

**WORCESTER TOWNSHIP
BOARD OF SUPERVISORS**

**MONTGOMERY COUNTY, COMMONWEALTH OF PENNSYLVANIA
RESOLUTION NO. 2011- 19**

DePhillippo Land Development (1074 Grange Avenue)

PRELIMINARY / FINAL LAND DEVELOPMENT APPROVAL

WHEREAS, DOMINIC AND MARGARET DEPHILLIPPO ("Owners") are the owners of a certain tract of land consisting of 1.49± acres situate in Worcester Township with frontage on Grange Avenue on which the Owners propose the construction of a 14' x 24' "temporary enclosure" (the "Development"); and

WHEREAS, the Development is more particularly shown on plans prepared by Hibbeln Engineering Company, being plans consisting of two (2) sheets dated October 12, 2009 with a final revision date of April 15, 2011 (the "Plans"); and

WHEREAS, the Owners have submitted the Plans for land development approval (to permit the construction of a 14' x 24' "temporary enclosure") in order to comply with Condition No. 2 of the Zoning Hearing Board Decision (99-3) dated June 22, 1999 regarding the subject property and the uses thereon, which states that "[t]here shall be no expansion of the business, improvements, structures or buildings added or made to the property, without the filing of a land development plan"; and

WHEREAS, Developer has previously obtained and supplied or will obtain and supply to the Township all applicable permits from all Authorities, Agencies and Municipalities having

jurisdiction in any way over the Development and any necessary offsite easements to legally discharge stormwater or connect to utilities; and

WHEREAS, the Developer desires to obtain preliminary/final land development approval of the Plans from Worcester Township in accordance with the above-referenced Zoning Hearing Board Decision and Section 508 of the Pennsylvania Municipalities Planning Code.

NOW, THEREFORE, BE IT RESOLVED that Worcester Township hereby grants preliminary/final approval of the land development as shown on the Plans described herein subject, however, to the following conditions:

1. Prior to the recording of the Plans, the Owners shall revise the Plans to resolve to the satisfaction of the Township, all issues set forth in the Township Engineer's review letter dated June 2, 2011 prepared by the Township Engineer, the entire contents of which are incorporated herein by reference.
2. No building permit shall be issued for the Development until certain gravel areas identified on the Plans are top-soiled, raked and seeded and the impervious coverage on the subject property is determined to be within the allowable percentage to the satisfaction of the Township Engineer.
3. No building permit shall be issued for the Development until the plantings/landscaping depicted on the Plans is installed to the satisfaction of the Township Engineer.
4. Owners shall use their best efforts to control the bamboo on the subject property from spreading to adjacent properties and throughout the riparian corridor.
5. The Development shall be constructed in strict accordance with the content of the Plans, notes on the Plans and the terms and conditions of this Preliminary/Final Approval Resolution.

6. The costs of accomplishing, satisfying and meeting all of the terms and conditions and requirements of the Plans, Notes to the Plans, and this Preliminary/Final Approval Resolution shall be borne entirely by the Owners and shall be at no cost to the Township.

7. Owners shall provide the Township Manager and the Township Engineer with at least seventy-two (72) hours notice prior to the initiation of any grading or ground clearing in connection with the Development so that the Township may certify that all appropriate erosion and sedimentation control facilities (if any) have been properly installed and also that snow fencing or other types of boundary markers (if any) acceptable to the Township have been installed to protect such trees as are specifically proposed not to be eliminated during the construction of the Development.

8. Consistent with Section 509(b) of the Pennsylvania Municipalities Planning Code (as amended) the payment of all applicable fees and the recording of the Plans must be accomplished within ninety (90) days of the date of this Resolution unless a written extension is granted by Worcester Township. The final plat or record plan shall not be signed nor recorded by the Township until the applicable fees have been paid. In the event the fees have not been paid and the final plans have not been recorded within 90 days of the date of this Resolution (or any written extension thereof), this contingent subdivision shall expire and be deemed to have been revoked

9. Under the provisions of the Pennsylvania Municipalities Planning Code, the Developer has the right to accept or reject conditions imposed by the Board of Supervisors upon preliminary/final approval. In the absence of an appeal or a notice of rejection filed in writing within thirty (30) days from the date of this Resolution, the conditions set forth herein shall be deemed to have been accepted by the Developer.

APPROVED at the public meeting of the Worcester Township Board of Supervisors held on December 21, 2011.

WORCESTER TOWNSHIP

By: 

Arthur C. Bustard, Chairman,
Board of Supervisors

Attest: 

F. Lee Mangan, Secretary