

**HATFIELD TOWNSHIP
RESOLUTION # 15-14**

**PRELIMINARY/FINAL CONDITIONAL LAND DEVELOPMENT APPROVAL
FOR CLEMENS DEVELOPMENT, LLC (CLEMENS CORNER),
FOR PROPERTY LOCATED AT
THE CORNER OF FORTY FOOT ROAD AND CLEMENS ROAD,
HATFIELD TOWNSHIP, PA**

WHEREAS, CLEMENS DEVELOPMENT, LLC, (the “Applicant”), is the owner of the northwest quadrant of the intersection of Forty Foot Road and Clemens Road, consisting of approximately 2.5 acres which is further identified as Hatfield Township Tax Block 4, Unit 44; and Montgomery County Tax Parcel No. 35-00-03934-01-8 (the “Property”); and

WHEREAS, the Applicant has requested preliminary/final approval of the land development plan for the Property as shown on a set of plans consisting of 27 sheets as well as a storm water management study, erosion control report and a post-construction storm water management report, all prepared by Urwiler & Walter, Inc. dated February 9, 2015, last revised March 26, 2015 (collectively the “Plan”); and

WHEREAS, the improvements shown on the Plan include the construction of a 7200 sq. ft. retail building that will be portioned into 4 retail units which includes frontage improvements and an off-site sidewalk connection to Pennfield Middle School along adjacent property owned by the Applicant; and

WHEREAS, the Plan and application have been reviewed by the Township Engineer, Township Traffic Engineer, the Township Landscape Architect, Hatfield Township (the “Township”) and Montgomery County reviewing agencies, 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 grants preliminary/final approval of the Plan subject to the following conditions and requirements:

1. Following final approval, but prior to issue of permits, the Applicant shall execute a Land Development Escrow Agreement (the “Agreement”), a Storm Water Operations and Maintenance Agreement, execute and deliver all necessary and appropriate deeds of dedication, and post financial security for construction of improvements on the Property as well as the off-site improvements, all of which shall be in a form acceptable to the Township Solicitor.
2. Pursuant to the McMahon Associates, Inc. letter of March 26, 2015, a transportation impact fee is due and owing as a result of this Application in the

amount of \$130,067.16. Prior to recording the final plans, the Applicant shall tender this transportation impact fee. Where relevant, the Applicant shall comply with the letter.

3. The Applicant shall comply with the review letter prepared by McCloskey & Faber dated March 11, 2015.
4. The Applicant shall further comply with all provisions and conditions set forth in the April 2, 2015 CKS Engineers, Inc. letter to Hatfield Township (incorporated herein by reference), except as expressly waived or expressly modified herein.
5. The Township grants waivers to the Applicant from the following requirements of the Subdivision and Land Development Ordinance as well as the Storm Water Management Ordinance as follows:
 - a. SALDO Section 250-38.C.2 – from requiring a registered landscape architect to prepare the landscape plan and instead permit a registered professional engineer to prepare the Plan.
 - b. SWM Section 242-19.A.2 and 3 - from the requirement that no fill shall be greater than 4:1. The Applicant proposes a 3:1 slope for the detention basin berm.
6. The Applicant shall comply with the conditions of the Zoning Hearing Board Decision found at case number Z14-07, including, but not limited to the construction of off-site sidewalk along the Forty Foot Road frontage between the Property and Pennfield Middle School to connect the same. The sidewalk construction is subject a PennDOT permit which the Applicant shall obtain. The Applicant shall construct the sidewalk in accordance with the PennDOT approvals and permits and shall taper the sidewalk from 4 ft. in width from Pennfield Middle School to 6 ft. in width along the Property frontage, the details of which are subject to the PennDOT approvals and the approval of the Township Engineer.
7. This approval is conditioned upon acceptance of the conditions contained herein by the Applicant and by his signifying acceptance of these conditions by signing a copy of this resolution and returning it to the Township.
8. In the event that said execution of the Resolution is not delivered to the Township office by 7:00 PM, Wednesday, April 22, 2015, it shall be deemed that the Applicant does not accept these conditions and any approvals conditioned upon the acceptance of the conditions are revoked and the Application shall be considered denied for the reasons of the deficiencies found in the above-referenced review letters as described in the Township Storm Water Management Ordinance, the Township Subdivision and Land Development Ordinance, as

authorized in Section 508 of the Pennsylvania Municipalities Planning Code, 53 PS Section 10508.

- 9. Prior to issuance of any permits, all outstanding legal, engineering, and administrative fees applicable to this subdivision must be paid by Applicant.
- 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 _____, 2015.

ATTEST:

**HATFIELD TOWNSHIP
BOARD OF COMMISSIONERS**

Aaron Bibro
Township Manager

Thomas C. Zipfel, President

ACCEPTED: CLEMENS DEVELOPMENT, LLC

By: _____

(Print Name and Title)

Date: _____