

**HATFIELD TOWNSHIP
RESOLUTION NO. _____**

**REVISED PRELIMINARY/FINAL CONDITIONAL APPROVAL
TO PROVIDE A TWO-PHASED PROJECT FOR THE
FIREFOX TOWNHOUSE DEVELOPMENT**

WHEREAS, Firefox I L.P. (“Applicant”) is the legal owner of real property located on Bethlehem Pike, Hatfield, Pennsylvania 19440, being further identified as Tax Block No. 50, Unit 16 and Unit 20 (the “Property”). The Applicant has proposed the construction of thirty-two townhouses within Hatfield Township and one townhouse located partially within the Township. The Property is located on the east side of Bethlehem Pike adjacent to the Arbors Townhouse Community and the proposed Arbors Commercial development; and

WHEREAS, the Applicant has received preliminary/final conditional subdivision and land development approval pursuant to Resolution No. 08-23 which approval was granted by the Board of Commissioners of Hatfield Township on April 23, 2008; and

WHEREAS, the Applicant has requested to phase the project in two (2) phases and has requested a waiver; and

WHEREAS, the phasing plans are shown on plans submitted by Stout Tacconelli and Associates, Inc. consisting of forty (40) sheets, dated March 30, 2006, last revised May 19, 2014 (the “Plans”).

NOW, THEREFORE, BE IT RESOLVED, that the Hatfield Township Board of Commissioners hereby grants a revised preliminary/final conditional subdivision and land development approval to permit a two-phased project as shown on the Plans subject to the following conditions and requirements:

1. All conditions and requirements of Resolution No. 08-23, which is attached hereto and made a part hereof as Exhibit “A”, shall remain in full force and affect, except as modified herein.

2. The Applicant shall further comply with all the provisions and conditions set forth in the July 29, 2014 CKS letter to Hatfield Township attached hereto and made a part hereof as Exhibit “B”, except as expressly waived or expressly modified herein.

3. The Board of Commissioners hereby grants a waiver from Subdivision and Land Development Ordinance Section 250-30.A to permit the use of Belgium block curbing as shown on the Plans.

4. Within ninety (90) days of this approval, Applicant 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 for Phase I, in her sole discretion, and shall provide for the timely recording of the first Phase of the Plan as provided under the Municipalities Planning Code.

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

6. In the event that this Resolution is not executed by Applicant and delivered to the Township office by noon, August 27, 2014, it shall be deemed that the Applicant does not accept these conditions and any approvals and grants of waivers conditioned upon the acceptance of the conditions are revoked and the application shall be considered denied for failure to conform to the conditions set forth under paragraphs 1 through 7 of the CKS letter dated March 10, 2008 and the CKS letter dated July 29, 2014.

7. The Applicant shall execute and deliver to the Township all necessary and appropriate Deeds of Dedication, Deeds of Consolidation, Drainage Easements, Stormwater Maintenance Agreements, Easements, as well as Land Development and Escrow Agreements prior to the recordation of each phase, all to be in a form acceptable to the Township Solicitor in her sole and absolute discretion.

8. Prior to the issuance of any permits, all outstanding legal, engineering and administrative fees applicable to the Plans and the development of the Property must be paid by the Applicant.

9. The Applicant shall obtain any and all outside agency approvals, including but not limited to Montgomery Township, Hatfield Township Municipal Authority, the Pennsylvania Department of Environmental Protection and Montgomery County Conservation District.

10. This approval is subject to the fulfillment of all of the foregoing conditions, in their entirety, and no permit shall be issued, nor shall any development take place 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 _____ day of _____, 2014.

**HATFIELD TOWNSHIP
BOARD OF COMMISSIONERS**

Thomas C. Zipfel, President

ATTEST:

Aaron Bibro, Township Manager

ACCEPTED:

Date: _____

Date: _____



**HATFIELD TOWNSHIP
RESOLUTION 08-23**

**PRELIMINARY/FINAL CONDITIONAL SUBDIVISION AND LAND
DEVELOPMENT APPROVAL OF
FIREFOX TOWNHOUSE DEVELOPMENT**

WHEREAS, Firefox I L.P. ("Applicant") is the legal owner of real property located on Bethlehem Pike, Hatfield, Pennsylvania 19440, being further identified as Tax Block No. 50, Unit 16, and Unit 20 (the "Property"). The Applicant has proposed the construction of thirty-two townhouses within Hatfield Township and one townhouse located partially within the Township. The Property is located on the east side of Bethlehem Pike adjacent to the Arbors Townhouse Community and the proposed Arbors Commercial development.

WHEREAS, Applicant has requested preliminary/final approval of the plan for the Property shown on a submission prepared by Stout Tacconelli and Associates, consisting of a thirty five (35) sheet plan set dated March 30, 2006, last revised November 9, 2007 (the "Plans").

WHEREAS, the Plans and Application have been reviewed by the Township Engineer and Hatfield Township 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, Applicant 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, and shall provide for the timely recording of the Plan as provided under the Municipalities Planning Code.

2. The Applicant shall further comply with all the provisions and conditions set forth in the March 10, 2008 CKS Engineers' letter to Hatfield Township, (attached hereto and hereafter referred to as the "CKS letter"), except as expressly waived or expressly modified herein.

3. This approval is specifically conditioned upon public access to the open space and sidewalk/trail system shown on the Plans and the following note shall be placed on the Plans prior to recording: "The public shall have the right of access to and use of the open space and trail/sidewalk system depicted on this plan, owned and maintained by the homeowners' association. The association shall have the right to impose reasonable rules and regulations for such access and use."

4. The Plan is granted preliminary/final approval so long as none of the approvals of any outside review agency, as set forth in paragraph seven (7) of the CKS letter, requires substantial changes to the Plans. If substantial changes are required by any outside agency, as determined solely by Township staff and consultants, Applicant agrees to present such changes to the Township for approval of the required changes prior to the submission of the Plans for execution by the Township and recordation.

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

6. The applicant shall pay a landscaping contribution to the Township in the amount of \$42,500 and a traffic impact fee in the amount of \$31,780.16.


6. In the event that this Resolution is not executed by Applicant and delivered to the Township Office by noon on the fourteenth day following this approval, it shall be deemed that Applicant does 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 paragraphs one (1) through seven (7) of the CKS letter.

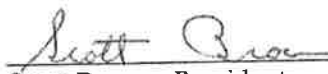
7. This approval is subject to fulfillment of all of the foregoing conditions, in their entirety, and no permit shall be issued, nor shall any development take place of any kind on the Property, unless and until all such conditions are fulfilled.

DULY PRESENTED AND ADOPTED by the Hatfield Township Board of Commissioners, Montgomery County, Pennsylvania, in a public meeting held this 23rd day of April 2008.

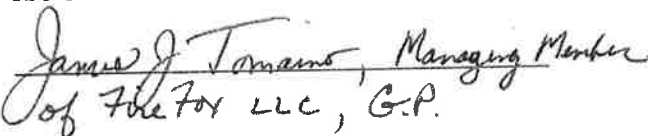
HATFIELD TOWNSHIP
BOARD OF COMMISSIONERS

Attest:


Stephanie Teoli,
Township Manager/Secretary


Scott Brown, President

ACCEPTED:


James J. Tomains, Managing Member
of Fire Fox LLC, G.P.

Date: 4-22-08

Date: _____





CKS Engineers, Inc.
88 South Main Street
Doylestown, PA 18901
215-340-0600 • FAX 215-340-1655

David W. Connell, P.E.
Joseph J. Nolan, P.E.
Thomas F. Zarko, P.E.
James F. Weiss
Patrick P. DiGangi, P.E.
Ruth Cunnane

July 29, 2014
Ref: #3435
Escrow File

Hatfield Township
1950 School Road
Hatfield, PA 19440

Attention: Aaron J. Bibro, Township Manager

Reference: Firefox Townhouse Development
(Hatfield Township Project #P06-03)

Dear Mr. Bibro:

CKS Engineers, Inc. has completed our eighth review of the above-referenced land development. This submission, prepared by Stout, Tacconelli & Associates, Inc., consists of a 40-sheet plan set, dated March 30, 2006, last revised May 19, 2014. The applicant, Firefox I, L.P., The Klein Group, proposes to construct a townhouse development that straddles the municipal boundaries of Hatfield Township and Montgomery Township. Thirty-two townhouses will be fully within Hatfield Township, with one townhouse located partly in Hatfield. Our comments are as follows:

1. The plans have been revised in response to review correspondence from multiple agencies, as well as the conditions of approval as contained in Approval Resolution 08-23. Various revisions were made in order to meet the conditions of approval from the Township, as well as various outside agencies. In addition to those revisions, we note that the plans have been revised to include phasing of the project. Phase 1 is primarily the southern portion of the project in which all of the dwellings are in Montgomery Township, and Phase 2 is the northern portion in which there are 33 dwelling units in Hatfield Township and 59 dwelling units in Montgomery Township.
2. We note that the initial approval resolution included several waivers granted by the Board of Commissioners; however, an additional waiver to allow the use of Belgian block curbing is being requested by the applicant (SLDO Section 250-30.A). We take no exception to the use of Belgian block curbing for these private streets and recommend the forthcoming approval resolution include this waiver request.
3. The submission includes legal descriptions for the various Conservation Areas throughout the site. We have reviewed the descriptions for those areas in Hatfield Township and find them to be acceptable.

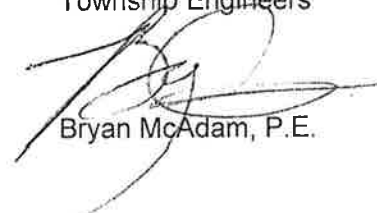
4. In accordance with Item 6 of the Approval Resolution, the applicant shall pay a landscaping contribution to the Township in the amount of \$42,500.00, and a traffic impact fee in the amount of \$31,718.60.
5. We have attached the escrow/construction cost estimate for inclusion with the Development Agreement. We have prepared this estimate based on figures provided by STA Engineering, Inc. in their July 15, 2014 email correspondence.
6. The project has been granted a Conditional Letter of Map Revision (CLOMR) from FEMA. The CLOMR is acknowledgment by FEMA of the proposed changes to the floodplain, and details the submission of documents (As-Built Plan, floodplain calculations) required to be submitted to FEMA by the applicant following construction. Upon review and approval of the As-built information, FEMA will issue a Letter of Map Revision, formalizing the change to the floodplain.

We note that preparation of these documents has been accounted for as a line item in the attached Construction Escrow.

7. All previous plan related concerns from CKS Engineers, Inc. reviews have been adequately addressed. If the Township has no concerns, we believe it would be appropriate for Record Plans to be prepared.

These items should be addressed to the satisfaction of the Township prior to completion of the Development Agreement and recording of the final plan.

Very truly yours,
CKS ENGINEERS, INC.
Township Engineers



Bryan McAdam, P.E.

BMc/mdm

Encl: Escrow/Construction Cost Estimate

- cc: Board of Commissioners (w/encl.)
Planning Commission (w/encl.)
Kenneth Amey, Building/Zoning Official (w/encl.)
Christen Pionzio, Esq., Hamburg, Rubin, Mullin, Maxwell and Lupin (w/encl.)
Clay Chandler, Applicant, The Klein Group (w/encl.)
Brian Grant, Select Properties, Inc. (w/encl.)
Cliff Stout, STA Engineering, Inc. (w/encl.)
✓ File (w/encl.)