

**HATFIELD TOWNSHIP  
RESOLUTION #16-18**

**PRELIMINARY/FINAL CONDITIONAL SUBDIVISION  
AND LAND DEVELOPMENT APPROVAL FOR  
ARBORS COMMERCIAL DEVELOPMENT PROPERTY LOCATED AT  
BROAD STREET AND BETHLEHEM PIKE,  
HATFIELD TOWNSHIP, PA**

**WHEREAS, ARBORS COMMERCIAL, L.P.**, is the owner of property known as 103 Bethlehem Pike, Block 50, Unit 12 and Montgomery County Tax Parcel No. 35-00-00661-00-6 (“Unit 12”); and

**WHEREAS, SOUTH BROAD STREET, INC.** is the owner of 3 properties located on Bethlehem Pike, Block 50, Units 13, 27 and 61 with Montgomery County Tax Parcel Nos. 35-00-00658-00-9, 35-00-00655-00-3 and 35-00-00649-00-8 respectively (“Units 13, 27 and 61”); and

**WHEREAS, ARBORS COMMERCIAL, L.P. AND SOUTH BROAD STREET, INC.** (collectively the “Applicant”) have filed for the merger of Units 12, 13, 27 and 61 (collectively the “Property”) and the subdivision of them into 2 lots known as Lot 1 and Lot 2; and

**WHEREAS,** the Applicant proposes to demolish an existing retail building and construct a 12,320 sq. ft. multi-tenant retail building with associated parking on Lot 1 and develop the contiguous Lot 2 into a parking lot which shall be used by Southeastern Pennsylvania Transportation Association (SEPTA); and

**WHEREAS,** the Applicant obtained various relief from the Zoning Hearing Board; and

**WHEREAS,** the Applicant has requested preliminary/final approval of plans prepared by Bohler Engineering, Inc. consisting of 20 sheets entitled “Arbors Commercial Preliminary/Final Land Development Plans”, dated August 21, 2015, last revised March 31, 2016 and a general project description and stormwater management calculations dated September 1, 2015, last revised March 31, 2016 (collective 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. The Applicant shall comply with all provisions and conditions set forth in the CKS Engineers, Inc. letter dated April 8, 2016, the McCloskey & Faber, P.C. letter dated March 28, 2016 and the McMahon Associates, Inc. review letters dated March 2, 2016 and March 23, 2016 (each incorporated herein by reference) except as expressly waived or modified herein.
2. Pursuant to the McMahon Associates, Inc. letter dated March 23, 2016, a transportation impact fee is due and owing as a result of this Application in the amount of \$171,141.00. However, 49 trips equating to \$111,812.12 are associated with the SEPTA parking lot on the proposed Lot 2. Because SEPTA is regulated by the Pennsylvania Utilities Commission, it would not be subject to a traffic impact fee in the event it was the Applicant and because the Applicant has agreed to install sidewalk off-site from the Arbors Circle/309 intersection to the southern property line along the eastern side of Route 309 as shown on the plan attached hereto and made a part hereof as Exhibit "A" (the "Off-site Sidewalk"), the traffic impact fee due and owing as a result of this Application shall be attributed to 26 trips allocated to the commercial development of Lot 1 which amounts to \$59,328.88. This fee shall be paid prior to the Plan being recorded.

The Applicant shall prepare final design/construction plans for The Off-Site Sidewalk which shall be reviewed and approved by the Township Engineer and the Applicant shall obtain any necessary permits for its installation. The location of the Off-Site Sidewalk shall be in the general location as shown on Exhibit "A".

3. 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.
4. 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. From S.A.L.D.O. §250-38.A.6 requiring a 10 foot buffer along the eastern property line to allow a  $\pm$  5' reduction of the required width of 30' to 25' due to the space limitations resulting from the parking layout desired by SEPTA.
  - b. From S.A.L.D.O. §250-38.B.1 requiring that street trees be planted at a minimum of 40' and a maximum of 50' on center, and requiring that they be located 1-10' onto the property measured from the edge of the ultimate right-of-way. Some trees exceed the maximum spacing and/or do not provide the minimum spacing due to the site driveway location and design.

- c. From S.A.L.D.O. §250-38.E from the requirement that any tree having a diameter of 8" or more measured at breast height which is to be removed shall be replaced with a new tree of the like and kind having a diameter of 1-1/2", in addition to all other plantings required by the ordinance. A fee in lieu of this requirement in the amount of \$9,800.00 shall be paid prior to the recording of the Plan.
- d. From S.A.L.D.O. §250-38.J to allow placement of trees within 10 feet of underground utility lines and within utility easements due to space limitations and the easement being the desirable and logical location for the trees provided that root barriers be installed and permission be granted from the agency having jurisdiction of the easement.
- e. From S.A.L.D.O. §250-40.D to allow a parking area within 6 feet of the outside wall of the nearest building in lieu of the required 15 feet of open space between the edge of any parking area and the outside wall of the nearest building.
- f. From S.A.L.D.O. §250-52.B to allow 6" reveal concrete curb outside of PennDOT row in lieu of the required 8" reveal concrete curb.
- g. From S.A.L.D.O. §250-53.C to allow high-density polyethylene (HDPE) drainage pipe in lieu of the required reinforced concrete pipe.
- h. From S.A.L.D.O. §250-72.C.(2) requiring that the boundaries of all adjoining properties, utilities, existing features, and watercourses within 100 feet of the land to be subdivided or developed be shown on the plan. Existing features are proposed to be shown on the subject property.
- i. From S.W.M.O §242.18.B.2.(g).(i) in order to allow storm sewer piping of a size less than 18 inches (15 in. minimum proposed).
- j. From S.W.M.O §242.18.B.2.(g).(ii) in order to allow high-density polyethylene (HDPE) storm sewer piping.
- k. From S.W.M.O §242.18.B.8.(n) in order to allow grading of slopes inside the bioretention area at 2:1 max.
- l. From S.W.M.O §242.19.A.4 in order to allow grading closer than five feet from property lines.
- m. From S.A.L.D.O. §250-29.I(5) to allow a pavement section providing 2.5 inches of 19mm binder course, in accordance with the recommendation in the geotechnical report by Whitestone Associates, Inc. (Sept. 25, 2015), in lieu of the required 4.5 inches of 19mm binder course.

- n. From S.A.L.D.O. §250-40(I) to allow a paved parking area 5 feet from the property line, in lieu of the required minimum 10 foot setback.
- 5. Prior to issuance of any permits, all outstanding legal, engineering, administrative fees, and fees contained herein must be paid by Applicant.
- 6. 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.
- 7. In the event that said execution of the Resolution is not delivered to the Township office by 7:00 PM, Wednesday, May 25, 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: ARBORS COMMERCIAL, L.P.**

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

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

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

*(signatures continued on next page)*

**ACCEPTED: SOUTH BROAD STREET, INC.**

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

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

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

EXHIBIT "A"

