

**HATFIELD TOWNSHIP
RESOLUTION #09-41**

**PRELIMINARY/FINAL CONDITIONAL LAND DEVELOPMENT
APPROVAL OF
DERSTINE RUN PHASE I and II
82 DERSTINE ROAD, HATFIELD PENNSYLVANIA**

WHEREAS, Advanced Living Management and Development, Inc. (“Applicant”) is the legal owner of real property located at 82 Derstine Road Hatfield, Pennsylvania, further identified as Hatfield Township Tax Block 1 Lot 4 and Montgomery County Tax Parcel No. 35-00-02842-00-3, (the “Property”) the site consists of 28.296 acres of land and developer has proposed to build 236 one bedroom units and 4 two bedroom units in four two story buildings for senior housing with private driveway and parking

WHEREAS, Applicants have requested preliminary/final approval of the plan for the Property shown on a submission prepared by Czop/Specter, Inc, consisting of a fourteen (14) sheet plan set for Phase I and seventeen (17) sheet plan set for Phase II with two (2) sheets of emergency access plans, dated September 2, 2009 and last revised October 15, 2009; and

WHEREAS, the Plans and Application have been reviewed by the Township Engineer, Township Traffic Engineer, Township Landscape Architect, 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 final Plan approval, Applicants shall execute and deliver to the Township any and all necessary deeds of dedication or consolidation, drainage easements or storm water management maintenance agreements; easements for the construction of improvements on other property and any other agreement, easement, document or deed that is deemed necessary by the Township Solicitor in his sole discretion.

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 Seventy Eight Thousand Twenty Seven Dollars and Ninety Two Cents (\$78,027.92) as an Act 209 traffic impact fee

3. The Applicants shall further comply with all the provisions and conditions set forth in the November 9, 2009 T&M Associates’ letter to Hatfield Township, (attached hereto and hereafter referred to as the “T&M letter”), except as expressly waived or expressly modified herein.

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

(a) Section 250.29 A (12) this section prohibits private streets. The proposed land development proposes a semi-loop road with two ends which end in a cul de sac.

(b) Section 250-29.B Table A, this section requires road width to be 28 feet in the Estate Residential District. The plans propose a 25 foot cartway.

(c)Section 250-29.C 1 This section requires that all cul de sacs exceeding five hundred (500) feet in length receive Board of Commissioner and Planning Commission approval. The plan proposes two cul de sacs, one twenty five hundred (2500) feet and the other six hundred and fifty (650) feet.

(d) Section 250-29 C (2) This section requires cul de sacs have a minimum radius of not less than forty eight (48) feet. The plan proposes a radius of forty five (45) feet.

(e) Section 250 30.C This section requires curb construction on all parking areas, travel ways and road ways. The applicants plan does not show curb construction.

(f) Section 250-31 G This section requires sidewalks adjacent to angle parking, setback a minimum of five (5) feet. The plan proposes sidewalks along the back edge of the parking spaces with no separation as required.

(g) Section 250-40.D This section requires a distance of twenty (20) feet of open space between any parking area and the outside wall of the nearest building. The parking near the edges of the proposed buildings is closer than the required twenty (20) feet.

5. The following waivers requested by the Applicant are hereby denied by the Township.

(a) Section 250-30.B This section requires on existing streets on which land development abuts, curbs shall be constructed and the existing paved cartway shall be widened to the curb.

(b) Section 250 31.A This section requires sidewalks on both sides of all streets. Plans do not propose sidewalks along Derstine Road.

Upon agreement of the Township Traffic Engineer, these improvements may be deferred until the commencement of Phase II, or for a period of 24 months, whichever is less.

6. The Applicants shall further comply with all the provisions and conditions set forth in the November 4, 2009 McMahan and Associates, Inc. letter to Hatfield Township, (attached hereto and hereafter referred to as the "McMahan letter"), except as expressly waived or expressly modified herein.

7. The Applicants shall further comply with all the provisions and conditions set forth in the October 8, 2009 McCloskey and Faber, P.C. letter to Hatfield Township, (attached hereto and hereafter referred to as the "McCloskey letter"), except as expressly waived or expressly modified herein.

8. The Applicants shall further comply with all the provisions and conditions set forth in the Safety and Code Enforcement Department review dated November 17, 2009, (attached hereto and hereafter referred to as the "Safety and Code Enforcement review"), except as expressly waived or expressly modified herein.

9. If any substantive changes are made to the plan prior to or during construction, Applicants agree to present such changes to the Township and its consultants for approval.

10. This approval is further conditioned upon acceptance of the conditions contained herein by Applicants, and their signifying acceptance of these conditions by signing a copy of this Resolution and returning it to the Township.

11. In the event that this Resolution is not executed by Applicants and delivered to the Township Office by noon on the fourteenth day following this approval, it shall be deemed that Applicants do not accept these conditions, and any approvals are revoked and the application shall be considered denied for failure to conform to the conditions set forth under the T&M, McMahan, Safety and Code Enforcement, and McCloskey letters.

12. This approval is subject to fulfillment of all of the foregoing conditions, in their entirety, and no permit shall be issued, nor shall any development take place of any kind 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 21st day of December 2009.

**HATFIELD TOWNSHIP
BOARD OF COMMISSIONERS**

Attest:

Andrew Haines,
Township Manager/Secretary

Scott Brown, President

ACCEPTED:

Advanced Living Management and
Development, Inc.

Date: _____