

**WORCESTER TOWNSHIP
BOARD OF SUPERVISORS**

MONTGOMERY COUNTY, COMMONWEALTH OF PENNSYLVANIA

RESOLUTION NO. 2014- 26

Stony Creek Farms

**A RESOLUTION APPROVING A WAIVER OF FORMAL
SUBDIVISION AND LAND DEVELOPMENT REVIEW**

WHEREAS, STONY CREEK FARMS, INC. ("Developer") is the developer of an approved development known as "Stony Creek Farms" (the "Development") located on North Wales Road in Worcester Township, Montgomery County, Pennsylvania; and

WHEREAS, the Development was approved by the Worcester Township Board of Supervisors by Resolution No. 06-15, and is more particularly shown on plans prepared by Bohler Engineering, Inc., being plans dated November 3, 2003, last revised June 4, 2007, containing fifty-seven (57) sheets (the "Plans"); and

WHEREAS, the Developer has submitted a request for a waiver of formal Subdivision and Land Development review ("Waiver Request") of a plan prepared by Bohler Engineering, Inc., dated July 10, 2007, last revised November 27, 2013 ("Waiver Plan"); and

WHEREAS, the Waiver Plan proposes to create "Estate Lot, D", as more particularly depicted on the Waiver Plan, which will contain the existing house and barn at 1525 North Wales Road in the Development and which were initially required to be a bed and breakfast facility by the Final Approval Resolution No. 06-15; and

WHEREAS, pursuant to the Waiver Request, the house and barn on Estate Lot D would be used for a normal residential use (1 Unit) subject to all use restrictions stated in the Stony

Creek Farms Declaration, including, but not limited to, restrictions related to the age of the permitted residents; and

WHEREAS, no other provisions of the originally approved plan are proposed to be changed; and

WHEREAS, the Developer desires to obtain approval of the Waiver Request and Waiver Plan from Worcester Township.

NOW, THEREFORE, BE IT RESOLVED that Worcester Township hereby grants approval of the Waiver Request and Waiver Plan subject, however, to the following conditions:

1. The Developer shall revise the Waiver Plan to resolve to the satisfaction of the Township, all issues set forth in the Township Engineer's review letters dated March 5, 2014 and March 13, 2014, the entire contents of which are incorporated herein by reference.

2. Developer shall record a deed restriction against Estate Lot D which places the following agreed upon limits for accessory uses on such lot:

a. In-law suites shall be prohibited.

b. Agricultural uses, structures or activities shall be prohibited.

c. The keeping of horses, livestock, cattle, goats, sheep, ponies, donkeys, llamas or similar animals shall be prohibited.

d. In addition to the foregoing, all accessory uses and accessory structures shall be prohibited except: (i) private swimming pool and related accessory structures; (ii) private garage (attached or detached); (iii) shed; and (iv) private driveway and parking spaces.

3. The private well currently serving the dwelling on Estate Lot D shall be tested by the Developer. If the test results indicate to the satisfaction of the Township Engineer that the private well is suitable for use, the private well may remain, and shall be maintained by the Developer, its successors and assigns. If the test results indicate that the well is not suitable

for continued use, the private well shall be abandoned to the satisfaction of the Township Engineer, and Estate Lot D shall be connected to public water.

4. The Developer shall not be required to remove the existing driveway connecting Estate Lot D to North Wales Road.

5. The dwelling on Estate Lot D shall be connected to public sanitary sewer. The existing septic system shall be decommissioned to the satisfaction of the Township Engineer.

6. The curb cut and proposed connection of Estate Lot D to the cul-de-sac as shown on the Plans shall not be required. Any existing curb cut shall be replaced with regular curbing.

7. Prior to commencing any work in connection with the development of Estate Lot D, Developer shall have Estate Lot D surveyed and revise the Waiver Plan so that the corners of Estate Lot D shall be "pinned" in a manner deemed sufficiently permanent by the Township Engineer.

8. Prior to commencing any work in connection with the development of Estate Lot D in accordance with the Waiver Request, Waiver Plan and this Resolution, Developer shall submit a sketch of the stormwater drainage plan for Estate Lot D, which shall be reviewed and approved by the Township Engineer.

9. The Development shall be constructed in strict accordance with the content of the Waiver Request, Waiver Plan and the terms and conditions of this Resolution.

10. The cost of accomplishing, satisfying and meeting all of the terms and conditions and requirements of the Waiver Request, Waiver Plan and this Resolution shall be borne entirely by the Developer and shall be at no cost to the Township.

11. Failure to comply with the conditions of this Resolution shall subject the Waiver Plan to a full land development review and analysis by the Township.

APPROVED at the public meeting of the Worcester Township Board of Supervisors held
on March 19, 2014.

WORCESTER TOWNSHIP

By: 

Arthur C. Bustard, Chairman,
Board of Supervisors

Attest: 

F. Lee Mangan, Secretary