

AGENDA

AMBLER BOROUGH PLANNING COMMISSION

- I. CALL TO ORDER** **April 27, 2021 (7:00 PM)**
- II. ROLL CALL**
- III. APPROVAL OF:** March 24, 2021 Minutes
- IV. OLD BUSINESS:**
1. Review the guidelines and recommend changes to the Borough's existing wireless Ordinance and fee schedule to comply with the FCC order as well as develop design requirements for wireless facilities in the rights-of-way to prevent aesthetically obtrusive facilities. **MONTGOMERY COUNTY REVIEW TO FOLLOW AT A LATER DATE**
 2. Input requested to create a conceptual plan incorporating identified community needs and improvements for each park in the Borough to be used as part of a larger Master Park Plan. **PROCESS WILL BE DISCUSSED**
- V. NEW BUSINESS**
3. Review the Preliminary / Final Minor Subdivision to create two separate parcels each containing an existing building at 34 & 38 E. Butler Avenue – Simomo Properties, LLC no development is proposed
- VI. ADJOURNMENT**



GILMORE & ASSOCIATES, INC.
ENGINEERING & CONSULTING SERVICES

April 2, 2021

Project No. 2021-03069

Mary Aversa, Borough Manager
Borough of Ambler
122 E. Butler Avenue
Ambler, PA 19002

Reference: Minor Subdivision Plan
Simomo Properties, LLC – 34 & 38 E. Butler Avenue
Tax Parcel No: 01-00-00778-00-4

Dear Mary:

As requested, Gilmore & Associates, Inc. has reviewed the information listed below with regard to the minor subdivision application referenced above.

- A. Application for Subdivision & Land Development Review, prepared for Simomo Properties, LLC, prepared by Michael Golden.
- B. Minor Subdivision Plan (1 Sheet), prepared for Simomo Properties, LLC, prepared by Holmes Cunningham LLC, dated February 22, 2021.

As part of the subdivision plan review, we offer the following comments:

PROJECT DESCRIPTION

The Applicant, Simomo Properties, LLC, proposes to subdivide the existing 15,556 sq. ft. lot into two lots. The lot, located in the DC – Downtown Commercial Zoning District, currently contains two separate buildings; a three and one-half story restaurant and a one-story restaurant. The proposed subdivision would result in two lots, each containing a restaurant building and a portion of the existing parking lot shared between the two buildings. Neither improvements nor a change in uses have been proposed as part of this application. It is our understanding this subdivision will more formalize the current condition in which separate businesses operate in each building.

ZONING

Based on our review, we note the following with regard to the Ambler Borough Zoning Ordinance (Chapter 27).

1. §27-2102 – A parking tabulation is not provided on the plan. It appears existing parking is non-conforming and that proposed parking will continue to be non-conforming. A parking tabulation should be provided if determined to be necessary by the Zoning Officer.

SUBDIVISION AND LAND DEVELOPMENT

Based on our review, the plan does not appear to comply with the following sections of the Ambler Borough Subdivision and Land Development Ordinance (Chapter 22).

1. §22-304.4 – The deed for the existing lot and legal description for the proposed lots shall be provided for review.
2. §22-304.5.B(5) – We offer the following comments in regards to proposed/required easements and agreements:
 - (a) The Cross Access Agreement in Note 6 shall be prepared in a manner satisfactory to the Borough Solicitor.
 - (b) The two businesses currently utilize a shared dumpster, which has not been shown on the plan. The plan shall be revised to show the dumpster location and any required buffers and/or screens. Additionally, an agreement shall be prepared, in a manner that is satisfactory to the Borough Solicitor, that will allow the continued shared use of the dumpster.

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

SUBDIVISION AND LAND DEVELOPMENT APPENDIX A – ENGINEERING STANDARDS

1. §22A-113 – Monumentation shall be shown at all lot corners proposed by the subdivision. Monumentation along a right-of-way shall be concrete monuments, while all other property corners shall be iron pins, or an approved equal in areas that are currently paved.

SUBDIVISION AND LAND DEVELOPMENT APPENDIX B – LANDSCAPE PLANTING REQUIREMENTS

1. §22B-100.3 – Street trees shall be required along all existing streets at a ratio of one tree per 40 feet of frontage. Two street exist along Butler Avenue, where three would be required, and one exists along S. Spring Garden, where four would be required. Given the existing features and underground utilities, it is unlikely that street trees can be added at this location.

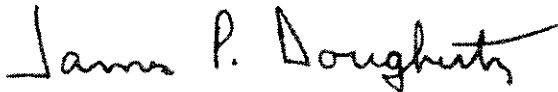
GENERAL

1. The Applicant should obtain all required approvals, permits, declarations of restrictions and covenants, etc. (e.g. PADEP, PennDOT, MCPC, Montgomery County Conservation District, Sewer Authority, Water Authority, Fire Marshal, etc.). Copies of these approvals and permits should be submitted to the Borough and our office.
2. The maximum building coverage of 20.7% noted for the existing lot condition in the Zoning Data Table shall be verified, as the noted coverage is inconsistent with the building area shown in plan view.
3. The graphic scale at the lower left is inconsistent with the written plan scale in the title block. The graphic plan scale shall be revised to be 1 inch = 20' feet.
4. The parking space pavement marking should be revised to allocate the space to the new lot.
5. We recommend the Borough Council certification on the plan be revised per the enclosure.

RECOMMENDATION

If Borough Council agrees, the application could be considered for approval subject to compliance with the outstanding issues noted. A response letter should accompany any future submissions documenting any changes to the application. Please note that revision and/or modification of the plans may require review and additional comment. As always, please call us if you have any questions or if we can be of any assistance regarding this project.

Sincerely,



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

JPD/mz/jpd

Enclosure: As Noted

cc: Glenn Kucher, Code Enforcement Officer - Ambler Borough
Joseph E. Bresnan, Esq., Solicitor - Ambler Borough
Michael Golden – Simomo Properties, LLC
Hope Hammer, Esq. – Royer Cooper Cohen Braunfeld, LLC
Robert Cunningham, P.E. – Holmes Cunningham LLC

Plan Recording Information

Plan Recording Requirements Checklist

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

Montgomery County Planning Commission Review

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

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

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

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

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

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

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

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

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

Registered Engineer and/or Surveyor Certification

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

REGISTERED ENGINEER CERTIFICATION

I, _____, on this date _____, hereby certify that the plan of improvements meets all design standards and criteria of Ambler Borough.

Name

License No. _____

REGISTERED SURVEYOR CERTIFICATION

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

Name

Professional Land Surveyor

License No. _____

Borough Administrator

The signature of the Borough Secretary, certifying that Borough Council approved the plan on the date shown.

AMBLER BOROUGH COUNCIL APPROVAL

This Plan was approved by the Borough Council of Ambler Borough at a duly advertised public meeting held on _____, 20____ subject to certain conditions required to be completed prior to Plan recording and said conditions imposed for such approval have been fully completed and satisfied and the said Plan approval made effective this _____ day of _____, 20____.

Borough Secretary

Borough Engineer

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

BOROUGH ENGINEER REVIEW

Reviewed by the Borough Engineer:

Borough Engineer

Date

Plan Recording

Submit 5 copies of the signed record plans and 2 complete sets of signed plans to the Borough. The Borough will sign and will either record the plans or return to the applicant to be recorded.

Owner, Subdivider, Developer, or Builder Certification

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

OWNER CERTIFICATION

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

By:

Name, Title

Date

Notary Acknowledgements

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

For an individual

COMMONWEALTH OF PENNSYLVANIA

) SS:

COUNTY OF _____

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

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

Notary Print Name and Signature: _____

For a corporation

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

COMMONWEALTH OF PENNSYLVANIA

) SS:

COUNTY OF _____

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

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

Notary Print Name and Signature: _____

Other Common Issues

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

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

**MONTGOMERY COUNTY
BOARD OF COMMISSIONERS**

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



**MONTGOMERY COUNTY
PLANNING COMMISSION**

MONTGOMERY COUNTY COURTHOUSE • PO Box 311
NORRISTOWN, PA 19404-0311
610-278-3722
FAX: 610-278-3941 • TDD: 610-631-1211
WWW.MONTCOPA.ORG

SCOTT FRANCE, AICP
EXECUTIVE DIRECTOR

April 26, 2021

Glenn Kucher, Zoning Officer & Planning Coordinator
Ambler Borough
131 Rosemary Avenue
Ambler, Pennsylvania 19002

Re: MCPC # 21-0096-001
Plan Name: 34 & 38 E Butler Avenue - Minor Subdivision
(1 lot comprising 0.35 acres)
Situate: 34 E Butler Avenue
Borough of Ambler

Dear Mr. Kucher:

We have reviewed the above-referenced subdivision in accordance with Section 502 of Act 247, "The Pennsylvania Municipalities Planning Code," as you requested on March 23, 2021. We forward this letter as a report of our review.

BACKGROUND

The applicant, Michael Golden, submits a subdivision plan for the site at 34 E Butler Avenue in Ambler Borough. The proposed subdivision site (Tax Parcel # 01-00-00778-004) is a 15,475 square foot parcel at the southeast corner of Butler Avenue and South Spring Garden Street. The site includes vehicle access from both streets and 113 feet of frontage on Butler Avenue. The site currently hosts two separate structures both containing restaurant uses. The applicant proposes to subdivide the existing parcel into two lots, with each resulting lot containing one of the existing restaurant structures as well as a portion of the parking currently shared by both the restaurants on the site. The applicant's plan includes no improvements to either of the resulting proposed lots.

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 the Borough of Ambler may wish to consider prior to approval of the applicant's proposed subdivision. Our comments are as follows:



REVIEW COMMENTS

ZONING

A. OFF-STREET PARKING AND LOADING

1. §27-2102 Required Spaces. The applicant’s submission does not include any information regarding the parking configuration on the either of the proposed lots. Additionally, the plan does not include a parking table indicating the required or proposed parking allocation at the two resulting lots. The restaurant uses at the site do not appear to conform with the current requirement of “1 space per 100 square feet of patron area.”
2. §27-2104 Common Parking and Off-Site Facilities. §27-2104(A) provides for shared parking by special exception and requires the applicant to provide a site plan showing the “proposed distribution of spaces among the establishments.” §27-2104(C) requires the applicant provide information detailing any “easement, lease, or other arrangement” regarding the common parking to assure shared use. As the applicant’s submission does not include details regarding parking configuration or shared use, we recommend the applicant consult the borough’s Code Enforcement Officer to determine the additional materials required for approval of the applicant’s proposal.

SUBDIVISION AND LAND DEVELOPMENT

A. §22-304 Minor Subdivision Plan

1. §22-304.5(A)(5) / §22-304.5(B)(5) Existing and Proposed Features. Minor Subdivision Plans are required to show areas subject to “deed restrictions or easements” in both the existing lot as well as any proposed subdivided lots. The applicant’s proposal does not include any detail in this regard. We recommend the applicant revise the plan to include both the existing and proposed configuration of both the shared access and shared parking. We also recommend that this configuration and any arrangement be reviewed for compliance by both the Borough’s Solicitor and Code Enforcement Officer.

B. APPENDIX B – Landscape Planting Requirements

1. §100.3 Street Trees. Street trees are required at one tree per 40 liner feet of frontage. As the existing trees at the site do not meet the minimum standard, we recommend the applicant coordinate with the Borough’s Code Enforcement Office and Engineer to determine where additional street trees may be appropriate or feasible.
2. §100.4(4)(A)(2) Site Element Screens – Dumpsters, trash disposal or recycling areas. The current or proposed location of the dumpster is not indicated in the applicant’s plan. We recommend the applicant amend the plan to provide the dumpster location as well as the location of any required buffering or screening.
3. Although additional street trees may not be feasible at the site, we recommend the borough consider alternate greening possibilities at the site. Alternative options for screening, vegetation, and greening may be possible at the site in the form of structured planters or downspout planters similar to those at other locations along the Butler Avenue corridor.

CONCLUSION

We wish to reiterate that MCPC generally supports the applicant's proposal but we believe that our suggested revisions will better achieve Ambler's planning objectives for commercial development.

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

Should the governing body approve a final plat of this proposal, the applicant must present the plan to our office for seal and signature prior to recording with the Recorder of Deeds office. A paper copy bearing the municipal seal and signature of approval must be supplied for our files.

Sincerely,



Michael Lowrey, Community Planner II
m_lowrey@montcopa.org - 610 -278-3887

c: Michael Golden, Applicant
Robert LaGreca, Chair, Ambler Planning Commission

Attachments: 1. Aerial Site Image
2. Reduced Site Plan

Attachment #1 - Aerial Site Plan



Montgomery
County
Planning
Commission
Montgomery County, Maryland
1000 North 17th Street, Suite 200
Rockville, MD 20850
Tel: 301.231.2200
www.montgomeryplanning.com
Aerial Imagery provided by NewMap

34 & 38 East Butler Avenue
Minor Subdivision
MCPC #210096001

Attachment #2 – Reduced Site Plan

