

**HATFIELD TOWNSHIP
RESOLUTION NO. 16-33**

**REVISED PRELIMINARY/FINAL CONDITIONAL LAND DEVELOPMENT
APPROVAL OF HATFIELD CROSSING SHOPPING CENTER/309 PLAZA
ORVILLA ROAD AND BETHLEHEM PIKE**

WHEREAS, 309 Plaza, LP ("Applicant") is the legal owner of real property located at Orvilla Road and Bethlehem Pike, Pennsylvania, further identified as Hatfield Township Tax Block 63 Units 001, 002, 137 and 182 and Montgomery County Tax Parcel No. 35-00-00050-00-7, 35-00-00478-00-9, 35-00-07609-00-6, and 35-00-07612-00-4 (the "Property") and have proposed to build four new buildings, two retail stores (12,000 SF and 5,295SF) one restaurant (2,859 SF) and a bank, (3,861 SF) a detention basin/permanent pond, new paved parking and other site improvements; and

WHEREAS, Applicant received preliminary/final conditional land development approval pursuant to Resolution No. 09-31; and

WHEREAS, Applicant has requested revised preliminary/final approval of the plan for the Property shown on a submission prepared by Schlosser & Clauss Consulting Engineers, consisting of a thirty-six (36) sheet plan set, dated March 28, 2008 and last revised September 22, 2016; and

WHEREAS, the Plans and Application have been reviewed by the Township Engineer, Township Traffic Engineer, Hatfield Township, and the Montgomery County Planning Commission, and have been found to be suitable for a revised 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, Applicants 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.
2. The applicant agrees to pay an Act 209 traffic impact fee of Ninety Seven Thousand Nine Hundred and Forty One Dollars and Thirty Cents (\$97,941.30) in accordance with the provisions of section 505-A.(e) of the Pennsylvania Municipalities Planning Code.
3. The Applicants shall further comply with all the provisions and conditions set forth in the October 17, 2016 CKS Engineers, Inc. letter to Hatfield Township,

(attached hereto and hereafter referred to as the "CKS letter"), except as expressly waived or expressly modified herein.

4. The Township hereby grants all other waivers requested and set forth in the October 17, 2016 CKS Engineers, Inc. letter to Hatfield Township, (attached hereto and hereafter referred to as the "CKS letter"), except as expressly waived or expressly modified herein specifically the Township grants the Township grants a partial waiver from section 250-67 D (2) and a waiver from section 250-40 D.
5. Within ninety (90) days of the date of final approval, but in no event later than the submission of final linen plans for signature, the Applicant shall contribute to the Township the sum of Thirty Two Thousand Dollars (\$32,000.00) in lieu of providing the total number of replacement trees required by section 250-38 E.
6. The Applicant agrees to reimburse the Township for the cost of maintaining the storm sewer system along the Property frontage within Bethlehem Pike (S.R. 309) and Orvilla Road (S.R. 1004) in accordance with PennDOT Permit No. 06083180.
7. The Applicant agrees to reimburse the Township for the costs of maintaining the traffic signal located at Bethlehem Pike and the entrance to 309 Plaza.
8. If any substantive changes are made to the plan prior to or during construction, Applicants agree to present such changes to the Township and its consultants for approval.
9. This approval is further conditioned upon acceptance of the conditions contained herein by Applicants, and then signifying acceptance of these conditions by signing a copy , of this Resolution and returning it to the Township.
10. In the event that this Resolution is not executed by Applicants and delivered to the Township Office by noon on the fourteenth day following this approval, it shall be deemed that Applicants do 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 the CKS letter.
11. 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.
12. Resolution No. 09-31 is attached hereto, made a part hereof as Exhibit "A", is incorporated herein by reference and any terms contained therein that are not amended by this revised approval shall remain in full force and effect.

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: 309 Plaza, LP

By: _____, its general partner

By: _____
Raymond Au
Title: _____

Augustine Au
Title: _____

Date: _____

Exhibit "A"

**HATFIELD TOWNSHIP
RESOLUTION 09-31**

**PRELIMINARY/FINAL CONDITIONAL LAND DEVELOPMENT
APPROVAL OF
HATFIELD CROSSING SHOPPING CENTER/309 PLAZA
ORVILLA ROAD AND BETHLEHEM PIKE**

WHEREAS, 309 Plaza, LP (“Applicant”) is the legal owner of real property located at Orvilla Road and Bethlehem Pike, Pennsylvania, further identified as Hatfield Township Tax Block 63 Units 001, 002, 137 and 182 and Montgomery County Tax Parcel No. 35-00-00050-00-7, 35-00-00478-00-9, 35-00-07609-00-6, and 35-00-07612-00-4 (the “Property”) and have proposed to build four new buildings, two retail stores (12,000 SF and 1,674 SF) one restaurant (2,707 SF) and a bank, (3,681 SF) a detention basin/permanent pond, new paved parking and other site improvements; and

WHEREAS, Applicants have requested preliminary/final approval of the plan for the Property shown on a submission prepared by Schosser & Clauss Consulting Engineers, consisting of a twenty five (25) sheet plan set, dated March 28, 2008 and last revised March 9, 2009; and

WHEREAS, the Plans and Application have been reviewed by the Township Engineer, Township Traffic Engineer, Hatfield Township, and the Montgomery County Planning Commission, 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, Applicants 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.

2. The applicant agrees to pay an Act 209 traffic impact fee of Ninety Seven Thousand Nine Hundred and Forty One Dollars and Thirty Cents (\$97,941.30) in accordance with the provisions of section 505-A.(e) of the Pennsylvania Municipalities Planning Code.

3. The Applicants shall further comply with all the provisions and conditions set forth in the April 8, 2009 T&M Associates’ letter to Hatfield Township, (attached hereto and hereafter referred to as the “T&M letter”), except as expressly waived or expressly modified herein.

4. The Township hereby grants all other waivers requested and set forth in the April 8, 2009 T&M Associates' letter to Hatfield Township, (attached hereto and hereafter referred to as the "T&M letter"), except as expressly waived or expressly modified herein specifically the Township grants a partial waiver from section 250-67 D (2) and a waiver from section 250-40 D.

5. Within ninety (90) days of the date of final approval, but in no event later than the submission of final linen plans for signature, the Applicant shall contribute to the Township the sum of Thirty Two Thousand Dollars (\$32,000.00) in lieu of providing the total number of replacement trees required by section 250-38 E.

6. The applicant agrees to reimburse the Township for the costs of maintaining the traffic signal located at Bethlehem Pike and the entrance to 309 Plaza.

7. If any substantive changes are made to the plan prior to or during construction, Applicants agree to present such changes to the Township and its consultants for approval.


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

9. In the event that this Resolution is not executed by Applicants and delivered to the Township Office by noon on the fourteenth day following this approval, it shall be deemed that Applicants do 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 the T&M letter.

10. 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 September 2009.

Attest:



Andrew Haines,
Township Manager/Secretary

**HATFIELD TOWNSHIP
BOARD OF COMMISSIONERS**



Scott Brown, President

ACCEPTED:



309 Plaza, L.P.

Date: 9/23/09



April 8, 2009

Mr. Andrew Haines, Township Manager
Township of Hatfield
1950 School Road
Hatfield, PA 19440

Re: **Hatfield Township Project #P-08-05**
Application for Preliminary & Final Land Development Plan Approval
Hatfield Crossing Shopping Center / 309 Plaza for Orvilla Road & Bethlehem Pike
Parcel #: 35-00-0050-00-7, Block 063, Unit -182 (C)
35-00-00478-00-9, Block 063, Unit -001 (C)
35-00-07609-00-6, Block 063, Unit -137 (RA-1)
35-00-07612-00-3, Block 063, Unit -002 (RA-1)
Zoning District: C - Commercial District and RA-1 - Residential District
Technical Review #3

Dear Mr. Haines:

As requested, we have reviewed the twenty-five (25) sheet plan series of the Preliminary Land Development of the 309 Shopping Center along with the associated Stormwater Management and Erosion & sediment Control Reports as prepared by Schosser & Clauss Consulting Engineers, Inc. of Hatfield, PA 19440, plan dated 3-28-08, last revised 3-09-09. We offer the following comments for your consideration:

These submittals have been reviewed for compliance with the requirements of Chapter 250: Subdivision and Land Development, and Chapter 282, Zoning, of Part II, of the Hatfield Township Code and the Pennsylvania Stormwater Best Management Practices (PA BMP) Manual.

The plans have been revised to propose the construction of four (4) new buildings; two (2) retail stores (12,000 SF and 1,674 SF), one (1) restaurants (2,707 SF), and a bank (3,681 SF), a detention basin/permanent pond, new paved parking areas, and other site improvements. The proposed development will occur on the mostly wooded portion of the site, which is situated on the southeastern corner of the intersection of Bethlehem Pike (SR 309) and Orvilla Road (SR 1004).

Technical Review

The applicant is requesting a partial waiver from section 250-67D(2)- Instead of providing topographic information elevations and existing man-made features within 100 feet of any property line, they request to provide an aerial photograph of the area. The photo provided is adequate from our standpoint to consider a partial waiver from this requirement.



Hatfield Township Project #P08-05

April 8, 2009

Hatfield Crossing Shopping Center / 309 Plaza for Orvilla Road & Bethlehem Pike page 2 of 2

1. Section 250-40D of the Subdivision Land development Ordinance requires that a minimum 20 feet of open space shall be provided between the edge of any parking area and the outside wall of the nearest building. The separation may be reduced to 10 feet upon review and approval by the Fire Marshal and Township Engineer. We concur with the Fire Marshal that the proposed separation is adequate.
2. The applicant shall address the following issue with respect to Section 250-67, Preliminary Plan, of the Ordinance:
 - a. The applicant shall provide documentation that water and sanitary service is available per Section 250-67E(12) of the Ordinance. Applicant has submitted to the various entities for approval and are awaiting comments.

Other Comments:

1. The applicant has submitted documentation to PennDOT for their review and approval. Final approval of this land development shall be conditioned upon approval of improvements by PennDOT within their right-of-ways.
2. We have been in contact with the applicants engineer about a few minor drafting issues that need to be addressed prior to signing of Record Plan and developers agreements for construction. These issues are minor, but will be addressed and should not delay consideration of Approval by the Commissioners if they so desire.

Should you have any questions regarding these comments, please do not hesitate to contact this office.

Very truly yours,

T & M ASSOCIATES

A handwritten signature in cursive script, appearing to read 'Gary A. Smith', written over a faint circular stamp or watermark.

Gary A. Smith
Assistant to Township Engineer

cc: Board of Commissioners
Planning Commission
Kenneth Amey, Building / Zoning Official
Sean Kilkenny, Township Solicitor
Schlosser & Clause
309 Plaza, LP
Edwin Steck, P.E.

GAS: dih
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