TOWNSHIP OF WORCESTER
MONTGOMERY COUNTY, PENNSYLVANIA

RESOLUTION 2016-37

A RESOLUTION TO GRANT PRELIMINARY APPROVAL OF
A PLAN OF SUBDIVISION AND LAND DEVELOPMENT FOR WHITEHALL ESTATES

WHEREAS, Whitehall Development Partners, LP ("Applicant") has submitted a Plan of Subdivision and Land Development to Worcester Township and has made application for Preliminary Plan Approval of the Plan known as Whitehall Estates. The Applicant is the owner in equity of three parcels totaling approximately 117.10 acres, situate between Whitehall Road and Potshop Road, in the AGR-Agricultural Zoning District, said parcels being Tax Parcel Nos. 67-00-04102-00-7, 67-00-02797-00-7 and 67-00-04099-00-1, as more fully described in Deeds recorded in the Montgomery County Recorder of Deeds Office; and,

WHEREAS, the Applicant proposes the development of a total of 39 lots. Proposed are 38 single-family detached lots, including 36 lots to build new single-family detached units, to be located on two new public roadways extending from Whitehall Road, one lot fronting on Whitehall Road (Parcel A) and one large estate lot (Parcel B) on Potshop Road. A 39th lot (Parcel C) is a remnant of land located on the westerly side of Potshop Road and is proposed as a future building lot; and

WHEREAS, the Plan received a recommendation for Preliminary Plan Approval by the Worcester Township Planning Commission at their meeting on November 10, 2016; and

WHEREAS, the Preliminary Plan of Subdivision and Land Development was prepared by Graf Engineering, LLC, sheets 1 to 41, inclusive, dated December 3, 2015 and last revised October 19, 2016, known as Whitehall Estates ("Preliminary Plan"); and

WHEREAS, the Preliminary Plan is now in a form suitable for Preliminary Plan Approval by the Worcester Township Board of Supervisors, subject to certain conditions.

NOW, THEREFORE, IN CONSIDERATION OF THE FOREGOING,

IT IS HEREBY RESOLVED by the Board of Supervisors of Worcester Township, as follows:

1. **Approval of Plan.** The Preliminary Plan proposed by Graf Engineering, LLC as described above is hereby granted Preliminary Approval, subject to the conditions set forth below.

2. **Conditions of Approval.** The approval of the Preliminary Plan is subject to strict compliance with the following conditions:

   A. Compliance with all comments and conditions set forth in the CKS Engineers, Inc. letter of October 12, 2016, relative to the Planning Module.

   B. Compliance with all comments and conditions set forth in the CKS Engineers, Inc. letter of November 7, 2016, relative to the Plan.

   C. Compliance with all comments and conditions set forth in the Montgomery County Planning Commission review letter of January 8, 2016.

   D. Payment to the Township of a Traffic Impact Fee, in the total amount of $125,000, which shall be paid on a per lot basis and at the time of submission of a building permit application for each of the dwellings to be built on 37 lots, in the amount of $3,378.37 per lot.

   E. The approval and/or receipt of permits required from any and all outside agencies, including but not limited to, Montgomery County Conservation District, Pennsylvania Department of Environmental Protection, Pennsylvania Department of Transportation, and all other authorities, agencies, municipalities, and duly constituted public authorities having jurisdiction in any way over the development.

   F. Prior to recording the Final Plan, Applicant shall enter into a Land Development and Financial Security Agreement ("Agreement") with the Township. The Agreement shall be in a form satisfactory to the Township Solicitor, and the Applicant shall obligate itself to complete all of the improvements shown on the Plans in accordance with applicable Township criteria and specifications, as well as to secure the completion of the public improvements by posting satisfactory financial security as required by the Pennsylvania Municipalities Planning Code.

   G. Following approval of the Final Plan, the Applicant shall provide to the Township for signature that number of Final Plans required for recordation and filing with the various

Departments of Montgomery County, plus an additional three (3) Plans to be retained by the Township, and the Applicant shall have all Plans recorded, and the Applicant return the three (3) Plans to the Township within seven (7) days of Plan recordation.

H. The Applicant shall provide a copy of the recorded Final Plan in an electronic format acceptable to the Township Engineer, within seven (7) days of Plan recordation.

I. The Applicant shall make payment of all outstanding review fees and other charges due to the Township prior to Final Plan recordation.

J. The Development shall be constructed in strict accordance with the content of the Final Plan, notes on the Plan and the terms and conditions of this Resolution and the Resolution of Final Plan Approval.

K. The cost of accomplishing, satisfying and meeting all of the terms and conditions and requirements of the Plans, notes to the Plans, this Resolution, the Final Approval Resolution, and any required agreements shall be borne entirely by the Applicant, and shall be at no cost to the Township.

L. Applicant shall provide the Township Manager and the Township Engineer with at least seventy-two (72) hour notice prior to the initiation of any grading or ground clearing, whether for the construction of public improvements or in connection with any portion of the Development.

M. Applicant understands that it will not be granted Township building or grading permits until the Final Plan, financial security, and all appropriate development and financial security agreements, easements, and other required legal documents are approved by the Township and recorded with the Montgomery County Recorder of Deeds and all appropriate approvals and/or permits from Township or other agencies for the above mentioned project are received. Any work performed on this project without the proper permits, approvals, and agreements in place will be stopped.

3. **Waivers.** Unless stated otherwise in this Resolution, this Preliminary Plan Approval shall not constitute the granting of any additional waivers or deferrals except as set forth herein. All additional requested waivers and deferrals will be considered at the time of Final Plan Approval. If the Final Plan is not

compliant with the Zoning or Subdivision and Land Development Ordinance of the Township, then this approval does not grant permission for said noncompliance because at the time of Final Plan Approval, the Township will either permit the noncompliance by additional waivers or will deny the additional waiver request and, possibly, deny the Final Plan.

The Worcester Township Board of Supervisors hereby grants the following waivers requested with respect to this Plan:

A. § 130-16.B.2.a of the Worcester Township Subdivision and Land Development Ordinance - minimum centerline radius of 150 feet;

B. § 130-16.B.4.d and Section 130-16.E.7 of the Worcester Township Subdivision and Land Development Ordinance - maximum street grade of three percent within 50 feet of an intersection to a main thoroughfare, at Road B;

C. § 130-16.C.1.a.4 of the Worcester Township Subdivision and Land Development Ordinance - minimum roadway width;

D. § 130-17.B.2. of the Worcester Township Subdivision and Land Development Ordinance - minimum 40 feet between a driveway and a street intersection, at Lot 34;

E. § 130-24.B.3.j of the Worcester Township Subdivision and Land Development Ordinance - minimum three feet of cover for storm sewer pipes, at Storm Systems C3-C4, A9-A12, A9-A10 and A10-A11;

F. § 130-28.G.5 of the Worcester Township Subdivision and Land Development Ordinance - minimum softening buffers along the property boundary; and,

G. § 130-33.B.1 of the Worcester Township Subdivision and Land Development Ordinance - show all features within 2,000 feet of the property boundary.

4. **Acceptance.** The Conditions of Approval set forth in paragraph 2 above shall be accepted by the Applicant, in writing, within ten (10) days from the date of receipt of this Resolution.

5. **Effective Date.** This Resolution shall become effective on the date upon which the Conditions are accepted by the Applicant in writing.

BE IT FURTHER RESOLVED that the Plan shall be considered to have received Preliminary Plan Approval once staff appointed by the Worcester Township Board of Supervisors determines that any and all conditions attached to said approval have been resolved to the satisfaction of Township staff. This approval **DOES NOT** represent nor constitute Final Plan Approval. Any changes to the approved site Plan will require the submission of an amended site Plan for land development review by all Township review parties.

RESOLVED and **ENACTED** this 16th day of November, 2016 by the Worcester Township Board of Supervisors.

FOR WORCESTER TOWNSHIP

By: _____
Susan G. Caughlan, Chair
Board of Supervisors

Attest: _____
Tommy Ryan, Secretary

ACCEPTANCE

The undersigned states that he/she is authorized to execute this Acceptance on behalf of the Applicant and equitable owner of the property which is the subject matter of this Resolution, that he/she has reviewed the Conditions imposed by the Board of Supervisors in the foregoing Resolution and that he/she accepts the Conditions on behalf of the Applicant and the equitable owner and agrees to be bound thereto. This Acceptance is made subject to the penalties of 18 Pa. C.S.A. Section 4904 relating to unsworn falsifications to authorities.

WHITEHALL DEVELOPMENT PARTNERS, LP

Date: _____

By: _____

_____
(PRINT NAME AND TITLE)