

**HATFIELD TOWNSHIP  
RESOLUTION #16-06**

**PRELIMINARY/FINAL CONDITIONAL SUBDIVISION  
AND LAND DEVELOPMENT APPROVAL FOR  
FORTUNA STATION DEVELOPMENT, L.P. FOR PROPERTY LOCATED AT  
THE CORNER OF COWPATH AND LENHART ROADS,  
HATFIELD TOWNSHIP, PA**

**WHEREAS, FORTUNA STATION DEVELOPMENT, L.P.** (the “Applicant”), is the equitable owner of property located at the corner of Cowpath and Lenhart Roads, consisting of approximately 7.5 acres, and which is further identified as Montgomery County Tax Parcel Nos. 35-00-02398-006 and 35-00-02395-009 (the “Property”); and

**WHEREAS,** the Property is currently improved with a vacant house; and

**WHEREAS,** the Applicant has requested preliminary/final approval of plans prepared by Woodrow & Associates, Inc., consisting of 26 sheets dated August 5, 2015, last revised November 16, 2015, as well as a Post Construction Stormwater Management Report dated August 5, 2015, last revised November 16, 2016 (collectively the “Plan”); and

**WHEREAS,** the Plan and application have been reviewed by the Township Consultants and Montgomery County, 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 Agreement, a Stormwater Operations and Management Agreement and execute and deliver all necessary and appropriate deeds of dedication, and post financial security for the construction of the improvements, shown on the Plan, all of which shall be in a form acceptable to the Township Solicitor.
2. Pursuant to the McMahon Associates, Inc. letter of November 5, 2015, a transportation impact fee is due and owing as a result of this Application in the amount of \$86,711.44. This fee shall be paid prior to the Plan being recorded.
3. The Applicant shall comply with all the provisions and conditions set forth in the November 5, 2015 and February 2, 2016 McMahon Associates, Inc. letters to Hatfield Township (incorporated herein by reference) except as may be modified by PennDOT.

4. The Applicant shall further comply with all provisions and conditions set forth in the December 22, 2015 CKS Engineers, Inc. letter and the December 16, 2015 McCloskey and Faber, PC letter to Hatfield Township, and the December 2, 2015 Safety and Code Enforcement Department memo to the Applicant (each 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 Township Subdivision and Land Development Ordinance as well as the Stormwater Management Ordinance:
  - a. Section 250-29.B.1 – from the requirement that the cartway width of Chapman Circle must be 34 feet as a local road. The plan is proposing a private street with a cartway width of 26 feet. This waiver is conditioned upon the Applicant submitting, to the satisfaction of the Township Engineer, truck turning templates that confirm turning movement for larger vehicles; i.e., trash trucks, emergency services vehicles and school buses.
  - b. Section 250-29.D.1 – from the requirement that a street alignment have a minimum centerline radius of 150 feet.
  - c. Section 250-29.D.2 – from the requirement that a street alignment have a 100-foot tangent between curves.
  - d. Section 250-29.F.6 – from the requirement that curbs at a street intersection have a minimum radius of 25 feet as it relates to the radii for the entrance into the overflow parking area.
  - e. Section 250-31.A – from the requirement to provide sidewalk on both sides of all new streets. The plan does not propose sidewalk behind Units 25-42, as well as along the extension of Walnut Street adjacent to Unit 49.
  - f. Section 250-31.C – from the requirement to provide a minimum sidewalk width of 6 feet. The plan proposes a sidewalk width of 5 feet on the interior of the site and a 6-foot-wide sidewalk along the Cowpath Road and Lenhart Road frontages.
  - g. Section 250-38.A – a partial waiver from the buffer planting requirement. The request is to allow the use of larger caliper shade trees, taller evergreen trees and shrubs to offset deficiencies in other landscape requirement categories.
  - h. Section 250-38.B – a partial waiver to provide a decreased quantity of street trees as a result of the proposed driveway and utility locations.

- i. Section 250-38.C.2 – a partial waiver to provide a decreased quantity of required plantings based on gross building area and net land area. Larger caliper tree sizes and taller heights are provided to compensate for the deficiency in the number of plantings proposed.
- j. Section 250-38.C.3 – a partial waiver to provide a decreased quantity of retention basin landscaping. Larger caliper and taller trees are provided to compensate for the deficiency in the number of plantings proposed.
- k. Section 250-38.E – from the requirement to replace all trees removed with a diameter greater than or equal to eight inches. The plan identifies 64 existing trees requiring replacement but does not propose any replacements. Larger plant material planted elsewhere on site will compensate for the deficiencies.
- l. Section 250-40.B – from the requirement prohibiting perpendicular parking along a public street. Chapman Circle is intended to be a private roadway. The Ordinance does not prohibit perpendicular parking along private roads.
- m. Section 250-40.H – from the requirement that all curb radii in parking areas be no less than 5 feet. The plan proposes a 3-foot radius in the overflow parking area.
- n. Section 242-12.K – from the requirement that all stormwater facilities are required to drain completely between 24 and 72 hours. The plan proposes a pond with a standing pool of water. In addition, the plan proposes an irrigation system; the irrigation system will draw runoff from the pond and disperse it amongst the plantings throughout the site as a means to provide groundwater recharge.
- o. Section 242-14.A.1 – from the requirement that post development volume be reduced to the pre-development condition for all storms equal to or less than the two-year storm. An on-site irrigation system is proposed, which will use water from the proposed pond to water the proposed on-site plantings. The Applicant shall design the system to the satisfaction of the Township Engineer.
- p. Section 242-18.B.2.g.i – from the requirement that all storm piping be a minimum 18 inches in diameter. The plan proposes to use 15-inch diameter pipe for some of the pipe runs in the yard areas. All pipes in the streets are at or above the minimum required diameter.
- q. Section 242-18.B.2.g.ii – from the requirement that all storm pipe be reinforced concrete pipe (RCP). We take no exception to the pipe within the site being HDPE pipe, however, pipes in Township streets must be RCP; the proposed pipes in Lenhart Road must be revised to be RCP.

- r. Section 250-29.A.12 – from the requirement prohibiting private streets. The plans indicate that Chapman Circle is intended to be a private roadway. The Applicant shall provide the Township Solicitor with documentation/agreements outlining ownership and maintenance responsibilities to her satisfaction.
  - s. Section 250-29.F.7 – from the requirement that no plantings or vegetation can exceed a height of 6 inches with a 5-foot strip abutting the street right-of-way line on a reverse frontage lot.
  - t. Section 242-18.B.8.n – from the requirement of a 4H:1V maximum slope for detention basin berms. The rain garden has 3:1 slopes proposed on the proposed berm. The wet pond shows a 2:1 slope for the permanent storage area (below the water surface elevation) and a 3:1 slope for the upper portion.
  - u. Section 250-40.I – from the requirement that all paved parking areas to be set back from any property lines and future right-of-way lines as provided by the applicable Zoning Ordinance Section or 10 feet, whichever is greater. The overflow parking area is 8 feet from the property line adjacent to the railroad tracks.
- 6. This approval and the grant of the waivers set forth in paragraph 5 are further conditioned upon acceptance of the conditions contained herein by the Applicant and his signifying acceptance of these conditions by signing a copy of this Resolution and returning it to the Township. Further, the Applicant agrees to the payment of \$53,500.00 in lieu of the landscape, open space and sidewalk requirements.
  - 7. The Applicant shall comply with the terms and conditions of the Declaration of Covenants dated May 27, 2014 recorded at Deed Book 5914, Page 1050, which is attached hereto and made a part hereof as Exhibit “A”. In particular, the Applicant shall seek approval by the Board of Commissioners relative to the name of the development and shall adhere to the timing of the installation of the railroad station crosswalk and traffic light as described therein.
  - 8. The Applicant shall comply with the Decision and Order and the conditions contained in the Conditional Use Decision dated July 22, 2015 which is attached here, incorporated herein and made a part hereof as Exhibit “B”.
  - 9. The Applicant’s Homeowner’s Association Documents shall be reviewed and approved by the Township Solicitor. The Homeowner’s Association shall, at a minimum, maintain all streets, sidewalks, stormwater swales, basins, infrastructure and all stormwater facilities within the Township or State right-of-ways. Appropriate notes on the Plan shall correspond with the language in the Homeowner’s Association Declaration.

10. The Applicant shall design the connection to Bevans Way to the satisfaction of the Township Engineer.
11. The Applicant shall provide off-sets and/or material changes at each townhouse unit on all elevations substantially similar to the exhibit attached hereto and made a part hereof as Exhibit "C".
12. Prior to issuance of any permits, all outstanding legal, engineering, administrative fees, and fees contained herein must be paid by Applicant.
13. 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.
14. In the event that said execution of the Resolution is not delivered to the Township office by 7:00 PM, Wednesday, February 24, 2016, 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 the reason of the denial of the waivers set forth in paragraph 5 and the resulting violation of the Plan of the terms of the Township Subdivision and Land Development Ordinance, as authorized in Section 508 of the Pennsylvania Municipalities Planning Code, 53 P.S. §10508.

**DULY PRESENTED AND ADOPTED** by the Hatfield Township Board of Commissioners, Montgomery County, Pennsylvania, in a public meeting held this \_\_\_\_ day of \_\_\_\_\_, 2016.

**ATTEST:**

**HATFIELD TOWNSHIP  
BOARD OF COMMISSIONERS**

\_\_\_\_\_  
Aaron Bibro  
Township Manager

\_\_\_\_\_  
Thomas C. Zipfel, President

**ACCEPTED: FORTUNA STATION DEVELOPMENT, L.P.**

**By:** \_\_\_\_\_

\_\_\_\_\_  
**(Print Name and Title)**

**Date:** \_\_\_\_\_