

**WORCESTER TOWNSHIP  
BOARD OF SUPERVISORS**

**MONTGOMERY COUNTY, COMMONWEALTH OF PENNSYLVANIA**

**RESOLUTION NO. 2012-24**

**Iannella Subdivision (1335 Dell Road)**

**PRELIMINARY / FINAL SUBDIVISION APPROVAL**

**WHEREAS, JOSEPH and ANN IANNELLA** (collectively, "Owner/Developer") are the owner and developer of a certain tract of land consisting of 9.45± acres with an existing single family dwelling situate in Worcester Township with frontage on Dell Road (the "Property") on which Owner/Developer proposes a two-lot subdivision (the "Development"); and

**WHEREAS,** the Property and the Development are more particularly shown on plans prepared by Woodrow & Associates, Inc., being plans consisting of two (2) sheets, dated August 3, 2012, last revised November 12, 2012 (the "Plans"); and

**WHEREAS,** Owner/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,** Owner/Developer desires to obtain preliminary/final subdivision approval of the Plans from Worcester Township in accordance with Section 508 of the Pennsylvania Municipalities Planning Code.

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

1. At this time, the Worcester Township Board of Supervisors waives strict compliance with the following provisions of the Worcester Township Subdivision and Land Development Ordinance:

- a. Section 130-16 requiring road frontage improvements.
- b. Section 130-18.A requiring sidewalks to be provided along all streets.
- c. Section 130-18.B requiring curbing to be installed along the existing roadway.
- d. Section 130-28.G(4) requiring street trees to be planted for every subdivision of land.
- e. Section 130-28.G(5) requiring perimeter landscape buffers (softening and screening).
- f. Section 130-28.G(9) requiring individual lot landscaping.
- g. Section 130-33.C(1) requiring the Plans to depict existing features within 400 feet of any part of the land being subdivided.
- h. Section 130-33.G requiring the submission of a Natural Resource Protection Plan.

2. At this time, the requirement that Lot 1 on the Plans depict erosion and sedimentation control measures in accordance with the Township's Subdivision and Land Development Ordinance is being deferred until such time as a building or grading permit for such lot is sought. Consistent with this deferral, the Owner/Developer shall revise the Plans to remove the reference to Section 130-32 from the "Project Waivers List", and add a note to the Plans indicating that erosion and sedimentation control measures in conformity with the Worcester Township Code of Ordinances shall be identified and approved by the Township prior to any construction activity on Lot 1.

3. Prior to the recording of the Plans, the Owner/Developer shall revise the Plans to resolve to the satisfaction of the Township, all issues set forth in the Township Engineer's review letter dated December 11, 2012, the entire contents of which are incorporated herein by reference.

4. Prior to recording the Plans, a note (utilizing a large font and capital letters) shall be placed on the record plan, and specifically on proposed Lot 1, clarifying that such lot is not a building lot and no building permit shall be available for such lot until all subdivision and land development issues related to such lot have been resolved to the satisfaction of the Township and its Engineer.

5. Prior to the issuance of a building permit for proposed Lot 1, the Township shall be provided with a building permit plan for such lot which shall depict driveway location, well location, on-lot sanitary sewer location and any required stormwater management facilities in connection with the proposed construction. The building permit plan shall be reviewed and approved by the Township Engineer. In the event that the approved driveway location results in a shared driveway and shared access to Dell Road with proposed Lot 2, the Owner/Developer shall provide the Township with a driveway easement and maintenance agreement, which shall be recorded in the Office of the Recorder of Deeds for Montgomery County, Pennsylvania, prior to the issuance of a building permit. The driveway easement and maintenance agreement shall be reviewed and approved by the Township Solicitor.

6. Prior to the issuance of a building permit for proposed Lot 1, the Owner/Developer shall provide the Township and its Engineer with health certificates of approval issued by the Montgomery County Health Department for the quality and adequacy of the water supply and the sewage disposal facilities proposed for construction. Owner/Developer shall also demonstrate to the satisfaction of the Township and its Engineer that all proposed wells shall be

constructed in accordance with the rules, regulations and standards of the Pennsylvania Department of Environmental Protection and the Township at the time of building permit application.

7. Although the maintenance of all stormwater management facilities shall be the responsibility of the lot owner on whose lot said facilities are located, prior to the issuance of a building permit as aforesaid, the lot owner shall reserve easements in favor of the Township so that the required stormwater management facilities may be maintained by the Township (with all expenses being charged to the appropriate property owner) in the event that the maintenance responsibilities of the individual lot owner is not fulfilled after reasonable notice to do so.

8. 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 Subdivision Approval Resolution.

9. The cost of accomplishing, satisfying and meeting all of the terms and conditions and requirements of the Plans, notes to the Plans, and this Preliminary/Final Subdivision Approval Resolution shall be borne entirely by the Owner/Developer or his successor in title and shall be at no cost to the Township.

10. Owner/Developer 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 (whether for the construction of public improvements or in connection with individual buildings or additions) so that the Township may certify that all appropriate erosion and sedimentation control facilities have been properly installed and also that snow fencing or other types of boundary markers (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.

11. Consistent with Sections 509(b) and 513(a) of the Pennsylvania Municipalities Planning Code (as amended), the payment of all applicable fees and recording of the Plans must all be accomplished within ninety (90) days of the date of this Resolution unless a written extension is granted by the 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 Plans have not been recorded within 90 days of the date of this Resolution (or any written extension thereof), this contingent subdivision approval shall expire and be deemed to have been revoked.

12. Under the provisions of the Pennsylvania Municipalities Planning Code, the Owner/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 Owner/Developer. If the Township receives written notice of an appeal or rejection of any of the conditions set forth herein within thirty (30) days from the date of this Resolution, this approval and the waivers granted in Paragraph 1 (which waivers are granted contingent upon the acceptance of the conditions set forth herein) shall be deemed to be automatically rescinded and revoked and the application shall be considered denied based upon the failure to fully comply with all of the sections set forth in Paragraph 1, all as authorized by Section 508 of the Pennsylvania Municipalities Planning Code.

(Signature page follows)

**APPROVED** at the public meeting of the Worcester Township Board of Supervisors held on December 19, 2012.

**WORCESTER TOWNSHIP**

By:   
**Arthur C. Bustard**, Chairman,  
Board of Supervisors

Attest:   
**F. Lee Mangan**, Secretary