

**HATFIELD TOWNSHIP
RESOLUTION #15-26**

**PRELIMINARY/FINAL CONDITIONAL LAND DEVELOPMENT APPROVAL
FOR PENN COLOR, INC.
FOR PROPERTY LOCATED AT
2755 BERGEY ROAD, HATFIELD TOWNSHIP, PA**

WHEREAS, PENN COLOR, INC., (the “Applicant”), occupies and owns 2755 Bergey Road, consisting of approximately 83.16 acres which is further identified as Hatfield Township , Montgomery County Tax Parcel No. 35-00-00277-00-3 (the “Property”); and

WHEREAS, the Applicant has requested preliminary/final approval of a land development plan consisting of 2 phases, as shown on the set of plans consisting of 24 sheets, prepared by Penn Environmental and Remediation, Inc., dated February 11, 2015, last revised July 7, 2015; lighting plans consisting of 3 sheets dated June 8, 2015, with no revisions; and landscaping plans consisting of 6 sheets prepared by Bohler Engineering, Inc., dated June 8, 2015, last revised June ____, 2015 (collectively the “Plan”); and

WHEREAS, the Applicant proposes to construct a total of 11 buildings and building additions in 2 phases totaling approximately 235,000 sq. ft. to be used for manufacturing and warehouses as well as a new laboratory. The improvements also include construction of additional parking and storm water management facilities. The Property has frontage on Bergey Road and Richmond Road in the LI – Light Industrial Zoning District of the Township; and

WHEREAS, Phase 1 consists of the construction of 5 buildings totaling approximately 116,000 sq. ft. Phase 2 consists of 6 buildings totaling approximately 119,000 sq. ft.; and

WHEREAS, the Applicant requests preliminary/final approval for Phase 1 and preliminary approval for Phase 2.

NOW, THEREFORE, BE IT RESOLVED, that the Hatfield Township Board of Commissioners hereby grants preliminary/final approval for Phase 1 shown on the Plan and preliminary approval for Phase 2 as shown on 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, all of which shall be in a form acceptable to the Township Solicitor. The Applicant shall further comply with all the provisions and conditions set forth in the following review letters:

July 14, 2015 - CKS Engineers, Inc. to Hatfield Township;

March 25, 2015 - McMahon Transportation, Engineers and Planners
to Hatfield Township;
July 14, 2015 - McCloskey & Faber, PC to Hatfield Township;

(collectively referred to as “Review Letters”) except as expressly waived or expressly modified herein.

2. All storm water management facilities for both phases shall be constructed in Phase 1.
3. 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) Sections 250-27.B & 250.29.B.1 – requiring frontage improvements; i.e., widening, curbing, sidewalk and stormwater improvements along Bergey Road.
 - (b) Sections 250-30.C & 250-40.T – requiring concrete curb to be installed at all on-site parking areas. The majority of the interior parking areas are not curbed.
 - (c) Section 250-31.A – requiring sidewalks to be constructed along the property frontages on Bergey and Richmond Roads.
 - (d) Sections 250-38.B, 250-38.C.2 & 250-38.F – requiring street trees, minimum required plantings based on gross building area and net land area, as well as tree replacement. The applicant is requesting only a partial waiver of these requirements. We note that the plan proposes various plantings throughout the site. The waiver for street trees is primarily for spacing; the waivers for gross building area and net land area result in deficiencies of 150 deciduous trees, 145 evergreen trees and 613 shrubs.
 - (e) Sections 250-67.D.2, 250-68.D.2 & 250-72.C.2 – requiring existing features within 100 feet of the property boundary to be shown on the plan.
 - (f) Section 250-87 – requiring a Traffic Impact Study for any development generating 200 new daily trips, or 20 or more peak hour trips.
 - (g) Section 242-18.B.2.G – requiring all stormwater pipe to be a minimum diameter of 18” reinforced concrete pipe. The plan proposes 6” and 8” HDPE perforated pipe as underdrain in the bioretention areas.
 - (h) Section 250-67.E – requiring the trunk locations and tree calipers for all existing trees larger than 8” be shown on the plan. The applicant wishes to only identify the ones that are proposed to be removed.

4. The Applicant shall offer for dedication the frontage on Bergey Road up to the ultimate right-of-way line.
5. The Applicant shall voluntarily contribute \$225,000.00 to the Township for Park and Recreation improvements at the time of the compliance with Paragraph 1 above for Phase 1. In consideration of this voluntary contribution, the Township will provide plaques or similar means of recognition of the Applicant's contribution at locations where the Township uses the contributed funds. No additional funds shall be due or owing at the time of final approval of Phase 2.
6. 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.
7. In the event that said execution of the Resolution is not delivered to the Township office by 7:00 PM, Wednesday, August 26, 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.
8. Prior to issuance of any permits, all outstanding legal, engineering, and administrative fees applicable to this subdivision must be paid by Applicant.
9. 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:

Aaron Bibro
Township Manager

**HATFIELD TOWNSHIP
BOARD OF COMMISSIONERS**

Thomas C. Zipfel, President

ACCEPTED: PENN COLOR, INC.

By: _____

(Print Name and Title)

Date: _____