturbance Permit) was the permit the Applicant was required to obtain in order to fulfill the requirements of Section 116-223, and that during the 180 day extension period from May 6, 2020: "You would then be advised to obtain your grading permit within that six-month period..." (Exhibit A-11)

23. In the midst of this global pandemic, and without knowing when such a pandemic may at any time subside, the Applicant requested the 180 day extension as anticipated by the Zoning Ordinance.

24. As a result of a timely request therefore, and citing the extraordinary situation regarding the pandemic, the Board met virtually on May 13, 2020 as authorized by Act 15 of 2020, and granted a 180-day extension of the approvals to November 1, 2020; such was confirmed by correspondence of the Zoning Hearing Board Solicitor. (Exhibit A-7)

25. As of late September of 2020, the Applicant had not yet applied for the Grading Permit/Earth Disturbance Permit as instructed by the Zoning Officer in the email exchange of March

26, 2020, and, by email dated September 25, 2020, the Applicant inquired of the Zoning Officer as to the requirements to further extend the 180 day extension granted by the Board in May of 2020. (Exhibits A-6, A-8, A-11, Haviland-1)

26. Consistent with the email exchange in March of 2020, and in response to the inquiry by the Applicant via emails in late September, 2020, the Zoning Officer advised the Applicant that an application to the Zoning Hearing Board would be required for further relief from the expiration of the zoning approvals if additional time is required with respect to the Permit. (Exhibits A-6, A-8, A-11, Haviland-1)

27. On April 20, 2020, Act 15 of 2020 was enacted, tolling the time limitations on approvals pending at the time of the Declaration of Disaster Emergency in Pennsylvania on March 6, 2020 through the date which was thirty (30) days after the effective date of Act 15, hence May 20, 2020.

28. For approvals, applications, plans, and submissions pending on March 6, 2020, such as the one under consideration, Act 15 tolled the running of time limitations for review, hearing and decision on such actions pending at the time of the Declaration of Disaster Emergency (March 6, 2020) through May 20, 2020 (30 days after the effective date of the Act), thus granting Townships and Zoning Hearing Boards an additional 76 days to review, hear and decide on applications for approvals.

29. The Board determines that since the Townships and Zoning Hearing Boards were granted, by statute, an additional 76 days to hear, decide and grant any approval as a result of the tolling provisions of Act 15, the landowners and applicants were afforded an additional 76 days to obtain such approvals.

30. During the email exchanges in late September of 2020 regarding the impending

expiration of the zoning approvals, the Applicant was advised by the Zoning Officer, after consultation with the Zoning Hearing Board Solicitor, of the operation of Act 15 of 2020 with respect to the approvals, thus extending the validity of same from November 1, 2020 to January 16, 2021 by operation of law. (Exhibits A-6, A-8, A-11, Haviland-1)

31. The Zoning Officer advised the Applicant in the email exchanges in September of 2020 to apply for the variance no later than November 25, 2020, so that a hearing on the variance request could be scheduled in early January of 2021, before the expiration of the extended deadline of January 16, 2021. (Exhibits A-6, A-8, A-11, Haviland-1)

32. In the email exchanges in September of 2020, there was no change to the instructions provided by the Zoning Officer in the emails of March of 2020 for the Applicant to apply for and obtain the Grading Permit/Earth Disturbance Permit – only that the Applicant had more time to do so, but if the Applicant needed more time, the Applicant should apply for a variance by November 25, 2020. (Exhibits A-6, A-8, A-11, Haviland-1)

33. The Applicant did not apply for the variance by November 25, 2020 as directed, but rather on December 8, 2020 again inquired of the Zoning Officer via email as to what action should be taken regarding the impending expiration of the zoning approvals. (Exhibits A-6, A-8, A-11, Haviland-1)

34. In a phone call with the Applicant, the Zoning Officer again advised the Applicant to apply for the Grading Permit/Earth Disturbance Permit ("Permit"), but by that point, and since no applications had been filed for the variance or the Permit, the Zoning Officer indicated that as long as the Applicant filed the application for the Permit and was diligently pursuing the Permit, the Zoning Officer would act consistently with reference to similar applications, and consider that action sufficient to maintain the validity of the zoning approvals. (N.T. 03/10/21, pp. 51-53)

35. The Applicant's representative testified that she relied on the Zoning Officer's indications, but, as of December 8, 2020, the Applicant had taken no different action based on those indications, and by that point, having not applied for the variance or the Permit, welcomed the Zoning Officer's interpretation regarding continued validity, eventually filing the application for the Permit on December 22, 2020, apparently hoping to have the permit issued by January 16, 2021.

36. When it was apparent that the Permit would not be issued by January 16, 2021 as often occurs as a result of the review process, the Applicant filed the instant application for the variance on January 14, 2021 – therefore, not actually relying on the Zoning Officer's interpretation regarding the continued validity of the zoning approvals.

37. The zoning approvals granted in Application No. 2017-22 all relate to the development of the lot and therefore, the Board adopts the determination of the Zoning Officer that the Grading Permit/Earth Disturbance Permit was the "required permit" to seek and obtain under Section 116-223 to maintain the validity of the zoning approvals; other outside agency approvals and the actual building permit for the house need not have been applied for or obtained prior to the expiration of the zoning approvals.

38. The Board takes notice that the process of obtaining a Grading Permit/Earth Disturbance Permit is quite involved, and, at times, takes months to obtain, and therefore, it is understandable that the Township takes the position that submitting the application for the required Permit and diligently pursuing the same would be sufficient to maintain the validity of the zoning approvals.

39. The Applicant applied for the Grading Permit/Earth Disturbance Permit on December 22, 2020. (N.T. 03/10/21, pp. 53-54, Exhibit A-9)

40. The Decision and Order in Application No. 2017-22 required the Applicant to

provide copies of the Grading Permit/Earth Disturbance Permit plans to the Objectors. (Exhibit T-4)

41. The Applicant provided the copies of such plans on January 4, 2021, causing the Objectors to take the position that the zoning approvals had expired. (N.T. 03/10/21, pp. 53-56, Exhibit A-10)

42. The Township Engineer's review letter regarding the Grading Permit/Earth Disturbance Permit Application dated January 13, 2021 apparently made it clear to the Applicant that the Permit would not be issued before the expiration date of January 16, 2021, and no doubt as a result of the issues raised by the Objectors at that time, the Applicant decided to file the instant application for a variance from Section 116-223, which filing occurred on January 14, 2021, prior to the January 16, 2021 expiration date of the zoning approvals. (N.T. 03/10/21, pp. 56-57, Exhibits A-1 and Haviland-1)

43. The Objectors have been on notice of the determinations of the Zoning Officer noted above, and have not appealed the determinations under Section 909.1 of the PA Municipalities Planning Code within thirty (30) days from such notice, or when they knew or should have known that the determinations had been made, as provided by Section 914.1 of the PA Municipalities Planning Code.

44. Therefore, the determinations of the Zoning Officer are not subject to challenge and are binding.

45. The Board therefore adopts the Township's position supporting the Zoning Officer's determination that the zoning approvals did not expire because of the timely filing of the Application for the Grading Permit/Earth Disturbance Permit. (N.T. 05/12/21, pp. 57-58)

46. Zoning relief runs with the land, and only because of expiration provisions in the Zoning Ordinance does any particular relief expire.

47. But, Section 116-223 of the Whitemarsh Township Zoning Ordinance specifically authorizes the Board to "otherwise specif[y]" the expiration of any zoning approval.

48. When the hearings were held with respect to Application No. 2017-22, the Applicant could have requested, and the Board could have specified, for example, a five-year validity of the approvals as the Ordinance specifically authorizes the Board to do so.

49. If the Applicant had been able to anticipate that the matter would involve appeals to the Courts for a year and one-half, and then a Declaration of Disaster Emergency related to a global pandemic, the Applicant, no doubt, would have so requested an extended validity period.

50. The Objectors oppose the extension of the validity of the zoning approvals for "years", while at the same time, the Objectors' unsuccessful appeals were the cause of the delay for one and one-half of those years. (N.T. 05/12/21, pp. 40, 50)

51. Clearly, the Objectors are wishing to re-litigate the Board's Decision at Application No. 2017-22, because the Objectors failed to file a valid and timely appeal of the Board's Decision, and now view the pending application as a way to accomplish this goal. (N.T. 05/12/21, p. 22, 29)

52. The zoning approvals granted in Application No. 2017-22 are final and not subject to appeal on substantive grounds by the Objectors, and the Board finds that the testimony and evidence submitted by the Objectors regarding the underlying zoning approvals are not relevant to the current inquiry.

53. With reference to the Objectors' argument that the Board lacks jurisdiction, because the 1965 subdivision plan requires amendment approval by the Board of Supervisors, the Board finds as follows:

A. As reflected in the Decision and Order for Application No. 2017-22, the note on the subdivision plan merely designated the lot as a possible future recreation area, there was no

covenant designating it as open space prohibiting future development, and there was no evidence produced that open space was even required in order to subdivide at the time. (Exhibit T-4)

B. As noted in the Decision and Order for Application No. 2017-22, the Board of Supervisors determined this lot to be a building lot for a single-family residence and confirmed same in writing to the Applicant, and therefore no amendment of the subdivision plan was required. (Exhibit T-4)

C. The relief requested relates to a Zoning Ordinance provision as it applies to the zoning approvals for this particular lot, not the subdivision as a whole, and therefore the Board has jurisdiction. (N.T. 05/12/21, pp. 59-60)

54. Section 116-223 of the Zoning Ordinance specifically permits the Board to "otherwise specif[y]" an expiration date regarding zoning approvals, and therefore the Board may grant relief from such a provision contained in the Zoning Ordinance.

55. After the appellate litigation concluded, and the Applicant had lost its buyer for the planned house on the lot, the pandemic which resulted in the declarations of disaster emergency, and the imposition of business and construction shut-down orders and stay-at-home orders, created an unprecedented and unnecessary hardship upon the Applicant with reference to the development of the lot.

56. As this inquiry is limited to relief from a time restriction in the Zoning Ordinance, and the fact that the use and dimensional approvals and relief have already been granted, not subject to appeal and therefore final, it would be appropriate for the Board to adopt a relaxed level of scrutiny in granting the variance on a hardship basis, as if considering a dimensional variance.

57. In reviewing the variance requested, and considering Section 910.2 of the Pennsylvania Municipalities Planning Code, the Board determines the following:

A. There was, and still is, a unique condition affecting the timing of the development of the lot, particularly the unprecedented global pandemic impacting every aspect of the development process, all creating an unnecessary hardship which justifies the granting of the variance.

B. The property cannot be reasonably developed without the minor variance relief now requested.

C. The hardship created by the litigation pursued by the Objectors, causing the Applicant to lose it buyer for the lot, and then the effects of the pandemic, surely has not been created by the Applicant.

D. The granting of the variance will not frustrate the intent of the Zoning Ordinance, adversely impact the development of adjoining properties, or alter the essential character of the neighborhood. This expiration provision of the Ordinance anticipated the litigation previously pursued by the Objectors, but never anticipated the unprecedented pandemic lasting now well in excess of an entire year. It is also not anticipated that neighbors would contest the grant of additional time to pursue governmental approvals; such concerns are usually raised by the municipality itself, which, in this case, has supported the decisions of the Zoning Officer, and has not stated an objection to the granting of relief.

E. The variance requested is the minimum variance to afford relief. The Board is not granting an unlimited extension – only a reasonable extension recognizing the reality of the fairly involved, detailed and extended review and approval process related to obtaining a Grading Permit/Earth Disturbance Permit, in the midst of ongoing pandemic and under protest from the Objectors herein.

58. As a result, the Applicant sustained its burden of establishing a hardship in order to be granted a variance from the expiration provision of the Zoning Ordinance.

59. It is also clear from the record that the Objectors' goal is that the lot never be developed (N.T. 05/12/21, p. 34)

60. The Objector's position that the Applicant is required to apply for the same relief previously granted is undoubtedly rooted in the desire of the Objectors to once again appeal the relief, which would only delay, and cause additional expense, in order to discourage the ultimate development of the lot. (N.T. 05/12/21, p. 22, 29)

61. Indulging the Objectors in such an endeavor would create hardship upon hardship for the Applicant.

62. But, since the Ordinance permits the Board to "otherwise specif[y]" an expiration date other than as provided in the Ordinance, the Board also determines that the variance requested from the expiration provision in the Zoning Ordinance is a de minimis variance request, which the Board may grant without any showing of hardship, because rigid compliance is not required to protect the public policies of the Ordinance.

63. With reference to the Applicant's request for a vested right, the Board finds as follows:

A. The Township did not issue any permit in error, in fact, no permit was issued.

B. The Objectors argue that the Applicant could have demonstrated a more urgent level of due diligence during the 180 day extension, but it is recognized that such diligence was made difficult by the pandemic having an adverse effect on all real estate activities, thus justifying the relief granted herein. (N.T. 03/10/21, pp. 45-46, 66-83). The uncertainty related to the pandemic, and the fact that the expenditures to obtain the Permit would be substantial, the Applicant desired a more definitive timeline prior to pursuing the Permit. So, although the level of due diligence by this Applicant does not rise to the level of entitlement to a finding of vested right, nevertheless, the extraordinary situation of the pandemic justifies the relief granted herein.

C. The Applicant acted good faith in this matter.

D. The Applicant spent a great deal of funds to obtain and maintain on appeal the zoning approvals granted (in excess of $90,000), but, the funds expended to obtain the Grading Permit/Earth Disturbance Permit had to be expended, not just in reliance on anything that the Zoning Officer advised, unless the Applicant wished to abandon the zoning approvals, (which is clearly not

the case), and such expenditures were not substantial, only amounting to approximately $6,000 by the time of the hearings in March of 2021 ($225 permit application fee, $3,000 Township escrow, and $3,000 for engineering and legal costs). (N.T. 03/18/21, pp. 10-24) Furthermore, the Applicant did not just rely on the communications from the Zoning Officer, but rather, has now filed the instant application to confirm continued validity of the zoning approvals.

E. The criteria related to expiration of the applicable appeal period relates back to a permit issued in error, which, of course, did not occur in this situation, so is not relevant.

F. Confirming the validity of the zoning approvals, and granting an extension of the validity of the zoning approvals will cause no harm whatsoever to the public interest.

64. With reference to the Applicant's request for a variance by estoppel, the Board finds as follows:

A. There was no long period of municipal failure to enforce the law when the municipality knew or should have known of the Applicant's violation of the Township Code.

B. The Applicant acted good faith in this matter.

C. The Applicant believed that the use was permitted, and it was so permitted, but the expenditures in furtherance of obtaining the Grading Permit/Earth Disturbance Permit so far have not been substantial, as noted above. In addition, the Applicant did not just rely on the Zoning Officer's indications, but has filed the instant application so that the expenditure of substantial funds in the future would not be for naught.

D. Denial of the variance would impose an unnecessary hardship on the Applicant, but, as also noted, not only is the variance request for relief justified on the basis of a hardship analysis, the request is de minimis in nature.

65. With reference to the Applicant's request for relief based on equitable estoppel, the

Board finds as follows:

A. The criteria for vested right or variance by estoppel have not been established for multiple reasons as noted above.

B. The Township has clearly not acted improperly at all, nor is the Applicant seeking relief that goes beyond the protection of its use. The Applicant could have sought the advice of counsel and acted with an abundance of caution rather than relying on the interpretations communicated by the Township.

III. DISCUSSION

There are two types of variances, a "dimensional" variance and a "use" variance. Differing standards apply to use and dimensional variances. One who advances a dimensional variance seeks to adjust zoning regulations so that the property may be used in a manner consistent with the zoning regulations. In contrast, a use variance seeks to use the property in a way that is inconsistent with the zoning regulations. In Hertzberg v. Zoning Bd. of Adjustment of the City of Pittsburgh, 554 Pa. 249, 721 A.2d 43 (1998), the Supreme Court of Pennsylvania determined that, in evaluating a hardship for a dimensional variance, the Zoning Hearing Board should consider various factors, including economics, and the characteristics of the surrounding neighborhood, in determining whether a variance would be appropriate. The Court also held that, when considering a dimensional variance, a Zoning Hearing Board should adopt a somewhat more relaxed standard of scrutiny than when the Board is considering a use variance. Society Hill Civic Association v. Philadelphia Zoning Board of Adjustment, 42 A.3d 1178 (Pa. Cmwlth. 2012)

In Marshall v. City of Philadelphia and Zoning Board of Adjustment, 626 Pa. 385, 97 A.3d 323 (2014), the Supreme Court recognized that a property does not have to be valueless in order to

obtain a use variance. The Court further indicated that economic considerations may be considered in a use variance case, if the property can only be brought into conformance at a prohibitive expense. The Supreme Court reiterated in the Hertzberg and Marshall cases, that an Applicant need not prove that the property cannot be used for any other permitted use in order to be entitled to a variance.

It is recognized that an applicant seeking a variance on the basis of hardship must prove that unnecessary hardship will result if the variance is denied, and must also prove that the proposed use is not contrary to the public interest. Valley View Civic Association v. Zoning Board of Adjustment, 501 Pa. 550, 462 A.2d 637 (1983). "The burden on an applicant seeking a variance is a heavy one, and the reasons for granting the variance must be substantial, serious and compelling." Singer v. Zoning Board of Adjustment, 29 A.3d 144, 149 (Pa. Cmwlth. 2011). In addition, even though economic considerations are now appropriate for variance cases under Hertzberg and Marshall, the applicable case law still holds that variances cannot be granted for solely economic reasons. Dunn v. Middletown Township Zoning Hearing Board, 143 A.3d 494 (Pa. Cmwlth. 2016).

A Zoning Hearing Board is the sole determiner of the credibility of witnesses. Taliaferro v. Darby Township Zoning Hearing Board, 873 A.2d 807 (Pa. Cmwlth. 2005), Tri-County Landfill, Inc. v. Pike Township Zoning Hearing Board, 83 A.3d 488 (Pa. Cmwlth. 2014). The Zoning Hearing Board has discretionary power to determine whether a party has met its burden of proof. Broussard v. Zoning Board of Adjustment, 831 A.2d 764 (Pa. Cmwlth. 2003), affirmed on appeal @ 589 Pa. 71, 907 A.2d 494 (2006), Cohen v. Zoning Board of Adjustment of the City of Philadelphia, 276 A.2d 352 (Pa. Cmwlth. 1971). The Zoning Hearing Board determines that the Applicant has carried the burden of proof so as to be entitled to the relief, and such determination must be afforded great weight in the event of an appeal.

Act 15 of 2020 provides as follows:

> Action.—For an action required by law in consideration of any application, plat, plan or other submission for an approval or for an action on an appeal or curative amendment, the following shall apply:
>
> (1) Notwithstanding any provision of law, for an approval, application, plat, plan, submission, appeal or curative amendment received or pending as of the date of or during the Governor's declaration of a disaster emergency related to COVID–19, the number of days provided to satisfy statutory time limits in review, hearing and decision shall be suspended and tolled as of the date of the disaster or emergency declaration or as of the date received if received during the disaster or emergency declaration, and shall resume 30 days after the effective date of this section.

The Objectors argue that the zoning approvals granted in Application No. 2017-22 were not the type of approvals defined in and covered by the Development Permit Extension Act, and therefore not covered by Act 15 of 2020. This is inaccurate. The zoning approvals granted in Application No. 2017-22 were the type defined in and covered by the Development Permit Extension Act, and therefore covered by Act 15 of 2020. (53 P.S. §§ 11703.2; 35 Pa.C.S.A. §5741(g))

The zoning approvals granted in Application No. 2017-22 are final and not subject to appeal on substantive grounds by the Objectors, and the Board finds that the testimony and evidence submitted by the Objectors regarding the underlying zoning approvals are not relevant to the current inquiry.

The Objectors' argument that the Board lacks jurisdiction, because the 1965 subdivision plan requires amendment approval by the Board of Supervisors, is rejected for the following reasons:

A. As reflected in the Decision and Order for Application No. 2017-22, the note on the subdivision plan merely designated the lot as a possible future recreation area, there was no covenant designating it as open space prohibiting future development, and there was no evidence produced that open space was even required in order to subdivide at the time.

B. As noted in the Decision and Order for Application No. 2017-22, the Board of Supervisors already determined this lot to be a building lot for a single-family residence and confirmed same in writing to the Applicant, and therefore no amendment of the subdivision plan was required.

C. The relief requested relates to a Zoning Ordinance provision as it applies to the zoning approvals for this particular lot, not the subdivision as a whole, and the Zoning Hearing Board is vested with jurisdiction to make such determinations.

Zoning relief runs with the land, and only because of expiration provisions in the Zoning Ordinance does any particular relief expire. But, Section 116-223 of the Whitemarsh Township Zoning Ordinance specifically authorizes the Board to "otherwise specif[y]" the expiration of any zoning approval. When the hearings were held with respect to Application No. 2017-22, the Applicant could have requested, and the Board could have specified, for example, a five-year validity of the approvals, without any showing of hardship or granting a variance, as the Ordinance specifically authorizes the Board to do so. Because Section 116-223 of the Zoning Ordinance specifically permits the Board to "otherwise specif[y]" an expiration date regarding zoning approvals, the expiration dates set by the Zoning Ordinance in this matter are subject to further relief granted by the Board.

After the litigation concluded, and the Applicant had lost its buyer for the planned house on the lot, the pandemic which resulted in the declarations of disaster emergency, and the imposition of business and construction shut-down orders and stay-at-home orders, created an unprecedented and unnecessary hardship upon the Applicant with reference to the timing of the development of the lot.

As this inquiry is limited to relief from a time restriction in the Zoning Ordinance, and the fact that the use and dimensional approvals and relief have already been granted, not subject to

appeal and therefore final, it would be appropriate for the Board to adopt a relaxed level of scrutiny in granting the variance on a hardship basis, as if considering a dimensional variance.

It is recognized that the criteria for the granting of a hardship variance under the PA Municipalities Planning Code do not necessarily anticipate that neighboring property owners would oppose the granting of additional time to develop a lot in accordance with previously granted and final zoning approvals; therefore, the analysis under such criteria for this purpose is unique. But, it is clear when reviewing the variance requested, and considering Section 910.2 of the Pennsylvania Municipalities Planning Code, the Board may determine the following:

A. There was, and continuing to this day, a unique condition affecting the timing of the development of the lot, particularly the unprecedented global pandemic impacting every aspect of the development process, all creating an unnecessary hardship which justifies the granting of the variance.

B. The property cannot be reasonably developed without the minor variance relief now requested.

C. The hardship created by the litigation pursued by the Objectors, causing the Applicant to lose its buyer for the lot, and then the effects of the pandemic, surely has not been created by the Applicant.

D. The granting of the variance will not frustrate the intent of the Zoning Ordinance, adversely impact the development of adjoining properties, or alter the essential character of the neighborhood. This expiration provision of the Ordinance anticipated the litigation previously pursued by the Objectors, but never anticipated the unprecedented pandemic lasting now well in excess of an entire year. It is also not anticipated that neighbors would contest the

grant of additional time to pursue governmental approvals; such concerns are usually raised by the municipality itself, which, in this case, has supported the decisions of the Zoning Officer, and has not stated an objection to the granting of relief.

E. The variance requested is the minimum variance to afford relief. The Board is not granting an unlimited extension – only a reasonable extension recognizing the reality of the fairly involved, detailed and extended review and approval process related to obtaining a Grading Permit/Earth Disturbance Permit, in the midst of ongoing pandemic and under protest from the Objectors herein.

As a result, the Applicant sustained its burden of establishing a hardship in order to be granted a variance from the expiration provision of the Zoning Ordinance.

It is also clear from the record that the Objectors' goal is that the lot never be developed. The Objector's position that the Applicant is required to apply for the same relief previously granted is undoubtedly rooted in the desire of the Objectors to once again appeal the relief, which would only delay, and make more expensive for the Applicant, the ultimate development of the lot. Indulging the Objectors in such an endeavor would create hardship upon hardship for the Applicant.

The pandemic has caused delay in every aspect of life over the last year. The Objectors cited the pandemic, and the virtual proceedings by the Board, for the reason that the unrepresented Objectors' Entry of Appearance forms were not submitted after requests were made for submission of the forms at the hearing on March 10, again at the hearing on May 12, 2021, and also in follow up emails. One Entry of Appearance form was submitted on May 29, 2021, and the other two Entry of Appearance forms were not submitted prior to the Board's vote on June 2, 2021 (N.T. 06/02/21)

The Board was understanding in this regard, recognizing all along that the Objectors should be granted party status, even though the current situation, and the virtual nature of the Board's proceedings to this day, resulted in their delay in submitting a single piece of paper to the Board to secure their positions as parties. It is therefore understandable that the Applicant has faced similar challenges in generating the substantial paperwork required in furtherance of its previously granted approvals.

The Board determines it appropriate to "otherwise specif[y]" an expiration date of the zoning approvals granted in Application No. 2017-22 of December 31, 2021, grant the variance requested by the Applicant on the basis of a hardship analysis, and extend the expiration date imposed in the original Decision and Order. Furthermore, since the Ordinance permits the Board to "otherwise specif[y]" an expiration date other than as provided in the Ordinance, the Board determines that the variance requested from the expiration provision in the Zoning Ordinance is a de minimis variance request, which the Board may grant without any showing of hardship, because rigid compliance is not required to protect the public policies of the Ordinance.

Because of the determinations noted herein, the Applicant's requests for relief on the theories of vested right, variance by estoppel, and equitable estoppel are moot, but the Board nevertheless disposes of such arguments and denies such determinations as set forth below.

The Board declines to determine that the Applicant has established a vested right, since all of the following criteria have not been met (See: Commonwealth of Pennsylvania, Department of Environmental Protection v. Flynn, 344 A.2d 720 (1975):

A. Permit issued in error – the Township issued no permit, because the Applicant applied for the applicable required Permit on December 22, 2020.

B. Due diligence by the Applicant – The Objectors argue that the Applicant

could have demonstrated a more urgent level of due diligence during the 180 day extension, but, it is recognized that such diligence was made difficult by the pandemic having an adverse effect on all real estate activities, thus justifying the relief granted herein. Objectors also point out that the plan submitted with the Grading Permit/Earth Disturbance Permit Application was the same 2017 plan, and the fact that the Applicant did not more timely submit the application for the Permit, so the level of effort was not substantial enough to justify a finding a vested right. But it is also understandable that, with the uncertainty related to the pandemic, and the fact that the expenditures to obtain the Permit would be substantial, the Applicant desired a more definitive timeline prior to pursuing the Permit. So, although the level of due diligence by this Applicant does not rise to the level of entitlement to a finding of vested right, nevertheless, the extraordinary situation of the pandemic justifies the relief granted herein.

C. Good faith of the Applicant – the Board does not question the Applicant's good faith in this matter.

D. Expenditure of substantial unrecoverable funds in reliance on the governmental action. There is no question the Applicant spent a great deal of funds to obtain and maintain on appeal the zoning approvals granted (in excess of $90,000), but the only governmental determinations which the Applicant relied upon were the Zoning Officer's indication in the September 25, 2020 email that the zoning approvals did not expire on November 1, 2020, but rather expired on January 16, 2021 (but was also advised to file for a zoning application by the end of November, 2020, which the Applicant did not do), and then the verbal indication on December 8, 2020 that applying for the Grading Permit/Earth Disturbance Permit prior to January 16, 2021, and diligently pursuing same, would maintain the validity of the zoning approvals. What did the Applicant do differently as a result of the Zoning Officer's indications? The answer is nothing. The

Applicant argues that the reliance resulted in not applying for the permit until December 22, 2020 since the zoning approvals did not expire until January 16, 2021. But, the Zoning Officer did not advise the Applicant in the email exchange of September of 2020 to not file the application for the Permit, only that the Applicant had additional time with respect to the Permit, and if additional time beyond January 16, 2021 would be required, then application to the Zoning Hearing Board should be filed by November 25, 2020. The Zoning Officer did not cause the Applicant to not file the permit application until December 22, 2020, or to not file the Zoning Hearing Board application until January 14, 2021 - in fact, the Zoning Officer had advised otherwise in emails of March and September of 2020. In any event, the funds expended in reliance on those indications from the Zoning Officer would have been incurred regardless, unless the Applicant wished to abandon the zoning approvals (clearly not the case). In addition, such expenditures only amounted to approximately $6,000 by the time of the hearings in March of 2021 ($225 permit application fee, $3,000 Township escrow, and $3,000 for engineering and legal costs). So, the funds expended in furtherance of obtaining the Grading Permit/Earth Disturbance Permit so far have not been substantial. The expenditure of funds, however, is likely to be substantial, and for that reason, the Applicant is not just relying on the communications from the Zoning Officer, but rather, has now filed the instant application to confirm continued validity of the zoning approvals. Borough of Dormont v. Zoning Hearing Board of the Borough of Dormont, 850 A.2d 826 (Pa. Cmwlth. 2004), B.B. & C. Construction v. Township of Benzinger, 437 A.2d 101 (Pa. Cmwlth. 1981)

E. Expiration of applicable appeal period – this criteria relates back to a permit issued in error, which, of course, did not occur in this situation, so is not relevant.

F. Absence of injury to the public interest -- it is clear that confirming the validity of the zoning approvals, and granting an extension of the validity of the zoning approvals will cause

no harm whatsoever to the public interest. The Board weighed all of those issues during the hearings on the underlying application in 2017. The Objectors' desires to resurrect their arguments and relitigate these issues, seeing this proceeding as a way to do so (after they failed to properly preserve such issues for review on appeal, and then refused to terminate the challenge once the Court of Common Pleas quashed their appeals, basically causing the lot to be undevelopable for years), does not rise to the level of "injury to the public interest".

The Board declines to grant the Applicant a variance by estoppel, since all of the following criteria have not been met (See: Appeal of Kreider, 808 A.2d 340 (Pa. Cmwlth. 2002):

A. A long period of municipal failure to enforce the law when the municipality knew or should have known of the Applicant's violation of the Township Code – this criteria simply does not apply in this case.

B. Good faith of the Applicant – the Board does not question the Applicant's good faith in this matter.

C. Substantial expenditures by the Applicant in reliance on the belief that the use was permitted – there is no question that the Applicant believed that the use was permitted, and it was so permitted, but the expenditures in furtherance of obtaining the Grading Permit/Earth Disturbance Permit so far have not been substantial, as noted above. In addition, the Applicant did not just rely on the Zoning Officer's indications, but has filed the instant application so that the expenditure of substantial funds in the future would not be for naught.

D. Denial of the variance would impose an unnecessary hardship on the Applicant – it is clear that the denial of the variance would impose an unnecessary hardship on the Applicant, but this serves as a basis for granting the variance itself, not on any vested right or estoppel theory.

The Board declines to grant the Applicant relief based on the theory of equitable estoppel. Such a claim requires consideration of the criteria for vested right or variance by estoppel, but is based on an intentional or negligent misrepresentation by the municipality. (See: Cicchiello v. Bloomsburg Zoning Hearing Board, 617 A.2d 835 (Pa. Cmwlth. 1992) As noted in the treatise Pennsylvania Zoning Law and Practice in Section 8.3.7 (Robert S. Ryan, Esq. and George Asimos - George T. Bisel and Company, Inc.) granting relief on the basis of equitable estoppel involves a situation where the municipality has "....acted very badly and the landowner seeks relief that goes beyond the protection of its use.". None of that applies in this situation. The Zoning Officer clearly did not intentionally or negligently misrepresent anything to the Applicant. Once the Applicant made the decisions to not follow the advice of the Zoning Officer in the emails in March and September of 2020, the Zoning Officer extended to the Applicant the same interpretation extended to other applicants that applying for the required Permit and diligently pursuing same would maintain the validity of the zoning approvals. In addition, the Zoning Officer justifiably relied upon the interpretation of the Zoning Hearing Board Solicitor, in relaying to the Applicant the effect of Act 15 of 2020. The Applicant could have sought the advice of its knowledgeable and experienced counsel to confirm the interpretations. Only after not filing the application for the required Grading Permit/Earth Disturbance Permit as advised by the Zoning Officer in emails of March of 2020 and September of 2020 until December 22, 2020, did the Applicant consult with counsel, who undoubtedly advised the Applicant to file the instant application to the Zoning Hearing Board, in case such interpretations, with which the Applicant's counsel agrees, were in error. The Applicant indicates that it agrees with the Zoning Officer's determinations and advances this argument only in the event that its other arguments fail, but it is, nonetheless, an argument that cannot be sustained.

The concept of the application of estoppel anticipates that the Applicant would have done

something differently had it not been advised otherwise by the Township. In this case, the Applicant did nothing differently in reliance on the Township's instructions.

The case before the Board involves the request merely to extend the time frame for the validity of the previously granted use variances to construct a house and related improvements in Zone 2 of the Riparian Corridor Conservation District, special exceptions for the location of the detention basin facility, and related dimensional variances and plan-related variances. None of the improvements will be located in the floodway or Zone 1 of the Riparian Corridor, the most environmentally sensitive areas on the property. The house is a permitted use in the Floodplain Conservation District, and only special exceptions were required for the location of the detention basin. But because Zone 2 of the Riparian Corridor is co-extensive with the Floodplain Conservation District in this area, and the lot is impacted by both overlay districts, the Applicant required relief to place the house and related improvements anywhere on the lot.

The Objectors previously asked the Board to rule that, even though the Township specifically advised the Applicant that the property constituted a building lot for a single-family residence once assessed for public sewer, that such use should be denied, and that virtually no use may be made of the property, other than for open space. The Objectors' use of this proceeding to attempt to relitigate the underlying relief and challenging the jurisdiction of the Board is not cognizable in law, and must be disregarded. Section 116-223 is a Zoning Ordinance provision. The Board has the same authority to grant a variance from this Zoning Ordinance provision as any other, for example a setback variance. The Zoning Ordinance provision sets an expiration of a zoning approval, but since the zoning approvals had not expired, the Board can grant a variance from the provision and grant an extension of the validity of the approvals. The Commonwealth Court in Lucia v. Zoning Hearing Board of the Township of St. Clair, 437 A.2d 1294 (Pa. Cmwlth. 1981), dealt with the situation

where the applicant had received a conditional use permit and failed to act upon same as required by the ordinance, and by the terms of the ordinance, the permit expired. After the Township amended the ordinance to prohibit the applicant's use, the applicant applied for a time extension for the permit and the Court affirmed the denial of same, citing Chetwynd Associates v. Township of Radnor, 347 A.2d 320 (Pa. Cmwlth. 1975), and holding that the Board lacked the power to grant the "extension" of an expired permit. But the Lucia and Chetwynd cases did not address a timely-flied request to the Zoning Hearing Board for a variance from the expiration provision in the Zoning Ordinance.

Since the Section 116-223 of the Zoning Ordinance specifically allows the Board the discretion to "otherwise specif[y]" a different expiration date, and the fact that the Applicant could have requested and been granted an extension at the time of the initial approvals (as zoning hearing boards often do with phased projects), then the granting of a variance from the expiration of the zoning approvals is, in fact, de minimis, and rigid compliance is not required to protect the public policies of the Ordinance.

The Board notes that the five (5) criteria for a hardship variance need not be shown when the variance is de minimis. West Bradford Township v. Evans, 384 A.2d 1382 (Pa. Cmwlth. 1978), Stewart v. Zoning Hearing Board of Radnor Township, 531 A.2d 1180 (Pa. Cmwlth. 1987), Middletown Township vs. Zoning Hearing Board of Middletown Township, 682 A.2d 900 (Pa. Cmwlth. 1996), Lench v. Zoning Board of Adjustment of the City of Pittsburgh, 13 A.3d 576 (Pa. Cmwlth. 2011), Appeal of Ressler Mill Foundation, 573 A.2d 675 (Pa. Cmwlth. 1990).

Objector Haviland seems to argue that the case of Omnivest v. Stewartstown Borough Zoning Hearing Board, 641 A.2d 648 (Pa. Cmwlth. 1994) stands for the proposition that a Zoning Hearing Board cannot rely at all on a prior decision for the same relief requested for the same land after the prior relief has expired. (N.T. 03/10/21, p. 108, N.T. 05/12/21, p. 49) The Omnivest case

does not stand for that proposition, but rather only that a Zoning Hearing Board is not bound by its prior expired decision, and can deny relief previously granted, but surely the Zoning Hearing Board is not precluded from granting the same relief again.

The Objectors have been on notice of the determinations of the Zoning Officer noted above, and have not appealed the determinations under Section 909.1 of the PA Municipalities Planning Code within thirty (30) days from such notice, or when they knew or should have known that the determinations had been made, as provided by Section 914.1 of the PA Municipalities Planning Code. Therefore, the determinations of the Zoning Officer are binding and not subject to challenge. The Board therefore adopts the Township's position supporting the Zoning Officer's determination that the zoning approvals did not expire because of the timely filing of the Application for the Grading Permit/Earth Disturbance Permit. (N.T. 05/12/21, pp. 57-58)

It should be reiterated from this Board's Decision in Application No. 2017-22, the Applicant had presented overwhelming uncontroverted evidence and expert testimony that the Applicant can make virtually no use of the property for the only reasonable use, that of a single-family residence, without the relief sought, and that the development would cause none of the adverse consequences as maintained by the Objectors. If the application had been brought now, it is difficult to believe that the outcome would have been any different, otherwise, the "dead hand of zoning" would preclude any use of this lot. McCarron v. Zoning Hearing Board of Borough of Lansdale, 416 A.2d 1150 (Pa. Cmwlth. 1980). Therefore, granting a variance to extend the validity of the approvals previously granted is completely justified under the circumstances.

IV. CONCLUSIONS OF LAW

1. The Zoning Hearing Board has jurisdiction over the subject matter of the application.
2. The Applicant is the legal owner of the property in question.

3. The Applicant and the subject matter are properly before the Board. The Applicant has standing to submit the application. The Objectors have standing to oppose the application.

4. Hearing notices were duly published and posted in accordance with law, by advertisement in the newspaper and posting on the property.

5. The zoning approvals granted in Application No. 2017-22 were the type defined in and covered by the Development Permit Extension Act, and therefore covered by Act 15 of 2020. (53 P.S. §11703.2; 35 Pa.C.S.A. §5741(g))

6. The zoning approvals granted in Application No. 2017-22 are final and not subject to appeal on substantive grounds by the Objectors, and the Board finds, as a matter of law, that the testimony and evidence submitted by the Objectors regarding the underlying zoning approvals are not relevant to the current inquiry.

7. The Objectors' argument that the Board lacks jurisdiction, because the 1965 subdivision plan requires amendment approval by the Board of Supervisors, is rejected, as a matter of law for the following reasons:

A. As reflected in the Decision and Order for Application No. 2017-22, the note on the subdivision plan merely designated the lot as a possible future recreation area, there was no covenant designating it as open space prohibiting future development, and there was no evidence produced that open space was even required in order to subdivide at the time.

B. The Board of Supervisors already determined this lot to be a building lot for a single-family residence and confirmed same in writing to the Applicant, and therefore no amendment of the subdivision plan was required.

C. The relief requested relates to a Zoning Ordinance provision as it applies to the zoning approvals for this particular lot, not the subdivision as a whole, and the Zoning Hearing

Board is vested with jurisdiction to make such determinations.

8. Because Section 116-223 of the Zoning Ordinance specifically permits the Board to "otherwise specif[y]" an expiration date regarding zoning approvals, the expiration dates set by the Zoning Ordinance (one year from approval or the conclusion of appeals, and the 180 day extension thereafter) can be altered by the Board upon application by the Applicant for a variance.

9. The Board determines it appropriate, as matter of law, to grant the variance requested by the Applicant to "otherwise specif[y]" an expiration date of the zoning approvals granted in Application No. 2017-22 and establish the expiration date of December 31, 2021.

10. After the appellate litigation in this matter concluded, and the Applicant had lost its buyer for the planned house on the lot, the pandemic which resulted in the declarations of disaster emergency, and the imposition of business and construction shut-down orders and stay-at-home orders, created an unprecedented and unnecessary hardship as a matter of law upon the Applicant with reference to the development of the lot.

11. As this inquiry is limited to relief from a time restriction in the Zoning Ordinance, and the fact that the use and dimensional approvals and relief have already been granted, not subject to appeal and therefore final, it would be appropriate for the Board to adopt a relaxed level of scrutiny in granting the variance on a hardship basis, as if considering a dimensional variance.

12. In reviewing the variance requested, and considering Section 910.2 of the Pennsylvania Municipalities Planning Code, the Board determines the following as matter of law:

A. There was, and still is, a unique condition affecting the timing of the development of the lot, particularly the unprecedented global pandemic impacting every aspect of the development process, all creating an unnecessary hardship which justifies the granting of the variance.

B. The property cannot be reasonably developed without the minor variance relief now requested.

C. The hardship created by the litigation pursued by the Objectors, causing the Applicant to lose its buyer for the lot, and then the effects of the pandemic, surely has not been created by the Applicant.

D. The granting of the variance will not frustrate the intent of the Zoning Ordinance, adversely impact the development of adjoining properties, or alter the essential character of the neighborhood. This expiration provision of the Ordinance anticipated the litigation previously pursued by the Objectors, but never anticipated the unprecedented pandemic lasting now well in excess of an entire year. It is also not anticipated that neighbors would contest the grant of additional time to pursue governmental approvals; such concerns are usually raised by the municipality itself, which, in this case, has supported the decisions of the Zoning Officer, and has not stated an objection to the granting of relief.

E. The variance requested is the minimum variance to afford relief. The Board is not granting an unlimited extension – only a reasonable extension recognizing the reality of the fairly involved, detailed and extended review and approval process related to obtaining a Grading Permit/Earth Disturbance Permit, in the midst of ongoing pandemic and under protest from the Objectors herein.

13. As a result, the Applicant sustained its burden of establishing a hardship in order to be granted a variance from the expiration provision of the Zoning Ordinance, as a matter of law.

14. Since the Ordinance permits the Board to "otherwise specif[y]" an expiration date other than as provided in the Ordinance, the Board determines, as a matter of law, that the variance requested from the expiration provision in the Zoning Ordinance is a de minimis variance request, which the Board may grant without any showing of hardship, because rigid compliance is not required to protect the public policies of the Ordinance.

15. Because of the determinations noted above, the Applicant's requests for relief on the theories of vested right, variance by estoppel, and equitable estoppel are moot, but the Board nevertheless disposes of such arguments and denies such determinations as set forth below.

16. The Board declines to determine that the Applicant has established a vested right,

since all of the following criteria have not been met as a matter of law (See: Commonwealth of Pennsylvania, Department of Environmental Protection v. Flynn, 344 A.2d 720 (Pa. Cmwlth. 1975):

A. Permit issued in error - the Township issued no permit.

B. Due diligence by the Applicant – Due diligence was made difficult by the pandemic having an adverse effect on all real estate activities, thus justifying the relief granted herein. Although the level of diligence by this Applicant does not rise to the level of entitlement to a finding of vested right, nevertheless, the extraordinary situation of the pandemic justifies the relief granted herein.

C. Good faith of the Applicant – the Applicant acted in good faith in this matter.

D. Expenditure of substantial unrecoverable funds in reliance on the governmental action – the Applicant expended no funds which would not have been expended regardless of any governmental action, and the funds expended in furtherance of obtaining the Grading Permit/Earth Disturbance Permit so far have not been substantial.

E. Expiration of applicable appeal period – this criteria relates back to a permit issued in error, which did not occur in this situation, so is not relevant.

F. Absence of injury to the public interest – there will be no injury to the public interest.

17. The Board declines to grant the Applicant a variance by estoppel, since all of the following criteria have not been met as a matter of law (See: Appeal of Kreider, 808 A.2d 340 (Pa. Cmwlth. 2002):

A. A long period of municipal failure to enforce the law when the municipality knew or should have known of the Applicant's violation of the Township Code – this criteria does not apply in this case.

B. Good faith of the Applicant – the Applicant acted in good faith in this matter.

C. Substantial expenditures by the Applicant in reliance on the belief that the use was permitted – there is no question that the Applicant believed that the use was permitted, and it was so permitted, but the expenditures in furtherance of obtaining the Grading Permit/Earth Disturbance Permit so far have not been substantial. In addition, the Applicant did not just rely on the Zoning Officer's indications, but has filed the instant application so that the expenditure of substantial funds in the future would not be for naught.

D. Denial of the variance would impose an unnecessary hardship on the Applicant –the denial of the variance would impose an unnecessary hardship on the Applicant, but, that is the basis for the variance relief granted, not a variance by estoppel.

18. The Board declines to grant the Applicant relief based on the theory of equitable estoppel. Such a claim requires consideration of the criteria for vested right or variance by estoppel, but is based on an intentional or negligent misrepresentation by the municipality. (See: Cicchiello v. Bloomsburg Zoning Hearing Board, 617 A.2d 835 (Pa. Cmwlth. 1992) The Zoning Officer did not intentionally or negligently misrepresent anything to the Applicant, and so this argument that cannot be sustained as a matter of law.

19. The Objectors have been on notice of the determinations of the Zoning Officer noted above, and have not appealed the determinations under Section 909.1 of the PA Municipalities Planning Code within thirty (30) days from such notice, or when they knew or should have known that the determinations had been made, as provided by Section 914.1 of the PA Municipalities Planning Code.

20. The determinations of the Zoning Officer are binding and not subject to challenge as a matter of law.

21. The Township's position supporting the Zoning Officer's determination that the zoning approvals did not expire because of the timely filing of the Application for the Grading Permit/Earth Disturbance Permit, is correct as a matter of law.

22. Zoning relief runs with the land, and only because of expiration provisions in the Zoning Ordinance does any particular relief expire.

23. When the hearings were held with respect to Application No. 2017-22, the Applicant could have requested, and the Board could have specified, for example, a five-year validity of the approvals, without any showing of hardship, and without granting a variance, as the Ordinance specifically authorizes the Board to do so.

24. Section 116-223 of the Whitemarsh Township Zoning Ordinance specifically authorizes the Board to "otherwise specif[y]" the expiration of any zoning approval, and therefore, the Board has the authority to grant the relief requested herein.

V. OPINION

Upon consideration of the Findings of Fact and Conclusions of Law, the Board hereby determines that the application should be granted in part and denied in part, as set forth hereinafter in the Decision and Order.

WHITEMARSH TOWNSHIP ZONING HEARING BOARD

DECISION AND ORDER

APPLICATION NO.: 2021-02		FIRST HEARING DATE:	03/10/21
APPLICANT:	Pat Sparango, Inc.	CONT'D HEARING DATES:	03/18/21
	Block 049D, Unit 009		05/12/21, 06/02/21
	318 Whitemarsh Valley Road	VOTE:	06/02/21
	Fort Washington, PA 19034	WRITTEN DECISION:	06/09/21
	AAA – Residential District	COPY MAILED:	06/10/21
	Floodplain Conservation Overlay District		
	Riparian Corridor Conservation Overlay District		

After completion of public hearings on the above-referenced Application, pursuant to public notice as required by law, the Zoning Hearing Board of Whitemarsh Township decided and orders as follows:

1. The zoning approvals and relief granted in Decision and Order No. 2017-22 have not expired.

2. A variance from Section 116-223, so as to continue the validity of the zoning approvals and relief granted in Decision and Order No. 2017-22 (subject to Conditions 1 through 6 imposed therein, and the Floodplain Notices contained therein) until December 31, 2021, is **GRANTED.**

3. The request for a determination that the Applicant has a vested right to the extension of the validity of the zoning approvals granted in Application No. 2017-22, is **DENIED.**

4. The request for a determination that the Applicant is entitled to a variance by estoppel, with reference to the extension of the validity of the zoning approvals granted in Application No. 2017-22, is **DENIED.**

5. The request for a determination that the Applicant is entitled to a determination that equitable estoppel applies with reference to the extension of the validity of the zoning approvals granted in Application No. 2017-22, is **DENIED.**

THIS DECISION IS SUBJECT TO THE FOLLOWING CONDITIONS:

The Applicant shall obtain the Grading Permit/Earth Disturbance Permit no later than December 31, 2021, and if the Applicant does so obtain such Permit by such date, the zoning approvals and relief granted in Decision and Order No. 2017-22 shall not be subject to the expiration provisions of Section 116-223 of the Zoning Ordinance.

If appeals are filed with respect to this Decision and Order, the deadline of December 31, 2021 shall not apply, and if the Board's Decision and Order is upheld on appeal, the Applicant shall have 180 days after the final termination of all appeals to obtain the Grading Permit/Earth Disturbance Permit.

This Decision and Order of the Board is final and any appeal of it must be filed with the Court of Common Pleas of Montgomery County within thirty (30) days following the copy mailing date set out above. The Board reserves the right to supplement the Findings of Fact and Conclusions of Law set forth herein in the event of an appeal.

No. 2021-02
WHITEMARSH TOWNSHIP ZONING HEARING BOARD:

Robert A. Bacine, Chair

William E. Kramer, Vice Chair

Marc Weinstein

Stanley A. Casacio

James Behr

Randi Rubin

No. 2021-02
WHITEMARSH TOWNSHIP ZONING HEARING BOARD:

Robert A. Bacine, Chair

William E. Kramer, Vice Chair

Marc Weinstein

Stanley A. Casacio

James Behr

Randi Rubin

No. 2021-02
WHITEMARSH TOWNSHIP ZONING HEARING BOARD:

Robert A. Bacine, Chair

William E. Kramer, Vice Chair

Marc Weinstein

Stanley A. Casacio

James Behr

Randi Rubin

No. 2021-02
WHITEMARSH TOWNSHIP ZONING HEARING BOARD:

Robert A. Bacine, Chair

William E. Kramer, Vice Chair

Marc Weinstein

Stanley A. Casacio

James Behi

Randi Rubin

No. 2021-02
WHITEMARSH TOWNSHIP ZONING HEARING BOARD:

Robert A. Bacine, Chair

William E. Kramer, Vice Chair

Marc Weinstein

Stanley A. Casacio

James Behr

Randi Rubin

RECEIVED
AUG 2 1 2025
WHITEMARSH TOWNSHIP
ZONING & ENGINEERING

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

IN RE: APPLICATION OF PAT SPARANGO, INC. NO. 2017-22

DECISION

I. BACKGROUND

The Applicant, Pat Sparango, Inc. filed an application with the Zoning Hearing Board to construct a single-family home and related improvements on a vacant lot located at 318 Whitemarsh Valley Road, Whitemarsh Township, Montgomery County, Pennsylvania, in the AAA-Residential District. The property is impacted by the Floodplain Conservation Overlay District and the Riparian Corridor Conservation Overlay District. Public hearings were scheduled on this matter on July 12, 2017, August 23, 2017, and September 27, 2017, and hearings were conducted on July 12, 2017 and September 27, 2017.

The Applicant requested the following relief, as amended, and summarized as follows:

1. Special exceptions under Sections 116-31.1.A and 116-31.1.B, so as to permit a stormwater detention/retention facility to be located between the front lot line and front principal building plane, and a portion of said facility within a required side yard.

2. A special exception under Section 116-166.B, so as to permit a basin facility to be located within the Township's Floodplain Conservation District.

3. A variance from Section 116-259.A, so as to permit required front yards, side yards and rear yards, and the proposed single-family home and related accessory improvements to be located within the Riparian Corridor Conservation District.

4. A variance from Section 116-259.C, so as to permit the proposed residential dwelling use to be located within Zone 2 of the Riparian Corridor Conservation District.

5. A variance from Section 116-259.C(4), so as to permit residential accessory structures greater than 200 square feet to be located within Zone 2 of the Riparian Corridor Conservation District.

6. A variance from Section 116-260.A, so as to permit the Applicant to not show on a plan

all of the existing vegetation in the area to be cleared for the proposed single-family home development, and to allow the clearing as proposed.

7. A variance from Section 116-260.I, so as to permit the stormwater basin, berms and outfall structures to be located in Zone 2 of the Riparian Corridor Conservation District.

The Zoning Hearing Board members participating in the hearings were William E. Kramer, who served as Chair, Robert A. Bacine, Marc Weinstein, James Behr and Stanley A. Casacio. The Applicant was represented by Frank R. Bartle, Esquire. The following neighboring property owners elected to enter appearance as parties: Donald E. Haviland, Esquire, an attorney representing himself, George Vlahos, pro se, and Donald Leatherwood, pro se.

The witnesses were duly sworn or affirmed and Notes of Testimony for the hearings were transcribed and are hereby made a part of this record. After the hearings and public discussion, on September 27, 2017, the Board voted 4:1 with Mr. Weinstein dissenting, to grant the application. The Board hereby issues Findings of Fact and Conclusions of Law in support of the Decision and Order.

II. FINDINGS OF FACT

1. The Applicant is Pat Sparango, Inc. ("Applicant"), the legal owner of the property in question located at 318 Whitemarsh Valley Road, Block 049D, Unit 009, Whitemarsh Township, Montgomery County, Pennsylvania.

2. The following Exhibits were marked and duly admitted into evidence:

Township Exhibits:

T-1A	Proofs of Publication
T-1B	Meeting Notifications
T-1C	Postings of Notice
T-2	Zoning Map
T-3	Tax Map
T-4	Zoning Officer Letter – April 6, 2017

T-5	Township Engineer Letter – June 29, 2017

Applicant's Exhibits:

A-1	Zoning Application
A-2	Deeds
A-3	Plan Set
A-4	March 6, 1998 Letter from Township with Sewer Assessment May 15, 1998 Letter from Township May 27, 1998 Letter from Township
A-5	November 5, 1997 Letter with Township Agreement and Easements
A-6	MLS for Property
A-7	Curriculum Vitae of Joseph M. Estock, P.E., P.L.S.
A-8	Memorandum from Township Engineer dated June 29, 2017
A-9	Subdivision Plan with enlargement (2 pages)

Objectors' Exhibits:

H-1	Aerial Photo
H-2	Grading and Utility Plan
H-3	Grading Permit Plan (Sheet No. 1)
H-4	Grading Permit Plan (Sheet No. 3)
H-5	Grading Permit Plan (Sheet No. 4)
H-6	Soil Resource Report
H-7	(Not marked)
H-8	(Not marked)
H-9	(Not marked)
H-10 to H-20	Photos
H-21	Subdivision Plan

Leatherwood -1 - Map

3. The Applicant proposes to construct a single-family house and accessory improvements on the vacant lot. (N.T. 07/12/17, pp. 6-7).

4. The lot was created by subdivision in the 1960's. (N.T. 07/12/17, p. 6, Exhibit A-9)

5. The lot measures approximately 3.7 acres. (Exhibits T-3 and A-3)

6. The subdivision plan designated the lot as "Possible Future Recreation Area", which

note did not specifically restrict the lot to open space or recreational use. (N.T. 09/27/17, p. 8, Exhibit A-9)

7. The Applicant had originally planned to hold the lot as an unimproved lot. (N.T. 07/12/17, pp. 23-24)

8. In October 1997, after negotiations, the Applicant and the Township entered into an agreement whereby the Applicant granted to the Township a sanitary sewer easement. (Exhibit A-5)

9. In March 1998, the lot was assessed for public sewer service. (Exhibit A-4)

10. On May 14, 1998, the Township amended the Floodplain Conservation District Ordinance to permit dwellings in the floodway fringe area of the District. (Exhibit A-4)

11. In a letter dated May 27, 1998, The Township acknowledged that the lot could be developed for a single-family dwelling. (N.T. 07/12/17, pp. 26-27, Exhibit A-4)

12. After the property was assessed for sewer in the sum of $22,328.00, the Applicant commenced to market the property as a building lot. (N.T. 07/12/17, p. 24, Exhibit A-4)

13. Mary Grace Sparango, Vice President of the Applicant, testified that the lot has been listed for sale seven (7) times in the last seventeen (17) years, and has not sold, until the Applicant recently procured a potential purchaser. (N.T. 07/12/17, pp. 10, 18, 29-31, 64, Exhibit A-6)

14. In March of 2003, the Township adopted the Riparian Corridor Conservation District Ordinance which prohibited single-family dwellings in the Riparian Corridor.

15. The Applicant proposes to build a single-family detached residential home on the vacant lot with a footprint of approximately 3,200 square feet, and a second floor of approximately 1,500 square feet, with a two-car garage and a carport. (N.T. 07/12/17, p. 28)

16. The other homes in the neighborhood are large single-family homes, most of which

have 5 bedrooms and 3½ baths. (N.T. 07/12/17, p. 31)

17. The Applicant presented the testimony of a licensed civil engineer, Joseph M. Estock, P.E., P.L.S., who holds a Master's Degree in Civil Engineering, with a specialty in water resources engineering, and who was qualified as an expert in civil engineering and land surveying ("Engineer"). (N.T. 07/12/17, pp.78-81)

18. The Engineer prepared the plans marked as Exhibit A-3. (N.T. 07/12/17, p. 82)

19. The Engineer calculated the base flood elevation and also received a certification that there are no wetlands in the portion of the lot where the house will be located. (N.T. 07/12/17, pp. 69, 82)

20. The lot has a 50-foot wide fee simple strip of land leading out to Whitemarsh Valley Road, and also fronts on Lafayette Avenue. (N.T. 07/12/17, p. 84)

21. The lot has a driveway curb cut located on Whitemarsh Valley Road. (N.T. 07/12/17, pp. 77, 85-86)

22. A small tributary of the Wissahickon Creek known as Needle Run traverses the lot. (N.T. 07/12/17, p. 84)

23. The house is proposed to be located on the lot so as to minimize encroachment into both the Floodplain and the Riparian Corridor, therefore, taking access off of Whitemarsh Valley Road, rather than Lafayette Avenue. (N.T. 07/12/17, p. 85)

24. The house will be located on an elevated portion on the lot, above the base flood elevation. (N.T. 07/12/17, p. 85)

25. Lafayette Avenue has a higher level of traffic than Whitemarsh Valley Road. (N.T. 07/12/17, p. 85)

26. Needle Run traverses the property, and on the southerly side of Needle Run, the Township extended the sanitary sewer, therefore the Applicant decided to locate the proposed house on the northern side of Needle Run. (N.T. 07/12/17, pp. 85-88)

27. The Engineer testified that it is not possible to build a single-family dwelling on this lot in any area outside the Riparian Corridor. (N.T. 07/12/17, p. 91)

28. The Engineer designed the location of the house so as to not have any adverse impact on the Floodplain Conservation District or the Riparian Corridor. (N.T. 07/12/17, pp. 94-95)

29. The grade of the soil around the house would be at elevation 162 and the base flood elevation is at 160.5. (N.T. 07/12/17, p. 95)

30. The first floor of the house will be 3.25 feet above the base flood elevation. (N.T. 07/12/17, pp. 95-96)

31. The Township Engineer provided a letter approving of the development and stating no objections to construction of the proposed improvements within the Floodplain Conservation District, as long as the Applicant demonstrates compliance with all floodplain regulations and obtains an Earth Disturbance Permit. (N.T. 07/12/17, pp. 97-98, Exhibits T-5 and A-8)

32. There are no improvements proposed for the portion of the lot located in Zone 1 of the Riparian Corridor Conservation District. (N.T. 07/12/17, p. 98)

33. The improvements are planned to be located in Zone 2 of the Riparian Corridor Conservation District. (N.T. 07/12/17, p. 98)

34. The Engineer testified that there will be no detrimental effect on the health, safety and welfare of the community by the construction of the stormwater retention rain garden facility in the location as shown on the plan. (N.T. 07/12/17, p. 100)

35. The proposed rain garden area will not increase the elevation of the one-hundred-year-frequency recurrent interval flood by more than one (1) foot. (N.T. 07/12/17, p. 101)

36. The proposed development is proposed to be in compliance with the National Flood Insurance Program regulations. (N.T. 07/12/17, p. 102)

37. The Engineer testified that the Applicant's proposal meets all criteria as set forth in Section 116-227 of the Zoning Ordinance. (N.T. 07/12/17, p. 102)

38. There is no buildable area on the lot on which to place the house without a variance. (N.T. 07/12/17, p. 113)

39. The basis of the floodplain is the backwater effect of the Wissahickon Creek, along with the combination of Needle Run cutting through the property. (N.T. 07/12/17, p. 113)

40. The house will be located in conformity with the building setbacks as prescribed by the AAA–Residential Zoning District. (N.T. 07/12/17, pp. 115-116)

41. It is not possible for the property to be developed in strict conformity with the Township Zoning Ordinance because of the hardships presented by the physical characteristics of the lot, which is impacted by the tributary, the floodplain, the riparian corridor, and the sewer easement. (N.T. 07/12/17, p. 117)

42. The Engineer confirmed that, other than the zoning relief requested, the Applicant will comply with all other Zoning Ordinance requirements. (N.T. 07/12/17, p. 121)

43. Although the AAA-Residential District provides for other by-right uses such as agriculture and horticulture, and special exception uses of public utility facilities and public transportation passenger stations, the only reasonable and feasible use of the property is for a single-family residence. (N.T. 07/12/17, pp. 126-127)

44. The Engineer verified that the dwelling, as permitted in the AAA-Residential District is located in the floodway fringe, and that the construction of the house and related improvements would cause no increase in the elevation of the one-hundred-year-frequency recurrent interval flood by more than one (1) foot at any one point. (N.T. 07/12/17, pp. 128-129)

45. The Engineer verified that whether a house is built on the property or not, the water line resulting from a 100-year flood event would be in the same location, because of the design of the development. (N.T. 07/12/17, p. 189)

46. As a result of the stormwater measures designed by the Engineer, there will be no additional impact on the flood waters of the Wissahickon Creek. (N.T. 07/12/17, pp. 194-195)

47. The objector, Donald E. Haviland, Esq. presented evidence of the substantial amount of storm water controls he installed on his property. (N.T. 09/27/17, pp. 70, 73-74, Exhibits H-2-thru H-6)

48. The objectors, Donald E. Haviland, Esq. and George Vlahos presented evidence of the water issues on the subject property, as well as the objectors' properties. (N.T. 09/27/17, pp. 45-81, Exhibits H-10-thru H-20)

49. The objector, Donald Leatherwood presented testimony regarding his concerns related to storm water issues in the area. (N.T. 09/27/17, pp.129-135)

50. Mr. Haviland raised questions about the accuracy of the floodplain delineation for the subject property, but his testimony was not supported by expert testimony. (N.T. 09/27/17, pp.67-81, Exhibits H-2 thru H-6)

51. The testimony of Mr. Haviland was effectively rebutted by the testimony of the Applicant's Engineer, in that: (a) Mr. Haviland was inaccurately extrapolating a designation on the

plan for his lot onto the plan for the adjacent Sparango lot, and (b) the designation of the floodplain line on the Sparango lot was not accurately shown on the Haviland lot plan. (N.T, 09/27/17, pp. 100-110)

52. The Board is cognizant of the concerns related to storm water controls, and the importance of the protections afforded by regulations of the Floodplain Conservation District and the Riparian Corridor Conservation District.

53. The Applicant presented competent, and uncontroverted expert testimony and evidence that the property cannot be used for the only reasonable and feasible permitted use of a single family residence without variance relief, and that the development will not have an adverse impact on the floodplain, riparian corridor or the surrounding neighborhood.

54. With reference to the special exceptions requested, upon consideration of Section 912.1 of the Pennsylvania Municipalities Planning Code and the record presented, the Board determines that the Applicant's proposal meets the objective criteria of the Ordinance and the proposed use will not be contrary to the health, safety and welfare of the community.

55. With reference to the variances requested, upon consideration of Section 910.2 of the Pennsylvania Municipalities Planning Code, the Board determines the following:

A. There are unique physical characteristics or conditions peculiar to this property, including the flag lot nature of the property surrounded by single-family residences, the tributary crossing the property, the floodplain and riparian corridor impacting the property, and the sewer easement traversing the property, creating an unnecessary hardship which justifies the granting of the variances to permit the construction of the house and related improvements.

B. The Applicant presented sufficient credible evidence for the Board to conclude that the use variances, permitting the house and related improvements in the Riparian Corridor, are required for the reasonable use of the property, and that the dimensional variances are required for the

reasonable development of the property.

C. The hardship has not been created by the Applicant.

D. The granting of the variances will not frustrate the intent of the Zoning Ordinance, adversely impact the development of adjoining properties, or alter the essential character of the neighborhood.

E. The variances requested are the minimum variances to afford relief.

56. Under Section 116-217 of the Zoning Ordinance, the Board determines the following:

A. The use will not substantially injure or detract from the use of neighboring property or from the character of the neighborhood, and the use of property adjacent to the area of the proposed use would be adequately safeguarded.

B. The proposed use will not have a harmful effect on local vehicular and pedestrian traffic.

C. The proposed use is consistent with the legislative intent of the AAA- District and the Floodplain Conservation District.

D. The surrounding neighborhood will not be subjected to objectionable noise, lighting, and glare, heat, ventilation, smoke, fumes, vapors, dust, dirt, gases or radioactive or electrical disturbances by the proposed use.

E. The proposed use will not unduly burden sanitary, school, police, fire, park or other public facilities.

57. The record supports the following findings and conclusions under Section 116-227 of the Zoning Ordinance:

A. The proposed development will not present danger to life and property due to increased flood heights or velocities caused by encroachments, because the development is not located in the floodway, and the development in the floodplain fringe will not cause any increase in the flood elevation of the one-hundred-year-frequency recurrent interval flood by more than one foot at any point.

B. The proposed development does not present the danger that materials will be swept onto other lands or downstream to the injury of others.

C. The proposed water supply and sanitation systems will be designed to perform properly and to prevent disease, contamination and unsanitary conditions.

D. Because of the extensive storm water controls planned for the property, the proposed development will not be susceptible to flood damage, and will not damage the properties of other individual owners.

E. The Applicant will provide for the safety, availability and means of access to the property for emergency services and vehicles in time of flooding.

F. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters expected at the site will not be adverse to the neighborhood.

G. There will be no impermissible increases in flood heights, additional threats to public safety, additional public expense, the creation of nuisances, fraud on or victimization of the public, or conflict with local laws or ordinances.

58. The provisions of the Zoning Ordinance, strictly applied, impose an unnecessary hardship on the land and the Applicant, the use is not contrary to the health, safety and welfare of the community, and therefore, the following special exceptions and variances should be granted:

1. Special exceptions under Sections 116-31.1.A and 116-31.1.B, so as to permit a stormwater detention/retention facility to be located between the front lot line and front principal building plane, and a portion of said facility within a required side yard.

2. A special exception under Section 116-166.B, so as to permit a basin facility to be located within the Township's Floodplain Conservation District.

3. A variance from Section 116-259.A, so as to permit required front yards, side yards and rear yards, and the proposed single-family home and related accessory improvements, to be located within the Riparian Corridor Conservation District.

4. A variance from Section 116-259.C, so as to permit the proposed residential dwelling use to be located within Zone 2 of the Riparian Corridor Conservation District.

5. A variance from Section 116-259.C(4), so as to permit residential accessory structures greater than 200 square feet to be located within Zone 2 of the Riparian Corridor Conservation District.

6. A variance from Section 116-260.A, so as to permit the Applicant to not show on a plan all of the existing vegetation in the area to be cleared for the proposed single-family home development, and to allow the clearing as proposed, provided that the Applicant provides mitigation

as required by the Township.

7. A variance from Section 116-260.I, so as to permit the stormwater basin, berms and outfall structures to be located in Zone 2 of the Riparian Corridor Conservation District.

III. DISCUSSION

In Hertzberg v. Zoning Board of Adjustment of the City of Philadelphia, 554 Pa. 249, 721 A.2d 43 (1998), the Supreme Court held that, in evaluating a hardship for a dimensional variance, a Zoning Hearing Board should consider various factors, including economics and the characteristics of the surrounding neighborhood, and should also adopt a somewhat more relaxed standard of scrutiny than when considering a use variance. In Marshall v. City of Philadelphia and Zoning Board of Adjustment, 626 Pa. 385, 97 A.3d 323 (2014), the Supreme Court recognized that a property does not have to be valueless in order to obtain a use variance, and economic considerations may be considered in a use variance case, if conformance could only be achieved at a prohibitive expense. The Supreme Court reiterated in the Hertzberg and Marshall cases, that an Applicant need not prove that the property cannot be used for any other permitted use in order to be entitled to a variance.

If granting a special exception, the Board is to determine that the Applicant's proposal complies with the general criteria of the Ordinance and that the use will not be detrimental to the health, safety and welfare of the community. Broussard v. Zoning Board of Adjustment, 831 A.2d 764 (Pa. Cmwlth. Ct. 2003, affirmed on appeal @ 589 Pa. 71, 907 A.2d 494 (2006)).

The case before the Board involves the request for use variances to construct a house and related improvements in Zone 2 of the Riparian Corridor Conservation District, special exceptions for the location of the detention basin facility, and related dimensional variances and plan-related variances. None of the improvements will be located in the floodway or Zone 1 of the Riparian Corridor, the most environmentally sensitive areas on the property. The house is a permitted use in

the Floodplain Conservation District, and only special exceptions are required for the location of the detention basin. But because Zone 2 of the Riparian Corridor is co-extensive with the Floodplain Conservation District, and the lot is impacted by both overlay districts, the Applicant requires relief to place the house and related improvements anywhere on the lot.

The Objectors would have the Board rule that, even though the Township specifically advised the Applicant that the property constituted a building lot for a single-family residence once assessed for public sewer, that such use should be denied, and that virtually no use may be made of the property, other than for open space.

Of the uses permitted for this lot in accordance with the underlying AAA-Residential District, the Floodplain Conservation Overlay District, and the Riparian Corridor Conservation Overlay District, a single-family residence is the only reasonable and feasible use. The Applicant presented overwhelming uncontroverted evidence and expert testimony that the Applicant can make virtually no use of the property for a single-family residence without the relief sought, and that the development would cause none of the adverse consequences as maintained by the Objectors.

IV. CONCLUSIONS OF LAW

1. The Zoning Hearing Board has jurisdiction over the subject matter of the application.

2. The Applicant is the legal owner of the property in question.

3. The Applicant and the subject matter are properly before the Board. The Applicant has standing to submit the application. The Objectors have standing to oppose the application.

4. Hearing notices were duly published and posted in accordance with law, by advertisement in the newspaper and posting on the property.

5. With reference to the special exceptions requested, upon consideration of Section

912.1 of the Pennsylvania Municipalities Planning Code, the Board determines that the Applicant's proposal meets the objective criteria of the Ordinance and the proposed use will not be contrary to the health, safety and welfare of the community.

6. With reference to the variances requested, upon consideration of Section 910.2 of the Pennsylvania Municipalities Planning Code, the Board determines the following as a matter of law:

A. There are unique physical characteristics or conditions peculiar to this property, including the flag lot nature of the property surrounded by single-family residences, the tributary crossing the property, the floodplain and riparian corridor impacting the property, and the sewer easement traversing the property, creating an unnecessary hardship which justifies the granting of the variances to permit the construction of the house and related improvements.

B. The Applicant presented sufficient credible evidence for the Board to conclude that the use variances, permitting the house and related structures in the Riparian Corridor, are required for the reasonable use of the property, and that the dimensional variances are required for the reasonable development of the property.

C. The hardship has not been created by the Applicant.

D. The granting of the variances will not frustrate the intent of the Zoning Ordinance, adversely impact the development of adjoining properties, or alter the essential character of the neighborhood.

E. The variances requested are the minimum variances to afford relief.

7. Under Section 116-217 of the Zoning Ordinance, the Board determines the following, as a matter of law:

A. The use will not substantially injure or detract from the use of neighboring property or from the character of the neighborhood, and the use of property adjacent to the area of the proposed use would be adequately safeguarded.

B. The proposed use will not have a harmful effect on local vehicular and pedestrian traffic.

C. The proposed use is consistent with the legislative intent of the AAA-

Residential District and the Floodplain Conservation District.

D. The surrounding neighborhood will not be subjected to objectionable noise, lighting, and glare, heat, ventilation, smoke, fumes, vapors, dust, dirt, gases or radioactive or electrical disturbances by the proposed use.

E. The proposed use will not unduly burden sanitary, school, police, fire, park or other public facilities.

8. The record supports the following findings and conclusions under Section 116-227 of the Zoning Ordinance, as a matter of law:

A. The proposed development will not present danger to life and property due to increased flood heights or velocities caused by encroachments, because the development is not located in the floodway, and the development in the floodplain fringe will not cause any increase in the flood elevation of the one-hundred-year-frequency recurrent interval flood by more than one foot at any point.

B. The proposed development does not present the danger that materials will be swept onto other lands or downstream to the injury of others.

C. The proposed water supply and sanitation systems will be designed to perform properly and to prevent disease, contamination and unsanitary conditions.

D. Because of the extensive storm water controls planned for the property, the proposed development will not be susceptible to flood damage, and will not damage the properties of other individual owners.

E. The Applicant will provide for the safety, availability and means of access to the property for emergency services and vehicles in time of flooding.

F. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters expected at the site will not be adverse to the neighborhood.

G. There will be no impermissible increases in flood heights, additional threats to public safety, additional public expense, the creation of nuisances, fraud on or victimization of the public, or conflict with local laws or ordinances.

9. The provisions of the Zoning Ordinance, strictly applied, impose an unnecessary

hardship on the land and the Applicant, the use is not contrary to the health, safety and welfare of the community, and therefore, the following special exceptions and variances should be granted:

1. Special exceptions under Sections 116-31.1.A and 116-31.1.B, so as to permit a stormwater detention/retention facility to be located between the front lot line and front principal building plane, and a portion of said facility within a required side yard.

2. A special exception under Section 116-166.B, so as to permit a basin facility to be located within the Township's Floodplain Conservation District.

3. A variance from Section 116-259.A, so as to permit required front yards, side yards and rear yards, and the proposed single-family home and related accessory improvements, to be located within the Riparian Corridor Conservation District.

4. A variance from Section 116-259.C, so as to permit the proposed residential dwelling use to be located within Zone 2 of the Riparian Corridor Conservation District.

5. A variance from Section 116-259.C(4), so as to permit residential accessory structures greater than 200 square feet to be located within Zone 2 of the Riparian Corridor Conservation District.

6. A variance from Section 116-260.A, so as to permit the Applicant to not show on a plan all of the existing vegetation in the area to be cleared for the proposed single-family home development, and to allow the clearing as proposed, provided that the Applicant provides mitigation as required by the Township.

7. A variance from Section 116-260.I, so as to permit the stormwater basin, berms and outfall structures to be located in Zone 2 of the Riparian Corridor Conservation District.

V. OPINION

Upon consideration of the Findings of Fact and Conclusions of Law, the Board hereby determines that the application should be granted as set forth hereinafter in the Decision and Order.

RECEIVED
AUG 2 1 2025
WHITEMARSH TOWNSHIP
ZONING & ENGINEERING

WHITEMARSH TOWNSHIP ZONING HEARING BOARD

DECISION AND ORDER

APPLICATION NO.: 2017-22
APPLICANT: Pat Sparango, Inc.
Block 049D, Unit 009
318 Whitemarsh Valley Road
Fort Washington, PA 19034
AAA – Residential District
Floodplain Conservation Overlay District
Riparian Corridor Conservation Overlay District

FIRST HEARING DATE: 07/12/17
CONT'D HEARING DATES: 08/23/17
09/27/17
VOTE: 09/27/17
WRITTEN DECISION: 11/02/17
COPY MAILED: 11/02/17

After completion of public hearings on the above-referenced Application, pursuant to public notice as required by law, the Zoning Hearing Board of Whitemarsh Township decided and orders as follows:

1. Special exceptions under Sections 116-31.1.A and 116-31.1.B, so as to permit a stormwater detention/retention facility to be located between the front lot line and front principal building plane, and a portion of said facility within a required side yard, are **GRANTED**.

2. A special exception under Section 116-166.B, so as to permit a basin facility to be located within the Township's Floodplain Conservation District, is **GRANTED**.

3. A variance from Section 116-259.A, so as to permit required front yards, side yards and rear yards, and the proposed single-family home and related accessory improvements to be located within the Riparian Corridor Conservation District, is **GRANTED**.

4. A variance from Section 116-259.C, so as to permit the proposed residential dwelling use to be located within Zone 2 of the Riparian Corridor Conservation District, is **GRANTED**.

5. A variance from Section 116-259.C(4), so as to permit residential accessory structures greater than 200 square feet to be located within Zone 2 of the Riparian Corridor Conservation District, is **GRANTED**.

6. A variance from Section 116-260.A, so as to permit the Applicant to not show on a plan all of the existing vegetation in the area to be cleared for the proposed single-family home development, and to allow the clearing as proposed, provided that the Applicant provides for mitigation as required by the Township, is **GRANTED**.

7. A variance from Section 116-260.I, so as to permit the stormwater basin, berms and outfall structures to be located in Zone 2 of the Riparian Corridor Conservation District, is **GRANTED**.

THIS DECISION IS SUBJECT TO THE FOLLOWING CONDITIONS:

1. All use and development permitted by this Decision shall conform to the exhibits and testimony presented by the Applicant, unless inconsistent with any specific conditions imposed by this Board, in which case these specific conditions shall take precedence.

2. The Applicant shall apply for and obtain all permits required by the Township Codes in a timely manner.

3. The Applicant shall comply with all requirements of the Township Engineer's Letter dated June 29, 2017, and any other requirements of the Township Engineer with respect to storm water controls.

4. The Applicant shall provide for vegetation mitigation as directed by the Township.

5. The Applicant shall provide to the objectors herein copies of the plans submitted to the Township in relation to the Application for the Earth Disturbance Permit.

6. All construction shall be in compliance with the National Flood Insurance Program regulations.

As required by Section 116-227. D of the Zoning Ordinance, the Applicant is on notice that:

> Certain relief from floodplain requirements may result in increased premium rates for flood insurance and/or may increase the risks to life and property.

The development of the property in the floodplain is entirely at the risk of the Applicant.

This Decision and Order of the Board is final and any appeal of it must be filed with the Court of Common Pleas of Montgomery County within thirty (30) days following the copy mailing date set out above.

Section 116-223 of the Zoning Ordinance provides as follows:

Expiration of granted appeals. Unless otherwise specified by the Board, all approvals granted by the Zoning Hearing Board shall automatically expire 365 days after the date of the decision unless: (1) the applicant has acted upon the approval by obtaining the required permit(s) and paying the prescribed fees for same, or (2) the Zoning Hearing Board decision is on appeal to the courts, at which point, the approval, if upheld on appeal, shall expire 365 days after final determination on appeal.

The Zoning Hearing Board may extend the expiration date of approvals for a 180 day period upon request by the applicant, provided that the applicant is, in the opinion of the Zoning Hearing Board, diligently pursuing governmental and/or regulatory approvals as required. Requests for extensions shall be in writing and submitted to the Zoning Hearing Board at least 30 days before any applicable expiration date. Only one (1) extension may be provided for any application.

WHITEMARSH TOWNSHIP ZONING HEARING BOARD:

William E. Kramer, Chair

DISSENT
Marc Weinstein, Vice Chair

Robert A. Bacine

Stanley A. Casacio

James Behr

ALTERNATE
Randi Rubin

ZHB APPEAL #2025-51
SUMMARY

APPLICANTS: David A. Schneider & Charlotte Robertson

PROPERTY LOCATION: Parcel # 65-00-09368-51-2
Block 057A, Unit 039
7017 Redcoat Drive
Flourtown, PA 19031

ZONING DISTRICT: A – Residential

SUMMARY OF RELIEF REQUEST:

The Applicants would like to install a generator in a front yard of their property. The following relief is requested:

> **Variance from Section 116-24.E.(3)(a)** to allow an accessory structure (generator) to be located in the front yard along the street (Redcoat Drive) where the side of the house faces; this is a corner property.

PRIOR DECISIONS: NONE

Respectfully Submitted,

Charles L. Guttenplan, AICP
Director of Planning and Zoning/Zoning Officer

APPEAL TO ZONING HEARING BOARD
WHITEMARSH TOWNSHIP
COMMONWEALTH OF PENNSYLVANIA

APPEAL NO: _____

Applicant/Appellant: SCHNEIDER DAVID A & ROBERTSON CHARLOTTE

Address: 7017 REDCOAT DR., FLOURTOWN PA 19031

Phone #: Cell Number: E-Mail:

Owner: SCHNEIDER DAVID A & ROBERTSON CHARLOTTE

Address: 7017 Redcoat Dr [redacted]

Phone #: [redacted] Cell Number: E-Mail: [redacted]

Location of the Property Involved: 7017 REDCOAT DR., FLOURTOWN PA 19031

Block #: 057A Unit #: 039 Parcel #: 65-00-09368-51-2

NATURE OF APPLICATION (Describe proposed use and/or construction: type of appeal requested and specific section(s) of Whitemarsh Township Zoning Code which is (are) relied upon):

See guidance attachment

GROUNDS FOR APPEAL (State reasons for appeal and nature of hardship, if claimed):
**Attach additional sheets if necessary

Cost prohibitive to put any where else

Legal Counsel (if represented):

Address:

Phone #: E-Mail:

My (Our) signature(s) authorize(s) permission to pose my (our) property and permission to the Zoning Hearing Board and their representative to enter thereon for inspection purposes.

I (We) certify the information provided on this application and supporting documentation and plans are true and correct to the best of my (our) knowledge, information, and belief. You are required to submit proof that you are one of the following:

I am (We are)

- ☐ Owner(s) of Legal Title
- ☐ Owner(s) of Equitable Title
- ☐ Tenant(s) with permission of Owner(s) of Title (Enclose letter attesting to same)

RECEIVED
NOV 24 2025
WHITEMARSH TOWNSHIP

Date:

Both owners must sign

Signature of Applicant/Appellant:

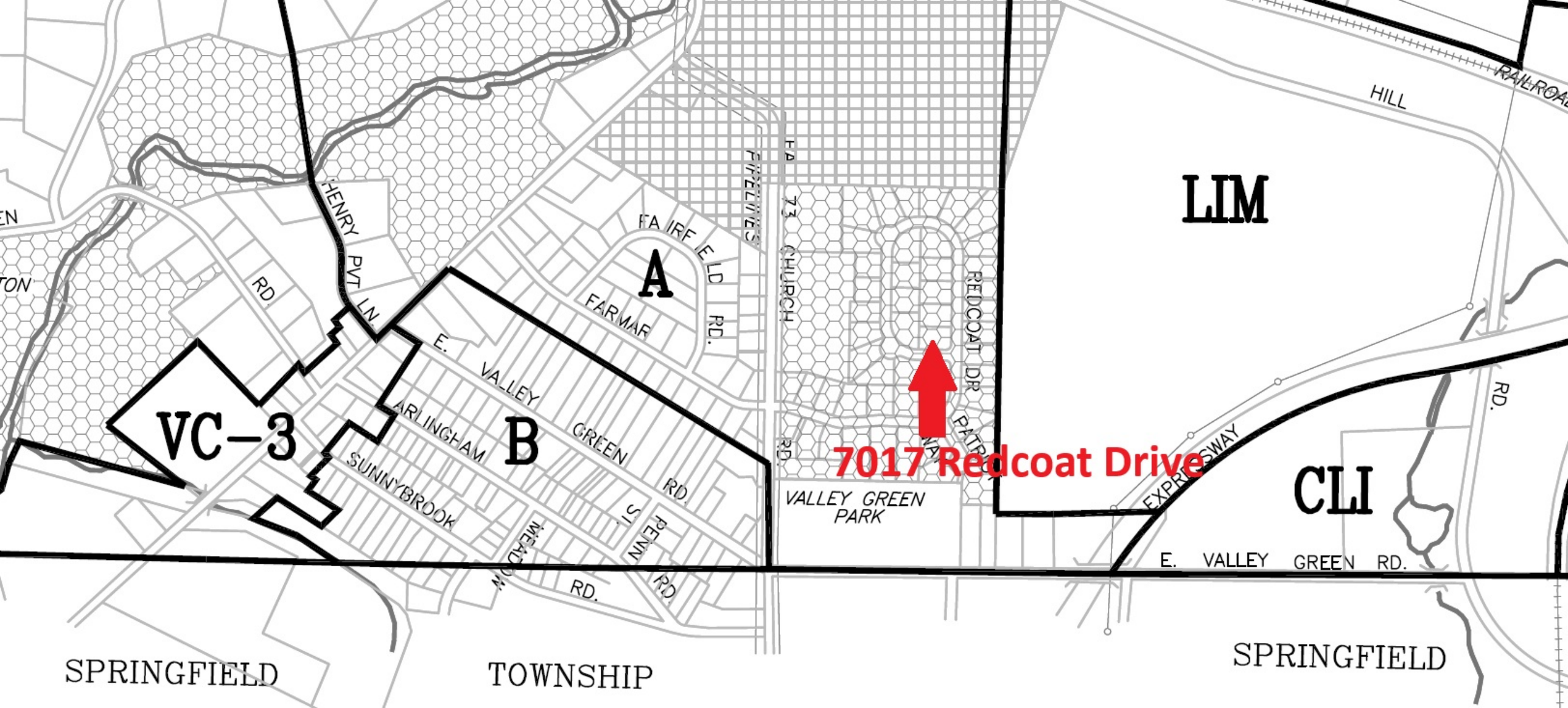
At least one copy must have wet, original signature

Signature of Applicant/Appellant:

ORIGINAL

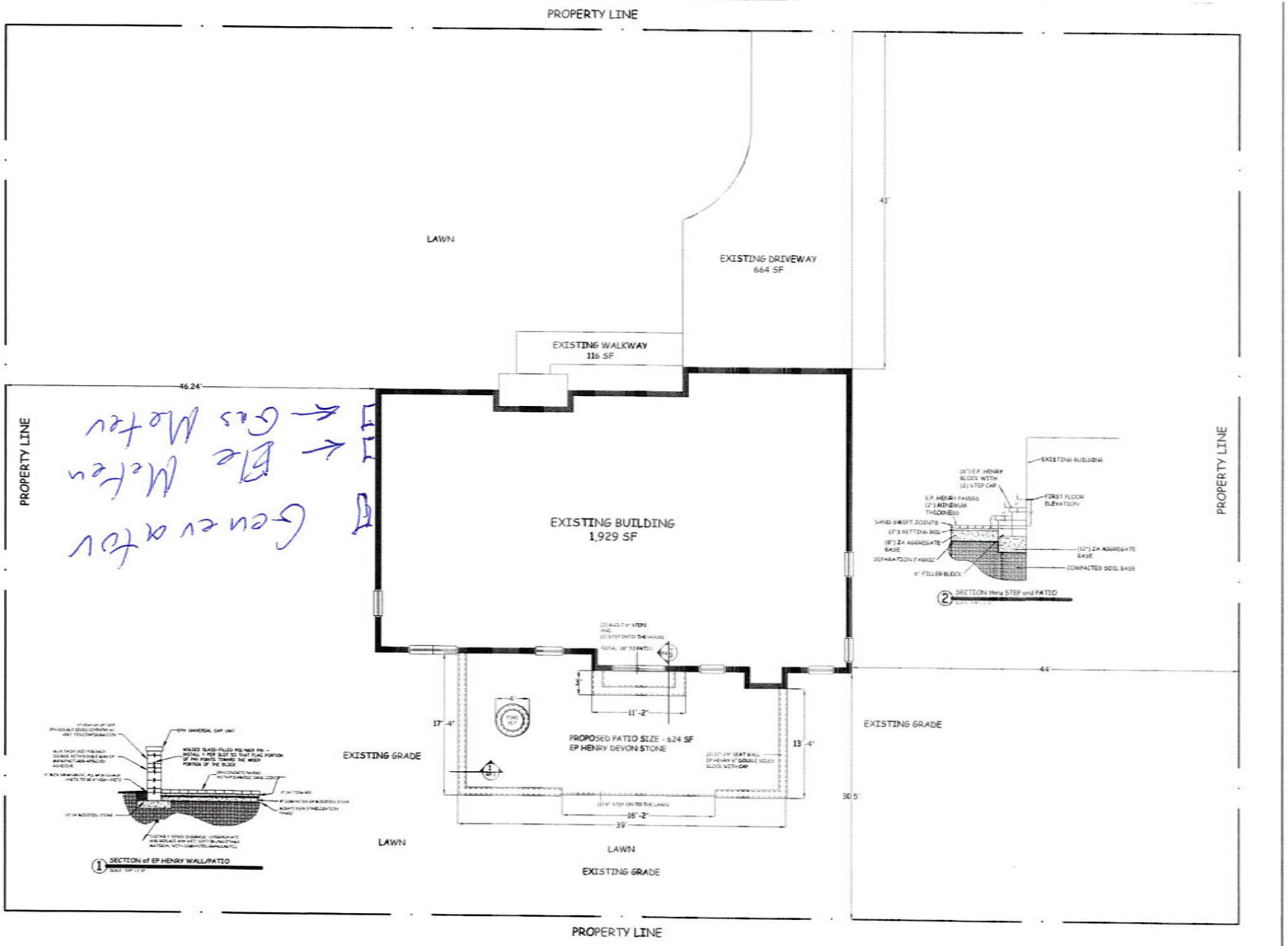
To allow a generator in the front yard, the following relief is being requested:

Variance from Section 116-24.E.(3)(a) to allow an accessory structure (generator) to be located in the front yard along the street (Redcoat Drive) where the side of the house faces; this is a corner property.



LIM
CLI
VC-3
A
B
7017 Redcoat Drive
HILL
RAILROAD
HENRY PVT LN
RD.
FAIRFIELD RD.
FARMAR
E. VALLEY GREEN RD.
ARLINGHAM
SUNNYBROOK
MEADOW RD.
PENN ST.
RD.
PIPELINES
FA 73 CHURCH RD.
REDCOAT DR
PATRIOT
VALLEY GREEN PARK
EXPRESSWAY
RD.
E. VALLEY GREEN RD.
SPRINGFIELD
TOWNSHIP
SPRINGFIELD


7017 Redcoat Drive
650009368512
65057A039
Redcoat Drive
Patriot Way
Church Road
Fairfield Drive
100ft
650009368215
65057A021
650009368224
65057A022
650009368206
65057A020
650009368233
65057A023
650009368161
65057A019
650009368242
65057A024
650009368152
65057A018
650009368251
65057A025
650009368143
65057A017
650009368557
65057A043
650009368134
65057A016
650009368548
65057A042
650009368566
65057A035
650009368539
65057A041
650009368305
65057A026
650009368575
65057A036
650009368521
65057A040
650009368584
65057A037
650009368116
65057A014
650009368314
65057A027
650009368107
65057A013
650009368323
65057A029
650009368593
65057A038
650009368332
65057A030
650009368503
65057A045
650009368341
65057A031
650009368602
65057A046
650009368431
65057A044
650009368404
65057A032
650009368611
65057A047
650009368422
65057A034
650009368413
65057A033
650009368629
65057A048
650009368638
65057A049
650009368647
65057A050
650009368656
65057A051
650009368665
65057A052
650009368053
65057A006
650009368044
65057A005
650009368035
65057A004
650009368026
65057A003
650009368017
65057A002
650009368008
65057A001
650009368071
65057A008
650009368062
65057A007
650002200012
65057A028
650002200003
65057A053
650002203009
65057 033
650001453003
65057 006
650002197006
65057 019
650002230009
65058 003
650008678032
65057A012
650008678023
65057A011
650008678014
65057A010
650008678005
65057A009
650012073003
65057 003
650012070006
65057
002
650002227003
65058A043
650002224006
65058A042
650002221009
65058A041
650002218003
65058A040
650002215006
65058A032
650002212009
65058A039
650002209003
65058A036
650003367006
65058A049
650003364009
65058A050
650003361003
65058A051
650003370003
65058A048
650003373009
65058A047
650003379003
65058A045
650003376006
65058A046
650003382009
65058A044
650003607009
65058A037
650003337009
65058A061
650003340006
65058A062
650003334003
65058A060



REVISIONS

FRANK MOIO
LANDSCAPE DESIGN LLC

RECEIVED
SEP 22 2016
MONTGOMERY TOWNSHIP
BUILDING/CODES DEPARTMENT

NORTH

ROBERTSON RESIDENCE

7017 Redcoat Drive
Flourtown, Pennsylvania

SCHEMATIC

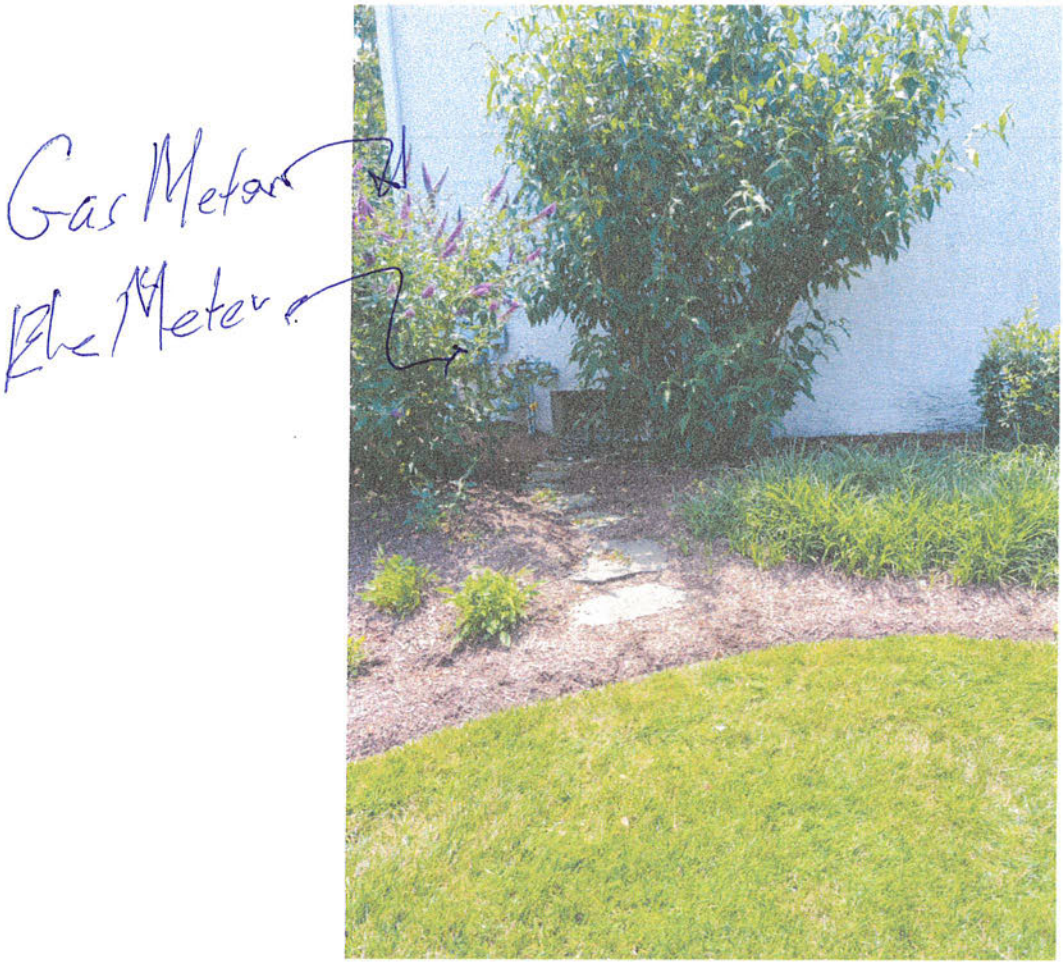
REAR YARD PATIO PLAN

3/16" = 1'-0"

SEPTEMBER 22, 2016

RP-1

Attachments



15 / 26

Details

Description

File name
PXL_20250620_170330302.RAW-01.COVER

Uploaded date
Jul 02, 2025, 06:36 pm EDT

Cancel

Attachments



16 / 26

Details

Description

File name
PXL_20250620_170319850.RAW-01.COVER

Uploaded date
Jul 02, 2025, 06:36 pm EDT

Cancel