



**Center for Jewish Living: Preliminary Plan No. 120140090**

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**Staff Report Date: 10/17/2014**

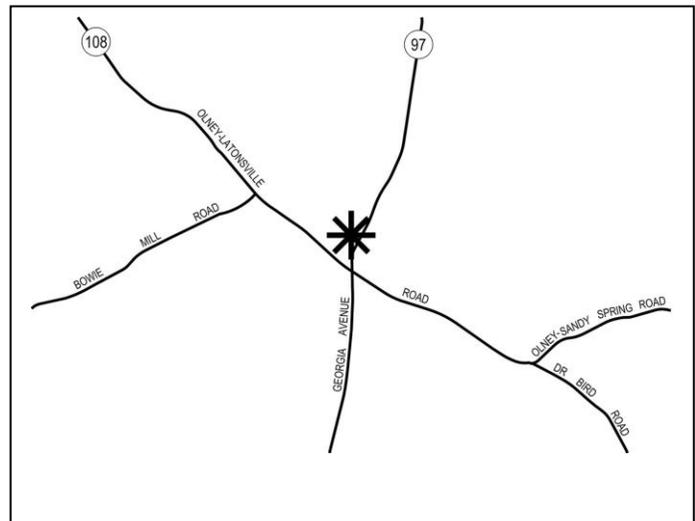
**Description**

**Center for Jewish Living: Preliminary Plan No. 120140090**

Request to create one lot for a religious institution and weekday childcare from an existing lot and a parcel, located on the west side of Georgia Avenue (18320-18326 Georgia Avenue), approximately 1,500 feet north of the intersection with MD 108, 1.65 acres, R-200 Zone, 2005 Olney Master Plan

**Staff Recommendation:** *Approval with conditions*

**Applicant:** Lewis Shrensky (Center for Jewish Living)  
**Submitted:** 01/17/2014



**Summary**

The Staff Report includes:

- Creation of an expanded lot for a larger house of worship, Rabbi residence, and weekday child care with six or fewer employees, but no weekday private school.
- Special exception review not required per 59-G-2.13.1(c)
- Tree variance for removal of 7 trees
- Property is located within the Patuxent Primary Management Area, but is not subject to an impervious cap because the Olney Master Plan provides relief for properties with zoning more dense than RE-2. The Applicant has provided justification for the proposed impervious surfaces and has minimized imperviousness where possible.
- Not subject to the Resubdivision Analysis of 50-29(b)(2) based on Planning Board interpretation that resubdivision does not apply to non-residential uses.

**RECOMMENDATION:** Approval, subject to the following conditions:

1. Approval under this Preliminary Plan is limited to one (1) lot for a religious institution including a house of worship with 168 seats, living quarters, religious education (weekend school), and weekday childcare with no more than 6 employees at any one time. No weekday private school is permitted.
2. The Applicant must comply with the following conditions of approval for Preliminary Forest Conservation Plan (“FCP”) No. 120140090, dated August 19, 2014:
  - a. Prior to any clearing, grading or demolition on the Property, the Applicant must obtain the M-NCPPC approval of a Final FCP consistent with the approved Preliminary FCP.
  - b. Mitigation for the removal of the seven trees subject to the variance provision must be provided in the form of planting native canopy trees totaling seventy (70) caliper inches, with a minimum tree size of three (3) inches in diameter at breast height. The trees must be planted on the Property, outside of any rights-of-way, or utility easements, including stormwater management easements. These mitigation trees must be shown on the Final FCP.
  - c. If Trees #5 or #6 as shown on the Forest Conservation Plan experience severe decline or death within two years of the post-construction meeting, the trees will be replaced with native canopy species in a quantity determined by the M-NCPPC forest conservation inspector.
  - d. Prior to any clearing, grading, or demolition on the Property, the Applicant must record a Certificate of Compliance Agreement executed by the Applicant and the Planning Board or its designee for the offsite forest planting requirement.
  - e. The Final Sediment Control Plan must be consistent with the final limits of disturbance as approved by the M-NCPPC Staff.
  - f. The Applicant must comply with all tree protection and tree save measures shown on the approved Final FCP. Tree save measures not specified on the Final FCP may be required by the M-NCPPC forest conservation inspector.
3. The Planning Board has accepted the recommendations of the Montgomery County Department of Transportation (“MCDOT”) in its letter dated March 7, 2014, and hereby incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDOT provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
4. The Planning Board has accepted the recommendations of the Maryland State Highway Administration (“MDSHA”) in its letter dated June 23, 2014, and hereby incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MDSHA provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
5. Prior to issuance of access permits, the Applicant must satisfy the provisions for access and improvements as required by MDSHA.
6. The Planning Board has accepted the recommendations of the Montgomery County Department of Permitting Service (“MCDPS”) – Water Resources Section letter dated July 14, 2014, and hereby incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDPS – Water Resources Section provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.

7. The certified Preliminary Plan must contain the following note:

“Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation, and sidewalks shown on the Preliminary Plan are illustrative. The final locations of buildings, structures and hardscape will be determined at the time of issuance of building permit(s) [or] site plan approval. Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot. Other limitations for site development may also be included in the conditions of the Planning Board’s approval.”

8. Record plat must show necessary easements.
9. The Adequate Public Facility (APF) review for the Preliminary Plan will remain valid for eighty-five (85) months from the date of mailing of the Planning Board resolution.
10. The Subject Property is located in the Olney Policy Area and must make a Transportation Policy Area Review (“TPAR”) Mitigation Payment for any new square footage for the house of worship and the new square footage for the child daycare center, equal to 25 percent of the General District Transportation Impact Tax, pursuant to the 2012-2016 Subdivision Staging Policy. The timing and amount of the payment will be in accordance with Chapter 52 of the Montgomery County Code.

## SITE DESCRIPTION

The Subject Property, located at 18320 and 18326 Georgia Avenue, is approximately 1,500 feet north of the intersection of MD 108 and Georgia Avenue, and consists of Lot 1 shown on Plat 21258 (Attachment D), and Parcel 611 on Tax Map HT563 totaling 1.65 acres ("Property" or "Subject Property") (Image 1). The Property is zoned R-200 and is in water and sewer category W-1 and S-1 respectively. The Property is located just north of the Town Center in the 2005 Olney Master Plan ("Master Plan") area.



Image 1

Currently, the Property is improved with one, one-family detached dwelling located on parcel 611 and a one-family detached dwelling and a general use building used for religious services located on Lot 1 (Image 2). There is no forest on the Subject Property, although it is partially covered with tree canopy. Surrounding the Property to the north and west are one-family detached dwellings, and the right-of-way for a gas pipeline in the R-200 Zone, to the east, opposite Georgia Avenue is an art gallery and one-family detached dwellings in the R-200 Zone. To the south are one-family attached dwellings (townhomes) in the MXTC Zone. The existing improvements on Lot 1 share a previously constructed commercial driveway to Georgia Avenue, and the improvement on P611 shares a driveway with the adjoining dwelling to the north.



Image 2

The Property is located within the Hawlings River watershed which drains to the Patuxent River and is designated as use IV waters. The Property is relatively flat with only a slight drop in elevation from west to east, and there are no streams, wetlands, 100-year floodplains or environmental buffers located on or adjacent to the Property. There is no forest, however there are 10 total specimen trees located on the Subject Property and three additional specimen trees that are immediately adjacent to the Property.

**PREVIOUS APPROVALS**

The Lot 1 portion of the Subject Property was subject to Preliminary Plan No. 119990750, Ohev Sholom Talmud Torah Congregation, resolution mailed on July 14, 1999. This preliminary plan combined two existing parcels into one 1.23 acre lot (Lot 1) for a religious institution.

**PROJECT DESCRIPTION**

Preliminary Plan No. 120140090, Center For Jewish Living (“Application” or “Preliminary Plan”) (Attachment A) proposes to combine Lot 1 with Parcel 611 into one 1.65 acre lot for a house of worship for up to 168 congregants, a residence for the Rabbi, and a weekday daycare with no more than six employees working at any given time (Attachment B and Image 3). The existing 4,334 square foot structure in the rear of the Property will remain and be the Rabbi’s residence and the two existing one-



## ANALYSIS AND FINDINGS – Chapter 50

### Conformance to the Master Plan

The Application substantially conforms to the recommendations of the 2005 Olney Master Plan (“Master Plan”). The Property, identified by a red star on image 4, is located just outside of the northern boundary of the Town Center portion of the Olney Master Plan, and was not given specific recommendations on land uses in the Master Plan. The Master Plan has overall goals that pertain to the Property including reinforcing Olney as a satellite community in the residential and agricultural wedges of the General Plan, and to protect the Patuxent watershed. The Master Plan retained the R-200 Zoning for the Subject Property, and houses of worship are a permitted use within that Zone. The Application is in the Patuxent Primary Management Area (“PMA”) which restricts imperviousness in low density zones to 10 percent, however this Application is not subject to an impervious cap because the Master Plan recommends relief from the impervious cap in the PMA guidelines for properties zoned more densely than the RE-2 Zone. Best management practices however are required to mitigate the increased impacts. The Application proposes to reduce impervious surface impacts through means such as reducing parking, and improving water quality through the use of permeable pavement for parking areas and pedestrian walkways.

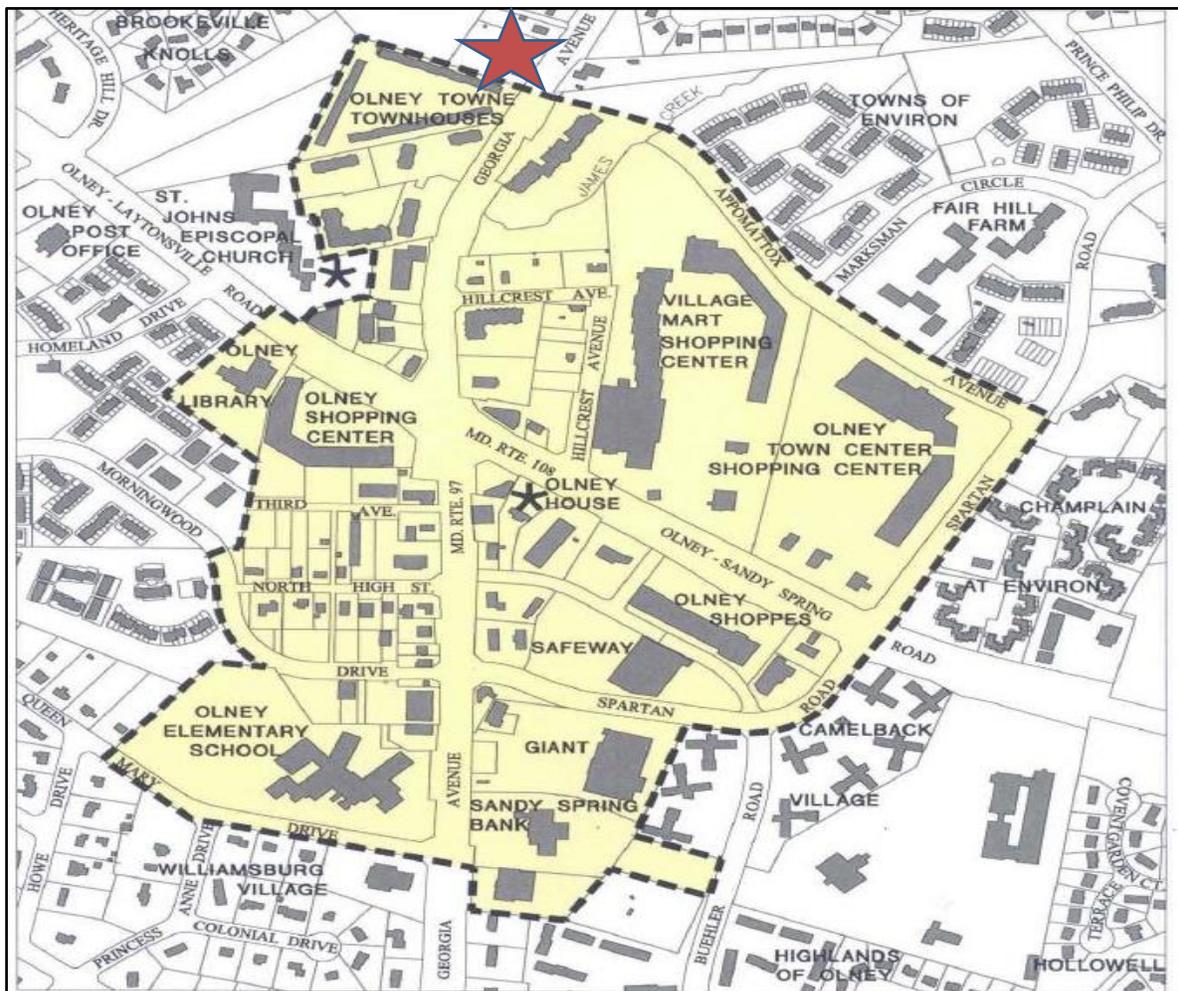


Image 4

The Master Plan identifies this section of Georgia Avenue between Spartan Road and Prince Philip Road as a major highway with a right-of-way of 120 feet, and a four lane divided highway cross section. The Master Plan also recommends a shared use path between 8 and 10 feet wide (SP-39) between Brookville Road and MD 108, and where possible recommends the path be set back from the roadway edge with a green panel. The Preliminary Plan is providing the necessary dedication to provide 60 feet of dedication from centerline across the Property frontage providing the room to ultimately construct the Master Plan cross-section. The Applicant is not proposing to finish construction of the Master Plan cross-section for Georgia Avenue along the Property Frontage. The provided dedication is adequate for future construction of the ultimate road section, and most of the improvements necessary to implement the ultimate improvements would need to occur on the opposite side of the road. There is a newly constructed 8.5 foot wide bicycle and pedestrian shared use path across the Property frontage that extends along Georgia Avenue between MD 108 and Prince Phillip Drive. Although this was not set back from the edge of pavement with a planting strip, Staff does not find it necessary or practical for the Applicant to relocate only 250 feet of a 2,200 foot long section of shared use path because moving the path toward the Property boundary would cause further impacts to specimen trees, and would cause a short segment of path to not be in the same configuration as the rest of the surrounding area.

## **Public Facilities**

### **Roads and Transportation Facilities**

The proposed vehicle and pedestrian access to the Subject Property is adequate for the use proposed. Georgia Avenue is a major highway and MDSA has agreed the Application may use the existing commercial entrance onto the Property (Attachment E). The existing shared use path across the Property frontage provides pedestrian and bicycle connections to surrounding uses including the Town Center. The 168 seat house of worship is exempt from Adequate Public Facilities (“APF”) review, including Local Area Transportation Review (“LATR”) per Section 50-35(k)(6) of the Subdivision Regulations. The Application proposes a weekday child daycare operating between 8 AM and 6PM with no more than six faculty members. According to LATR guidelines weekday child daycare centers with 6 or fewer employees are exempt from the requirement to submit a traffic study to satisfy LATR because they generate fewer than 30 weekday peak-hour trips. The Subject Property is within the Olney Policy Area of the Transportation Policy Area Review (“TPAR”). The TPAR test has the roadway test as adequate and the transit test as inadequate. Therefore, the Applicant must make a TPAR Mitigation Payment, equal to 25 percent of the General District Transportation Impact Tax on any new square footage, pursuant to the 2012-2016 Subdivision Staging Policy. The timing and amount of the payment will be in accordance with Chapter 52 of the Montgomery County Code.

### **Other Public Facilities and Services**

Other public facilities and services are available, and they will be adequate to serve the proposed Application. The Property is located in the W-1 and S-1 water and sewer service categories and has existing access to public utilities located in the Georgia Avenue right-of-way. Other utilities including electric and telecommunications services are adequate to serve the Property. The Application has been reviewed by the Montgomery County Department of Fire and Rescue Service who have determined that the Property has adequate access for fire and rescue vehicles (Attachment G). Other public facilities and service, such as police stations, and health services are currently operating within the standards set by the Subdivision Staging Policy Resolution currently in effect.

## Environment

### Environmental Guidelines

A Natural Resource Inventory/Forest Stand Delineation (“NRI/FSD”) #420130100) for the Property was approved on July 11, 2013. The NRI/FSD found there is no existing forest on the Property, however there are ten (10) trees greater than 30 inches in Diameter at Breast Height (“DBH”) and four (4) trees greater than 24 inches DBH on the Property. Additionally, there are three (3) trees greater than 30 inches DBH and one (1) tree greater than 24 inches DBH located immediately adjacent to the Property.

### Patuxent River Primary Management Area

The Property is located within the Patuxent River Primary Management Area (“PMA”). The purpose of the PMA guidelines is to provide strategies to protect, preserve, and restore the Patuxent River and its drinking water supply reservoirs. Montgomery County’s PMA is consistent with the PMA widths recommended in the State’s Patuxent River Policy Plan, which are ¼ mile (1320 feet) strips of land running along both sides of the Patuxent main stem and 1/8 mile (660 feet) strips of land running along both sides of all tributaries. In addition, Montgomery County also recommends a PMA width of ¼ mile for the main stem of the Hawlings River. The Hawlings River is a tributary to the Patuxent River and its watershed lies almost entirely within Montgomery County. Properties that are submitted to the M-NCPPC for subdivision and site plan review are subject to PMA requirements, as outlined in the *Guidelines for Environmental Management of Development in Montgomery County*; however, the Master Plan states that properties with existing zoning densities greater than RE-2 are subject to “nonconformance requirements”, which allow for higher intensity development but require greater review of stormwater management and best management practices, including afforestation and expansion of stream buffers and innovative stormwater management.

The Subject Property is zoned R-200 and is therefore subject to the “nonconformance requirements”. There are no stream buffers on the Property and the approved stormwater management concept utilizes the most current environmental site design practices. Although not subject to the 10 percent impervious limit that is required for properties required to conform to all of the PMA guidelines, the Applicant has demonstrated efforts to minimize impervious surfaces on the Property. Two of the three existing houses and the existing garage will be removed and a synagogue will be constructed in their place. The rabbi’s residence, located in the rear of the Property and the access driveway from Georgia Avenue will remain to serve the residence and parking for the site. A house of worship is normally required to provide one parking space for every four seats in the largest sanctuary. Since this is a strict Orthodox Jewish congregation, many of the members refrain from driving on Shabbat and the typical parking area is not necessary. The Applicant has requested a reduced parking ratio of one parking space per eight seats, consistent with places of worship as allowed in Chapter 59-E-3.7. This reduced amount of parking is adequate to serve the needs of the proposed weekday child daycare. The proposed synagogue design is based on the Applicant’s capacity requirements for the sanctuary, social hall, chapel, and school program components, including the flexibility to combine the sanctuary and social hall as one large space. Some of the classrooms and the office spaces are located on the basement level, effectively reducing the overall footprint of the building. The sanctuary and chapel will primarily be used on Shabbat, and the Orthodox Jewish members of the congregation cannot use elevators on this day, resulting in the need for these areas to be on the ground floor to accommodate disability and accessibility issues as well.

The Application proposes the use of previous pavement for the parking spaces, walkways and paths, and gathering area between the synagogue and rabbi’s residence to minimize the impact of these

impervious areas. The existing impervious area on the Property is approximately 31 percent, and the Application proposes to increase this to approximately 49 percent (Attachment J).

Forest Conservation

The Application meets the requirements of Chapter 22A of the Montgomery County Forest Conservation Law and Staff recommends approval of the Preliminary Forest Conservation Plan (“FCP”). A Preliminary FCP was submitted with the Preliminary Plan (Attachment B). The Application includes a tract area of 1.67 acres of land which includes 0.02 acres of off-site improvements for necessary water and sewer line connections from the proposed building to Georgia Avenue (MD Route 97). After deductions to the tract area, including 0.03 acres of land dedication for MD Route 97, the resulting net tract area is 1.64 acres. There is no existing forest on the Property, therefore the forest conservation worksheet generated an afforestation forest planting requirement of 0.24 acres, which the Applicant proposes to meet offsite.

Forest Conservation Tree Variance

Section 22A-12(b) (3) of the Montgomery County Forest Conservation Law provides criteria that identify certain individual trees as high priority for retention and protection. Any impact to these trees, including removal of the subject tree or disturbance within the tree’s critical root zone (“CRZ”) requires a variance. An applicant for a variance must provide certain written information in support of the required findings in accordance with Section 22A-21 of the County Forest Conservation Law. The law requires no impact to trees that: measure 30 inches or greater, DBH; are part of an historic site or designated with an historic structure; are designated as a national, State, or County champion trees; are at least 75 percent of the diameter of the current State champion tree of that species; or trees, shrubs, or plants that are designated as Federal or State rare, threatened, or endangered species. Staff recommends that a variance be granted and that the proposed mitigation be required.

*Variance Request* - The applicant submitted a variance request dated July 30, 2014 for the removal of seven (7) trees and impacts to four (4) trees that are 30 inches and greater DBH and considered high priority for retention under Section 22A-12(b)(3) of the County Forest Conservation Law (Attachment C). Attempts will be made to save two of the seven trees requested for removal, but the Applicant wishes to count them as removed to avoid future necessary amendments to the Preliminary Plan should the trees not survive.

**Trees To Be Removed**

Tree Number	Species	DBH Inches	Status
4	Red Maple	42	Fair condition
5	Red Maple	44	Good
6	Red Maple	40	Good
7	Red Maple	37	Good condition
9	Red Maple	43	Good condition
12	Red Maple	40	Good condition
15	Red Maple	31	Good condition

### Trees To Be Impacted

Tree Number	Species	DBH Inches	Percent Impact	Status
2	Red Maple	54	25%	Fair condition
3	Red Maple	30	22%	Good condition
10	Red Maple	36	6%	Good condition
13	Red Maple	30	16%	Good condition

*Unwarranted Hardship* – As per Section 22A-21, a variance may only be considered if the Planning Board finds that leaving the requested trees in an undisturbed state would result in an unwarranted hardship. Development on the property is dictated by the existing conditions on the site, development standards of the R-200 Zone, and County agency requirements. The affected trees are located throughout the Property and the layout of the development is dictated to some extent by the pre-determined access to the Property from the existing driveway location, as well as the existing parking lot and buildings to remain (Image 05). If the variance were not considered, the development anticipated on this R-200 zoned Property would likely not occur. Staff has reviewed this Application and finds that there would be an unwarranted hardship if a variance were not considered.

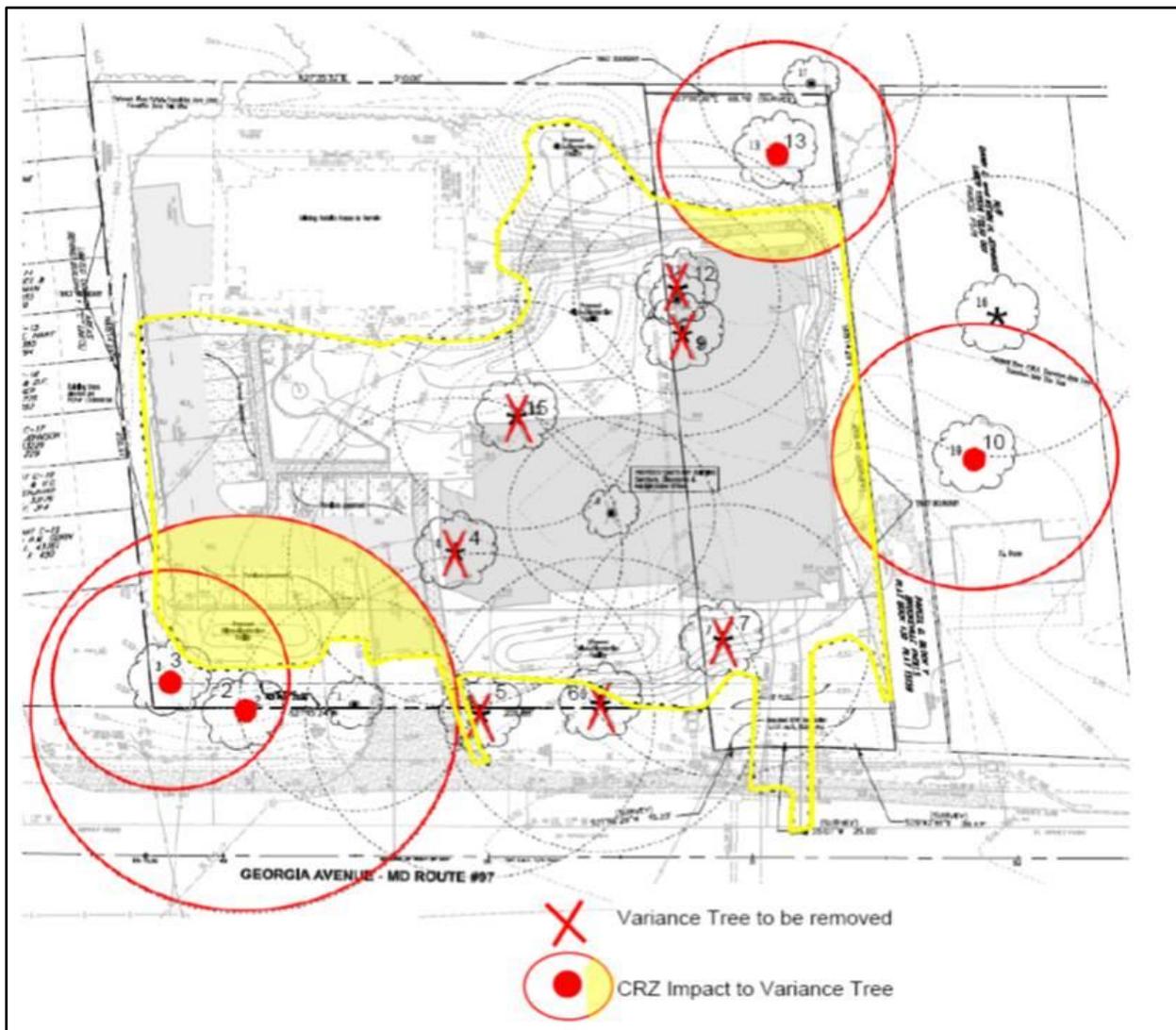


Image 5

*Variance Findings* - Section 22A-21 of the County Forest Conservation Law sets forth the findings that must be made by the Planning Board or Planning Director, as appropriate, in order for a variance to be granted. Staff has made the following determination based on the required findings for a variance:

1. *Will not confer on the applicant a special privilege that would be denied to other applicants.*  
Granting the variance will not confer a special privilege on the Applicant as the removal and impacts to the specified trees is due to the development of the Property and the existing conditions on the site. The Property does not contain any forest; however, there are several large individual trees located within the developable area of the Property. These trees are rated in good and fair condition. Granting a variance request to allow land disturbance within the developable portion of the Property is not unique to this Applicant. Staff believes that the granting of this variance is not a special privilege that would be denied to other applicants.
2. *Is not based on conditions or circumstances which are the result of the actions by the applicant.*  
The need for the variance is not based on conditions or circumstances which are the result of actions by the Applicant. The requested variance is based upon existing site conditions and the development standards of the R-200 zone. The Property is currently improved with structures that will remain, including the existing access driveway and parking lot. The remaining area available for development is limited. The trees subject to the variance provision are located throughout this remaining area.
3. *Is not based on a condition relating to land or building use, either permitted or non-conforming, on a neighboring property.*  
The need for a variance is a result of the existing conditions on the Subject Property which drove the proposed design in the Application.
4. *Will not violate State water quality standards or cause measurable degradation in water quality.*  
The variance will not violate State water quality standards or cause measurable degradation in water quality. The variance trees are not located in or adjacent to any stream valley or wetland buffers. Onsite mitigation for the removal of the trees will replace the functions currently provided by the subject trees. In addition, the Montgomery County Department of Permitting Services has found the stormwater management concept for the proposed project to be acceptable.

*County Arborist's Recommendation on the Variance* - In accordance with Montgomery County Code Section 22A-21(c), the Planning Department is required to refer a copy of the variance request to the County Arborist in the Montgomery County Department of Environmental Protection for a recommendation prior to acting on the request. The request was forwarded to the County Arborist. On August 29, 2014, the County Arborist issued a letter recommending that the variance be granted, with mitigation (Attachment K).

*Mitigation* - Staff recommends that mitigation for the loss of the specimen trees be provided onsite. Mitigation should be at a rate that approximates the form and function of the tree removed. Staff recommends that replacement occur at a ratio of approximately 1-inch caliper for every 4-inch DBH removed. Mitigation for the removal of the seven (7) trees (Trees #4, 5, 6, 7, 9, 12, and 15) must be provided in the form of native canopy trees totaling seventy 70 caliper inches, with a minimum tree size of three (3) inches in diameter at breast height. For example, twenty-three (23) trees, with a minimum DBH of three (3) inches would meet this requirement. A fewer number of trees at a larger planting stock

would also satisfy this requirement. While these trees will not be as large as the trees lost, they will provide some immediate canopy and will help augment the functions lost.

Stormwater Management

MCDPS approved a stormwater management concept on July 14, 2014 (Attachment H). The concept proposes to meet stormwater management goals through the use of micro-bioretenion facilities and the use of permeable pavement in portions of the parking lot and onsite pedestrian sidewalks.

**Compliance with the Subdivision Regulations and Zoning Ordinance**

This Application has been reviewed for compliance with the Montgomery County Code, Chapter 50, the Subdivision Regulations. The Application meets all applicable sections. The proposed lot size, width, shape and orientation are appropriate for the location of the subdivision along Georgia Avenue in the Olney Master Plan as a religious institution use and child daycare facility. The Application is not subject to resubdivision review in Section 50-29(b)(2) based on Planning Board interpretation of the Law exempting non-residential projects from the analysis.

The lot was reviewed for compliance with the dimensional requirements for the R-200 zone as specified in the Zoning Ordinance. The lot will meet all the dimensional requirements for area, frontage, and width, and the proposed structures can meet all required setbacks. The Applicant has requested that parking counts be based on those allowed in Chapter 59-E-3.7 for places of worship that prohibit the use of motor vehicles on the day of Sabbath, which equates to 21 parking spaces for a sanctuary with 168 seats. The weekday childcare use can share the parking for the sanctuary because the timing of the child care does not overlap with weekend worship services, and the parking requirements for childcare is one space per employee (6) plus one space for every six children, generating a maximum parking demand of 16 spaces. A summary of this review is included in Table 1. The Application has been reviewed by other applicable county agencies, all of whom have recommended approval of the Application.

**Table 1 – Data Table R-200 Zone**

<b>PLAN DATA</b>	<b>Zoning Ordinance Development Standard</b>	<b>Proposed for Approval by the Preliminary Plan</b>
Minimum Lot Area	20,000 sq. ft.	70,682 sq. ft. +/-
Lot Width	100 ft.	270 ft. +/-
Lot Frontage	25 ft.	270 ft. +/-
Setbacks		
Front	40 ft. Min.	40 ft. or more <sup>1</sup>
Side	12 ft. Min./ 25 ft. total	12 ft. or more <sup>1</sup>
Rear	30 ft. Min.	30 ft. or more <sup>1</sup>
Lot Coverage for buildings	25% max.	Less than 25% <sup>1</sup>
Building Height	40 ft. max.	40 ft. or less <sup>1</sup>
Parking	23 (2 for dwelling, 21 for 168 seat sanctuary, 16 for childcare)	23
MPDUs		No
TDRs		No
Site Plan Required		No

<sup>1</sup> Determined by MCDPS at the time of building permit.

## **CORRESPONDENCE AND ISSUES**

This Application was submitted and noticed in accordance with all Planning Board adopted procedures. A sign referencing the Application was posted along the Property's frontage with Georgia Avenue. The Applicant held a pre-submission meeting at the Subject Property on October 29, 2013. According to the minutes of the meeting, 42 people were in attendance. Questions raised includes questions about the proposed building height, pedestrian circulation, uses proposed, and anticipated impacts to the community during and after construction. According to the minutes of the meeting provided with the Application, the Applicant answered or addressed all concerns raised by the community and no major issues have since risen. As of the writing of this Staff Report, Staff has received one letter of correspondence from, and met with the Brookville Knolls HOA (Attachment L), which owns the property to the west of the Subject Property, and owns the pipe-stem property along the northern border of the Subject Property. Representatives of the HOA had various concerns over the development process which staff answered, and had a concern over impervious surfaces located on their property, that may have been placed there by the Applicant in the past. The HOA sought that removal of the impervious surfaces be shown on the Preliminary Plan by incorporating that work within the Applicant's limits of disturbance, however the Applicant has requested to work with the HOA separate of the Preliminary Plan to remove the impervious surface. Because the potential area of disturbance to complete the impervious surface removal is well under 5,000 square feet, it would not trigger a sediment control permit, and staff believes that this is a third party dispute that does not impact the ability to recommend approval of this Application.

## **CONCLUSION**

The proposed lot meets all requirements of the Subdivision Regulations and the Zoning Ordinance, and substantially conforms to the recommendations of the Olney Master Plan. Access and public facilities will be adequate to serve the proposed lot for the proposed use, and the Application has been reviewed by other applicable county agencies and utility companies, all of whom have recommended approval of the Preliminary Plan. Approval of the Application with the conditions specified above is recommended.

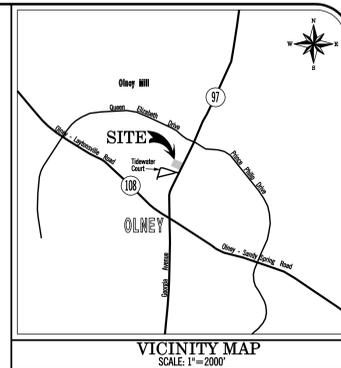
## **ATTACHMENTS**

Attachment A – Preliminary Plan  
Attachment B – Preliminary FCP  
Attachment C – Tree Variance  
Attachment D – Plat 21258  
Attachment E – SHA Memo  
Attachment F – MCDOT Memo  
Attachment G – Fire & Rescue approval  
Attachment H – MCDPS Stormwater Approval  
Attachment J – Impervious Exhibit  
Attachment K – Arborist variance recommendation  
Attachment L – Correspondence

# Attachment A



SCALE: 1" = 20'



## SITE DATA

- Zoning: R-200
  - Gross Tract Area: 1.65 Ac. (71,799 sq.ft.), as follows:
    - Lot 1 = 53,480 sq.ft.
    - Parcel P611 = 18,319 ac.
  - Road Dedication: 0.03 ac. (+/-1,117 sq.ft.)
  - Net Tract Area: 1.62 Ac. (+/-70,682 sq.ft.)
  - Minimum Lot Area Permitted: 20,000 sq.ft.
  - Proposed Use: Rabbi's Residence & Religious Use Building
  - Lot Area Proposed: 70,682 sq.ft./-
  - Number of Lots Proposed: 1
  - Public water & public sewer proposed.
  - Existing Water & Sewer Service Categories: M1 and S1
  - Property lies in the Hawlings River watershed (Use IV / IV-P)
  - Parking:
    - Required for Residential Component: 2 spp. / unit  
Provided: 2 spaces
    - Required for Religious Use Building: 8 spp. / seat\* in largest sanctuary (21 spp. for 168 seats)  
Provided: 21 spp.
- \* Per Montgomery County Z.O., Sec. 59-E-3.7, "Church, synagogue or other place of worship" (paragraph 2): 1 space / 8 seats

## R-200 ZONE DEVELOPMENT STANDARDS

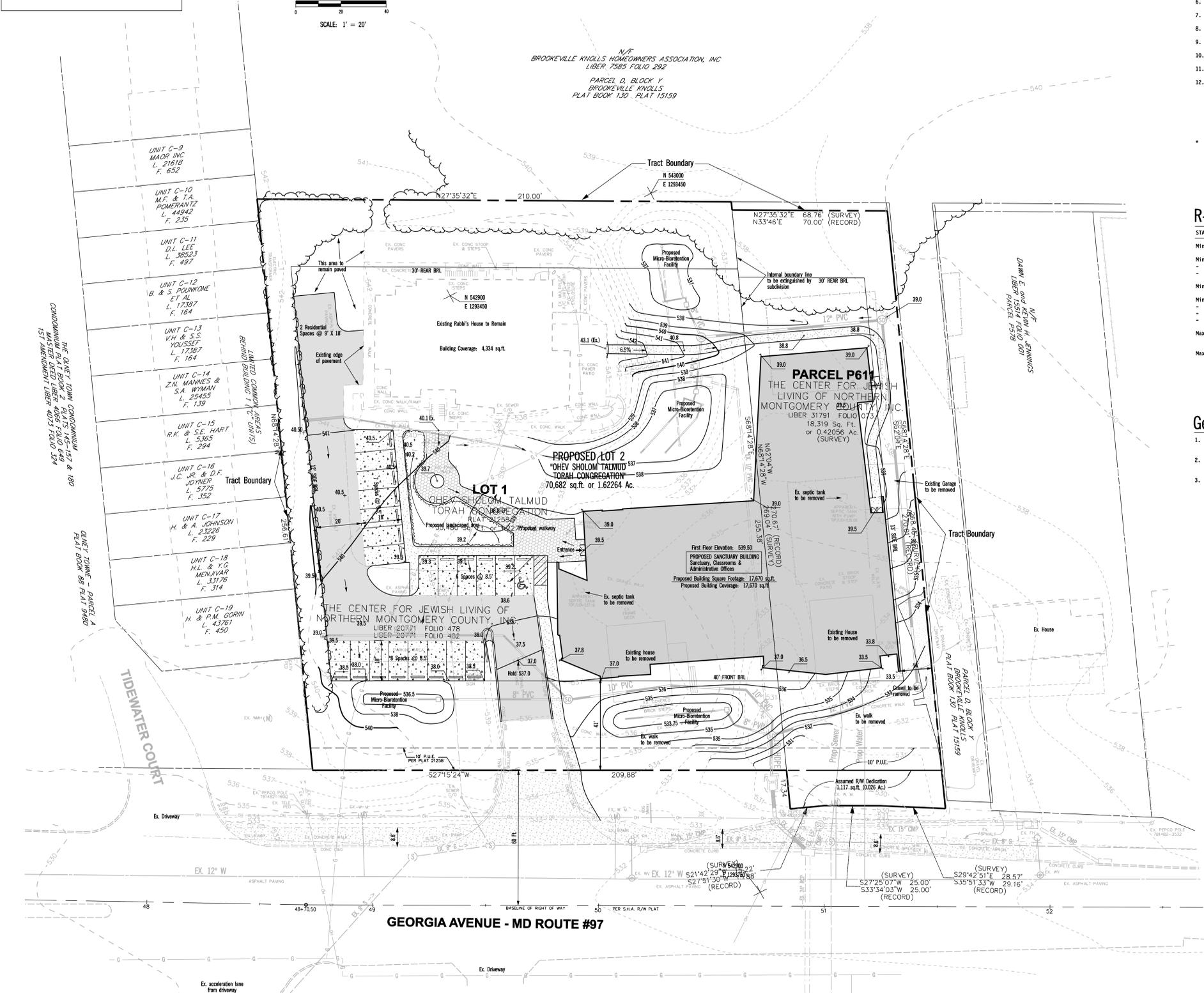
STANDARD	REQUIRED	PROPOSED
Minimum lot area	20,000 sq.ft.	70,682 sq.ft./-
Minimum lot width		
- Front building line	100 feet	270 feet +/-
- Street line	25 feet	270 feet +/-
Minimum setback from street	40 feet	40 feet
Minimum setback from adjoining lot		
- One side	12 feet	12 feet
- Sum of both sides	25 feet	25 feet
- Rear	30 feet	30 feet
Maximum building height		
- 40 feet to high point,	40 feet to high point,	40 feet to high point,
- 35 feet to mid-point of slope	35 feet to mid-point of slope	35 feet to mid-point of slope
Maximum % building coverage	25%	25% (not to exceed)

## General Notes

- Boundary data and house location from a boundary survey prepared by Site Solutions, Inc., in 2012.
- Topographic data is from a topographic survey prepared by Site Solutions, Inc., in 2012.
- The building footprints shown on the Preliminary Plan are illustrative. Final building locations will be determined during the building permit process. Please refer to the zoning data table for development standards such as setbacks, building restriction lines and lot coverage for each lot. Other limitations for site development may also be included in the conditions of the Planning Board's approval.

## LEGEND

- Existing Topography (On-Site) - 2' Contour Interval
- Proposed House (Schematic Footprint)
- Existing Houses
- Proposed Driveway
- Proposed Limit of Disturbance (L.O.D.)
- Proposed Topography - 2' Contour Interval
- Proposed Sidewalks & Other Concrete Pavement
- Proposed Tree Line - Canopy Edge



GEORGIA AVENUE - MD ROUTE #97

I hereby certify that this Preliminary Plan has been prepared in accordance with the Montgomery County Subdivision Regulations adopted October 17, 1961, and amendments thereto.  
 Signature: Jeffrey S. Lewis, P.E. Md. #19156  
 Date: \_\_\_\_\_



**SSI SITE SOLUTIONS, INC.**  
 20410 Observation Drive Suite 208  
 Germantown, Maryland 20878-4000  
 (301) 840-7980 Fax (301) 840-7981  
 Planning Landscape Architecture  
 Engineering Surveying

NOTICE: Plans not containing an agency approval are considered unapproved and should not be used for construction. Construction initiated prior to approval or information obtained from unapproved plans cannot be guaranteed by SSI and is the sole responsibility of the user.

NO	REVISION	DATE

OWNER: Center for Jewish Living of Northern Montgomery County, Inc.  
 c/o Lewis F. Shrensky  
 10708 Balantre Lane  
 Potomac, Md. 20854

Professional Certification. I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed professional engineer under the laws of the State of Maryland, License No. 19156, Expiration 06-02-2015.

# 120140090  
 PRELIMINARY PLAN  
 CENTER FOR JEWISH LIVING  
 18318, 18320 & 18326 Georgia Avenue  
 OLNEY ELECTION DISTRICT #8  
 MONTGOMERY COUNTY, MARYLAND

OWNER	SCALE	1" = 20'
DESIGN	JSL	1 OF 2
CHECKED		
DATE	6/3/2014	
PROJ. NO.	1865	E-

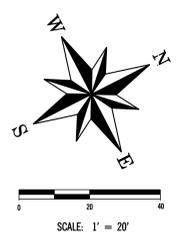
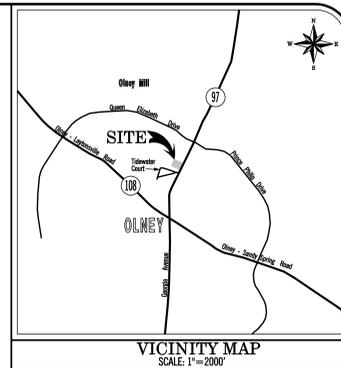
18320 Georgia Avenue  
SITE SOLUTIONS, INC.

# Attachment B

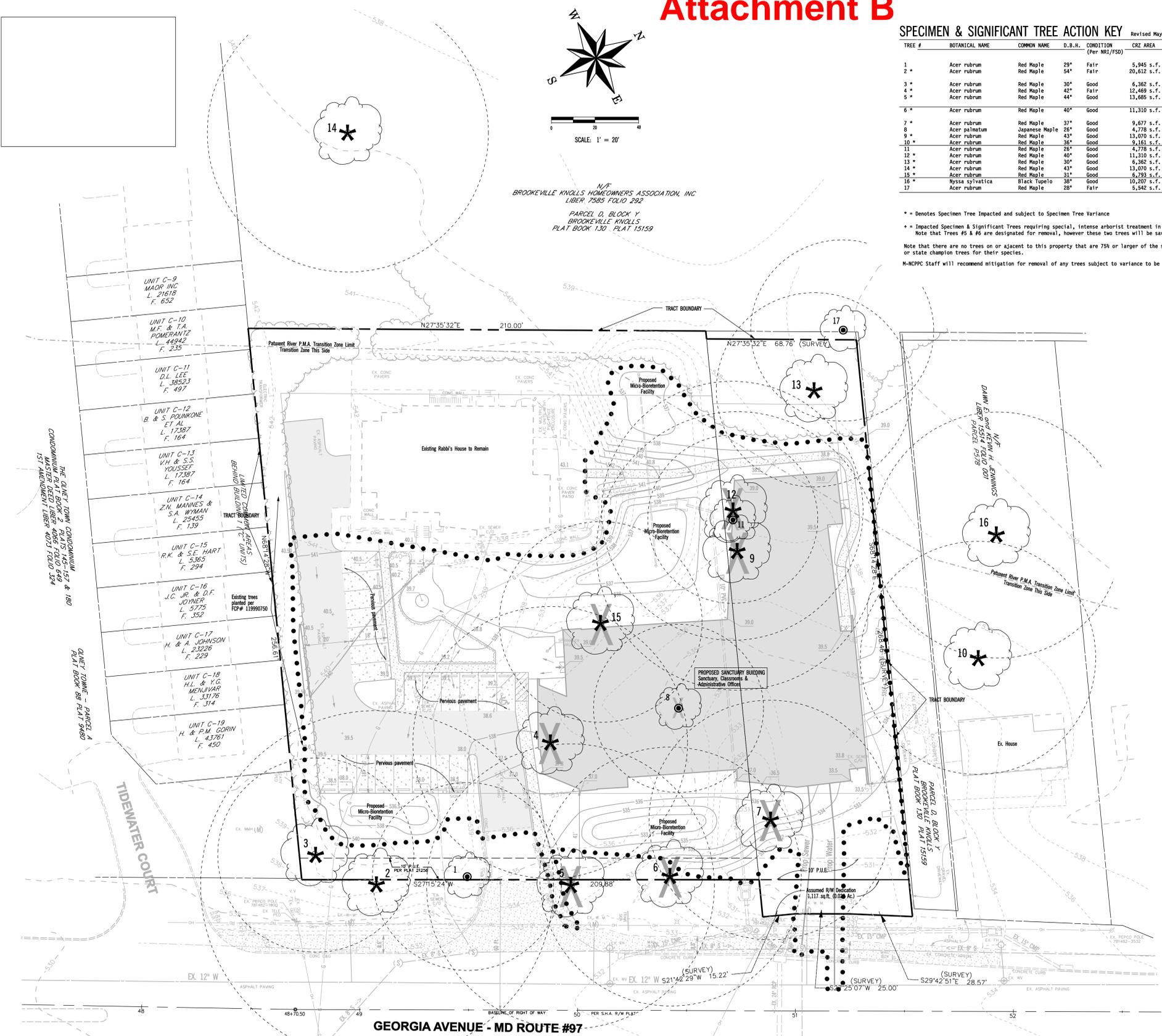
## SPECIMEN & SIGNIFICANT TREE ACTION KEY

TREE #	BOTANICAL NAME	COMMON NAME	D.B.H.	CONDITION (Per NBT/FSD)	CRZ AREA	% CRZ SAVED	SAVE / REMOVE	REMARKS
1	Acer rubrum	Red Maple	29"	Fair	5,945 s.f.	75 +	Save	
2*	Acer rubrum	Red Maple	54"	Fair	20,612 s.f.	75 +	Save	
3*	Acer rubrum	Red Maple	30"	Good	6,362 s.f.	78 +	Save	
4*	Acer rubrum	Red Maple	42"	Fair	12,469 s.f.	0	Remove	Within graded area
5*	Acer rubrum	Red Maple	44"	Good	13,885 s.f.	66 +	Remove	Intense Arborist Save measures proposed
6*	Acer rubrum	Red Maple	40"	Good	11,310 s.f.	57 +	Remove	Intense Arborist Save measures proposed
7*	Acer rubrum	Red Maple	37"	Good	9,677 s.f.	0	Remove	Within graded area
8	Acer palmatum	Japanese Maple	26"	Good	4,778 s.f.	0	Remove	Within graded area
9	Acer rubrum	Red Maple	43"	Good	13,070 s.f.	0	Remove	Within graded area
10*	Acer rubrum	Red Maple	36"	Good	9,161 s.f.	94	Save	
11	Acer rubrum	Red Maple	26"	Good	4,778 s.f.	0	Remove	Within graded area
12*	Acer rubrum	Red Maple	40"	Good	11,310 s.f.	0	Remove	Within graded area
13*	Acer rubrum	Red Maple	30"	Good	6,362 s.f.	84	Save	
14*	Acer rubrum	Red Maple	43"	Good	13,070 s.f.	100	Save	Off-site
15*	Acer rubrum	Red Maple	31"	Good	6,793 s.f.	0	Remove	Within graded area
16*	Nyssa sylvatica	Black Tupelo	38"	Good	10,207 s.f.	100	Save	
17	Acer rubrum	Red Maple	28"	Fair	5,542 s.f.	100	Save	

\* - Denotes Specimen Tree Impacted and subject to Specimen Tree Variance  
 + - Impacted Specimen & Significant Trees requiring special, intense arborist treatment in order to save tree. Note that Trees #5 & #6 are designated for removal, however these two trees will be saved if possible.  
 Note that there are no trees on or adjacent to this property that are 75% or larger of the size of county or state champion trees for their species.  
 M-NCPPC Staff will recommend mitigation for removal of any trees subject to variance to be met on-site.



N/T  
 BROOKVILLE KNOLLS HOMEOWNERS ASSOCIATION, INC  
 LIBER 7585 FOLIO 292  
 PARCEL D, BLOCK Y  
 BROOKVILLE KNOLLS  
 PLAT BOOK 130 PLAT 15159



### SITE DATA

- Gross Tract Area: 1.64828 Acres, as follows:  
 Lot 1 = 53,480 sq.ft.  
 P611 = 18,319 sq.ft.  
 Total = 71,799 sq.ft. (1.64828 ac.)
- Zoning: R-200
- Area of Existing Forest Cover: 0
- Area of Environmental Buffer: 0 Acres
- Watershed: Hawlings River (State Use IV/IV-P)
- Area of 100 Year Floodplain: 0
- Area of Non-Tidal Wetlands: 0 (On-site)
- This property does not lie within a Special Protection Area.
- A Forest Conservation Plan was previously approved under #119990750. This new FCP will include former Lot 1 plus Parcel P611.

### FOREST CONSERVATION DATA TABLE

1. Acreage of tract remaining in agricultural use	1.65 acres
2. Acreage of tract remaining in utility ROW's which will not be improved as part of the development application	0
3. Acreage of total existing forest	0.03 acres
4. Acreage of forest retention	0
5. Acreage of total forest cleared	0
6. Acreage of existing wetlands	0
7. Acreage of 100 Year Floodplain	0
8. Acreage of stream buffer	0 acres
9. Land Use Category (R-200 Zone)	Institutional Development Area
a. Conservation Threshold	20% (0.32 acres)
b. Afforestation Threshold	15% (0.24 acres)
10. Acreage of forest retained within wetlands	0
a. Acreage of forest retained within wetlands	0
b. Acreage of forest retained within wetlands	0
c. Acreage of forest retained within wetlands	0
11. Acreage of forest retained within 100 year Floodplain	0
a. Acreage of forest retained within 100 year Floodplain	0
b. Acreage of forest retained within 100 year Floodplain	0
c. Acreage of forest retained within 100 year Floodplain	0
12. Acreage of forest retained within stream buffers	0
a. Acreage of forest retained within stream buffers	0
b. Acreage of forest retained within stream buffers	0
c. Acreage of forest retained within stream buffers	0
13. Acreage of forest retained within priority areas	0
a. Acreage of forest retained within priority areas	0
b. Acreage of forest retained within priority areas	0
c. Acreage of forest retained within priority areas	0
14. Linear feet of stream buffer	None
a. Linear feet of stream buffer	None
b. Average width of stream buffer / one side only	None

### PRELIMINARY FOREST CONSERVATION WORKSHEET

29-May-14 Revised

NET TRACT AREA:

A. Total tract area	1.67*
B. Area within 100 year floodplain	N/A
C. Area within MISC R/W or road R/W constructed by public fund	0.03
D. Net tract area	1.64

LAND USE CATEGORY: (from Table 2, page 42, "Trees" Manual)

Input the number "1" under the appropriate land use zoning, and limit to only one entry.

ARA	MDR	IDA	HDR	MPD	CIA	O
0	0	1	0	0	0	0

E. Afforestation Threshold: 15% x D = 0.24  
 F. Conservation Threshold: 20% x D = 0.32

EXISTING FOREST COVER:

G. Existing forest cover (excluding floodplain)	0.00
H. Area of forest above afforestation threshold	0.00
I. Area of forest above conservation threshold	0.00

BREAK EVEN POINT:

J. Forest retention above threshold with no mitigation	0.00
K. Clearing permitted without mitigation	0.00

PROPOSED FOREST CLEARING:

L. Total area of forest to be cleared	0.00
M. Total area of forest to be retained	0.00

PLANTING REQUIREMENTS:

N. Reforestation for clearing above conservation threshold	0.00
P. Reforestation for clearing below conservation threshold	0.00
Q. Credit for retention above conservation threshold	0.00
R. Total reforestation required	0.00
S. Total afforestation required	0.24
T. Total reforestation and afforestation required	0.24

\* Gross Tract Area includes 0.02 ac. of Off-Site L.O.D. area

NOTE: Planting requirement of 0.24 Ac. (10,500 Sq.Ft.) to be met off-site in an approved forest bank.

### LEGEND

- 16\* Specimen Tree Symbol & Number
- 17 Significant Tree Symbol & Number
- Specimen Tree Critical Root Zone Limit
- Significant Tree Critical Root Zone Limit
- Proposed Limit of Disturbance (L.O.D.)
- Patuxent River P.M.A. Transition Zone Limit
- X Specimen Tree to be Removed
- X Significant Tree to be Removed

### IMPERVIOUS AREA TABULATION

- Gross Tract Area: 1.65 Acres
- Existing Impervious Area: 21,908 sq.ft. or 30.5% of gross tract
- Proposed Impervious Area: 35,004 sq.ft. or 48.8% of gross tract

SEE SHEET 2 OF 2 - "IMPERVIOUS AREA EXHIBIT"



NO	INDICATE TREES #5 & #6 TO BE REMOVED	7/30/14	DATE
1	Indicate Trees #5 & #6 to be removed	7/30/14	DATE

# Attachment C

## BEFORE THE MONTGOMERY COUNTY PLANNING BOARD OF THE MARYLAND NATIONAL CAPITAL PARK AND PLANNING COMMISSION

IN THE MATTER OF:

**PRELIMINARY PLAN NO. 120140090**

For the resubdivision of the Center for Jewish Living Property:  
Lot One, Ohev Sholom Tamud Torah Congregation Subdivision  
and Parcel P611 on Tax Map HT 53  
18320 and 18326 Georgia Avenue, Olney, Maryland 20832

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### REQUEST FOR FOREST CONSERVATION VARIANCE

The Center for Jewish Living, owns the property known as Lot One in the subdivision known as the Ohev Sholom Talmud Torah Congregation, containing 1.23 acres +/- and an unrecorded Parcel, P611 consisting of 18,319 square feet +/- and Parcel P611 as shown on tax map HT53 (collectively herein the "Subject Property"). The Center for Jewish Living is the Applicant for approval of Preliminary Plan 120140090, and hereby requests a Forest Conservation Variance, pursuant to Section 22A-21 of the Montgomery County Code, 2004, as amended, (the "County Code"), in connection with the coordinated review of the above referenced Preliminary Plan of resubdivision and the Preliminary Forest Conservation Plan for the Subject Property and in support thereof states as follows:

This Forest Conservation Variance request is for removal of seven (7) protected trees identified as Tree Nos. 4, 5, 6, 7, 9, 12 and 15 in addition to four (4) impacted trees identified as Tree Nos. 2, 3, 10 and 13 (the "Variance Trees"). Specifically, the variance requested is to facilitate the removal of seven (7) trees that are located within the proposed building footprint or lie directly adjacent to the proposed building in an area which is necessary for grading to tie the first floor of the building to the surrounding ground elevation. Please note that an attempt will be made to save trees 5 & 6 using aggressive arborist's measures, but their survival cannot be guaranteed, thus these two trees are designated as being removed for the purposes of this variance request to avoid having to delay the project further by returning to the Planning Board for an additional variance request, should the trees not survive. Additionally, the variance

proposes impacts to four (4) trees, which are proposed to remain, but which will be impacted in the critical root zone as a result of tree protection measures proposed and the removal of the seven (7) trees. It is notable that almost all of the property contains critical root zone areas of the existing specimen trees, therefore the other four impacted trees are impacted to varying degrees. The Variance Trees are identified on the proposed Preliminary Forest Conservation Plan, the Critical Root Zone Disturbance Plan – Tree Variance Request and in the table below.

**I. Site Description**

The Applicant for a variance pursuant to the provisions of Section 22A-21 of the Montgomery County Code is the Center for Jewish Living, the owner of the property. The owner proposes to consolidate an existing lot and a parcel into one subdivided lot in order to build a religious facility. The property consists of 1.65 acres. The site is located on the west side of Georgia Avenue (Md. Route 97), 800 feet south of Queen Elizabeth Drive in Olney. There is no forest cover within the property boundary and there are no priority environmental features on or adjacent to the subject property.

Attached is a copy of the proposed Preliminary Plan of Subdivision (see e-file) indicating the proposed religious facility along with an existing house that is to be retained. There is an existing vehicular access driveway that enters the site from Georgia Avenue. This existing driveway is to be retained. Some additional parking spaces are proposed along this existing driveway. In addition, required stormwater management facilities will be implemented as shown on the drawing.

**II. The Variance Request**

The proposed resubdivision is subject to the County's Forest Conservation Act codified as Chapter 22A of the County Code ("County's Forest Conservation Act"). A Natural Resources Inventory/Forest Stand Delineation, Number 420132100, was approved on July 11, 2013.

Attached to this variance application is a copy of the Preliminary Forest Conservation Plan (PFCP) (see e-file), on which seven protected specimen trees are proposed to be removed and four additional impacted specimen trees to be saved have been identified.

The four impacted trees are described as follows (Numbering is per the Preliminary FCP):

Please note that the "Condition" is per the approved NRI/FSD

Tree #2	Red Maple	54" DBH	Fair Condition	75% CRZ Saved
Tree #3	Red Maple	30" DBH	Good Condition	78% CRZ Saved *
Tree #10	Red Maple	36" DBH	Good Condition	94% CRZ Saved
Tree #13	Red Maple	30" DBH	Good Condition	84% CRZ Saved *

\* = These two impacted trees will be analyzed and treated with intense tree save measures as directed by a certified arborist. These measures may include root pruning, crown pruning, deep root feeding, etc.

The seven specimen trees to be removed are as follows:

Tree #4	Red Maple	42" DBH	Fair Condition	Within graded area
Tree #5	Red Maple	44" DBH	Good Condition	Adjacent to LOD
Tree #6	Red Maple	40" DBH	Good Condition	Adjacent to LOD
Tree #7	Red Maple	37" DBH	Good Condition	Within graded area
Tree #9	Red Maple	43" DBH	Good Condition	Within graded area
Tree #12	Red Maple	40" DBH	Good Condition	Within graded area
Tree #15	Red Maple	31" DBH	Good Condition	Within graded area

The trees being removed lie either within the proposed building footprint or immediately adjacent to the proposed building within areas of grading necessary to tie the first floor of the building to the surrounding ground elevation and to facilitate storm water management and drainage, as required by Code. In particular the limits of disturbance cannot be further limited, while still allowing the owner the ability to implement the required storm water management re-design, which includes the location of several small to moderately sized bio-filtration facilities scattered throughout the site.

The site is severely constrained due to existing improvements, such as the existing house, which is to be retained, as well as the existing vehicular access drive and parking facility which provides access to the site from Georgia Avenue that are proposed to be retained.

The Final FCP will specify temporary tree protection fence or super silt fence to be placed along the limit of disturbance that lies within the critical root zones of the impacted trees. Root pruning will be specified where soil cut is to occur for grading or utility installation.

### **III. The Variance Requirements**

Pursuant to SB 666, Section 5-1607 of the Natural Resources Article of the Maryland Annotated Code (the "Natural Resources Article") currently requires a variance for the removal or disturbance of trees having a diameter of 30 inches when measured at 4.5 feet above the ground. Section 5-1611 authorizes a local jurisdiction to grant a variance:

"where owing to special features of a site or other circumstances, implementation of this subtitle would result in unwarranted hardship to the applicant."

Following the enactment of SB 666, the Montgomery County Council enacted "conforming amendments" to Chapter 22A of the County Code (Expedited Bill 53-10) to specify when a variance from Chapter 22A (hereafter a "Chapter 22A Variance") was required. The existing variance provisions of the County's Forest Conservation Act were then applied to such variance requests.

Section 22A-21(a) establishes the "minimum criteria" for securing a Chapter 22A Variance. Applicants seeking a variance from any Chapter 22A requirement must:

- (1) describe the special conditions peculiar to the property which would cause the unwarranted hardship;
  - (2) describe how enforcement of this Chapter will deprive the landowner of rights commonly enjoyed by others in similar areas;
  - (3) verify that State water quality standards will not be violated and that a measurable degradation in water quality will not occur as a result of granting the variance; and
  - (4) provide any other information appropriate to support the request."
- See §22A-21(b).

A Chapter 22A Variance that meets the "minimum criteria" set out in Section 22A-21(a) of the County Code may not be approved if granting the request:

- (1) will confer on the applicant a special privilege that would be denied to other applicants;
- (2) is based on conditions or circumstances which result from the actions by the applicant;
- (3) is based on a condition relating to land or building use, either permitted or nonconforming, on a neighboring property; or
- (4) will violate State water quality standards or cause measurable degradation in water quality."

Analysis of the variance includes the County Council's stated first priority objective of the County's Forest Conservation Act "to save, maintain, and plant trees and forested areas for

the benefit of County residents and future generations.” The tools employed by the Planning Board when implementing that first priority objective, including the authority to approve or reject a variance request, are best applied on a case-by-case basis giving due consideration to the extent by which the approval of a plan or a variance promotes the Council’s first priority objective of tree preservation. (See Section 22A-2(b) (1) of the County Code.)

#### **IV. Compliance with the Variance Requirements**

Section 22A-21(b) lists the criteria for the granting of the variance requested herein. The following narrative explains how the requested variance is justified under the set of circumstances described above.

*“(1) Describe the special conditions peculiar to the property which caused the unwarranted hardship.”*

The Center for Jewish Living congregation desires to construct a sanctuary with 168 seats and associated supporting classrooms and office space. In order to do so, an approximately 14,000 square foot, one-story, building footprint must be constructed, as indicated on the Preliminary Plan. Given that specimen trees are scattered throughout the buildable area of the tract, it is unavoidable that some trees will be removed and some will be impacted. Three of the specimen trees lie directly within the proposed building footprint necessitating their removal, while four other specimen trees are located right at, or within fifteen feet, and in the graded area adjacent to the proposed building wall or very close to other proposed improvements, including the necessary stormwater management facilities. Almost all of the property contains critical root zone areas of the existing specimen trees, therefore the other four impacted trees are impacted to varying degrees.

The development of this site, in addition to the proposed new house of worship, includes the retention of an existing Rabbi’s residence and the existing access drive from Georgia Avenue. Given the location and placement of these existing structures, there is very little flexibility in the layout of the proposed lot and the associated storm water management structures.

- "(2) Describe how enforcement of these rules will deprive the owner of rights commonly enjoyed by others in similar areas."*

There is no alternative site design that would not impact the eleven trees affected by this development proposal and still yield an area large enough to place the proposed building. Without granting of this variance, a suitable buildable area could not be provided on the subject property, thus causing a hardship on the applicant. Other religious facilities in Montgomery County have been constructed prior to the implementation of Sec. 22A-21 and have not been required to receive a variance for impact on specimen trees. Further, religious houses of worship fulfill an important community and public need for such gathering places, which should not be unduly burdened.

- "(3) Verify that State water quality standards will not be violated or that a measurable degradation in water quality will not occur as a result of the granting of the variance."*

In conjunction with its proposed development of the subject property, the Applicant has prepared a stormwater management concept plan which will improve water quality measures on the subject property and in the surrounding area. The concept complies with current Environmental Site Design to the Maximum Extent Possible stormwater management regulations.

The Applicant confirms that the impact on the eleven affected trees will cause no degradation to water quality associated with development of the proposed religious facility as a result of the granting of the requested variance. In fact, if the Applicant were not permitted to impact the affected trees, it would not be possible to effectuate the necessary stormwater management for the site.

- "(4) Provide any other information appropriate to support the request."*

The information set forth above, the Applicant believes, is adequate to justify the requested variance to *impact* the eleven protected trees on the subject property.

Furthermore, the Applicant's request for a variance complies with the "minimum criteria" of Section 22A-21(d) for the following reasons:

1. This Applicant will receive no special privileges or benefits by the granting of the requested variance that would not be available to any other applicant.
2. The configuration of the subject property, regulatory requirements, and the location of the protected trees are not the result of actions by the Applicant, since any similar development of the subject property as a religious facility would encounter the same constraints.
3. The requested variance is not related in any way to a condition on an adjacent, neighboring property, and
4. *Impact* on the CRZ's of the eleven affected trees will not violate State water quality standards or cause measurable degradation in water quality (which is being improved by the Applicant's overall proposal).

**Conclusion.**

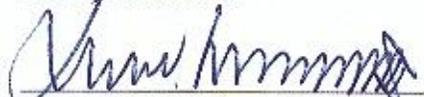
For all of the reasons set forth above, the requested Variance should be approved by the Planning Board.

Date

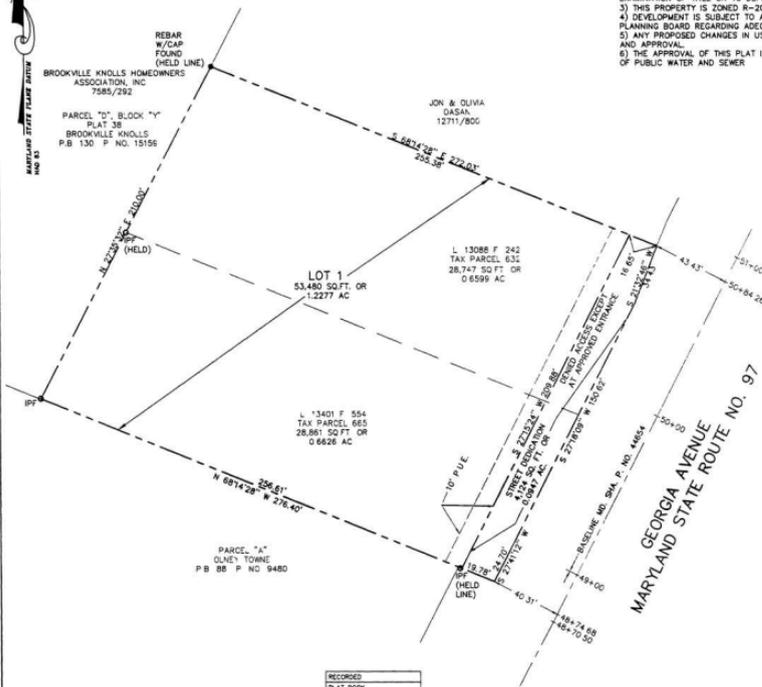
July 30, 2014

Respectfully Submitted,

Site Solutions Inc.

  
Donald W. Rohrbaugh, II, R.L.A.

## PLAT NO 21258



### NOTES:

- 1) ALL TERMS, CONDITIONS, AGREEMENTS, LIMITATIONS, AND REQUIREMENTS ASSOCIATED WITH ANY PRELIMINARY PLAN, SITE PLAN, PROJECT PLAN OR OTHER PLAN, ALLOWING DEVELOPMENT OF THIS PROPERTY, APPROVED BY MONTGOMERY COUNTY PLANNING BOARD ARE INTENDED TO SURVIVE UNLESS EXPRESSLY CONTINGATED BY THE PLAN AS APPROVED. THE OFFICIAL PUBLIC FILES FOR ANY SUCH PLAN ARE MAINTAINED BY THE PLANNING BOARD AND AVAILABLE FOR PUBLIC REVIEW DURING NORMAL BUSINESS HOURS.
- 2) THIS SUBDIVISION RECORD PLAT IS NOT INTENDED TO SHOW EVERY MATTER AFFECTING THE OWNERSHIP AND USE, NOR EVERY MATTER RESTRICTING THE OWNERSHIP AND USE, OF THIS PROPERTY. THE SUBDIVISION RECORD PLAT IS NOT INTENDED TO REPLACE AN EXAMINATION OF TITLES OR TO DEPICT OR NOTE ALL MATTERS AFFECTING TITLE.
- 3) THIS PROPERTY IS ZONED R-200.
- 4) DEVELOPMENT IS SUBJECT TO AN AGREEMENT WITH THE MONTGOMERY COUNTY PLANNING BOARD REGARDING ADEQUATE PUBLIC FACILITIES.
- 5) ANY PROPOSED CHANGES IN USE WILL REQUIRE FURTHER PLANNING BOARD REVIEW AND APPROVAL.
- 6) THE APPROVAL OF THIS PLAT IS PREDICTED ON THE ADEQUACY AND AVAILABILITY OF PUBLIC WATER AND SEWER



### SURVEYOR'S CERTIFICATE:

I HEREBY CERTIFY THAT THE INFORMATION SHOWN HEREON IS TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF, THAT IT IS A SUBDIVISION OF ALL OF THE LAND CONVEYED BY CAROL THOMPSON BUCKNER, FORMERLY KNOWN AS CAROL L THOMPSON TO OHEV SHOLOM TALMUD TORAH CONGREGATION, A DISTRICT OF COLUMBIA RELIGIOUS CORPORATION BY DEED DATED NOVEMBER 10, 1994 AND RECORDED IN LIBER 13088 AT FOLIO 242 AND ALL OF THE LAND CONVEYED BY JIMMY FATO TO OHEV SHOLOM TALMUD TORAH CONGREGATION, A DISTRICT OF COLUMBIA RELIGIOUS CORPORATION BY DEED DATED MAY 11, 1986 AND RECORDED IN LIBER 13401 AT FOLIO 554 ALL AMONG THE LAND RECORDS OF MONTGOMERY COUNTY, MARYLAND, THAT IF SO ENGAGED PROPERTY LINE MARKERS WILL BE PLACED IN ACCORDANCE WITH SECTION 50-24 (c) OF THIS SUBDIVISION REGULATIONS OF THE MONTGOMERY COUNTY CODE, THAT THE TOTAL AREA IN THIS PLAT OF SUBDIVISION IS 1.3224 ACRES OF LAND OF WHICH 0.0497 OF AN ACRE IS DEDICATED TO PUBLIC USE.

DATE Feb 16, 1999



STEPHEN D. COLEMAN  
REGISTERED PROPERTY LINE SURVEYOR  
MARYLAND REG. # 487

### OWNER'S CERTIFICATE:

WE, OHEV SHOLOM TALMUD TORAH CONGREGATION, A DISTRICT OF COLUMBIA RELIGIOUS CORPORATION, OWNERS, HEREBY ADOPT THIS PLAN OF SUBDIVISION, ESTABLISH THE MINIMUM BUILDING RESTRICTION LINES AND ESTABLISH A 10 FOOT WIDE PUBLIC UTILITIES EASEMENT SHOWN AS 10' PILE, IN ACCORDANCE WITH THE DECLARATION OF THE TERMS AND PROVISIONS OF PUBLIC UTILITY EASEMENTS RECORDED AMONG THE LAND RECORDS OF MONTGOMERY COUNTY, MARYLAND IN LIBER 2854 AT FOLIO 457. THERE ARE NO SUITE ACTIONS AT LAW, LEASES, LIENS, MORTGAGES OR TRUSTS AFFECTING THE PROPERTY INCLUDED IN THIS PLAN OF SUBDIVISION.

DATE FEB. 18, '99

LEONARD GOODMAN, PRESIDENT  
OHEV SHOLOM TALMUD TORAH CONGREGATION  
ATTEST BY: [Signature]

SUBDIVISION RECORD PLAT  
LOT 1  
OHEV SHOLOM TALMUD TORAH  
CONGREGATION

L 13401 F. 554, TAX PARCEL 665  
L 13088 F. 242, TAX PARCEL 632  
OLNEY (8th) ELECTION DISTRICT  
MONTGOMERY COUNTY, MARYLAND  
SCALE: 1" = 30' FEBRUARY, 1999

FILED  
FEB 18 1999

RECORDED	PLAT BOOK
PLAT NO	
FOR PUBLIC WATER AND SEWER ONLY 2000/4/29075/2005/01/25	
THE MARYLAND NATIONAL PARK AND PLANNING COMMISSION MONTGOMERY COUNTY PLANNING BOARD	
APPROVED [Signature] DATE 2/16/99	APPROVED [Signature] DATE 2/16/99
CHAIRMAN	ASSISTANT SECRETARY
MONTGOMERY COUNTY PARKS AND DEPARTMENT OF RECREATION	
APPROVED [Signature] DATE 2/16/99	APPROVED [Signature] DATE 2/16/99
CHAIRMAN	ASSISTANT SECRETARY
M&C P.P. RECORD FILE NO. 610-74	

PRELIMINARY PLAN NO 1-99075

CAPITOL DEVELOPMENT DESIGN, INC.  
ENGINEERS - PLANNERS - SURVEYORS  
9010 BELLEVUE AVENUE - SUITE 200 - BELLEVUE, WA 98003  
PHONE (206) 862-1781 FAX (206) 862-1994

Martin O'Malley, *Governor*  
Anthony G. Brown, *Lt. Governor*



James T. Smith, Jr., *Secretary*  
Melinda B. Peters, *Administrator*

MARYLAND DEPARTMENT OF TRANSPORTATION

February 28, 2014

Ms. Cathy Conlon  
Montgomery County Planning Commission  
8787 Georgia Avenue  
Silver Spring, Maryland 20910

RE: Montgomery County  
MD 97 (Georgia Avenue)  
Center for Jewish Living  
SHA Tracking No: 14APMO008xx  
ePlans Project No: 120140090  
Mile Post: 12.19

Dear Ms. Conlon:

Thank you for the opportunity to review the preliminary plan, dated February 4, 2014, for the proposed Center for Jewish Living development in Montgomery County. The State Highway Administration (SHA) offers the following comments:

**Access Management Division (AMD) Comments:**

1. The trip generation does not warrant the submission of additional traffic analysis.
2. The proposed connection to the downstream storm drain system within SHA right of way will require the submission of hydraulics computations for review. Please include existing and proposed drainage area displays as part of the analysis.
3. Please provide a sight distance evaluation using the attached sight distance evaluation form. Once completed, the form should be stamped and certified by a Professional Engineer.
4. Please verify that the existing sidewalk and ramps along the frontage of the property meets current ADA compliance. For more information on ADA and Bicycle compatibility, please see the following links: <http://www.roads.maryland.gov/Index.aspx?PageId=26>.  
[http://www.roads.maryland.gov/OHD2/Bike\\_Policy\\_and\\_Design\\_Guide.pdf](http://www.roads.maryland.gov/OHD2/Bike_Policy_and_Design_Guide.pdf).
5. The installation of the proposed water line and sewer house connections within SHA right of way must conform to the conditions of a SHA Utility Permit. The developer or engineer must submit a copy of the utility drawings to the SHA District 3 Utility Engineer for comments. The drawings must show any necessary road repairs required in the Permit. Please refer to our website [www.roads.maryland.gov](http://www.roads.maryland.gov) under Business Center, Permits, Access Permits for more information about District Office Permits. You may also contact Mr. Victor Grafton at 301-513-7350, by using our toll free number in Maryland only at 1-800-876-4742 or via email at [vgrafton@sha.state.md.us](mailto:vgrafton@sha.state.md.us).
6. Based on the Olney Master Plan, the 1,117 square feet area of dedication shown on the plans will be required. The State Highway Administration requires that any right-of-way or easement donation (dedication) be platted to SHA standards. These standards may be found at <http://www.roads.maryland.gov>; - Business Center; - Surveyors Center; then follow the link to Developer Donation Plat Standards. Please contact Ms. Jane Heming, Chief, Records & Research Section, Office of Real Estate at 410-545-2829 or [jheming@sha.state.md.us](mailto:jheming@sha.state.md.us) for existing right-of-way information. Note that any plats produced for the SHA shall be on NAD83/91 datum. Please contact Mr. Dan Sain, Assistant Division Chief, Plats and Surveys Division at 410-545-8961 or [dsain@sha.state.md.us](mailto:dsain@sha.state.md.us) for SHA-GPS control location and information. All

My telephone number/toll-free number is \_\_\_\_\_

plats must be submitted in hard copy format for review, checking and final issuance. All subdivision plats that will be showing donated area must be approved by PSD prior to recordation at the County level. The first plat submission shall come through the Access Management Division directly to Mr. Steven Foster, attention of Mr. Erich Florence. Subsequent plat submissions may be made directly to the Plats and Surveys Division. Please contact Mr. Bill Carroll, Assistant Division Chief, Plats and Surveys Division at 410-545-8958 or [bcarroll2@sha.state.md.us](mailto:bcarroll2@sha.state.md.us) for additional information about the Donation Plat review process. Additionally, contact Mr. Paul Lednak Chief, District 3 Right-of-Way at 301-513-7466 or via email at [plednak@sha.state.md.us](mailto:plednak@sha.state.md.us) for information about the Donation Deed requirements and procedures.

7. The Access Management Division Plan Review Checklist needs to be utilized in drafting the SHA improvement plans. The checklist can be accessed at [www.roads.maryland.gov](http://www.roads.maryland.gov) by selecting the Business Center drop down menu and Permits and Miss Utility Information, Access Permits, Commercial/Industrial/Residential Subdivision Access Permit, Plan Submittal Checklist. Please include a copy of the completed checklist with your next submittal. The checklist can also be accessed directly at <http://www.roads.maryland.gov/ohd2/Plan-check-list.pdf>
8. SHA has no objection to preliminary plan approval subject to addressing the above comments at the Site Development Plan stage.

Further plan submittals should reflect the above comments. Please submit six (6) sets of revised plans, a CD containing the plans and supporting documentation in PDF format as well as a point by point response, to reflect the comments noted above directly to Mr. Steven Foster attention of Mr. Erich Florence. Please reference the SHA tracking number on future submissions. Please keep in mind that you can view the reviewer and project status via SHA Access Management Division web page at <http://www.roads.maryland.gov/pages/amd.aspx>. If you have any questions, or require additional information, please contact Mr. Erich Florence at 410-545-0447, by using our toll free number in Maryland only at 1-800-876-4742 (x0447) or via email at [eflorence@sha.state.md.us](mailto:eflorence@sha.state.md.us).

Sincerely,



for Steven D. Foster, Chief/Development Manager  
Access Management Division

SDF/JWR/EMF

Attachment

cc: Mr. Bill Carroll, SHA – Plats and Surveys Division  
Mr. Victor Grafton, SHA – District 3 Utility Engineer  
Ms. Jane Heming, SHA – Office of Real Estate  
Mr. Paul Lednak, SHA – District 3 Right of Way  
Mr. Mark McKenzie, SHA – AMD Assistant Regional Engineer  
Ms. Anyesha Mookherjee, SHA – District 3 Assistant District Engineer – Traffic  
Mr. Scott Newill, SHA - AMD Regional Engineer  
Mr. John Ritter, SHA – District 3 Resident Maintenance Engineer – Fairland Shop  
Mr. Donald Rohrbaugh, engineer – Site Solutions, Inc. / [dwr@ssimd.net](mailto:dwr@ssimd.net)

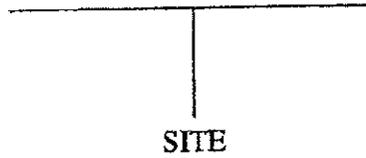
Ms. Cathy Conlon  
SHA Tracking No.: 14APMO008xx  
Page 3  
February 28, 2014

Mr. Dan Sain, SHA – Plats and Surveys Division  
Mr. Lewis F. Shrensky, owner - Center for Jewish Living of Northern Montgomery County, Inc. /  
10708 Balantre Lane, Potomac, MD 20854  
Mr. Brian Young, SHA – District 3 Engineer  
[Catherine.Conlon@montgomeryplanning.org](mailto:Catherine.Conlon@montgomeryplanning.org).

## Sight Distance Measurement and Evaluation Worksheet

LEFT (North)

RIGHT (South)



<b>INTERSECTION SIGHT DISTANCE</b>	<b>MEASUREMENT (ft)</b>	
<ul style="list-style-type: none"> <li>• 3.5' object placed at proposed access</li> <li>• 3.5' driver's eye height on approaching lane</li> </ul>	LEFT	RIGHT
<b>STOPPING SIGHT DISTANCE</b>	<b>MEASUREMENT (ft)</b>	
<ul style="list-style-type: none"> <li>• 2.0' object placed at proposed access</li> <li>• 3.5' driver's eye height on approaching lane</li> </ul>	LEFT	RIGHT

### Evaluation

Posted Speed = \_\_\_\_\_ mph

Design Speed = Posted Speed + 10 mph = \_\_\_\_\_ mph (EAPD Policy)

#### Intersection Sight Distance (ISD):

Turning Movement	State Standard ISD Requirement Based on Design Speed	Reduced ISD Requirement Based on Posted Speed *
Left Turn from Site Access		
Left Turn into Site Access		
Right Turn from Site Access		

\*Substandard condition meeting this requirement may be acceptable upon consideration of site specific traffic and safety conditions, feasibility constraints, etc. Mitigation may be required for any substandard condition.

#### Stopping Sight Distance (SSD):

SSD Required for the Design Speed: \_\_\_\_\_ ft (MUST be met)

### Results

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Martin O'Malley, *Governor*  
Anthony G. Brown, *Lt. Governor*



James T. Smith, Jr., *Secretary*  
Melinda B. Peters, *Administrator*

July 23, 2014

RE:           Montgomery County  
              MD 97  
              **Center for Jewish Living**  
              **SHA Tracking No. 14APMO008XX**  
              Mile Point: 12.19

Mr. Jeffrey S. Lewis, P.E.  
Site Solutions Incorporated  
20410 Observation Drive, Suite 205,  
Germantown, Maryland 20876-4000

Dear Mr. Lewis:

Thank you for the opportunity to review the partial plan review (Hydraulic review only) for the proposed Center for Jewish Learning in Montgomery County. The State Highway Administration (SHA) review is complete and we are pleased to respond.

Based on the information provided, please address the following comments in a point-by-point response:

**Highway Hydraulics Comments:**

1. SHA approves your stormwater management concept. Final hydraulic approval as required for your SHA access permit will be based on you addressing all comments. Once obtained please provide documentation of the local agency's review and approval of both the stormwater management and erosion/sediment control plans. **[One existing stormwater pond located onsite will be replaced by four (4) microbioretention facilities. The onsite drainage discharges through an existing storm drain system located in the SHA right-of-way that outfall on the east side of MD 97.]**
2. Although we defer to the Montgomery County Department of Permitting Services for Stormwater Management approval, due to the possible impacts to SHA right-of-way we have the following comments:
  - a. In the narrative of the Storm Drain Study report, you discuss reducing C-values in the storm drain computations for the developed condition to reflect that the existing flows were not exceeded. However, it appears that your storm drain calculations do not reflect this. Please verify that this methodology was not used as it would not be accepted by SHA and revise the report accordingly.
  - b. The current submission shows that two existing 15" CMP storm drain pipes near the stormwater management tie-in will be replaced with 15" HDPE pipes. However, the storm drain calculations still show the 25-year storm HGL will exceed the top of structure at inlet 14 in both the existing and proposed conditions. Please re-analyze the storm drain system to see if upsizing the pipes would correct the HGL issue. Provide supporting calculations to support a revised design. Your previous submission dated April 10, 2014 showed that the HGL issue could be corrected by upsizing the pipe from structures 12 to 11.

3. Although we defer to the Montgomery Soil Conservation District for Erosion and Sediment Control approval, due to the possible impacts to SHA right-of-way we have the following comments:
  - a. When available, please provide the erosion and sediment control plans for this project.
  - b. All water should be treated prior to entering the SHA right-of-way or the project should provide same day stabilization

In summation we recommend this project for **conditional hydraulic approval** - *subject* to the design engineer addressing comments #1 through 3. Please note that any projects that have obtained the SHA access permit but have not begun construction within three (3) years and completed construction within five (5) years of this approval will need to be resubmitted for compliance with current policies, standards and practices prior to approval of an extension.

**Access Management Division (AMD) Comments:**

1. The sight distance evaluation is acceptable.
2. Upon receiving conditional hydraulic approval, it is noted that full engineering plans will be submitted for review. The comments provided in the *attached* February 28, 2014 letter still apply and should be reflected on the plans.

Further plan submittals should reflect the above comments. Please submit six (6) sets of revised plans, a CD containing the plans and supporting documentation in PDF format and 2 copies of the revised study, as well as a point by point response, to reflect the comments noted above directly to Mr. Steven Foster attention of Mr. Ben Norris. Please reference the SHA tracking number on future submissions. Please keep in mind that you can view the reviewer and project status via SHA Access Management Division web page at <http://www.roads.maryland.gov/pages/amd.aspx>. If you have any questions, or require additional information, please contact Mr. Ben Norris at 410-545-7439, by using our toll free number in Maryland only at 1-800-876-4742 (x7439) or via email at [BNorris@sha.state.md.us](mailto:BNorris@sha.state.md.us).

Sincerely,



for Steven D. Foster, Chief/ Development Manager  
Access Management Division

SDF/SMC/BJN

Attachment

cc: Mr. Cornelius Barmer, SHA - Highway Hydraulics Division  
Mr. Frank Brown, SHA - AMD  
Ms. Catherine Conlon, M-NCPPC/ [Catherine.Conlon@montgomeryplanning.org](mailto:Catherine.Conlon@montgomeryplanning.org).  
Mr. Mark Etheridge, Montgomery County Dept. of Permitting Services/  
[Mark.etheridge@montgomerycountymd.gov](mailto:Mark.etheridge@montgomerycountymd.gov)  
Mr. Victor Grafton, SHA – District 3 Utility Engineer  
Mr. Mark McKenzie, SHA Assistant Regional Engineer  
Ms. Anyesha Mookherjee, SHA Traffic – Montgomery County  
Mr. Scott Newill, SHA Regional Engineer  
Ms. Deborah Pitts, SHA - Highway Hydraulics Division

Mr. Jeffrey S. Lewis, P.E.  
SHA Tracking No.: 14APMO008XX  
Page 3  
July 23, 2014

Mr. Lewis F. Shrensky, owner - Center for Jewish Living of Northern Montgomery County, Inc. /  
10708 Balantre Lane, Potomac, MD 20854  
Mr. Brian Young, SHA – District 3 Engineer

Martin O'Malley, *Governor*  
Anthony G. Brown, *Lt. Governor*



James T. Smith, Jr., *Secretary*  
Melinda B. Peters, *Administrator*

MARYLAND DEPARTMENT OF TRANSPORTATION

June 23, 2014

Mr. Jeffrey S. Lewis, P.E.  
Principal  
Site Solutions Incorporated  
20410 Observation Drive, Suite 205  
Germantown, Maryland 20876-4000

RE: Montgomery County  
MD 97 (Georgia Avenue)  
Center for Jewish Living  
SHA Tracking No: 14APMO008xx  
Mile Post: 12.19

Dear Mr. Lewis:

Thank you for the opportunity to review the *storm drain study*, received on June 20, 2014 for the proposed Center for Jewish Living in Montgomery County. As previously stated (*see attached letter dated February 28, 2014*), the State Highway Administration (SHA) **has no objection to preliminary plan approval**. A comprehensive and detailed engineering review and approval of the plans will be required in order to obtain an access permit. Once this project is at the site development plan review stage, SHA will resume its review of the project. Please reference the SHA letters dated February 28, 2014 and May 1, 2014 in preparation for the next submittal.

If you have any questions, or require additional information, please contact Mr. Erich Florence at 410-545-0447, by using our toll free number in Maryland only at 1-800-876-4742 (x0447) or via email at [eflorence@sha.state.md.us](mailto:eflorence@sha.state.md.us).

Sincerely,

A handwritten signature in black ink that reads 'Erich Florence'.

for Steven D. Foster, Chief/ Development Manager  
Access Management Division

SDF/SMC/EMF

Attachment

cc: Mr. Victor Grafton, SHA – District 3 Utility Engineer  
Mr. Mark McKenzie, SHA – AMD Assistant Regional Engineer  
Ms. Anyesha Mookherjee, SHA – District 3 Assistant District Engineer – Traffic  
Mr. Scott Newill, SHA - AMD Regional Engineer  
Mr. Lewis F. Shrensky, owner - Center for Jewish Living of Northern Montgomery County, Inc. /  
10708 Balantre Lane, Potomac, MD 20854  
Mr. Brian Young, SHA – District 3 Engineer  
[Catherine.Conlon@montgomeryplanning.org](mailto:Catherine.Conlon@montgomeryplanning.org).

# Attachment F



## DEPARTMENT OF TRANSPORTATION

Isiah Leggett  
County Executive

Arthur Holmes, Jr.  
Director

March 7, 2014

Mr. Benjamin Berbert, Senior Planner  
Area 3 Planning Division  
The Maryland-National Capital  
Park & Planning Commission  
8787 Georgia Avenue  
Silver Spring, Maryland 20910-3760

RE: Preliminary Plan No. 120140090  
Center for Jewish Living

*Ber*  
Dear Mr. Berbert:

We have completed our review of the preliminary plan dated February 3, 2014. This plan was reviewed by the Development Review Committee for its March 7, 2014 meeting. We recommend recommendation approval for the plan subject to the following comments:

**Note:** All Planning Board Opinions relating to this plan or any subsequent revision, project plans or site plans should be submitted to the Department of Permitting Services (DPS) in the package for record plats, storm drain, grading or paving plans, or application for access permit. Include this letter and all other correspondence from this department.

1. Necessary dedication of 60' is shown from the centerline of Georgia Avenue (MD 97) in accordance with the Olney Master Plan.
2. Improvements along Georgia Avenue (MD 97) as required by the Maryland State Highway Administration.
3. Grant necessary slope and drainage easements prior to record plat. Slope easements are to be determined by study or set at the building restriction line. No fences will be allowed within the storm drain easement(s) without a revocable permit from the Department of Permitting Services and a recorded Maintenance and Liability Agreement.
4. Sight distances measurements and evaluation for Georgia Avenue (MD 97) to be reviewed by the Maryland State Highway Administration.
5. Public Utilities Easement of 10' is shown per Plat No. 21258.

### Division of Traffic Engineering and Operations

100 Edison Park Drive, 4th Floor • Gaithersburg, Maryland 20878  
Main Office 240-777-2190 • TTY 240-777-6013 • FAX 240-777-2080  
trafficops@montgomerycountymd.gov

6. Denote the existing sidewalk width along Georgia Avenue.
7. Show all driveways adjacent and opposite the site on the plan.
8. The parking layout plan will be reviewed by the Department of Permitting Services at the site plan or building permit stage, whichever comes first. To facilitate their review, that plan should delineate and dimension the proposed on-site travel lanes, parking spaces, curb radii, handicap parking spaces and access facilities, and sidewalks. The applicant may wish to contact Mr. Sam Farhadi of that Department at (240) 777-6333 to discuss the parking lot design.
9. On the site plan, delineate the location and dimensions of the proposed truck loading and/or dumpster spaces.
10. Provide on-site handicap access facilities, parking spaces, ramps, etc. in accordance with the Americans with Disabilities Act.
11. Where perpendicular parking spaces border a sidewalk, a two (2) foot vehicle overhang is assumed. The applicant should either provide a seven (7) foot wide sidewalk or wheelstops within those parking spaces.
12. The owner will be required to submit a recorded covenant for the operation and maintenance of private streets, storm drain systems, and/or open space areas prior to MCDPS approval of the record plat. The deed reference for this document is to be provided on the record plat.
13. Spacing and species of trees in the County rights-of-way shall be in accordance with the applicable MCDOT standards. Tree planting within the public right of way must be coordinated with Brett Linkletter, Chief of the Division of Highway Services, Tree Maintenance Section at 240-777-7651.
14. If the proposed development will alter any existing County-maintained street lights, signing, and/or pavement markings, please contact Mr. Dan Sanayi of our Traffic Engineering Design and Operations Section at 240-777-2190 for proper executing procedures. All costs associated with such relocations shall be the responsibility of the applicant.
15. If the proposed development will alter or impact any existing County maintained transportation system management component (i.e., traffic signals, signal poles, handboxes, surveillance cameras, etc.) or communication component (i.e., traffic signal interconnect, fiber optic lines, etc.), please contact Mr. Bruce Mangum of our Transportation Systems Engineering Team at (240) 777-2190 for proper executing procedures. All costs associated with such relocations shall be the responsibility of the applicant.

Mr. Benjamin Berbert  
Preliminary Plan No. 120140090  
March 7, 2014  
Page 3

16. Relocation of utilities along existing roads to accommodate the required roadway improvements shall be the responsibility of the applicant.

Thank you for the opportunity to review this preliminary plan. If you have any questions or comments regarding this letter, please contact Mr. William Haynes, our Development Review Area Engineer for this project, at [william.haynes@montgomerycountymd.gov](mailto:william.haynes@montgomerycountymd.gov) or (240) 777-2132.

Sincerely,



Gregory M. Leck, Manager  
Development Review Team

\\Dot3\traffic\Subdivision\HAYNEW01\Developments\Center for Jewish Living (120140090)\Letters\120140090, Ctr Jewish Living, Prelim Plan ltr.doc

GML:wh

cc: Lewis Shrensky Center for Jewish Living  
Donald Rohrbaugh Site Solutions, Inc.  
Jeffrey Lewis Site Solutions, Inc.  
Rebecca Walker Miles & Stockbridge, PC  
Preliminary Plan folder  
Preliminary Plan letters notebook

cc-e: Catherine Conlon M-NCPPC DARC  
Rich Weaver M-NCPPC Area 3  
Katherine Holt M-NCPPC Area 3  
Scott Newill MSHA AMD  
Sam Farhadi MCDPS RWPR  
Bill Campbell MCDPS WRM  
Marie LaBaw MCFRS  
Brett Linkletter MCDOT DHS  
Dan Sanayi MCDOT DTEO  
Fred Lees MCDOT DTEO  
William L. Haynes MCDOT DTEO

# Attachment G



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## FIRE MARSHAL COMMENTS

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**DATE:** 22-Jul-14  
**TO:** Don Rohrbaugh - dwr@ssimd.net  
Site Solutions, Inc.  
**FROM:** Marie LaBaw  
**RE:** Center for Jewish Living  
120140090

---

### PLAN APPROVED

1. Review based only upon information contained on the plan submitted **22-Jul-14** .Review and approval does not cover unsatisfactory installation resulting from errors, omissions, or failure to clearly indicate conditions on this plan.
2. Correction of unsatisfactory installation will be required upon inspection and service of notice of violation to a party responsible for the property.

# Attachment H



## DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett  
County Executive

Diane R. Schwartz Jones  
Director

July 14, 2014

Mr. Jeffrey Lewis  
Site Solutions, Inc.  
20410 Observation Dr., Suite 205  
Germantown, Maryland 20876

Re: Stormwater Management **CONCEPT** Request  
for Center for Jewish Living  
Preliminary Plan #: 120140090  
SM File #: 259455  
Tract Size/Zone: 1.6 Ac. / R-200  
Total Concept Area: 1.6 Ac.  
Lot: 1  
Parcel: P611  
Watershed: Hawlings River

Dear Mr. Lewis:

Based on a review by the Department of Permitting Services Review Staff, the stormwater management concept for the above mentioned site is **acceptable**. The stormwater management concept proposes to meet required stormwater management goals via 4 micro-bioretenion facilities and permeable pavement.

The following **items and conditions** will need to be addressed **during** the detailed sediment control/stormwater management plan stage:

1. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
2. Approval from MSHA for the proposed storm drain must be obtained prior to final approval of the detailed plans.
3. An engineered sediment control plan must be submitted for this development.
4. All filtration media for manufactured best management practices, whether for new development or redevelopment must consist of MDE approved material.
5. Landscaping shown on the approved Landscape Plan as part of the approved Site Plan are for illustrative purpose only and may be changed at the time of detailed plan review of the Sediment Control/Storm Water Management plans by the Mont. Co. Department of Permitting Services, Water Resources Section.

This list may not be all-inclusive and may change based on available information at the time.

Payment of a stormwater management contribution in accordance with Section 2 of the Stormwater Management Regulation 4-90 **is not required**.

---

255 Rockville Pike, 2nd Floor • Rockville, Maryland 20850 • 240-777-6300 • 240-777-6256 TTY  
[www.montgomerycountymd.gov](http://www.montgomerycountymd.gov)

Mr. Jeffrey Lewis  
July 14, 2014  
Page 2

This letter must appear on the sediment control/stormwater management plan at its initial submittal. The concept approval is based on all stormwater management structures being located outside of the Public Utility Easement, the Public Improvement Easement, and the Public Right of Way unless specifically approved on the concept plan. Any divergence from the information provided to this office; or additional information received during the development process; or a change in an applicable Executive Regulation may constitute grounds to rescind or amend any approval actions taken, and to reevaluate the site for additional or amended stormwater management requirements. If there are subsequent additions or modifications to the development, a separate concept request shall be required.

If you have any questions regarding these actions, please feel free to contact Mike Geier at 240-777-6342.

Sincerely,



Mark C. Etheridge, Manager  
Water Resources Section  
Division of Land Development Services

MCE: me CN259455 Center for Jewish Living.mjg.doc

cc: C. Conlon  
SM File # 259455

ESD Acres:	2
STRUCTURAL Acres:	0
WAIVED Acres:	0



# Attachment K



10563 Metropolitan Avenue, Kensington, MD 20895  
301-942-6700 Fax 301-942-6734

June 10, 2014

Site Solutions, Inc.  
20410 Observation Drive  
Suite 205  
Germantown, MD 20876  
Don Rohrbaugh

RE: Center For Jewish Living  
18320 Georgia Avenue  
Olney, MD 20832

## ARBORIST REPORT

### Tree Survey:

Tree #1 - Sugar Maple - fair condition. Recommended: remove deadwood 1" in diameter or larger. Auger 2" diameter holes at tree drip line and backfill holes with mixture of fertilizer, compost and sand.

Tree #2 - Sugar Maple - fair condition. Recommended: remove deadwood 1" in diameter or larger. Auger 2" diameter holes at tree drip line and backfill holes with mixture of fertilizer, compost and sand.

Tree #3 - Red Maple - fair/poor condition. Recommended: remove deadwood 1" in diameter or larger. Auger 2" diameter holes at tree drip line and backfill holes with mixture of fertilizer, compost and sand.

Tree #5 - Sugar Maple - fair/poor condition. Recommended: remove deadwood 1" in diameter or larger. Auger 2" diameter holes at tree drip line and backfill holes with mixture of fertilizer, compost and sand.

Tree #6 - Sugar Maple - fair condition. Recommended: remove deadwood 1" in diameter or larger. Auger 2" diameter holes at tree drip line and backfill holes with mixture of fertilizer, compost and sand.

The five trees surveyed are in overall fair condition and should be able to remain safely in the landscape with some care and precautions before construction begins. In addition to the pruning and feeding that I have recommended above, I would also suggest a couple other measures.



MD TREE EXPERT  
LIC. NO. 715

First, the entire Southeast L.O.D. should be root pruned and tree protection fence installed to protect trees 1, 2, 3, 5 and 6. This L.O.D. should, if possible, be shifted slightly to the Northwest in the area near tree #6. Moving the L.O.D. will preserve more of tree #6 critical root zone.

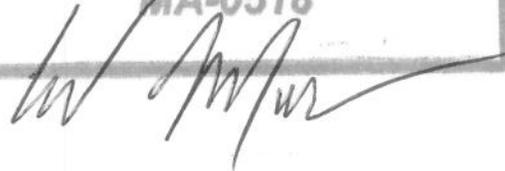
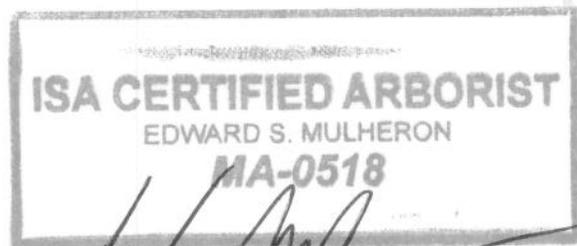
Finally, tree protection fence should be installed along the Northwest L.O.D. in the area bordering #13 to keep construction activity away from this same tree. Root pruning is not necessary as the L.O.D. is outside the critical root zone.

Please feel free to call me if you have any questions regarding my findings.

Sincerely

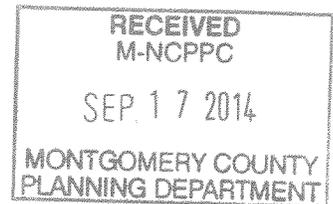


Edward Mulheron  
ISA Certified Arborist MA-0518  
MD Tree Expert License #715  
ISA Certified Utility Specialist  
ISA Certified Tree Risk Assessor #1072  
MDA Certified Compost Operator



# Attachment L

**FERGUSON & WILPON**  
ATTORNEYS AT LAW  
3406 OLANDWOOD COURT  
SUITE 202  
OLNEY, MARYLAND 20832  
TEL 301-570-3633 • FAX 301-570-4541  
www.fergusonwilponlaw.com



JOHN J. FERGUSON  
ADMITTED IN MARYLAND

CLIFFORD A. WILPON  
ADMITTED IN MARYLAND & D.C.

September 12, 2014

Mr. Ben Berbert  
Senior Planner  
Maryland National Capital Park  
and Planning Commission  
8787 Georgia Avenue  
Silver Spring, MD 20910

Re: Preliminary Plan Center for Jewish Living  
18320 and 18326 Georgia Avenue, Olney, MD  
MNCPPC Plan No. 120140090

Dear Mr. Berbert:

In regard to the above referenced Preliminary Plan, Brookeville Knolls Homeowner Association, the owner of an adjacent pipestem parcel located between the property on which development is proposed and P578, requests an extension of the disturbance area on the plan.

It is requested that the disturbance area be extended from its current boundary along the property line between the CJL property and the Brookeville Knolls Homeowner Association property, across the Brookeville Knolls Homeowner Association property to the boundary line between Brookeville Knoll Homeowner Association property and P578.

Thank you for your attention to this matter.

Respectfully,

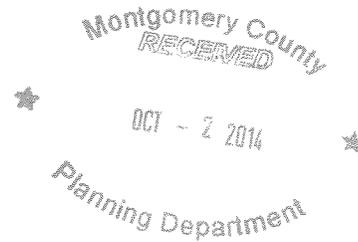
A handwritten signature in black ink that reads "John J. Ferguson".

John J. Ferguson

cc: Rebecca D. Walker, Esq.



Rebecca D. Walker  
301-517-4830  
rwalker@milesstockbridge.com



September 29, 2014

Ben Berbert, Senior Planner  
Maryland-National Capital Park and Planning Commission  
8787 Georgia Avenue  
Silver Spring, Maryland 20910

Re: Center for Jewish Living  
Preliminary Plan No. 120140090

Dear Mr. Berbert:

The following correspondence is responsive to the letter transmitted to you on September 12, 2014 from John J. Ferguson, legal counsel to the Brookeville Knolls Homeowners Association (“BKHOA”).

In Mr. Ferguson’s September correspondence he asked that there be an “extension of the disturbance area on the [Center for Jewish Living] plan” and that said extension include the area along the common boundary line of the Center for Jewish Living Property and the BKHOA pipe stem parcel and that the limits of disturbance extend across the entirety of the BKHOA Parcel to its common boundary with Parcel P578.

Mr. Ferguson’s request is inappropriate and must be rejected because it seeks to include land area that is outside of the boundaries of the property subject to the pending Preliminary Plan application. Further, based on the assertions of Mr. Ferguson’s client, legal title to the land area is held by the BKHOA and the BKHOA is not a party applicant in this matter, and has no standing to request that its property be subject to any approval conditions.

The basis for Mr. Ferguson’s request relates to an ongoing discussion between the BKHOA and the Center for Jewish Living. These discussion have been ongoing since June of 2014 when the Center for Jewish Living transmitted a written proposal to the BKHOA to attempt to alleviate some of their concern regarding historic use of their pipe stem parcel for parking and related access by the occupants of an unrelated third party and by tenant occupants of Parcel P611, owned by the Center for Jewish Living.

The proposal sent by the Center for Jewish Living to the BKHOA on June 23, 2014 has not been accepted to date. A counterproposal was received on September 12, 2014, which would involve the participation of the above referenced third party in order to resolve perceived issues that are unrelated to the Center for Jewish Living’s pending preliminary plan application.

As you can imagine, it is our desire not to cause any further delay in the processing of the Preliminary Plan and the scheduling of a Planning Board hearing. The small amount of land in question, if eventually disturbed to accommodate the BKHOA, could be accomplished through a small land disturbance permit issued by the Department of Permitting Services, which could be approved outside of the Preliminary Plan process. What the BKHOA seeks to accomplish has no relevance or nexus to the pending preliminary plan.

Given the uncertainty of our discussions with the BKHOA at this time, and the involvement of a third party, it seems to be the best course of action to not modify the limits of disturbance.

To be clear, the failure to expand the limits of disturbance does not in any way preclude our ability to continue to work with the BKHOA to resolve their concerns.

If you have any questions regarding the foregoing, please do not hesitate to contact me.

Sincerely,

  
Rebecca D. Walker

cc: John J. Ferguson, Esq.  
Center for Jewish Living  
Stephen J. Orens, Esq.