

**BOROUGH OF RED HILL
MONTGOMERY COUNTY, COMMONWEALTH OF PENNSYLVANIA**

RESOLUTION NO. 2024 – 11

West Sixth Street and Graber Alley

A RESOLUTION OF THE BOROUGH COUNCIL OF RED HILL, MONTGOMERY COUNTY, PENNSYLVANIA, GRANTING CONDITIONAL APPROVAL OF A PRELIMINARY/FINAL DEVELOPMENT PLAN SUBMITTED BY JD DEVELOPMENT COMPANY OF PA, LLC, FOR THE PROPERTY LOCATED AT WEST SIXTH STREET AND GRABER ALLEY.

WHEREAS, JD Development Company of PA, LLC is the record owner (the “Applicant”) of a parcel of land consisting of approximately 1.359 (gross) acres located in Borough of Red Hill (the “Borough”), located at the southwest corner of the intersection of West Sixth Street and Graber Alley, identified as Montgomery County Tax Parcel No. 17-00-00682-00-3 (hereinafter referred to as the “Property”); and

WHEREAS, the Applicant proposes to develop the Property with eight (8) single-family semi-detached dwelling units, a paved shared private driveway, unit driveways, concrete sidewalks, landscaping, stormwater management facilities, and related improvements (the “Development”); and

WHEREAS, the Development is more particularly shown on plans prepared by Ludgate Engineering Corporation, consisting of sixteen (16) sheets, dated November 30, 2017, last revised March 27, 2024 (the “Plans”); and

WHEREAS, a schedule of the individual sheets, drawing title and last revision date for each sheet comprising the Plans is attached hereto as Exhibit “A” and incorporated herein by reference; and

WHEREAS, the Plans have been reviewed by the Montgomery County Planning Commission, the Red Hill Borough Planning Commission, the Borough Engineer, the Borough Zoning Officer, the Borough Solicitor, and other Borough advisors, and have been found acceptable subject as herein below provided; and

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED by the Borough Council of the Borough of Red Hill, Montgomery County, Pennsylvania, as follows:

SECTION A. AUTHORITY; SHORT TITLE; DEFINITIONS.

1. This Resolution is adopted pursuant to and in accordance with the Borough of Red Hill Subdivision and Land Development Ordinance, as amended through Ordinance No. 2020-566 enacted August 12, 2020 (collectively, the “SALDO”), as set forth in Chapter 22 (Subdivision and Land Development) of the Code of Ordinances of the Borough of Red Hill.

2. This Resolution is adopted pursuant to and in accordance with the Borough of Red Hill Stormwater Management Ordinance and Appendices thereto, as amended through Ordinance No. 2021-576 enacted October 13, 2021 (the “SWMO”), as set forth in Chapter 19 (Stormwater Management) of the Code of Ordinances of the Borough of Red Hill.

3. This Resolution shall be known and may be cited as the “Resolution for Preliminary/Final Subdivision and Land Development Approval for the Property Located at West Sixth Street and Graber Alley.”

4. Except as may be otherwise provided herein and/or if the context clearly indicates otherwise, all words and phrases appearing in this Resolution, which also appear in the SALDO, shall have the same meanings in this Resolution as in the SALDO.

SECTION B. WAIVERS AND DEFERRALS.

1. The Borough Council hereby waives strict compliance with the following provisions of the SALDO, on and subject to the terms and conditions set forth in this Resolution:

a. SALDO §22-304.1.G.1.(l), which requires an outdoor lighting plan as part of the preliminary plan submission, to allow Applicant to forego production of an outdoor lighting plan provided that (i) site lighting fixtures are installed on unit garages and lamp posts as depicted on the Plans, (ii) each lighting fixture installed on unit garages and lamp posts provides 1600 lumens of light (100 watt equivalent), (iii) a note is added to the plans requiring each lighting fixture installed on unit garages and lamp posts to provide 1600 lumens of light, (iv) concentric rings indicating lighting coverage for the approved lighting shall be added to the landscape plans; and (v) the Declaration of Planned Community shall contain a provision that each lighting fixture installed on unit garages and lamp posts and all future lighting fixtures and bulbs for unit garages and lamp posts must provide 1600 lumens of light.

b. SALDO §§22-304.1.G.1.(k) and 22-437.1.A., which requires a landscaping plan prepared by a licensed landscape architect as part of the preliminary plan submission, to allow Applicant to forego production of a landscaping plan prepared by a licensed landscape architect.

c. SALDO §22-305, which requires the submission of a preliminary plan prior to the submission of a final plan, to allow Applicant to submit the preliminary and final plan as one submission to the Borough; provided that the Plans are updated to reflect Preliminary/Final Plans, and Applicant pays the application fee of \$1,500.00 due for a final plan submission, pursuant to Resolution 2023-07.

d. SALDO §22-407, which requires Applicant to provide open space including appropriate recreation facilities and trails, to allow Applicant to forego providing open space.

e. SALDO §22-408.1.B requiring single-family attached/semi-detached dwelling developments to dedicate suitable recreational land to the Borough to allow Applicant to forego dedication of recreational land.

f. SALDO §22-408.4.A, which requires the dedication of one-percent (1%) of the Property's gross acreage for recreational land or a fee in lieu of recreation lands, to allow Applicant not to dedicate recreational land or pay a fee in lieu of the dedication of recreational lands to the Borough of Red Hill; provided that the Applicant pay the Borough a one-time fee in the amount of \$6000 prior to the recording of the Plans.

g. SALDO §22-423.1, which requires curbing and a 36-foot-wide total paving width for feeder and residential streets and a 50 foot paving width, to allow Applicant to develop the common drive and the southern frontage of Graber Alley without curbing.

h. SALDO §22-424.2.D., which requires driveways to be as far from street intersections as possible, but not less than 40 feet from the street intersection, to allow Applicant to provide a distance of 37 feet from the first driveway along the common driveway from Graber Alley.

i. SALDO §22-427.1.A., which requires sidewalk along all existing and proposed streets and parking areas in the Borough, to allow Applicant to forgo the installation of sidewalks along the common driveway.

j. SALDO §22-427.1.B.(2), which requires sidewalks to have a minimum width of five (5) feet, to allow Applicant to install sidewalks with a width of not less than four (4) feet along W. Sixth Street and Graber Alley.

k. SALDO §22-427.1.C.(3), which requires a three (3) foot wide border area between the curblineline or edge of cartway and sidewalk, to allow the Applicant to develop the border

area from the curblineline to the sidewalk along West Sixth Street and Graber Alley as a two (2) foot wide border area.

l. SALDO §22-440.1, which requires installation of permanent concrete monuments at all easement corners and angle points, to allow Applicant to not provide permanent concrete monuments at the stormwater easement and/or the common driveway easement.

m. SALDO §22-443, which establishes requirements for outdoor lighting, to allow Applicant to forego outdoor lighting requirements in favor of the lighting depicted on the Plans.

SECTION C. CONDITIONS OF FINAL PLAN APPROVAL. Approval of the Plans is hereby granted subject to the following conditions:

1. The Applicant shall revise the Plans to comply with conditions of the granted waivers provided in Paragraph B.1.

2. The Applicant shall revise the Plans to properly label the Plans as “Final Plans”.

3. In accordance with SALDO §§22-304.1.G.(5)(e) & (f) and 22-306.1.B.(e)(5), the Applicant shall provide the Borough with copies of all letters and permits regarding water and sewer availability and all reviewing agencies, including without limitation confirmation of service capacity prior to the recording of the Plans. No building permits or road opening permits will be issued prior to the recording of the Plans.

4. Prior to the recording of the Plans, the Applicant shall provide to the Borough a proposed Declaration of Planned Community (the “Declaration”) that complies with the requirements of the Pennsylvania Uniform Planned Community Act, 68 Pa. C.S.A. § 5101 *et seq.* (the "Act"), in accordance with SALDO §§22-407.6.E. and 22-418.4, which Declaration shall be to the satisfaction of the Borough Solicitor, and shall be recorded prior to the issuance of any

certificates of occupancy, and shall contain all of the following conditions, covenants, easements and restrictions required by the Act, various provisions of the SALDO including, but not limited to:

a. The Association shall be responsible for the maintenance, repair and restoration of the private driveway, curbing, sidewalks, subsurface and surface storm water management facilities and BMPs, open space areas, and other recreational amenities, streetlights, signage, street trees, lawn areas and landscaping constructed or installed on the Property.

b. A long-term maintenance plan for all general landscaping and stormwater management landscaping shall be included in the Declaration and be consistent with the landscaping maintenance notes described on the Plans. Said long-term maintenance plan shall require the Homeowner's Association to be responsible for mowing grass and tending to the landscaping on all townhouse lots to promote a uniform and aesthetic appearance.

c. The long-term BMP Operation and Maintenance Plan, once approved by the Borough Engineer, shall be included in the Declaration and be consistent with the maintenance notes described on the Plans.

d. The Association shall be responsible for all snow removal from the private driveway, parking areas and sidewalks on the Property.

e. Parking of vehicles on the private driveway shall be prohibited entirely. Vehicles in violation of these restrictions shall be towed at the vehicle owner's expense.

f. The Association shall have the authority to enforce the parking restrictions and posted speed limit(s) in the development through the imposition of fines.

g. All common areas on the Property shall be identified as common facilities or limited common facilities.

h. No tree removal shall be permitted anywhere on the Property unless such trees are dead or diseased; in such case, they shall be promptly removed and replaced to avoid safety hazards.

i. An irrevocable easement from the declarant, its successors and assigns, shall be granted in favor of the Borough authorizing the Borough to access and enter upon all or any portion of the Property to inspect, repair, replace, and maintain the stormwater management facilities located on the Property, in the event the declarant or the Association fails to do so, to seek reimbursement from the Association for all costs and expenses incurred, and to file and maintain a lien against the Property until such costs and expenses are paid in full.

j. An irrevocable easement from the declarant, its successors and assigns, shall be granted in favor of the Red Hill Water Authority, Upper Montgomery Joint Authority (“UMJA”) and other utility providers to enter upon and have rights of access to all or any portion of the Property located in the Borough to inspect, repair, replace and maintain the sanitary sewer, water and utility improvements on the Property.

k. An irrevocable easement from the declarant, its successors and assigns, shall be granted in favor of the Borough, all unit owners, their family members, licensees, invitees and guests, and the general public to use and enjoy the sidewalks, open space areas and trails located on the Property for pedestrian travel.

l. The declarant, its successors and assigns, and the Association shall be prohibited from subdividing, selling, mortgaging, conveying, constructing improvements on, or changing the use of all or any portion of the open space areas on the Property without the prior written approval of the Borough in accordance with SALDO §22-407.

m. No lots or common areas within the development may be further subdivided.

n. The Association and each homeowner shall be prohibited from taking any action that would damage, impair or otherwise interfere with the operation and preservation of the storm water management facilities and BMPs installed anywhere on the Property.

o. Any amendment to the Declaration or a termination of the planned community shall require prior written notice to and the prior written approval of the Borough.

5. In addition to the Declaration described above, documentation relating to the formation and operation of the homeowners association (the "Association") shall be furnished to the Borough prior to the issuance of certificates of occupancy that satisfies the requirements of SALDO §22-407.6.E, subject to the approval of the Borough Solicitor. Such documentation shall include, without limitation, the following:

a. A Public Offering Statement prepared by the declarant for distribution to prospective purchasers of units;

b. Articles of Incorporation for the Association, which shall be filed with the Pennsylvania Department of State prior to the conveyance of the first lot in the Development;

c. Bylaws for the Association;

d. Declaration Plats and Plans that satisfy the requirements of Section 5210 of the Act, which shall be recorded concurrently with recording the Declaration; and

e. Any easement agreements which shall be recorded immediately following the recording of the Plans.

6. Prior to the recording of the Plans, the Applicant shall revise the Plans to resolve to the satisfaction of the Borough, all issues set forth in the Borough Engineer's review letter dated

April 11, 2024, the entire contents of which are incorporated herein by reference and a true and correct copy of which is attached hereto as Exhibit “B”.

7. Prior to the recording of the Plans, the Applicant shall revise the Plans to resolve to the satisfaction of the Borough, all issues set forth in the Borough Fire Marshal’s review letter dated March 18, 2024, the entire contents of which are incorporated herein by reference and a true and correct copy of which is attached hereto as Exhibit “C”.

8. Prior to the recording of the Plans, the Applicant shall revise the Plans to resolve to the satisfaction of the Borough, all issues set forth in the Solicitor’s review letter dated April 17, 2024, the entire contents of which are incorporated herein by reference and a true and correct copy of which is attached hereto as Exhibit “D”.

9. In accordance with SALDO §22-417.1.A, a deed of dedication shall be executed by the Applicant, as grantor and owner of the Property, to the Borough, as grantee, granting and conveying fee simple title in perpetuity to the lands and improvements constructed thereon constituting the existing right-of-way and ultimate right-of-way of Graber Alley, as depicted on the Plans. The deed of dedication shall be satisfactory to the Borough Solicitor. The deed of dedication shall be recorded at the Applicant’s expense upon acceptance of dedication by Borough Council following satisfactory completion of all improvements and final inspection and issuance of a certificate of completion by the Borough Engineer. A policy of title insurance satisfactory in form and substance to the Borough Solicitor shall be provided in accordance with SALDO §22-506.3.

10. Prior to recording of the Plans, the Applicant shall provide all necessary easements to the Borough, the agreements for which shall be satisfactory to the Borough Solicitor, in accordance with SALDO §22-439. These easement agreements shall be recorded prior to or

simultaneously with the recording of the Plans or at some other time deemed acceptable by the Borough Solicitor. Those easements include, without limitation:

- a. Driveway easement;
- b. Sanitary sewer easement along West Sixth Street to be dedicated to UMJA;
- c. The Tract shall be subject to a blanket access easement in the favor of the Borough to provide regular access for inspection, and access and authorization to perform maintenance, make repairs and to replace all storm water basins, rain gardens, emergency spillways, storm pipes and other storm water management facilities and BMPs to be constructed on the Property in the event that the Association fails to perform necessary maintenance, make repairs and to replace the aforementioned stormwater facilities (*see* SWMO §19-401.4.N), as well as ingress to and egress from a public right-of-way (*see* SWMO §§19-404.2.A(9)).
- d. All sight distance easement areas shown on the Plans, within which no trees, shrubs, low-lying vegetation or other visual obstructions shall be permitted;
- e. The ultimate right-of-way along Graber Alley to be offered for dedication to the Borough.

11. In accordance with SALDO §§22-432.1 and 22-439.6, prior to the recording of the Plans, the Applicant shall provide a letter from the Red Hill Water Authority (“RHWA”) indicating that adequate public water supply will be available from RHWA to service the Development and letters of endorsement from the proposed utility providers acknowledging that underground utilities are feasible and to be installed.

12. All water mains, laterals and other fixtures and appurtenances to be constructed on the Property shall be offered for dedication to RHWA and be contained within legally described easement areas. The easements shall be granted to RHWA, its successors and assigns, authorizing

RHWA to enter upon the Property to inspect, repair, replace and maintain all water mains, laterals and other fixtures and appurtenances located on the Property. Acceptance of dedication shall require the execution by the Applicant of appropriate deeds of dedication and a bill of sale for the improvements being conveyed to RHWA.

13. All sanitary sewer improvements to be constructed on the Property shall be offered for dedication to UMJA in accordance with SALDO §22-433.2 and be contained within legally described easement areas. The easements shall be granted to UMJA, its successors and assigns, authorizing UMJA to enter upon the Property to inspect, repair, replace and maintain all sanitary sewer improvements located on the Property. Acceptance of dedication shall require the execution by the Applicant of appropriate deeds of dedication and a bill of sale for the improvements being conveyed to UMJA.

14. Prior to the recording of the Plans, the Applicant shall provide a copy of the NPDES storm water permit for the Development issued by Pennsylvania Department of Environmental Protection (“PADEP”) to the Borough for review and approval by the Borough Engineer in accordance with SWMO §19-403, if applicable.

15. Prior to the Borough releasing the Plans for recording, and upon recommendation of the Borough Solicitor as to form, the Applicant shall execute either (i) a Stormwater Best Management Practices (BMPs) Operation and Maintenance Agreement, or (ii) a Declaration of Covenants, Easements and Restrictions Concerning Stormwater Facilities, in accordance with SALDO §22-435.8 and SWMO §§19-301, 19-401, 19-504 and 19-505 (the “BMP Agreement”). The BMP Agreement shall grant and convey to the Borough, its contractors, agents, successors and assigns, a blanket easement in perpetuity over the Property, to enter upon the portion of the Property in the Borough for the inspection, maintenance, repair and replacement of the storm water

management facilities and BMPs in the event that the Applicant or the homeowners' association fails to do so. The BMP Agreement shall be acceptable in form and substance to Borough Council upon recommendation of the Borough Engineer and the Borough Solicitor and be recorded by the Borough at the Applicant's expense on the same date as and immediately following the recording of the Plans.

16. Prior to the recording of the Plans, the Applicant shall enter into a Land Development and Financial Security Agreement, including financial security provisions, and a Memorandum of Land Development Agreement with the Borough, each prepared by, and in form and substance acceptable to, the Borough Solicitor, which shall be executed by the Applicant before Borough Council signs the Plans and releases same for recording, as required by SALDO §§ 22-307.1.G and 22-509.

17. The Applicant shall submit an improvements cost estimate to the Borough for review and approval by the Borough Engineer in accordance with SALDO §22-310.6. Prior to releasing the final plans for recording, the Applicant shall post financial security, as described in the Land Development Agreement, with the Borough to cover the cost of construction of all improvements in accordance with SALDO §22-502.3.

18. Prior to the recording of the Plans, the Applicant shall post financial security with the Borough, as described in the Land Development and Financial Security Agreement, in accordance with SALDO §§ 22-307.1.G and 22-502.

19. Prior to the Borough releasing the Plans for recording, the Plans shall be signed and sealed by the Professional Engineer or Professional Land Surveyor responsible for their preparation in accordance with SALDO §22-306.1.D.(1).

20. Prior to the Borough releasing the Plans for recording, all signature blocks and certifications on the Plans shall be signed and notarized, as appropriate, as part of the final plan approval and recording process in accordance with SALDO §22-306.1.D.

21. Prior to the Borough releasing the Plans for recording, the Applicant's Engineer shall provide revised legal descriptions for review and approval by the Borough Engineer for the right-of-way areas to be offered for dedication to the Borough, as depicted on the Plans. The legal descriptions submitted with the final plan submission shall include the following:

a. Each legal description shall be signed and sealed by the Professional Land Surveyor responsible for its preparation.

b. Each legal description shall be revised to include the specific last revised date of the Plans and shall ultimately refer to the final version of the final plans to be recorded.

c. The legal descriptions, once approved by the Borough Engineer, shall be provided to the Borough Solicitor for attachment to the deeds of dedication and other appropriate legal documentation prior to recording thereof.

22. The Plans shall be fully executed and delivered to the Borough and shall be recorded at the expense of the Applicant.

23. All recording costs and applicable taxes and fees, if any, shall be paid by the Applicant prior to the issuance of any building permit for the Development.

24. Consistent with Section 509(b) of the Pennsylvania Municipalities Planning Code (as amended), the completion of all conditions, the payment of all applicable fees and the funding of all escrows must be accomplished within ninety (90) days of the date of the resolution approving the Plans unless a written extension is granted by the Borough. Until the conditions have been satisfied, the applicable fees have been paid and the escrows fully funded, the Plans shall not be


signed nor recorded. In the event that the conditions have not been satisfied, the fees have not been paid and the escrows have not been funded within ninety (90) days of the date of said resolution, or any written extension thereof, the contingent approval shall expire and be deemed to have been revoked.

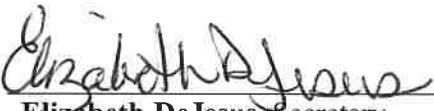
25. Under the provisions of the Pennsylvania Municipalities Planning Code, the Applicant has the right to accept or reject conditions imposed by Borough Council upon final approval. The Applicant shall signify its acceptance of the conditions contained herein by signing a copy of this Resolution and returning it to the Borough during regular business hours within thirty (30) days of the date of this Resolution. In the event the 30th day falls on a weekend or a recognized holiday, the executed resolution shall be due on the following business day. In the event execution of this Resolution is not timely delivered to the Borough or if the Borough receives written notice of an appeal or rejection of any of the conditions set forth herein within thirty (30) days from the date of this Resolution, this approval and the waivers granted in Section B.1. shall be deemed to be automatically rescinded and revoked and the application shall be considered denied based upon the failure to fully comply with all of the sections set forth in Section B, all as authorized by Section 508 of the Pennsylvania Municipalities Planning Code.

SECTION D. EFFECTIVE DATE. This Resolution shall be effective immediately upon the adoption hereof.

APPROVED at the public meeting of the Borough Council of the Borough of Red Hill council held on May 8, 2024.

BOROUGH OF RED HILL

By: 
Doris Decker, President
Borough Council

Attest: 
Elizabeth DeJesus, Secretary

By signing below, the Applicant accepts and consents to all of the terms and conditions of approval contained in the foregoing Resolution for Final Subdivision and Land Development Approval for JD Development Company of PA, LLC.

APPLICANT:

JD DEVELOPMENT COMPANY OF PA, LLC

Date: _____

By: _____

Name:

Title:

EXHIBIT "A"

SCHEDULE OF THE FINAL PLANS

Sheet No.	Description	Origination Date	Revision Date
1 of 16	Title Sheet	11/30/2017	03/27/2024
2 of 16	Subdivision Plan	11/30/2017	03/27/2024
3 of 16	Post Construction Stormwater Management Plan	11/30/2017	03/27/2024
4 of 16	BMP Detail Plan	11/30/2017	03/27/2024
5 of 16	Erosion and Sedimentation Pollution Control Plan	11/30/2017	03/27/2024
6 of 16	Landscaping Plan	11/30/2017	03/27/2024
7 of 16	Infrastructure Plan	11/30/2017	03/27/2024
8 of 16	Existing Conditions Plan	11/30/2017	03/27/2024
9 of 16	Profiles	11/30/2017	03/27/2024
10 of 16	Profiles	11/30/2017	03/27/2024
11 of 16	Erosion and Sediment Control Details	11/30/2017	03/27/2024
12 of 16	E&S, PCSM and Construction Sequence Notes	11/30/2017	03/27/2024
13 of 16	Basic and E&S Operation/Maintenance Notes	11/30/2017	03/27/2024
14 of 16	Plan Details	11/30/2017	03/27/2024
15 of 16	Pre Construction Drainage Area Plan	11/30/2017	03/27/2024
16 of 16	Post Construction Drainage Area Plan	11/30/2017	03/27/2024

EXHIBIT "B"

BOROUGH ENGINEER REVIEW LETTER



April 11, 2024

David Schiffgens
Mayor & Chair of Planning Commission
Borough of Red Hill
56 West Fourth Street
Red Hill, PA 18076

**Re: Borough of Red Hill
West 6th Street & Graber Alley
Parcel # 17-00-00682-00-3
Red Hill Subdivision Preliminary Plan Review #4 (Approval)
RVE File # PMRHP004**

Dear Mr. Schiffgens:

Remington & Vernick Engineers (RVE), on behalf of Red Hill Borough has reviewed the following submission materials in connection the application referenced above:

- Plans entitled “Red Hill Subdivision – Subdivision and Land Development Plan” (16 sheets), dated November 30, 2017, revised March 27, 2024, prepared by Ludgate Engineering Corporation of Reading, PA.

I. General Information

Owner & Applicant: JD Development Company of PA LLC
123 Oxford Road
Lansdale, PA 19446
215-767-6937
Attn: Jeffrey Semon
jps801@verizon.net
215-767-9034
Attn: David Martin
DJMartin74@AOL.com

Plan Preparer: Ludgate Engineering Corporation
10 Vanguard Drive, Suite 100
Reading, PA 19606
610-404-7330
Fax: 610-404-7371
Attn: Thomas B. Ludgate, P.E., P.L.S

Developer / Equitable Owner: Stonegate Homes of PA, LLC
794 Penllyn Pike, Suite 120
Blue Bell, PA 19422

215-767-6937
Attn: Jeffrey Semon
jps801@verizon.net
215-767-9034
Attn: David Martin
DJMartin74@AOL.com

Proposal: Construct four twin buildings consisting of eight (8) single-family semi-detached dwellings on an existing 1.358 acre vacant lot.

II. Comments

Any underlined comments must be addressed by the applicant prior to approval.

PLANNING COMMENTS

1. For any project having over 5,000 square feet of disturbance, no disturbance can take place before a plan for minimizing erosion and sedimentation has been approved by the Montgomery County Conservation District (§22-415.1.A; §19-402.2). *Applicant is aware and will comply*
2. Residential street intersections are required to have curb radii of 25 feet and a radius at the intersection of the right-of-way line of 15 feet (§22-421.10). The curb radius at W. 6th Street and Graber Alley is approximately 22.5 feet. *Item Satisfied*
3. All streets shall have curbs (§22-423.1). Provide new curbing along Graber Alley from the common driveway to the Moyer property line. *A waiver of this requirement has been requested, add to list of waivers on title sheet. Item satisfied.*
4. The applicant should offer for dedication the Graber Alley area between an existing right-of-way line (20' half-width) and the ultimate right-of-way (25' half-width) (5' shift of the proposed lots to the west) to the Borough (§22-423.2.A). *Item Satisfied*
5. A border area between the curblines and the sidewalk of at least 3 feet in width should be provided (§22-427.1.C(3)). A border area of two (2) feet is provided along W. 6th Street and Graber Alley where the new proposed sidewalk is being constructed. *A waiver of this requirement has been requested. Item Satisfied*
6. Provide concrete monuments at easement corners (existing stormwater, proposed sanitary, proposed stormwater management (§22-440.1)). *A waiver of this requirement has been requested. Item Satisfied.*

STORMWATER MANAGEMENT COMMENTS

1. Provide volume control calculations (§19-401.1.A). *Item Satisfied.*
2. Include the twenty-five (25) year storm in all stormwater calculations (§19-401.1.B). Revise Project Summary Narrative to include 25 year storm. *Item Satisfied.*
3. Aerial photography and the design plans show a wooded area on the tract pre and post development. Wooded areas are to be taken into account in the stormwater management calculations (§19-401.2.A(3)). Please revise the calculations. *Item Satisfied.*
4. Provide infiltration testing at the site of the proposed stormwater Rain Garden to determine that this method of stormwater management is appropriate and that limiting zones are not encountered (§19-401.3.B). Include infiltration testing results in the stormwater management report. *Item Satisfied.*
5. The area of the stormwater BMP shall be protected from compaction by construction equipment during construction (§19-401.3.I). A tree protection fence or other means shall be provided on the plan. *Item Satisfied.*
6. Provide the proposed vegetation for the Rain Garden (§19-401.4.C; §19-401.4.K(3)). *Item Satisfied.*
7. Provide design for an emergency spillway with proposed elevations (§19-401.4.D). *Item Satisfied.*
8. Provide design for anti-seep collars (§19-401.4.E). *Item Satisfied.*
9. Provide a minimum one (1) foot emergency spillway freeboard (§19-401.4.F). *Item Satisfied.*
10. Provide a minimum ten (10) foot wide Rain Garden berm (§19-401.4.H). *Berm width is inconsistent between plan view and details on Sheet 4, clarify proposed width of berm. Item Satisfied.*
11. Provide a minimum three (3) foot high fence around the Rain Garden (§19-401.4.K(5)). *Item Satisfied.*
12. Per §19-401.4.L(3), the following note should be attached to all drainage plans: *Item Satisfied.*

I, _____, represent that the proposed rain garden is/is not (circle one) underlain by limestone.

13. Provide dust control measures (PADEP Erosion and Sediment Pollution Control Program Manual – Appendix H). *Item Satisfied.*
14. The following statement should be signed by the Design Engineer on Sheet 3:

_____, on this _____ day of _____, 20____ has reviewed
and hereby certifies that the stormwater management plan meets all design standards
and criteria of Red Hill Borough Ordinance No. 2013-499 (§19-404.2.E). *Item
Satisfied.*

15. Provide stormwater conveyance pipe calculations showing the proposed flow vs capacity for the one-hundred-year storm (§22-435.6). *Item Satisfied.*
16. The property owner shall sign and record a Declaration of Covenants and Restrictions for Maintenance Obligations (§22-435.8). *Applicant states the declaration will be signed prior to final approval.*
17. Revise the Stormwater Overview Table in the SWM Report to show post-development discharge meets the applicable rate-reduction requirements. (§19-401.8.B) *Item Satisfied.*
18. CN-Values utilized for calculations must be consistent with Borough standards. (§19-401.1.B) *Calculation methodology changed to utilize Rational Method; Item no longer applicable.*
19. Rainfall data utilized for calculations must be consistent with Borough standards. (§19-401.2.B) *Item Satisfied*

GENERAL COMMENTS

1. Show the Zoning classification of all lands abutting the proposed tract on the plans (§22-304.E(9)). *Item Satisfied.*
2. Location, type, size and ownership of existing utilities including storm, water and sewer should be shown on the plans (§22-304.F(9)(c)). *Item Satisfied.*
3. The stormwater management report should be referenced by title and date in a note on the plan set title sheet (§22-304.G(2)(c)(11)). *Item Satisfied.*
4. An infrastructure plan including the requirements of §22-304.G(3) should be included in the plans. *Item Satisfied.*
5. A project schedule including the approximate date when the construction is expected

- to begin and be completed should be included on the plans (§22- 304.G(5)(a)). Applicant states approximate schedule is from Summer 2024 to Summer 2025. Add this information to the plans. *Item Satisfied.*
6. A sidewalk detail should specify one-half-inch expansion joints every 30 feet and control joints every five feet (§22-427.1.B(13)). *Item Satisfied.*
 7. A proposed curb detail should specify the following: *Item Satisfied.*
 - i. 22 inch vertical curb.
 - ii. Curb placement on top of 4 inches of compacted No.2B or AASHTO No.57 stone. (§22-427.2.C(2) & (6)).
 8. For final plan submission, the applicant shall provide all additional information and text as required by §22-306.1.B(2)e: *Applicant is aware and will comply.*
 - i. All required local, state, and Federal permits shall be submitted. These permits may include Montgomery County, PADOT, Red Hill Borough road access permits; PADEP permits for drainage, erosion, and sedimentation control.
 - ii. The following statements shall be required on the final plan:
 1. “The Approved Improvement Construction Plan, a copy of which may be inspected at the Red Hill Borough Office, has been made a part of the Approved final plan.” *Item Satisfied.*
 - iii. All engineering calculations which support the proposed improvements such as drainage calculations.
 - iv. Approval of the erosion and sediment control plan from the Conservation District.
 9. For final plan submission, the record plan should adhere to the guidelines outlined in §22-306.1.C and D, adding the following: *Applicant is aware and will comply.*
 - i. Montgomery County Planning Commission file number (§22-306.1.C(2)).
 - ii. Evidence that the plans are conformance with all applicable Red Hill Borough ordinances (§22-306.1.C(2)e).
 10. The applicant shall familiarize themselves with §22-307 including information on submittals, fees and distribution of copies. All recording costs and applicable taxes and fees, if any, should be paid by the applicant. *Applicant is aware and will comply.*
 11. The applicant should satisfy any comments provided by the Montgomery County Planning Commission, the Borough Fire Marshal, the Red Hill Water Authority, and the Sewer Authority. *Applicant is aware and will comply.*
 12. The Plans, following final plan approval, should be fully executed and delivered to the Borough and recorded at the expense of the Applicant. *Applicant is aware and will comply.*
 13. On Plan Sheet 1 (Title Sheet) – Situate In: - change Borough of Red Hill Township to Borough of Red Hill. *Item Satisfied.*
 14. On Plan Sheet 1 (Title Sheet) – provide the designer’s signature and seal. *Item Satisfied.*

15. On Plan Sheet 1 (Title Sheet) – Borough Engineer’s signature block – replace the signature block with the one that is attached to this review letter. *Item Satisfied.*
16. On Plan Sheet 1 (Title Sheet) – Recorder of Deeds’ signature block – replace the signature block with the one that is attached to this review letter. *Item Satisfied.*
17. On Plan Sheet 1 (Title Sheet) – Certificate of Municipal Approval signature block – change Board of Supervisors to Borough Council. Change Chairperson to President and change Secretary to Vice-President. *Item Satisfied.*
18. On Plan Sheet 1 (Title Sheet) – Planning Commission’s Certificate – change planning commission to Planning Commission. *Item Satisfied.*
19. On Plan Sheet 1 (Title Sheet) – Owner Statement of Intent – change the title to Owner Certificate and revise the entire text for this project. (not Rouse / Chamberlin Ltd.). *Item Satisfied.*
20. On Plan Sheet 1 (Title Sheet) – General Notes 5 – change R2 Low Density District to RR Retail Residential. *Item Satisfied.*
21. On Plan Sheet 1 (Title Sheet) – General Notes 5 – change MIN. TRACT SIZE (AC) to MIN. LOT SIZE (SF). *Item Satisfied.*
22. On Plan Sheet 1 (Title Sheet) – General Notes 5 – required side yard – 5 FT – add the asterisk 5 FT*. *Item Satisfied.*
23. On Plan Sheet 1 (Title Sheet) – General Notes 9 – Line 3 – revise the FIRM number for this project. *Item Satisfied.*
24. On Plan Sheet 1 (Title Sheet) – General Notes 9 – Line 4 – change Township of Limerick to Borough of Red Hill. *Item Satisfied.*
25. On Plan Sheet 1 (Title Sheet) – General Notes 11 – Line 1 – change Township of Limerick to Borough of Red Hill. *Item Satisfied.*
26. On Plan Sheet 1 (Title Sheet) – General Notes 13 – Line 8 – change Township to Borough (two places). *Item Satisfied.*
27. On Plan Sheet 1 (Title Sheet) – General Notes 16 – change Single Family Attached Units to Single Family Smi-Detached Dwelling (Twin) (§27-201 Dwelling Type C). *Item Satisfied.*
28. On Plan Sheet 2 (Subdivision Plan) – show the easement corner concrete monuments. Waiver requested. *Item Satisfied.*
29. On Plan Sheet 2 (Subdivision Plan) – show the width of the common driveway. *Item Satisfied.*
30. On Plan Sheet 2 (Subdivision Plan) – provide half-cross sections for W. 6th Street and Graber

Alley. *Item Satisfied.*

31. On Plan Sheet 3 (Post Construction Stormwater Management Plan (PCSM)) – provide a stormwater management area easement. *Item Satisfied.*
32. On Plan Sheet 3 (Post Construction Stormwater Management Plan (PCSM)) – realign the Rain Garden By-Pass Berm (RGBPB) to capture all of the common driveway runoff. *Item Satisfied.*
33. On Plan Sheet 4 (BMP Detail Plan) – provide a cross section of the Rain Garden. Follow Pennsylvania Stormwater Best Management Practices Manual Chapter 6, BMP 6.4.5 guidelines. *Item Satisfied.*
34. On Plan Sheet 4 (BMP Detail Plan) – Outlet Structure Detail – the elevations are 100 feet lower than this project. Please revise. *Item Satisfied.*
35. On Plan Sheet 4 (BMP Detail Plan) – show the realigned RGBPB. *Item Satisfied.*
36. On Plan Sheet 4 (BMP Detail Plan) – provide Rip-Rap Apron Details. *Item Satisfied.*
37. On Plan Sheet 5 (Erosion & Sedimentation Pollution Control Plan) – revised the Limit of Disturbance line for the realigned RGBPB. *Item Satisfied.*
38. On Plan Sheet 5 (Erosion & Sedimentation Pollution Control Plan) – show the post construction tree line and the tree protection fencing. *Item Satisfied.*
39. On Plan Sheet 5 (Erosion & Sedimentation Pollution Control Plan) – relocate the Topsoil Stockpile (it is in the alignment of the 15” CPP roof drain collection pipe. *Item Satisfied.*
40. On Plan Sheet 5 (Erosion & Sedimentation Pollution Control Plan) – lower the 15” CPP to the bottom of the slope or extend the rip-rap apron. *Item Satisfied.*
41. On Plan Sheet 5 (Erosion & Sedimentation Pollution Control Plan) – provide information for the two (2) ‘manholes’ along the 15” CPP run. *Item Satisfied.*
42. On Plan Sheet 6 (Existing Conditions & ERSAM Plan) – remove ‘& ERSAM’ from the plan title. ERSAM (existing resource and site analysis map is a Limerick Township requirement). *Item Satisfied.*
43. On Plan Sheet 6 (Existing Conditions Plan) – show the project construction fence location. *Item Satisfied.*
44. On Plan Sheet 6 (Existing Conditions Plan) – show the post construction tree line and call out the wooded demolition area. *Item Satisfied.*
45. On Plan Sheet 7 (Profiles) – provide a profile for the 15” roof runoff collection pipe. *Item Satisfied.*

46. On Plan Sheet 8 (Profiles) – JB #1 to OS #1 – call out the elevation of the bottom of the BMP (347.50). *Item Satisfied.*
47. On Plan Sheet 8 (Profiles) – JB #1 to OS #1 – show the 4” perforated BMP underdrain with elevations. *Item Satisfied.*
48. On Plan Sheet 8 (Profiles) – Alley Centerline Profile – rename the profile Common Driveway Centerline Profile. *Item Satisfied.*
49. On Plan Sheet 8 (Profiles) – Common Driveway Centerline Profile – show the proposed retaining wall with a guide rail. *Item Satisfied.*
50. On Plan Sheet 9 (Erosion & Sedimentation Control Final Detail Sheet) – provide a detail for a mowable RGBPB. Details moved to sheet 11. *Item Satisfied.*
51. On Plan Sheet 9 (Erosion & Sedimentation Control Final Detail Sheet) – remove the Cleanout Stake Detail. *Details moved to sheet 11. Item Satisfied.*
52. On Plan Sheet 9 (Erosion & Sedimentation Control Final Detail Sheet) – Vegetated Swale Detail and Standard Construction Detail #6-1 – show the swale (channel) numbers on the plans. *Detail removed.*
53. On Plan Sheet 9 (Erosion & Sedimentation Control Final Detail Sheet) – Standard Construction Detail #9-2 – remove the ‘Under Drive #5’ outlet line. *Detail Removed.*
54. On Plan Sheet 10 (Erosion and Sedimentation Control - Post Construction Stormwater Management - Construction Sequence Notes) – Post Construction Stormwater Management Notes – First three paragraphs – revise after infiltration testing and remove references to stream activities. Coordinate the name of the proposed BMP throughout the plan sheet. *Item Satisfied.*
55. On Plan Sheet 11 (Basic Notes – Operation and Maintenance Notes) – Basic Notes – Project Narrative – coordinate the size of the tract (1.52 Ac vs 1.35 Ac). *Item Satisfied.*
56. On Plan Sheet 11 (Basic Notes – Operation and Maintenance Notes) – Basic Notes – paragraphs for items not being utilized should be crossed off or removed for project clarity. *Item Satisfied.*
57. On Plan Sheet 12 (Detail Sheet) – provide a detail for a stormwater doghouse manhole. *Item Satisfied.*
58. On Plan Sheet 12 (Detail Sheet) – provide a detail for the proposed concrete sidewalks. *Item Satisfied.*
59. On Plan Sheet 12 (Detail Sheet) – provide a detail for the proposed retaining wall with guide rail. *Item Satisfied.*

60. On Plan Sheet 12 (Detail Sheet) – Limerick Township Sanitary Sewer Department Detail #3 – replace this detail with the appropriate Borough of Red Hill Detail. *Item Satisfied.*
61. In the Stormwater Management Report – the report elevations are 100 feet lower than the site elevations. Please revise. *Item Satisfied.*
62. In the Stormwater Management Report – the cover sheet should be signed and sealed. *Item Satisfied.*
63. In the Stormwater Management Report – Page 8 – CONVEYANCE – provide a paragraph text or remove the paragraph title. *The report narrative has been revised. Item Satisfied.*
64. In the Stormwater Management Report – Page 26 – Standard E&S Worksheet #1 – number the compost filter sock (CFS) runs on the plans and add more sock numbers to this chart per the number of CFS runs on the plans. *Item Satisfied.*
65. On Plan Sheet 1 – Update list of waivers to reflect current applications. List shall match Waiver Request Letter. *Item Satisfied*
66. On Plan Sheet 2 – Revise cross sections to include existing storm infrastructure where appropriate. *Item Satisfied.*
67. On Plan Sheet 2 – Note vertical and horizontal scale for cross sections and verify sections are drawn to scale. Note if detail is drawn to scale on the vertical axis. *Item Satisfied.*
68. On Plan Sheet 3 – Add labels for JB-1, JB-2, JB-3, and OS-1. Information should include pipe inverts, rim elevation and grate type. *Item Satisfied.*
69. On Plan Sheet 3 – Add labels for pipe slope and length for 15” CPP conveyance piping and 12” basin outfall piping. *Item Satisfied.*
70. On Plan Sheet 3 – Move callout for lining on emergency spillway to improve plan readability. *Item Satisfied.*
71. On Plan Sheet 3 – Clarify location of roof leader tie-in to 15”CPP. *Item Satisfied.*
72. On Plan Sheet 4 – Show the proposed elevation of the bottom of the rain garden and the proposed elevation of the bottom of the Amended Soil Mix on the Soil amendment and Restoration Detail. *Item Satisfied.*

73. On Plan Sheet 4 – Revise elevation of 4” PVC underdrain on Outlet Structure Detail. *Item Satisfied.*
74. On Plan Sheet 4 – Slope of outlet pipe shown in JB-1 to OS-1 profile is inconsistent with the provided Rain Garden Detail. *Item Satisfied.*
75. On Plan Sheet 4 – Provide upstream and downstream inverts, size, and material of existing storm sewer. Provide downstream storm structure information. *Item Satisfied.*
76. On Plan Sheet 4 – Revise Rain Garden Detail Note * to specify stone to be utilized. *Item removed.*
77. On Plan Sheet 4 – Revise Standard Construction Detail #7-16 to be consistent with collar spacing calculated in report for the proposed rain garden berm. *Item Satisfied.*
78. On Plan Sheet 5 – Revise proposed limits of disturbance to include all work. Note if the proposed limit of disturbance exceeds 0.99 acres NPDES permitting will be required. *Item Satisfied, Note if the proposed limit of disturbance exceeds 0.99 acres NPDES permitting will be required.*
79. On All Profiles – Revise pipe labeling on profiles to note slope as follows: SLOPE = #.##### ft/ft. *Item Satisfied.*
80. On All Profiles – Ensure GF, FF BF elevations are consistent with elevations shown on plan views. *Item Satisfied.*
81. On Sheet 12 – Revise Basic Notes to clarify proposed limits of disturbance, tract area, and remove sections describing work that is not proposed. *Item Satisfied.*
82. On Sheet 13 – Revise the Pre-Construction Drainage area plan to remove the limits of disturbance and associated labels. Show all Drainage Points of interest, cover and curve numbers, and drainage area calculations utilized in hydraulic calculations for predevelopment conditions. *Item Satisfied.*
83. On Sheet 14 – Revise the Post-Construction Drainage Area Plan to shown Show all Drainage Points of interest, curve numbers, and area calculations for all subareas utilized in hydraulic calculations for post-development conditions. Ensure the total analyzed area is consistent between pre-development conditions and post-development conditions. *Item Satisfied.*

84. Remove data sheet referencing 3-yr storm for MRC Routing from the Stormwater Management report. *Item Satisfied.*
85. Add revision notes to all revised sheets for each review. *Item Satisfied.*
86. Provide revised Stormwater Management report with future resubmissions. *Item Satisfied.*

WAIVERS

Applicant has requested waivers from the following code sections:

- §22-424.2.D
 - o To provide a distance greater than 40 feet from driveway to intersection. *Granted*
- §22-437.1.A & §22-304.1.G.1.K
 - o To provide a Landscape Plan.
- §22-304.1.G.(1)(i)
 - o To provide an Outdoor Lighting Plan.
- §22-443
 - o To provide outdoor lighting.
- §22-305
 - o The 2 Step Plan approval requirements.
- §22-407
 - o Open Space Requirements.
- §22-408.(4)(a) & §22-408.(1)(b)
 - o To provide recreational land.
- §22-423.1
 - o To provide new curbing along Graber Alley. *Granted*
- §22-440.1
 - o To provide concrete monuments at easements corners. *Granted*
- §22-427.1.C.(3)
 - o To allow for a 2 foot border area between curblineline or edge of cartway and sidewalk. *Granted*
- §22-427.1.A
 - o To provide sidewalk along the common driveway. *Granted*
- §22-427.1.B.(2)
 - o To allow for 4 foot wide sidewalk to match the existing sidewalk along 6th St. *Granted*

At this time there are no further engineering comments to be addressed by the applicant.

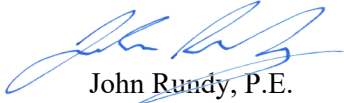
Please be advised that certain inspections are required during excavation and grading for this property. The applicant must contact RVE at least 48 hours prior to the start of construction activity.

Red Hill Subdivision Preliminary Plan – Review #4 (Approval)
West 6th Street & Graber Alley
Borough of Red Hill
Page 12 of 12

Should you have any questions, please feel free to contact our office at (610) 940-1050.

Sincerely,
REMINGTON & VERNICK ENGINEERS

By



John Rundy, P.E.
Borough Engineer

JR/mew

Attachments

cc: Elizabeth DeJesus, Borough Manager
JD Development Company of PA LLC, Owner & Applicant
Stonegate Homes of PA, LLC, Developer & Equitable Owner
Ludgate Engineering Corporation, Plan Preparer
Mark A. Hosterman, Esq., Borough Solicitor
John Lehr, Fire Marshal
Christopher J. Fazio, P.E., C.M.E., Executive Vice President

EXHIBIT "C"

BOROUGH FIRE MARSHAL REVIEW LETTER

Borough of Red Hill

56 West 4th Street
Red Hill, Pa, 18076
PH: 215 679-2040
WWW.redhillborough.org
info@redhillborough.org

David Schiffgens Mayor & Chair
Red Hill Borough Planning Commission
Borough of Red Hill
56 West Fourth Street
Red Hill, Pa. 18076

March 18, 2024

Re: JD Development Company of PA LLC (the Applicant) Review of Preliminary Plan Application dated October 23, 2023. The parcel located at the southwest corner of the intersection of West 6th and Graber Alley.

Dear Mr. Schiffgens,

My Office, as the Firemarshal Borough of Red Hill, has performed a review of the following submission materials in connection the application referenced above:

1. Common Drive Lane / Emergency Access Road
Section 503 International Fire Code 2015

Fire Apparatus access roads shall have an unobstructed width of not less than 20 feet. Surface shall be designed and maintained to support the imposed loads of the fire apparatus shall be surfaced to provide all weather driving capabilities. Borough Engineer to approve design to ensure will support 80,000 pounds. Needs to provide all weather driving capabilities.

2. No Parking shall be permitted at any time within the Common Drive Lane / Emergency Access Road. Drive lane shall be posted with the required 'No Parking by Order of Firemarshal. Details to be provided by Firemarshal.

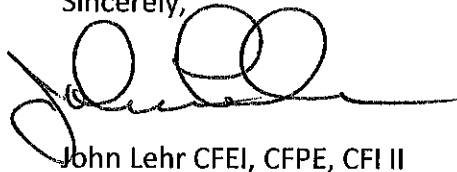
General Notes

1. Address identification shall be legible and placed in a position that is visible from the street or road fronting the property. Address identification characters shall contrast with the background. Address numbers shall be not less than 4 inches in height with a minimum stroke width of ½ inch. Numbers shall not be spelled out. Numbers shall be

Arabic numbers or alphabetical letters. Location to be approved by the Borough Firemarshal.

Please do not hesitate to contact me at 484-226-9918 if you have any questions regarding this letter.

Sincerely,

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke at the end.

John Lehr CFEI, CFPE, CFI II
Borough Firemarshal

Copy Liz DeJeus Borough Manager
Mark Hosterman, Wisler Pearlstine LLP, Red Hill Borough Council Solicitor
John Rundy, PE, Borough Engineering – Remington & Vernick Engineers
Matthew Lubitz BCO, Borough Planner – Montgomery County Planning Commission
Jeffery Semon Applicant – JD Development Company of Pa, LLC
David Martin, Applicant – JD Development Company od PA, LLC
David Schiffgens, Chair Red Hill Planning Commission
Doris Decker, President Red Hill Borough Council
Applicant's Engineer – Ludgate Engineering Corporation

EXHIBIT "D"

BOROUGH SOLICITOR REVIEW LETTER

David Schiffgens, Mayor/Chair
April 17, 2024
Page 1

Kathleen M. Mannard, Esquire
kmannard@wispearl.com

April 17, 2024

VIA EMAIL

David Schiffgens, Mayor & Chair
Red Hill Borough Planning Commission
Borough of Red Hill
56 West Fourth Street
Red Hill, PA 18076

RE: JD Development Company of PA LLC (the “Applicant”) - Review of Preliminary Plan Application dated November 30, 2017 and April 26, 2021, last revised March 27, 2024, fourth submission (the “Application”) for the parcel located at the southwest corner of the intersection of West 6th Street and Graber Alley and being TPN: 17-00-00682-00-3 (the “Property”)

Dear Mr. Schiffgens:

Our office, as Solicitor to the Borough of Red Hill (the “Borough”), has performed a legal review of the documents identified below relating to **fourth submission** of the above-referenced Application. **New, revised, or additional comments since our prior letter dated March 19, 2024, are in bold type. Items identified in our prior letter that have been resolved to our satisfaction have been deleted.**

- a. *Application for Review: Subdivision Plan/Land Development Plan* dated October 31, 2023, signed by Applicant.
- b. *Preliminary Land Development Plans* consisting of sixteen (16) sheets, dated November 30, 2017 and April 26, 2021, last revised **March 27, 2024** (collectively, the “Plans”), prepared by Ludgate Engineering Corporation (“Applicant’s Engineer”).
- c. *Extension of Time for Plan Review* dated October 30, 2023, signed by Applicant.
- d. *Request for Montgomery County Planning Commission Review* dated October 30, 2023, prepared by Applicant’s Engineer.
- e. *Stormwater Management Report* dated October 29, 2023, last revised **March 2024**, prepared by Applicant’s Engineer.

David Schiffgens, Mayor/Chair
April 17, 2024
Page 2

- f. *Waiver Letter* dated December 27, 2023, prepared by Applicant's Engineer, requesting waivers of the Borough of Red Hill Subdivision and Land Development Ordinance.
- g. *Waiver Letter* dated February 13, 2024, prepared by Applicant's Engineer, requesting waivers of the Borough of Red Hill Subdivision and Land Development Ordinance.
- h. ***Waiver Letter* dated March 26, 2024, prepared by Applicant's Engineer, requesting waivers of the Borough of Red Hill Subdivision and Land Development Ordinance.**
- i. *Zoning Review Letter* dated December 1, 2023, prepared by Barry Isett & Associates, Inc. ("Borough Zoning Officer").
- j. *Engineer Review Letter* dated December 8, 2023, prepared by Remington & Vernick Engineers ("Borough Engineer").
- k. *County Review Letter* dated December 14, 2023, prepared by Montgomery County Planning Commission.
- l. *Response Letter to Borough Engineer* dated December 18, 2023, prepared by Applicant's Engineer in response to the Borough Engineer Review Letter dated December 8, 2023.
- m. *Response Letter to Borough Solicitor* dated November 10, 2023, received December 27, 2023, prepared by Applicant's Engineer in response to the Borough Solicitor Review Letter dated December 13, 2023.
- n. *Response Letter to Borough Zoning Officer* dated December 18, 2023, prepared by Borough Zoning Officer dated December 1, 2023.
- o. *Second Borough Engineer Review Letter* dated January 16, 2024, prepared by Borough Engineer.
- p. *Third Borough Engineer Review Letter* dated March 18, 2024, prepared by Borough Engineer.
- q. ***Response Letter to Borough Engineer* dated March 26, 2024, prepared by Applicant's Engineer in response to the Borough Engineer Review Letter dated March 18, 2024.**
- r. ***Response Letter to Borough Fire Marshal* dated March 26, 2024, prepared by Applicant's Engineer in response to the Borough Fire Marshal Review Letter dated March 18, 2024.**

David Schiffgens, Mayor/Chair
April 17, 2024
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- s. ***Response Letter to Borough Solicitor dated March 26, 2024, prepared by Applicant’s Engineer in response to the Borough Solicitor Review Letter dated March 19, 2024.***
- t. ***Fourth Borough Engineer Review Letter dated April 11, 2024, prepared by Borough Engineer.***

The following ordinances are hereinafter referenced in this review letter:

- i. Zoning Ordinance of the Borough of Red Hill, as amended through Ordinance No. 2023-592 enacted June 14, 2023 (the “ZO”).
- ii. Borough of Red Hill Subdivision and Land Development Ordinance, as amended through Ordinance No. 2020-566 enacted August 12, 2020 (the “SALDO”).
- iii. Borough of Red Hill Stormwater Management Ordinance and Appendices thereto, as amended through Ordinance No. 2021-576 enacted October 13, 2021 (the “SWMO”).
- iv. Borough of Red Hill Streets and Sidewalks Ordinance and Appendices thereto, as amended through Ord. No. 2022-581 enacted May 11, 2022 (“SASO”).

The Application contemplates the development of the Property with eight (8) single-family semi-detached twin dwelling units, a shared private access drive, driveways, landscaping, concrete sidewalks and walkways, stormwater management facilities and related improvements (the “Development”). The Property consists of approximately 1.359 (gross) acres on a vacant lot, completely located within the Borough’s “RR” Retail Residential District.

We offer the following comments for the Borough’s consideration, and further recommend that all agreements and documents identified herein be subject to review and approval by our office.

SALDO Comments

1. **We defer to the Borough Engineer regarding the Applicant’s request for a waiver of SALDO §22-304.1.G.(1)(k) and §22-437.1.A., setting forth the requirement to provide a landscaping plan prepared by a licensed landscape architect. In the event that waivers from these provisions are not provided, the Applicant should revise the Plans to comply with §22-304.1.G.(1)(k) and §22-437.1.A.**

2. **We defer to the Borough Engineer regarding the Applicant’s request for a waiver of SALDO §22-305, setting forth the requirement to provide separate preliminary and final plan applications. In the event that a waiver from this provision is not provided, the Applicant should revise the Plans to comply with §22-305.**

David Schiffgens, Mayor/Chair
April 17, 2024
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3. **We defer to the Borough Engineer regarding the Applicant’s request for a waiver of SALDO §22-304.1.G.(1)(I) and §22-443., setting forth the requirement to provide a lighting plan. In the event that waivers from these provisions are not provided, the Applicant should revise the Plans to comply with §22-304.1.G.(1)(I) and §22-443.**

4. **The Plans and the Applicant’s Waiver Request Letter dated March 25, 2024 should be revised to reflect the correct citation of the SALDO requirement to provide an outdoor lighting plan, SALDO §22-304.1.G.(1)(I).**

5. **The Plans should be revised to add a note stating that “The Approved Improvement Construction Plan, a copy of which may be inspected at the Red Hill Borough Office, has been made a part of the approved final plan”, in accordance with SALDO §22-306.1.B.(2)(e)(2)a).**

6. **We defer to the Borough Engineer regarding the Applicant’s request for a waiver of SALDO §22-407, setting forth the requirement to provide Open Space consistent with the requirements of the Zoning Ordinance. In the event that a waiver from this provision is not provided, the Applicant should revise the Plans to comply with §22-407. However, the Development is located wholly in the “RR” Retail Residential District, which does not appear to have an Open Space requirement (as reflected in ZO §27-311).**

7. **In accordance with SALDO §22-408.1.B., single-family attached/semi-detached dwelling developments should dedicate suitable recreational land to the Borough with an area equal to 2,000 square feet per dwelling unit. In Applicant’s Response Letter to the Borough Solicitor Review Letter, dated November 10, 2023, received December 27, 2023, Applicant indicated that it should offer a fee in lieu of dedication of required open space/recreation area in accordance with SALDO §22-408.4. Based on the Applicant’s Waiver Request Letter dated March 25, 2024, the Applicant is changing its prior representation, and instead desires a waiver from SALDO §22-408.4.A. requiring the aforesaid recreation land or a fee in lieu. We defer to Borough Council regarding the Applicant’s request for a waiver of SALDO §22-408.4.A., to allow the Applicant to provide neither open recreational land or a fee in lieu. In the event that a waiver from this provision is not provided, the Applicant should clarify whether it intends to revise the Plans to comply with §22-408.1.B. or provide a fee in lieu.**

8. **In accordance with SALDO §22-411, the Development should be designed to preserve existing vegetation, such as the trees along the Property’s western and southern property-boundaries.**

9. **We defer to the Borough Engineer regarding the Applicant’s request for a waiver of SALDO §22-423.1, setting forth the requirement to provide curbing on all streets. In the event that a waiver from curbing is not provided, the Applicant should revise the Plans to comply with SALDO §22-423.1.**

David Schiffgens, Mayor/Chair
April 17, 2024
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10. We defer to the Borough Engineer regarding the Applicant's request for a waiver of SALDO §22-424.2.D., setting forth the requirement that the nearest driveway be no less than 40 feet from the street intersection. In the event that a waiver from the distance from street intersections is not provided, the Applicant should revise the Plans to comply with SALDO §22-424.2.D.

11. We defer to the Borough Engineer regarding the Applicant's request for a waiver of SALDO §22-427.1.A., setting forth the requirement to provide sidewalks along all common driveways. In the event that a waiver from sidewalks along the common driveway is not provided, the Applicant should revise the Plans to comply with SALDO §22-427.1.A.

12. We defer to the Borough Engineer regarding the Applicant's request for a waiver of SALDO §22-427.1.B.(2), setting forth the requirement to provide sidewalks with a width of not less than five (5) feet. In the event that a waiver from the minimum sidewalks width is not provided, the Applicant should revise the Plans to comply with SALDO §22-427.1.B.(2).

13. We defer to the Borough Engineer regarding the Applicant's request for a waiver of SALDO §22-427.1.C.(3), setting forth the requirement to provide grassed borders between the curblin and the sidewalk no less than three (3) feet in width. In the event that a waiver from three-foot wide border areas is not provided, the Applicant should revise the Plans to comply with SALDO §22-427.1.C.(3).

14. We defer to the Borough Engineer regarding the Applicant's request for a partial waiver of SALDO §22-440.1, setting forth the requirement to provide permanent monuments at all easement corners. In the event that a partial waiver from the permanent monuments is not provided, the Applicant should revise the Plans to comply with SALDO §22-440.1.

15. The Land Development Application indicates that the Development will be subject to a homeowners' association. Pursuant to SALDO §22-508, where the maintenance of improvements is to be the responsibility of a homeowners' association the maintenance responsibilities of the association should be noted on the Plans and be set forth in a recorded declaration of covenants and restrictions in form and substance satisfactory to the Borough Solicitor, which covenants and restrictions shall run with the land and be binding on the landowners and their successors in interest. All documentation should be subject to review and approval of the Borough Council upon recommendation of the Borough Solicitor.

16. The declaration of covenants and restrictions establishing the homeowners association should contain all of the following conditions, covenants, easements and restrictions required by the Act, various provisions of the SALDO including, but not limited to, SALDO §§ 22-407.6.E, 22-418.4, and 22-508, and as contemplated by the Preliminary Plans:

David Schiffgens, Mayor/Chair
April 17, 2024
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- a. The Association shall be responsible for the maintenance, repair and restoration of the private driveways, curbing, sidewalks, subsurface and surface storm water management facilities and BMPs, open space areas (if any), street lights, signage, street trees, lawn areas and landscaping constructed or installed on the Property.
- b. A long-term maintenance plan for all general landscaping and stormwater management landscaping shall be included in the Declaration and be consistent with the landscaping maintenance notes described on the Preliminary Plans.
- c. The long-term BMP Operation and Maintenance Plan, once approved by the Borough Engineer, shall be included in the Declaration and be consistent with the maintenance notes described on the Preliminary Plans.
- d. The Association shall be responsible for all snow removal from the private driveway and sidewalks on the Property.
- e. All common areas on the Property shall be identified as common facilities or limited common facilities.
- f. No tree removal shall be permitted anywhere on the Property unless such trees are dead or diseased; in such case, they shall be promptly removed to avoid safety hazards.
- g. An irrevocable easement from the declarant, its successors and assigns, shall be granted in favor of the Borough authorizing the Borough to access and enter upon all or any portion of the Property located in the Borough to inspect, repair, replace and maintain the storm water management facilities located on that portion of the Property in the Borough in the event the declarant or the Association fails to do so, to seek reimbursement from the Association for all costs and expenses incurred, and to file and maintain a lien against the Property until such costs and expenses are paid in full.
- h. An irrevocable easement from the declarant, its successors and assigns, shall be granted in favor of the Red Hill Water Authority, sewer authority and other utility providers to enter upon and have rights of access to all or any portion of the Property located in the Borough to inspect, repair, replace and maintain the sanitary sewer, water and utility improvements located on that portion of the Property located in the Borough.
- i. The declarant, its successors and assigns, and the Association shall be prohibited from subdividing, selling, mortgaging, conveying, constructing improvements on, or

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changing the use of all or any portion of the open space areas on the Property without the prior written approval of the Borough in accordance with SALDO §22-407.

- j. No lots or common areas within the development may be further subdivided.
- k. No trees, plantings, shrubs, hedges, walls, fences, structures or other visual obstructions shall be erected to a height in excess of two (2) feet within the sight distance easement areas, as shown on the final land development plans and the Declaration Plats and Plans. The Association shall maintain the sight distance easement areas to prevent visual obstructions.
- l. The Association and each homeowner shall be prohibited from taking any action that would damage, impair or otherwise interfere with the operation and preservation of the storm water management facilities and BMPs installed anywhere on the Property.
- m. No accessory uses, as defined in the Borough of Red Hill Zoning Ordinance, shall be permitted anywhere on the Property.
- n. An architectural standards committee shall be formed to preserve and enforce the harmonious design of the development.
- o. Any amendment to the Declaration or a termination of the planned community shall require prior written notice to and the prior written approval of the Borough.

17. Although not a preliminary plan requirement, approved modifications or waivers should be listed on the first sheet of the final approved plans, pursuant to SALDO §22-703.4. **Please be aware that waivers are not “Granted” or “Approved” until formal action is taken by Borough Council thereon. As of the date of this letter, it is this Office’s understanding that Borough Council has not taken any such action. Nonetheless, we expect that this requirement will not be able to be fully complied with until after Borough Council Action.**

General Comments

18. The Applicant should comply with any provisions of the SALDO from which waivers are requested, but not granted by Borough Council, and update the waiver matrix on the Plans accordingly.

19. It appears that the Stormwater BMP Area shown on the Plans spans at least four (4) of the proposed lots, and accepts drainage and/or runoff from the entire site. In addition, the shared

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driveway appears to serve the entire Development. A shared maintenance and easement agreement should be prepared for these facilities in a manner that clearly, reasonably, and fairly divides the responsibility, cost and use of these improvements. Further, no parking should be allowed on the shared portion of the driveway. It is possible that a homeowner's association would be appropriate for these items.

20. Upon recommendation of the Borough Solicitor as to form, the Applicant should execute either (i) a Stormwater Best Management Practices (BMPs) Operation and Maintenance Agreement or (ii) a Declaration of Covenants, Easements and Restrictions Concerning Stormwater Facilities pursuant to SALDO §22-435.8 and SWMO §§19-301, 19-401, 19-504 and 19-505 (the "BMP Agreement"). The BMP Agreement should grant and convey to the Borough, its contractors, agents, successors and assigns, an easement in perpetuity over those areas on which the storm water management facilities and BMPs are located and permanent access easements, as shown on the Preliminary Plans, to enter upon portions of the Property for the inspection, maintenance, repair and replacement of the storm water management facilities and BMPs in the event that the Applicant or the homeowners' association fails to do so. The BMP Agreement should be acceptable in form and substance to Borough Council upon recommendation of the Borough Engineer and the Borough Solicitor and be recorded by the Borough at the Applicant's expense on the same date as and immediately following the recording of the record plans.

21. A Land Development Agreement, including financial security provisions, and a Memorandum of Land Development Agreement, each in form and substance acceptable to the Borough Solicitor, should be prepared by our office and executed by the Applicant before Borough Council signs the record plans and releases same for recording in accordance with SALDO §§22-307.1.G and 22-509.

22. The Applicant should post financial security, as described in the Land Development Agreement, with the Borough in accordance with SALDO §§22-307.1.G and 22-502.

23. The Plans, following final plan approval, should be fully executed and delivered to the Borough and recorded at the expense of the Applicant.

24. All recording costs and applicable taxes and fees, if any, should be paid by the Applicant.

25. The Applicant should satisfy the comments contained in the Borough Engineer's review letter, and any supplements or updates thereto.

26. The Applicant should satisfy all comments provided by the Planning Commission, and any supplements or updates thereto.

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27. The Applicant should satisfy any comments provided by the Montgomery County Planning Commission, the Borough Fire Marshal, the Red Hill Water Authority, and the sewer Authority.

Our comments are limited to those documents hereinabove referenced as being included in our review, and any future submissions, amendments, documents, or waiver requests may generate additional comments by our office.

Sincerely,



KATHLEEN M. MANNARD

cc: All via email:
Liz DeJesus, Borough Manager
Doris Decker, President, Borough Council
Mark A. Hosterman, Esq., Borough Solicitor – Wisler Pearlstine, LLP
John Rundy, PE, Borough Engineer – Remington & Vernick Engineers
Matthew Lubitz, BCO, Borough Planner – Montgomery County Planning Commission
Jeffrey Semon, Applicant – JD Development Company of PA, LLC
David Martin, Applicant – JD Development Company of PA, LLC
George J. Ozorowski, Esq., Applicant’s Attorney – Hughes, Kalkbrenner & Ozorowski, LLP
Applicant’s Engineer – Ludgate Engineering Corporation