

Name of Applicant The Malvern School Properties, LP Email jascandone@malvernschool.com

Address 20 Creek Road Phone (Daytime) _____

City Glen Mills State PA Zip 19342 (Fax) _____

Applicant interest in property (owner, lessee, etc.) Owner

Name of Owner (if not applicant) _____

Address _____

City _____ State _____ Zip _____ Phone _____

When property was acquired by applicant September 2022

Tax Map Page 55 Block 28010 Lot 57 & 58

Address of property 982 Route 518 (Georgetown-Franklin Turnpike), Montgomery, NJ

Present Use of Property: Residential - Single Family

Proposed Use of Property: Day School; Medical Office (Retail Sales and Services);

Development Name Proposed Day School and Medical Office

Is the property served with public sewer system? Yes _____ No X Existing, but available

Is the property served with public water system? Yes _____ No X Existing, but available

Is the applicant willing to dedicate land for the widening of roads in compliance with Township and/or County Master Plan? Yes N/A No N/A

Is the proposed use located on a Municipal X County X State _____ road?

Area of property 2.05 acres or 89,128 sq. ft.

Frontage on an improved street 242.7 ft. Present Zoning: HC (Highway Commercial)

Number of Lots: Existing 2 Proposed 1

Number of buildings: Existing 1 Proposed 2

Proposed principal building height: 37'-2" Proposed accessory building height _____

Gross square footage of proposed building(s) Medical Office: 4,000 SF; Malvern School: 8,640 SF

Floor area of all structures: Existing 2,210 Proposed 12,640

Percentage of coverage by buildings 14.2% by impervious coverage 48.4%

Bulk restrictions provided: Front Yard CR 518: 50'
Brecknell N/S: 133.1'
Brecknell E/W: 50' N/A Side Yard N/A Rear Yard 60.3' Height 37'-2"

Parking spaces required 55 and provided 58

Has a subdivision previously been granted? N/A Date _____

Has a variance previously been granted? N/A Date _____

If previous applications were applied for please indicate the case number(s) _____

Are there any existing or proposed covenants or deed restrictions on the property? Yes

If yes, explain VARIOUS EASEMENTS PURSUANT TO THE ALTA SURVEY ENCLOSED

Is a variance requested? Yes (x) No () No. of variances requested 3

TYPE OF APPLICATION USE AND BULK VARIANCE

Describe in detail section of Zoning Ordinance from which applicant seeks design waivers: Design Waiver/Variance

Applicant is seeking a variance from Section 16-4.12.K1: Special Provisions for Child Care Centers. A 2.046 AC lot is proposed whereas 3 acres are required.

Applicant is seeking a variance from Section 16-4.12.H.1: Off-street loading. 1 Off-street loading space per principal building is required whereas none are proposed.

Applicant is seeking a variance from Section 16-4.12.D: Max Building Height. A building taller than 30' is proposed.

Describe in detail section of Zoning Ordinance from which applicant seeks submission waivers:

PLANS

Name of Engineer/Surveyor: DYNAMIC ENGINEERING CONSULTANTS, PC Email JHABERMAN@DYNAMICCEC.COM

Address: 1904 MAIN STREET

City LAKE COMO State NJ Zip 07719 Phone 732-974-0198 Fax 732-974-3521

Name of Architect: Ray Klumb Email rkarch@vtc.net

Address: 571 North Frontage Road

City Pearce State AZ Zip 85625 Phone 520-826-5352 Fax

CERTIFICATION

I hereby certify that the information and exhibits herewith submitted are true and correct to the best of my knowledge and that I am to file this application and act on behalf of the signatories of the attached authorization. I further authorize Township Officials to inspect the site noted above.

DATED: 12/12/22

(Owner's Name Printed and Owner's Signature)

Joseph A. Scandone, Managing Partner

DATED: 12/12/22

(Applicant's Name Printed and Applicant's Signature)

Joseph A. Scandone, Managing Partner

SWORN TO AND SUBSCRIBED BEFORE

THIS 12 day of December
20 22.

Maryann Hennelly
(Notary)

Commonwealth of Pennsylvania - Notary Seal
MARYANN HENNELLY - Notary Public
Delaware County
My Commission Expires July 8, 2025
Commission Number 1397912

Persons to be contacted regarding matters
pertaining to this application, if other than applicant.

APPLICANT'S ATTORNEY:

Name: JEFFREY HABERMAN, PE, PP

Name: FRANK PETRINO, ESQ.

Address: 1904 MAIN STREET

Address: PRINCETON PIKE CORPORATE CENTER, SUITE 203

LAKE COMO NJ, 07719

2000 LENOX DR. LAWRENCE, NJ

Phone: 732-974-0198

Phone: 609-989-5029

Fax:

Fax:

I, the developer/applicant, as signed below, acknowledge familiarity with the procedure set forth in the Montgomery Township Land Development Ordinance for submittals and required action and agree to be bound by it.

12/12/22

Date

(Applicant's Name Printed and Applicant's Signature)

Joseph A. Scandone, Managing Partner

AGREEMENT TO PAY FOR PROFESSIONAL REVIEW

THIS AGREEMENT made this _____ day of _____ 20____ between:

Name: The Malvern School Properties, LP

Address: 20 Creek Road Glen Mills PA 19342

Type of Application: Use Variance Block: 28010 Lot 57 & 58

Hereinafter call "Applicant"

and:

The Township of Montgomery, in the County of Somerset, a municipal corporation of the State of New Jersey, hereinafter call "Township"

WITNESSETH

That the Applicant has submitted a development application to the Township's Planning Board/Zoning Board for consideration in accordance with the New Jersey Municipal Land Use Law and the Montgomery Township Land Use Ordinances and Applicant hereby covenants and agrees as follows:

1. Applicant agrees to pay all costs related to the Township's review and administration of the proposed application with said costs including but not limited to:
 - A. Review by the Development Review Committee, which entails professional consultant costs for: Planner, Engineering, Legal and other extraordinary consultant services as may be required by the Township;
 - B. Full application professional review by the Site Plan Committee, Subdivision Committee, Planning Board, and Zoning Board, which entails professional consultant costs for: Planner, Engineering, Legal and other extraordinary consultant services as may be required by the Township;
2. Applicant understands and agrees to pay all costs as set forth above from the date of initial application submission through the Township's signature of approved plans which shall include any costs for extensions and revalidation's.
3. Applicant understands and agrees to deposit with the Township's Planning/Zoning Office an initial application filing fee which is non-refundable and an initial escrow deposit in accordance with Section 16-9.1 of the Land Development Ordinance.
4. Applicant understands and agrees that the Township will withdraw from said escrow deposit to cover costs as set forth in Section 1 above.
5. Applicant understands and agrees to pay within TEN BUSINESS DAYS of receipt of the Township's statement/billing all additional costs as may be incurred and billed to the applicant by the Township relative to the review and administration of the application even if the costs of said review and administration exceed the initial escrow deposit.
6. Applicant understands and agrees that in the event Applicant fails to pay a billed amount the Township may discontinue Planning Board/Zoning Board review and consideration on said application or if Planning Board/Zoning Board approval has been previously given Township may deny issuance of a construction permit and/or certificate of occupancy or if permit has been previously issued Township may initiate a Stop Work Order.
7. Township agrees to refund to applicant any escrow sum deposited with Township for review and administration of the application and neither spent nor needed by Township. A refund will be issued upon request by Applicant by Township following completion of the Township's review and administration of the application.
8. **APPLICANT AGREES AND UNDERSTANDS THAT IT IS INCUMBENT ON APPLICANT TO PERIODICALLY MONITOR THE STATUS OF SAID ESCROW ACCOUNT. APPLICANT AGREES AND UNDERSTANDS THAT RESPONSIBILITY TO PAY ALL ESCROW CHARGES IS THE APPLICANT'S EVEN IF APPLICANT SELLS OR CONVEYS SAID PROPERTY CITED ABOVE TO ANOTHER PARTY.**

Joseph A. Scandone, Managing Partner

APPLICANT'S NAME (PRINTED)

APPLICANT'S SIGNATURE

DATE

ESCROW ACCOUNTING ADMINISTRATIVE PROCEDURE

The following is a procedure to ensure proper control of payments to professionals reviewing and billing against applications for development within Montgomery Township;

A. GENERAL CONSIDERATION

1. Professionals will be primarily responsible to review applications in light of their own professional expertise.
2. The Community Development Department will be responsible for the administration and processing of professionals bills to the Township Finance Director.
3. All correspondence shall reference a case number, block and lot, and application name and address.
4. Applicants are to receive a copy of professional memoranda or reports at the same time as the Township.
5. Professional's invoices to the Township may include but not be limited to report writing, field inspections, attendance at meetings with Township representatives, attendance at municipal meetings where applications are heard, and meeting with applicants.
6. The Director of Community Development will be the responsible agent of the Township for coordinating meetings among the various professionals employed by the Township to discuss development applications.

B. SPECIFIC AREAS OF RESPONSIBILITY OUTLINED

1. The Engineer is responsible for reviewing the design of projects and reviewing public and semi-public improvements connected with development applications.
2. Planners are responsible for project designs, comments relating to the Master Plan and Ordinances.
3. The Landscape Architect is responsible for landscaping reviews of applications.
4. The Traffic Engineer is responsible for commenting on traffic and transportation aspects of applications.
5. The Planning Board or Board of Adjustment Attorney is responsible for legal representation of the Planning Board or Board of Adjustment at meetings and any legal aspects of development plan review and approval, as well as litigation concerning projects.
6. The Township Attorney is responsible for legal aspects of public improvements and any legal contractual aspects of the application process to which the Township is a party.
7. The Environmental Consultants are responsible for reviewing Environmental Impact Statements submitted with an application.
8. The Application Coordinator is responsible for general administration throughout the application review process and is also responsible for completeness items and issues within applications.
9. The Director of Finance is responsible for establishing escrow accounts, maintaining a ledger of the accounts and payment of professionals' invoices following approval by the Community Development Department.

C. BILLING

1. Since professionals are appointed by, and work directly for, the Township, bills will be sent to the Community Development Department for checking and routing. Invoices will, at a minimum, indicate individuals who performed work, the time spent, and the billing rate.
2. Bills are checked for the following:
 - A. Correct case numbers;
 - B. Correct block and lot(s) numbers
 - C. Correct application names
3. Bills are checked against ledger balances to avoid overdrafts.
4. When accounts are close to becoming over-extended, further funds will be requested of applicants.

**ESCROW ACCOUNTING ADMINISTRATIVE PROCEDURE
(CONTINUED)**

5. Failure by applicants to maintain sufficient positive escrow balances may subject applications to delays in review.
6. Professionals billing against escrow accounts must send a duplicate copy, marked or stamped, **"FOR INFORMATIONAL PURPOSES ONLY"** to the applicant at the same time the bills are sent to the Township.

D. QUESTIONS CONCERNING BILLINGS

1. Applicant inquiries regarding billing must be made in writing to the Director of Community Development specifying concerns, in detail, within two weeks of date of invoice.
2. Invoices will be scrutinized a second time for possible billing errors.
3. The Director of Community Development will determine the appropriateness of the billing, make a decision on whether or not the bill will be paid, and inform both parties concerned.

Applicant agrees and understands the "Escrow Accounting Administrative Procedure" and agrees to be bound by same.

Joseph A. Scandone, Managing Partner

APPLICANT'S NAME (PRINTED)

[Signature]

APPLICANT'S SIGNATURE

12/12/22

DATE

MONTGOMERY TOWNSHIP PLANNING/ZONING BOARDS

Application for Bulk Variance

(See N.J.S.A. 40:55D-70(c) and Zoning Ordinance)

1. Application is hereby made for a variance from the strict application of the following provisions of the Zoning Ordinance: (Specify sections of Ordinance involved):
 1. Applicant is seeking a variance from Section 16-4.12.K1: Special Provisions for Child Care Centers.

 2. Applicant is seeking a variance from Section 16-4.12.H.1: Off-street loading

 3. Applicant is seeking a variance from Section 16-4.12.D: Max Building Height.

2. Applicant requests a variance to the following extent: (Set forth specific variance requested):
 1. A 2.046 AC lot is proposed whereas 3 acres are required.

 2. 1 Off-street loading space per principal building is required whereas none are proposed.

 3. A building taller than 30' is proposed.

ANSWER BOTH NUMBERS 3 AND 4 OR ANSWER NUMBER 5 AS APPLICABLE

3. The strict application of said provision would result in: (Complete one or both of the following in detail)

TESTIMONY WILL BE PROVIDED.

- A. ***The following peculiar and exceptional practical difficulties:***

- B. ***The following exceptional and undue hardship:***

4. Said difficulties or hardship are by reason of (complete one of the following in detail):

- A. Exceptional narrowness, shallowness or shape of the property (describe):

- B. Exceptional topographic conditions or physical features uniquely affecting the property (describe):

- C. Reasons unique and peculiar to the lands or buildings for which the variance is sought and do not apply generally to lands or buildings in the neighborhood, because:

Application for Bulk Variance (Continued)
(See N.J.S.A. 40:55D-70(c) and Zoning Ordinance)

5. The following purpose of the Zoning Act would be advanced by a deviation from the Zoning requirements; and,

6. The requested variance is the minimum reasonably needed, because:

7. The benefits of the proposed deviation would substantially outweigh any detriment because:

8. The variance requested will not result in substantial detriment to the public good because:

9. The variance will not substantially impair the intent and purpose of the Zoning Ordinance and Master Plan because:

MONTGOMERY TOWNSHIP PLANNING/ZONING BOARDS

Application for a Use Variance

(See N.J.S.A. 40:55D-70(d) and Zoning Ordinance)

1. Application is hereby made for the granting of a variance from the Zoning Ordinance to allow for the following:

- A. A use or principal structure in a district restricted against such use or principal structure
- B. An expansion of a nonconforming use
- C. A deviation from a specification or standard of a conditional use
- D. An increase in the permitted floor area ratio
- E. An increase in the permitted density
- F. The height of a principal structure exceeds the maximum height allowed in the zone by 10 feet or 10%

2. Said structures or uses are proposed to be located in the _____ Zoning District, which is restricted against same by the following provisions of the Zoning Ordinance:

Testimony will be provided.

3. This application is based upon the following special reasons:

Testimony will be provided.

4. Said reasons are unique and peculiar to the lands or building for which the variance is sought and do not apply generally to land or buildings in the neighborhood because:

Testimony will be provided.

5. The strict application of the regulations prohibiting said structure or use would deprive applicant of the reasonable use of the lands or buildings involved, because:

Testimony will be provided.

6. The requested variance is the minimum reasonably needed, because:

Testimony will be provided.

7. The variance requested will not result in substantial detriment to the public good because:

Testimony will be provided.

8. The variance will not substantially impair the intent and purpose of the Zoning Ordinance and Master Plan because:

Testimony will be provided.

Applicant's Disclosure Statement
(Corporation or Partnership)

A Corporation or Partnership applying to the Planning Board or Zoning Board of Adjustment for:

- must complete the following:

[illegible]

MONTGOMERY TOWNSHIP PLANNING/ZONING BOARDS

Affidavit of Ownership

STATE OF NEW JERSEY)

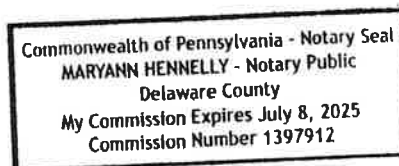
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COUNTY OF SOMERSET)

The Malvern School Properties, LP _____ of full age being duly sworn according to law on oath deposes and says
that the deponent resides at _____ 20 Creek Road _____ in the Township of _____ Glen Mills _____
in the County of _____ Delaware _____ and State of _____ PA _____ that The Malvern School Properties, LP _____
is the owner in fee of all that certain lot, piece or parcel of land situated, lying and being in the Township of _____
Montgomery, New Jersey, and known and designated as Block _____ 28010 _____ Lot _____ 57 & 58 _____.

DATED 12/12/22


Joseph A. Scandone, Managing Partner
Owner's Name Printed and Owner's Signature



SWORN TO AND SUBSCRIBED TO BEFORE ME

THIS 12th DAY OF December 2022.


(Notary Public)

AUTHORIZATION

(If anyone other than the above owner is making this application, the following authorization must be executed.)

To the Board of Adjustment/Planning Board:

_____ is hereby authorized to make the within application.

DATE: _____, 20____.

Owner's Name Printed and Owner's Signature

CHECKLIST

Details Required for Variance Applications

Note: See subsection 16-8.2c of the Montgomery Township Land Development Ordinance for further details of submission requirements and procedures.

Applicant Malvern School Properties LP **Block** 28010 **Lot** 57 & 58

Address 20 Creek Road Glen Mills PA 19342

Item #	Provided	Not Relevant	Waiver Asked For	Item of Information Required by the Land Development Ordinance
1	X			Application Form(s) and Checklist(s) (8 copies) and electronic portable document format (PDF).
2	X			Application and Escrow Fees in accordance with subsection 16-9.1
3	X			Sketch plats or plans (8 copies and PDFs) or related materials outlining the location, nature and extent of any variance(s) requested, which may be provided on a signed and sealed survey of the property prepared by a licensed land surveyor
4	X			Title Block:
5	X			Name, title, address and telephone number of the applicant;
6	X			Name, title, address, telephone number, license number, seal and signature of the professional or professionals who prepared the plat, plan, and/or survey;
7	X			Name, title and address of the owner or owners of record;
8	X			Plan scale; and
9	X			Date of original preparation and of each revision
10	X			Acreage figures (both with and without areas within the public rights-of- way)
11	X			North Arrow
12	X			Certification that the applicant is the owner of the land or his properly authorized agent, or that the owner has given his consent under an option agreement, either on the plat or plan or in the application

13			X	The location of existing property lines (with bearings and distances), streets, structures (with their numerical dimensions and an indication of whether existing structures will be retained or removed), parking spaces, loading area(s), driveways, watercourses, railroads, bridges, culverts, drain pipes, any natural features, and any historical features such as family burial grounds and buildings more than 50 years old, both within the tract and within 200 feet of its boundary
14	X			Approval signature lines for “d” variance applications only
15	X			Existing block and lot number(s) of the lot(s) as they appear on the Township Tax Map
16	X			The location and width of all existing and proposed easements and rights- of-way, the use(s) for which they are intended, and to whom they will be granted
17	X			Zoning district(s) applicable to the tract, including district names and all area and bulk requirements, with a comparison to the proposed development
18	X			Existing and proposed landscaped and wooded areas
19		X		Delineation of any flood plains and Township stream corridors
20		X		Wetlands and wetland transition areas
21	X			Designation of topographic slopes 15% or greater
22		X		Designation of any hydric soils, as noted in subsection 16-6.4g.
23	X			The names and addresses of all property owners within 200 feet of the subject property, including block and lot numbers as they appear on the most recent tax list prepared by the Township Tax Assessor
24	X			Certification from the Township Tax Collector that all taxes and assessments are paid to date and certification from the CFO or his/her designee that all prior escrow fees have been posted
25	X			A sketch of the proposed addition or new construction for which a variance is sought, demonstrating how same is architecturally consistent with the existing structure or an improvement thereof
26	X			A written statement describing the exact proposed use requested, for “use” variance applications only. The statement should include hours of operation, number of employees, and other pertinent information to aid the Board in a full understanding of the proposed use

Not provided within 200' of boundary

27	X			Environmental Impact Statement, for "d" variances only (see subsection 16- 8.4c).
28		X		Stormwater management methods for Minor Developments (see subsections 16-5.2c3 and 16-5.2f).



SIGNATURE AND TITLE OF PERSON
WHO PREPARED THE
CHECKLIST [Ord. #20-1646, S11]

Jeffrey S. Haberman, PE

12/13/2022

DATE