



HAMBURG, RUBIN, MULLIN,  
MAXWELL & LUPIN, PC

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J. Braun Taylor  
  
**OF COUNSEL:**  
Jonathan Samel, LL.M  
John C. Rafferty Jr.

September 21, 2023

**Via Email: [jgarrity@wispearl.com](mailto:jgarrity@wispearl.com)**

James J. Garrity, Esquire  
Wisler Pearlstine  
460 Norristown Road, Suite 110  
Blue Bell, PA 19422

**Re: Mellen Legacy Property LLC – 45 Mainland Road**

Dear Jim:

Per our discussion, as part of our Conditional Use Application, we request that the Supervisors permit the continuation of the following non-conformities that exist on the property. Some non-conformities have been rectified or improved from the merger of the 2 parcels but the following will persist:

Min. Lot Size (Gross)	2.8 acres (121,834 SF) net & gross
Min. Front Yard Setback	63'
Min. Rear Yard Setback	11'
Parking in Front Yard	26 spaces

We attach revised plans which update the zoning chart (only). Thank you for your attention to this matter.

Very truly yours,

HAMBURG, RUBIN, MULLIN,  
MAXWELL & LUPIN

*/s/ Christen G. Pionzio*

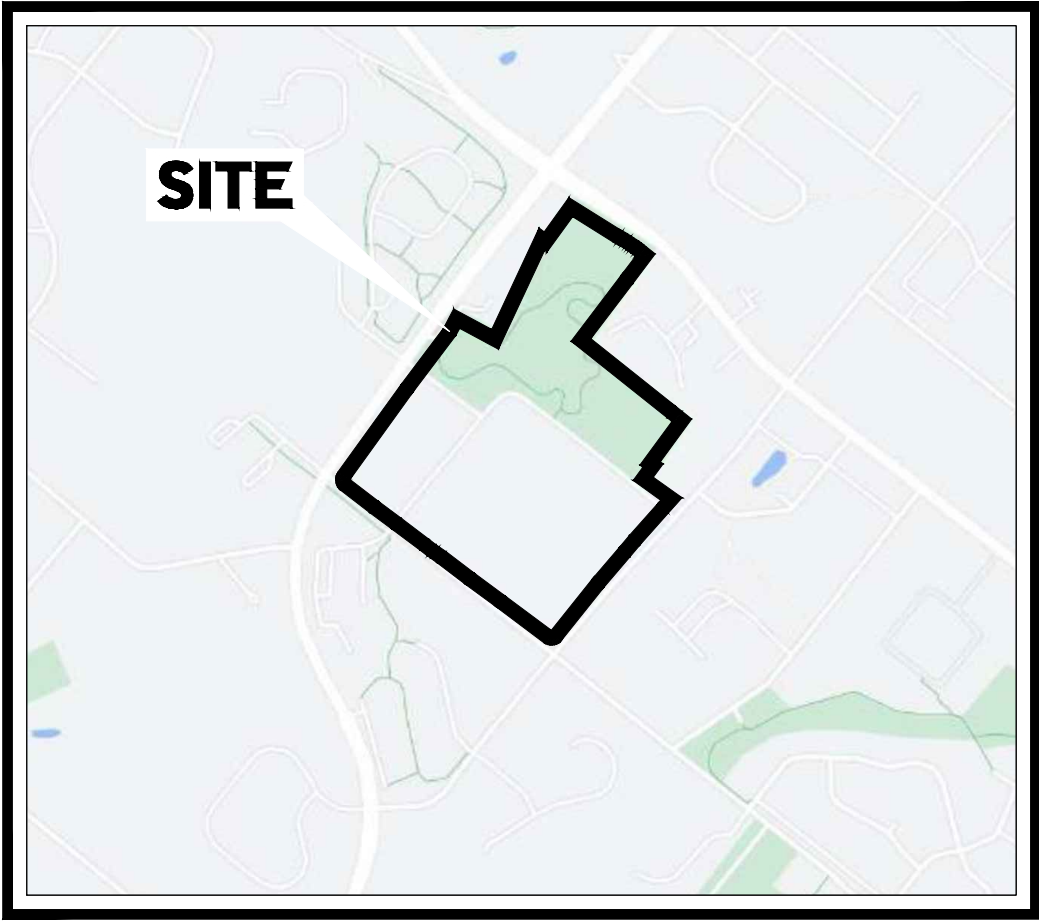
By: \_\_\_\_\_  
CHRISTEN G. PIONZIO

**LANSDALE**  
1684 S. Broad Street  
Suite 230  
Post Office Box 1479  
Lansdale, PA 19446-5422  
Phone 215-661-0400  
Fax 215-661-0315

**HARRISBURG**  
Phone 717-943-1790  
Fax 717-943-1792

CGP/dcbk  
Enclosures

CC: Michael L. Beuke, Director of Building and Zoning – via email  
Michele Fountain, Township Engineer – via email  
Patti Reimel, Codes Administrative Assistant – via email



**LOCATION MAP**  
SCALE : 1" = 500'

**LEGEND**

**EXISTING**

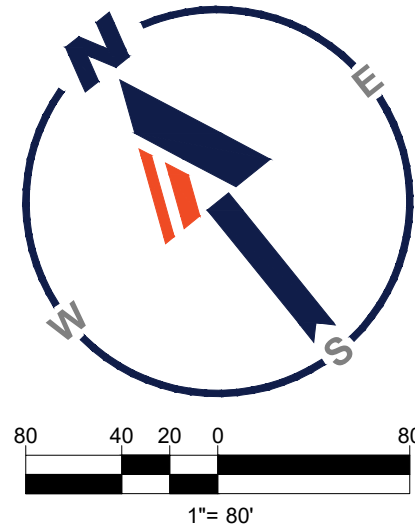
PROPERTY LINE	---
ADJACENT PROPERTY LINE	- - - -
BUILDING	[Hatched Box]
RETAINING WALL	[Hatched Line]
CONCRETE CURB	[Dashed Line]
FENCE	[Crossed Line]
SIGN	[Square]
AREA LIGHT	[Circle]
TREE	[Tree Symbols]
DRAINAGE INLET	[Square]
STORM/SANITARY MANHOLE	[Circle]
UTILITY POLE	[Circle]
OVERHEAD UTILITY WIRES	[Line]

**LEGEND**

**PROPOSED**

RETAINING WALL	[Hatched Line]
CONCRETE CURB	[Dashed Line]
HANDRAIL	[Dashed Line]
SIGN	[Square]
BOLLARD	[Circle]
ASPHALT TRAIL	[Hatched Area]
CONCRETE	[Hatched Area]
BOARDWALK	[Hatched Area]
NAGSC150 MATTING	[Dotted Area]
TREE	[Tree Symbols]

NOTES  
1. TRAIL LOCATION IS APPROXIMATE AND WILL BE FIELD VERIFIED IN CONJUNCTION WITH THE OWNER AND TOWNSHIP ENGINEER IN A MUTUALLY ACCEPTABLE LOCATION.



**BOHLER**  
SITE CIVIL AND CONSULTING ENGINEERING  
PROGRAM MANAGEMENT  
LANDSCAPE ARCHITECTURE  
SUSTAINABLE DESIGN  
PERMITTING SERVICES  
TRANSPORTATION SERVICES

**REVISIONS**

REV	DATE	COMMENT	REVISOR	CHECKED BY
1	06/23/2023	OWNER/TWP SURVEY	LB	JB

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www.811.org  
#20221452016

**FOR EXHIBIT PURPOSES ONLY**

PROJECT No.: PAC220039.00  
DRAWN BY: LB  
CHECKED BY: JB  
DATE: 03/27/2023  
CAD ID: PAC220039.00-PACE-1A

**EXHIBITS**

FOR

**VV 355 LLC**

PROPOSED DEVELOPMENT  
355 MAPLE AVENUE  
LOWER Salford TOWNSHIP  
MONTGOMERY COUNTY, PA

**BOHLER**  
1515 MARKET STREET, SUITE 920  
PHILADELPHIA, PA 19102  
Phone: (267) 402-3400  
Fax: (267) 402-3401  
www.BohlerEngineering.com

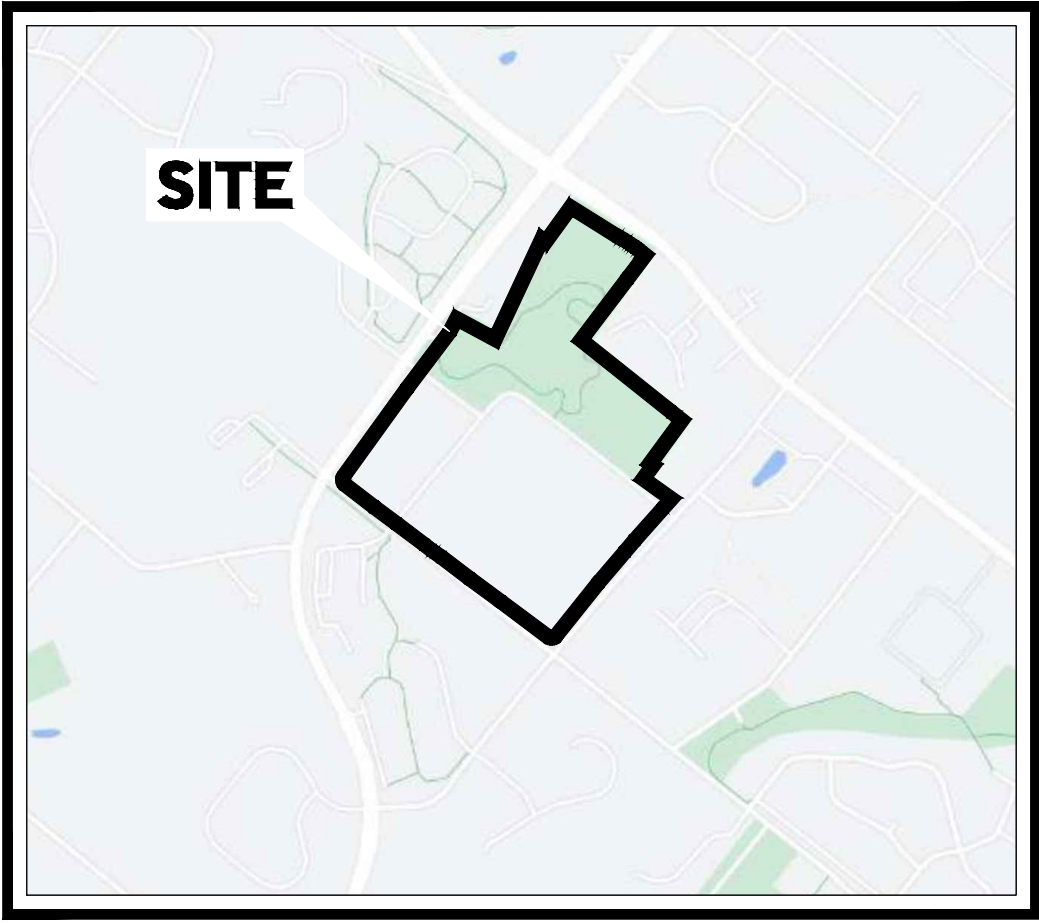
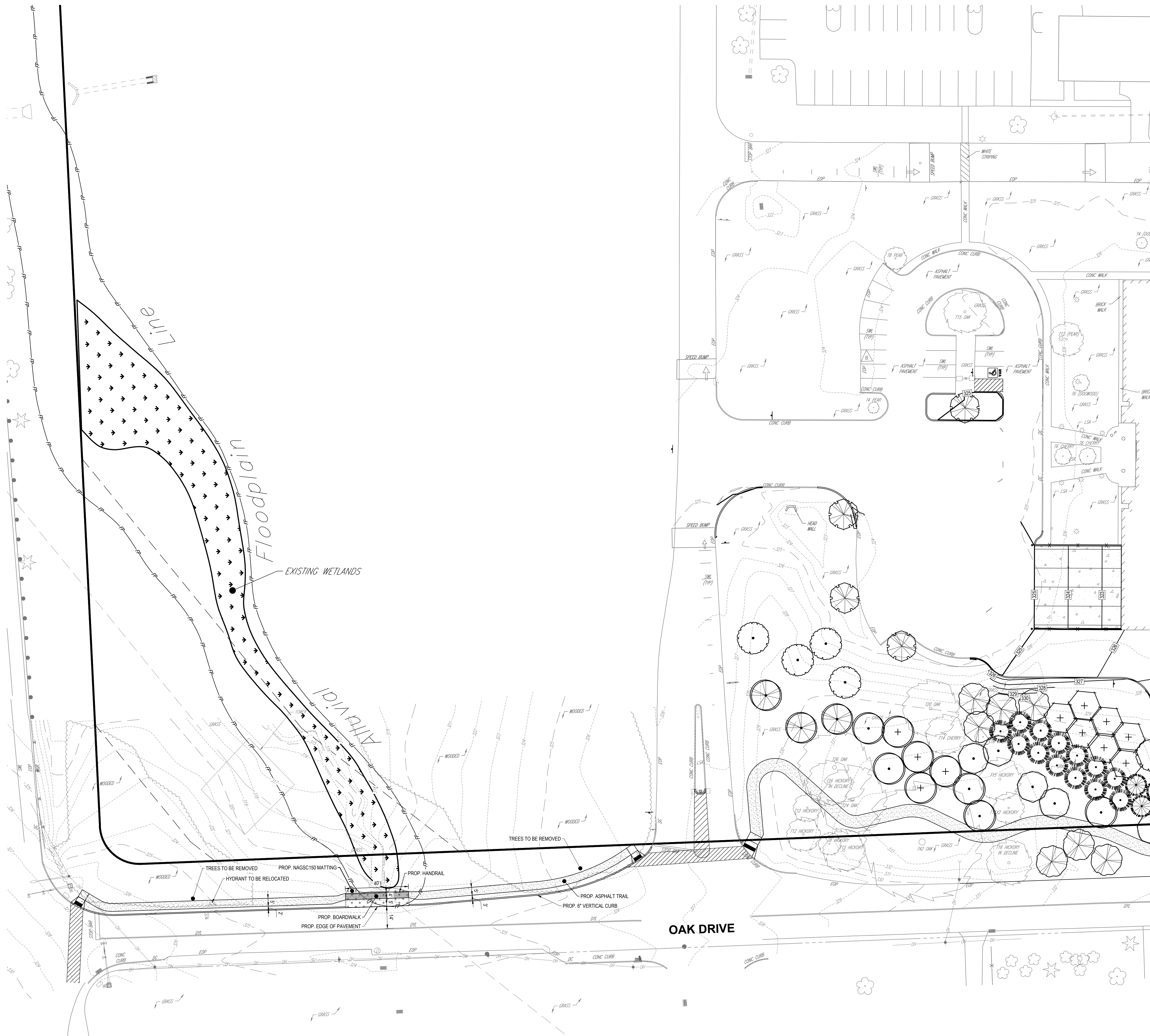
**C. BROWN**  
PROFESSIONAL ENGINEER  
NEW JERSEY LICENSE # 24091  
NEW JERSEY EXPIRES 2/28/2024

SHEET TITLE:  
**PEDESTRIAN CONNECTION FOR FUTURE CONNECTION**

SHEET NUMBER:  
**EX-01**

REVISION 1 - 06/23/2023

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**LEGEND**

**EXISTING**

PROPERTY LINE	---
ADJACENT PROPERTY LINE	- - - -
BUILDING	[Hatched Box]
RETAINING WALL	[Hatched Line]
CONCRETE CURB	[Dashed Line]
FENCE	[Crossed Line]
SIGN	[Square with X]
AREA LIGHT	[Square with Circle]
TREE	[Circle with Lines]
DRAINAGE INLET	[Circle with Arrow]
STORM/SANITARY MANHOLE	[Circle with X]
UTILITY POLE	[Circle with Cross]
OVERHEAD UTILITY WIRES	[Line with Dash]

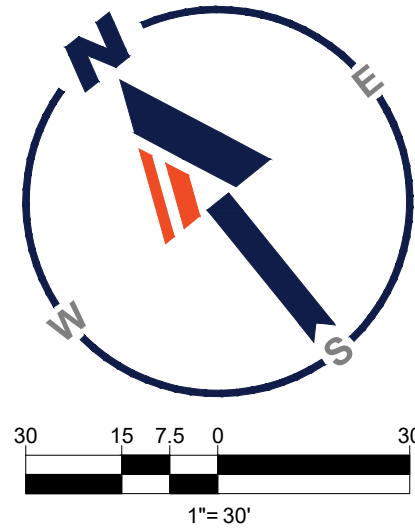
**LEGEND**

**PROPOSED**

RETAINING WALL	[Hatched Line]
CONCRETE CURB	[Dashed Line]
HANDRAIL	[Dashed Line]
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BOLLARD	[Circle with X]
ASPHALT TRAIL	[Hatched Area]
CONCRETE	[Hatched Area]
BOARDWALK	[Hatched Area]
NAGSC150 MATTING	[Dotted Area]
TREE	[Circle with Lines]

**NOTES**

1. TRAIL LOCATION IS APPROXIMATE AND WILL BE FIELD VERIFIED IN CONJUNCTION WITH THE OWNER AND TOWNSHIP ENGINEER IN A MUTUALLY ACCEPTABLE LOCATION.



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**REVISIONS**

REV	DATE	COMMENT	DRAWN BY	CHECKED BY
1	06/23/2023	REVISOR PER OWNER/TWP SURVEY	JB	LB

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THIS DRAWING IS INTENDED FOR MUNICIPAL AND/OR AGENCY REVIEW AND APPROVAL. IT IS NOT INTENDED AS A CONSTRUCTION DOCUMENT UNLESS INDICATED OTHERWISE.

PROJECT No.: PAC220039.00  
DRAWN BY: LB  
CHECKED BY: 03/27/2023  
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**VV 355 LLC**

PROPOSED DEVELOPMENT  
355 MAPLE AVENUE  
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www.BohlerEngineering.com

**C. BROWN**  
PROFESSIONAL ENGINEER  
PAID UPON LICENSE  
NEW JERSEY LICENSE NO. 2405141400

SHEET TITLE:  
**PEDESTRIAN CONNECTION FOR FUTURE CONNECTION**

SHEET NUMBER:  
**EX-02**

REVISION 1 - 06/23/2023

R:\2022\PA220039.00\CADD\DRAWINGS\EXHIBITS\PEDESTRIAN ACCESS EXHIBIT\PA220039.00.PACE-1A.LAYOUT: EX-02 TRAIL (WEST).DWG

**MONTGOMERY COUNTY  
BOARD OF COMMISSIONERS**

KENNETH E. LAWRENCE, JR., CHAIR  
JAMILA H. WINDER, VICE CHAIR  
JOSEPH C. GALE, COMMISSIONER



**MONTGOMERY COUNTY  
PLANNING COMMISSION**

MONTGOMERY COUNTY COURTHOUSE • PO Box 311  
NORRISTOWN, PA 19404-0311  
610-278-3722  
[WWW.MONTGOMERYCOUNTYPA.GOV](http://WWW.MONTGOMERYCOUNTYPA.GOV)

SCOTT FRANCE, AICP  
EXECUTIVE DIRECTOR

October 2, 2022

SUBJECT: MCPC Planning Assistance Contract Renewal

TO: Joe Czajkowski, Manager, Lower Salford Township  
Cc: Eric Jarrell, Community Planning Manager, MCPC

FROM: Claire Warner, Senior Community Planner, MCPC

---

The current planning assistance contract with Lower Salford will expire on December 31, 2023. We look forward to continuing our work with the township. I have included a summary of the past work, and a proposal for a new three-year work program.

**Current Work Program**

Over the course of the three-year contract we made significant progress on a number of the work items identified as “structured assistance” in the last contract. First, we coordinated with the Trail and Sidewalk Committee to help improve the sidewalk trail network with an analysis of the existing trail and sidewalks throughout the township, as well as the opportunities for additional connections. As part of this coordination, we assisted with the grant application for a walkability feasibility study of the Village of Lederach, and have continued to coordinate with partners and attend committee meetings and outreach efforts as needed. We also provide periodic updates on the Indian Valley Regional Planning Commission activities and coordinate with the townships’ planning efforts. Finally, we initiated an updated of the VC-Village Commercial Zoning District, based on an audit of the zoning ordinance and at the recommendation of the Township.

**Structured Assistance**

A new three-year contract would include the following work items, based upon township-directed priorities:

1. Zoning Updates. Continue to coordinate with the township on revisions to the VC District, and work with the township through the approval process. As we complete the VC District updates, we will continue the audit of the zoning ordinance and complete edits to districts and uses as identified through the audit and at the recommendation of the Township.
2. Trail and Sidewalk Analysis. Continue coordination with the township traffic engineer and the Trail and Sidewalk Committee, as needed, to analyze priority sidewalk and trail projects.

The balance of the contract will consist of flexible assistance.

**Contract Terms**

A cost proposal is attached for your review. It is based on the same level of service as your current contract: two planner-days per month and 12 night meeting per year for three years. The average annual cost is \$11,370.

Please inform us on whether the proposed work program and contract costs are acceptable. If so, a formal contract will be prepared for your signature.

**Lower Salford Township**  
 Community Planning Assistance  
 Contract Cost Proposals  
 January 1, 2024 - December 31, 2026

Description			TOTAL CONTRACT COST	MUNICIPAL SHARE 50%
<b><u>Year One</u></b>				
	<b><u>RATE</u></b>			
2	Planner-Days / Month	\$750 / Planner Day	\$18,000.00	\$9,000.00
12	Night Meetings* / Year		\$4,500.00	\$2,250.00
		<b>YEAR ONE TOTAL</b>	<b>\$22,500.00</b>	<b>\$11,250.00</b>
<b><u>Year Two</u></b>				
	<b><u>RATE</u></b>			
2	Planner-Days / Month	\$758 / Planner Day	\$18,192.00	\$9,096.00
12	Night Meetings* / Year		\$4,548.00	\$2,274.00
		<b>YEAR TWO TOTAL</b>	<b>\$22,740.00</b>	<b>\$11,370.00</b>
<b><u>Year Three</u></b>				
	<b><u>RATE</u></b>			
2	Planner-Days / Month	\$766 / Planner Day	\$18,384.00	\$9,192.00
12	Night Meetings* / Year		\$4,596.00	\$2,298.00
		<b>YEAR THREE TOTAL</b>	<b>\$22,980.00</b>	<b>\$11,490.00</b>
		<b>Total Contract Costs (Years 1-3)</b>	<b>\$68,220.00</b>	<b>\$34,110.00</b>

\* One Night Meeting = half of a Planner Day

<b>Summary of Invoices</b>			<b>Municipal Share 50 %</b>
<b><u>Year One</u></b>			
Invoice 1	April 2024		\$5,625.00
Invoice 2	October 2024		\$5,625.00
<b><u>Year Two</u></b>			
Invoice 3	April 2025		\$5,685.00
Invoice 4	October 2025		\$5,685.00
<b><u>Year Three</u></b>			
Invoice 5	April 2026		\$5,745.00
Invoice 6	October 2026		\$5,745.00
			<b>\$34,110.00</b>

**LOWER SALFORD TOWNSHIP  
BOARD OF SUPERVISORS**

**MONTGOMERY COUNTY, COMMONWEALTH OF PENNSYLVANIA**

**RESOLUTION 2023-29**

**A RESOLUTION OF LOWER SALFORD TOWNSHIP, MONTGOMERY  
COUNTY, AUTHORIZING THE SUBMISSION OF A STATEWIDE LOCAL  
SHARE ACCOUNT GRANT APPLICATION FOR ADA CURB RAMP  
UPGRADES FOR SIDEWALK AND TRAIL LOCATIONS**

**Be it RESOLVED**, that Lower Salford Township of Montgomery County hereby requests a Statewide Local Share Assessment grant of \$376,740.00 from the Commonwealth Financing Authority to be used for the construction of ADA curb ramp upgrades for specified sidewalk and trail locations.

**Be it FURTHER RESOLVED**, that the Applicant does hereby designate Joseph Czajkowski, Township Manager, and Keith Bergman, Chairman of the Board of Supervisors, as the officials to execute all documents and agreements between Lower Salford Township and the Commonwealth Financing Authority to facilitate and assist in obtaining the requested grant.

I, Joseph Czajkowski, duly qualified Secretary of Lower Salford Township, Montgomery County, PA hereby certify that the forgoing is a true and correct copy of a Resolution duly adopted by a majority vote of the Board of Supervisors at a regular meeting held October 4, 2023 and said Resolution has been recorded in the Minutes of Lower Salford Township and remains in effect as of this date.

IN WITNESS THEREOF, I affix my hand and attach the seal of Lower Salford Township, this 4th day of October, 2023.

**BOARD OF SUPERVISORS  
LOWER SALFORD TOWNSHIP**

By: \_\_\_\_\_

**Keith A. Bergman**, Chairman,  
Board of Supervisors

Attest: \_\_\_\_\_

**Joseph S. Czajkowski**, Secretary

**BOARD OF SUPERVISORS  
LOWER SALFORD TOWNSHIP**

**MONTGOMERY COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 2023-04**

**“Zoning Ordinance Amendment”**

---

**AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF LOWER SALFORD TOWNSHIP, MONTGOMERY COUNTY, CHAPTER 164 (ZONING), ARTICLE III (DEFINITIONS), SECTION 164-5 (DEFINITIONS AND WORD USAGE), TO REPEAL AND REPLACE THE DEFINITION OF THE TERMS “IMPERVIOUS COVERAGE” AND “IMPERVIOUS SURFACE”; AND TO AMEND ARTICLE XVIII (NONCONFORMING USES), SECTION 164-120 (RESTORATION OR EXPANSION OF NONCONFORMING BUILDING OR BUILDING IN WHICH NONCONFORMING USE EXISTS) TO REPEAL AND REPLACE SUBSECTIONS “D” AND “E” IN ORDER TO PERMIT THE LIMITED EXPANSION OF NONCONFORMING STRUCTURES.**

---

The Board of Supervisors of Lower Salford Township does hereby **ENACT** and **ORDAIN**:

**SECTION I. Amendment to Code**

The Code of the Township of Lower Salford, Chapter 164 (Zoning), Article III (Definitions), Section 164-5 (Definitions and word usage), definition of “Impervious Coverage”, is hereby repealed and replaced with the following language:

**IMPERVIOUS COVERAGE**

The total percentage of impervious surfaces, measured by calculating the area of all impervious surfaces located within the gross lot area, then dividing it by the gross lot area.



**SECTION II. Amendment to Code**

The Code of the Township of Lower Salford, Chapter 164 (Zoning), Article III (Definitions), Section 164-5 (Definitions and word usage), definition of “Impervious Surface”, is hereby repealed and replaced with the following language:

**IMPERVIOUS SURFACE**

A surface that prevents the infiltration of water into the ground. Impervious surfaces include, but are not limited to, buildings, streets, sidewalks, patios, pavements, roof areas, driveway areas, compacted stone and other areas determined by the Township Engineer to be impervious within the meaning of this definition.

**SECTION III. Amendment to Code**

The Code of the Township of Lower Salford, Chapter 164 (Zoning), Article XVIII (Nonconforming Uses), Section 164-120 (Restoration or expansion of nonconforming building or building in which nonconforming use exists), Subsection D, is hereby repealed and replaced with the following language:

D. A single family residential structure that does not conform with the setback, yard, building height, or other dimensional regulations of the district in which it is located may be extended along the existing nonconforming building line; provided that:

- (1) the extension or addition shall be immediately adjoining the existing nonconforming structure;
- (2) the extension or addition is no closer to the side, rear, or front property line than the existing nonconforming structure; and
- (3) The lot (including the proposed extension or addition) complies with the building coverage and impervious coverage requirements applicable to that lot in that zoning district.

**SECTION IV. - Amendment to Code**

The Code of the Township of Lower Salford, Chapter 164 (Zoning), Article XVIII (Nonconforming Uses), Section 164-120 (Restoration or Expansion of Nonconforming Building or Building in Which Nonconforming Use Exists), Subsection E, is hereby repealed and replaced with the following language:

E. A non-residential structure that does not conform with the setback, yard, building height, or other dimensional regulations of the district in which it is located may be extended along the existing nonconforming building line by special exception; provided that:

- (1) the extension or addition is no closer to the side, rear, or front property line than the existing nonconforming structure;
- (2) the extension or addition does not increase the gross floor area of the building more than 25%; and
- (3) the extension or addition complies with the building coverage and impervious coverage requirements applicable to the lot.

**SECTION V. - Severability**

The provisions of this Ordinance are intended to be severable, and if any section, sentence, clause, part or provision hereof shall be held illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Board that this Ordinance would have been adopted even if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

**SECTION VI. - Failure to Enforce not a Waiver**

The failure of the Township to enforce any provision of this Ordinance shall not constitute a waiver by the Township of its rights of future enforcement hereunder.

**SECTION VII. - Effective Date**

This Ordinance shall take effect and be in force from and after its approval as required by the law.

**SECTION VIII. - Repealer**

All other ordinances and resolutions or parts thereof insofar as they are inconsistent with this Ordinance are hereby repealed.

**ORDAINED AND ENACTED** by the Board of Supervisors of Lower Salford Township, Montgomery County, Pennsylvania, this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

**LOWER SALFORD TOWNSHIP**

By: \_\_\_\_\_  
**Keith A. Bergman**, Chairman,  
Board of Supervisors

Attest: \_\_\_\_\_  
**Joseph S. Czajkowski**, Township Manager/Secretary

## NOTICE

**NOTICE** is hereby given that the Board of Supervisors of Lower Salford, at its public meeting on \_\_\_\_\_, 2023 at 7:30 PM in the Township Building, 379 Main Street, Harleysville, Pennsylvania, will hold a public hearing on and could vote to adopt an ordinance entitled "Zoning Ordinance Amendment" amending the Lower Salford Township Code, Chapter 164 (Zoning), Article III (Definitions), Section 164-5 (Definitions and word usage) to repeal and replace the definition of the terms "Impervious Coverage" and "Impervious Surface" and also amending Article XVIII (Nonconforming Uses), Section 164-120 (Restoration or expansion of nonconforming building or building in which nonconforming use exists) to permit the limited expansion of nonconforming structures.

Copies of the full text of the proposed Ordinance are available for examination during normal business hours at the Offices of Montgomery News, 307 Derstine Avenue, Lansdale, Pennsylvania 19446, the Montgomery County Law Library, Court House, Norristown, Pennsylvania 19401, and the Lower Salford Township Building, 379 Main Street, Harleysville, Pennsylvania 19438 where a copy of the proposed Ordinance may be obtained for a charge not greater than the cost thereof.

**JAMES J. GARRITY, ESQUIRE**  
**ANDREW R. FREIMUTH, ESQUIRE**  
**WISLER PEARLSTINE, LLP**  
Solicitors for Lower Salford Township