



RESOLUTION 09-23

PRELIMINARY/FINAL CONDITIONAL SUBDIVISION APPROVAL OF HI ARC REALTY SIX (6) LOT SUBDIVISION

WHEREAS, Hi Arc Realty (“Applicants”) is the legal owner of real property located on Koffel Road, being further identified as Hatfield Township Tax Block 20C, Unit 82 and Block 21 Unit 45 and Montgomery County Tax Parcel No. 35-00-04939-00-3 (the “Property”);, and has proposed the subdivision into five residential lots in the RA-1 District with the lots ranging in size from 20,185s.f to 25,480 s.f., the sixth lot which is in the Light Industrial District will remain as it currently exists; and

WHEREAS, Applicants have requested preliminary/final approval of the plan for the Property shown on a submission prepared by Stout Tacconelli and Associates, Inc, consisting of a fourteen (14) sheet plan dated October 9, 2007, last revised on May 27, 2009, and

WHEREAS, the Plans and Application have been reviewed by the Township Engineer, Hatfield Township, and the Montgomery County Planning Commission, and have been found to be suitable for preliminary/final approval, subject to the conditions set forth below.

NOW, THEREFORE, BE IT RESOLVED, that the Hatfield Township Board of Commissioners hereby grants preliminary/final approval of the Plans subject to the following conditions and requirements:

1. Within ninety (90) days of the date of final approval, the Applicant shall execute a Land Development and Escrow Agreement (the “Agreement”), execute and deliver all necessary and appropriate deeds of dedication, and post financial security for construction of improvements on the Property, all of which shall be in the form acceptable to the Township Solicitor.

2. Within ninety (90) days of the date of final approval, but in no event later than the submission of final linen plans for signature, the Applicant shall contribute to the Township the sum of five thousand (\$5,000) dollars as a voluntary negotiated contribution in lieu of providing the required parks/open space pursuant to Subdivision and Land Development Ordinance.

3. Within ninety (90) days of the date of final approval, but in no event later than the submission of final linen plans for signature, the Applicant shall contribute to the Township the sum of eight thousand five hundred (\$8,500) dollars as a voluntary negotiated contribution in

lieu of providing the required landscaping/tree plantings pursuant to Subdivision and Land Development Ordinance.

4. Within ninety (90) days of the date of final approval, but in no event later than the submission of final linen plans for signature, the Applicant shall contribute to the Township the sum of two thousand five hundred (\$2,500) dollars as a voluntary negotiated contribution to the Township for a gateway entrance sign.

5. Within ninety (90) days of the date of final approval, but in no event later than the submission of final linen plans for signature, the Applicant shall contribute to the Township a Traffic Impact Fee in the amount of \$11,685.80.

6. The Applicant shall further comply with all provisions and conditions set forth in the June 17, 2009 T and M Associates letter to Hatfield Township (attached hereto), except as expressly waived or expressly modified herein.

7. The Township grants waivers to the Applicant from the following requirements of the Township Subdivision and Land Development Ordinance:

(a) Section 250-37.D this section requires the top or bottom of slopes of all grading shall be a minimum of five feet from property or right of way lines. The proposed grading is shown within the right-of-way of both streets proposed improvements and front yards;

(b) Section 250 38. B (1), This section requires that all street trees be located 15 feet onto the property measured from the ultimate right of way, but not more than half the required yard. The applicant is requesting a waiver from this section requirement due to the irregularity of the right of way, they propose to plant trees within or just outside the ultimate right of way but within the required 10 foot setback;

(c) Section 242 12 B (1), the applicant is requesting a waiver from the requirement that easements be provided for bio-retention areas on lots 1,2,3,4,5. Applicant is requesting a blanket easement for the storm water BMP's. .

(d) Section 250 64 A (2), the applicant is requesting a waiver from the section that requires open space or a park be provided. The applicant has agreed to contribute to the Township the sum of five thousand (\$5,000) dollars as a voluntary negotiated contribution in lieu of providing the required parks/open space pursuant to Subdivision and Land Development Ordinance.

8. The following waiver request by the Applicant is hereby denied by the Township:

(a) Section 250 31 B, This section requires the applicant to construct sidewalks along existing streets.

9. This approval and the grant of the waivers set forth in paragraph 6 are further conditioned upon acceptance of the conditions contained herein by the Applicant and his signifying acceptance of these conditions by signing a copy of this Resolution and returning it to the Township.

10. In the event that said execution of the Resolution is not delivered to the Township office by noon, Wednesday, July 29, 2009, it shall be deemed that the Applicant does not accept these conditions and any approvals and grants of waivers conditioned upon the acceptance of the conditions are revoked and the application shall be considered denied for the reason of the denial of the waivers set forth in paragraph 6 and the resulting violation of the Plan of the terms of the Township Subdivision and Land Development Ordinance, as authorized in Section 508 of the Pennsylvania Municipalities Planning Code, 53 P.S. §10508.

11. This approval is subject to the fulfillment of all of the foregoing conditions, in their entirety, and no permit shall be issued, nor shall any final approval be granted, nor shall any development take place on the Property, unless and until all such conditions are fulfilled.

DULY PRESENTED AND ADOPTED by the Hatfield Township Board of Commissioners, Montgomery County, Pennsylvania, in a public meeting held this 22 day of July, 2009.

HATFIELD TOWNSHIP
BOARD OF COMMISSIONERS

Scott Brown, President

ATTEST:

Andrew Haines
Township Manager

ACCEPTED:

Hi Arc Realty

Date: _____