

AMITY TOWNSHIP
BERKS COUNTY, PENNSYLVANIA

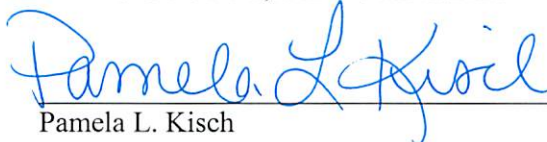
RESOLUTION 19-15

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF AMITY, BERKS COUNTY, PENNSYLVANIA, ADOPTING AND APPROVING THE FINDINGS OF FACT, CONCLUSIONS OF LAW, DECISION AND ORDER FOR THE TIME EXTENSION FOR THE CONDITIONAL USE FOR GCP AMITY RESIDENTIAL, LP.

NOW THEREFORE, BE IT RESOLVED, by the Board of Supervisors of Amity Township that the attached Findings of Fact, Conclusions of Law, Decision and Order dated November 6, 2019 regarding the Application of GCP Amity Residential L.P. is hereby adopted and approved as set forth therein.

IN WITNESS WHEREOF, the Amity Township Board of Supervisors has caused this Resolution to be passed this 6th day of November 2019.

AMITY TOWNSHIP
BERKS COUNTY, PENNSYLVANIA



Pamela L. Kisch
Township Secretary

BOARD OF SUPERVISORS
OF AMITY TOWNSHIP

IN RE: CONDITIONAL USE FOR	:	AMITY TOWNSHIP
EXTENSION TO ORIGINAL	:	BOARD OF SUPERVISORS
CONDITIONAL USE	:	
AND TENTATIVE APPROVAL FOR	:	CONDITIONAL USE/TENTATIVE
A PLANNED RESIDENTIAL	:	APPROVAL HEARING DATE:
DEVELOPMENT LOCATED ALONG	:	July 17, 2019
PINE FORGE ROAD AND OLD	:	
SWEDE ROAD (SR662) IN AMITY	:	
TOWNSHIP, BERKS	:	
COUNTY, PENNSYLVANIA	:	

FINDINGS OF FACT CONCLUSIONS OF LAW AND DECISION

The Amity Township Board of Supervisors, of the County of Berks and Commonwealth of Pennsylvania, after duly advertised, noticed, and posted public hearing and upon the receipt of testimony and other evidence taken on July 17, 2019 in accordance with the Municipalities Planning Code ("MPC") (53 P.S. §10101 et seq.), the Second Class Township Code (53 P.S. §65101 et seq.) and Amity Township ordinances hereby make the following report upon the whole record of the within case.

I. STATEMENT OF THE CASE

This case was heard and decided upon the application of GCP Amity Residential, L.P. ("Applicant") for a Conditional Use Approval Extension of the Original Conditional Use and Application for Tentative Approval for a Planned Residential Development ("PRD") pursuant to the Amity Township Zoning Ordinance ("Zoning Ordinance") and Subdivision and Land Development Ordinance ("SALDO"). The Applicant requested a Conditional Use Approval Extension of the Original Approval granted August 3, 2011

("Original Approval") for a PRD pursuant to Part VII of the Zoning Ordinance to develop approximately 118 acres into single family lots, duplexes and townhomes known as the Leaf Creek Farm Subdivision along Pine Forge Road and Old Swede Road (Route 662) in Amity Township, Berks County, Pennsylvania as more fully described in the application and supporting documentation submitted by the Applicant. The Applicant submitted the Conditional Use Application for Extension to Original Approval of the PRD under the Zoning Ordinance on June 28, 2019 ("2019 Application").

The 2019 Application requested an extension of the Original Approval with no modifications or amendments. Notice of this hearing was published in the Reading Eagle on Tuesday, July 2, 2019 and Tuesday, July 9, 2019. The Amity Township Municipal Building was posted with a notice of the public hearing on July 5, 2019. Additionally, the premises in question was posted by the Township Zoning Officer, Steve Loomis, on July 3, 2019. Notices were sent by regular mail and certified mail to the Applicant on July 1, 2019 and Applicant's legal counsel, Joseph J. McGrory, Jr. Esquire at 375 Morris Road, P.O. Box 1479, Lansdale, Pennsylvania on July 2, 2019. Notice was also given by regular and certified mail to Steve Loomis, the Zoning Officer of the Township of Amity on July 2, 2019. Notices of the Hearing were sent by regular mail and certified mail on July 1, 2019 to all neighboring property owners, advising them of the nature, date, time and place of the Hearing. The Hearing was held on July 17, 2019 and was conducted in the Amity Township Municipal Building located at 2004 Weavertown Road, Douglassville, Pennsylvania.

Present at the Hearing were:

1. Amity Township Board of Supervisors Members, Kim McGrath, David Hackett, Paul Weller, Terry Jones, and Kevin Keifrider.
2. Brian F. Boland, Esquire of Kozloff Stoudt, PC, Township Solicitor.
3. Robert M. Sebia, Esquire of Hamburg, Rubin, Mullin, Maxwell & Lupin,

PC, attorneys for the Applicant.

4. Additional Parties In Interest who entered their appearance during the proceedings were: Richard Fidler, Arlene Fidler, Kelly Platco and Ditlef Wergeland.

5. Others present included: John Weber, P.E. of LTL Consultants, Ltd., Township Engineer, Troy Bingaman, Township Manager, and Pamela Kisch, Township Secretary.

II. DISCUSSION

The outline and criteria for a PRD is fully set forth in Amity Township Zoning Ordinance Article VII, Sections 701 through 707. The proposed Leaf Creek Farm Subdivision is located in the Zoning Ordinance's MDR District. A PRD in the MDR Zoning District is permitted only as a Conditional Use pursuant to Section 403(c)(5) of the Zoning Ordinance. The Applicant submitted a Request for a Conditional Use Approval Extension of the Original Approval on June 28, 2019, seeking a five year (5) extension of the Original Approval. The Hearing was held before the Board of Supervisors on July 17, 2019 for purposes of allowing Applicant to present testimony, evidence and exhibits in support of its extension application.

At the Hearing, Amity Township presented an exhibit booklet identifying Township Exhibits Nos. 1 through 9. The Township Exhibits presented were the following:

1. The Applicant's Conditional Use Application Extension to the Board of Supervisors of Amity Township dated June 28, 2019.
2. The Public Hearing Notice
3. The Proof of Publication in the Reading Eagle of Tuesday July 2, 2019 and Tuesday July 9, 2019.
4. The Affidavit of Posting by the Township Secretary.
5. The Affidavit of Posting by the Township Zoning Officer.
6. The Notice of Hearing given to the Applicant.
7. The Notice of Hearing given to the Applicant's counsel, Joseph J. McGrory, Jr., Esquire.
8. The Notice of Hearing given to the Township Zoning Officer.
9. The Notices of Hearing sent by first class and certified mail to all adjacent property owners in accordance with Township Ordinances.

Applicant's Exhibits 1 through 4 were introduced by Applicant and its respective witnesses. The Applicant's Exhibits consisted of the following:

- A-1. The Approved Overall Site Plan
- A-2. The Conditional Use Application
- A-3. Brian Boyer's Curriculum Vitae (CV)
- A-4. The Deed to the subject property

All of the above listed Exhibits were admitted into evidence by the Amity Township Board of Supervisors without objection by the Applicant or any Party in Interest.

Section 403(c)(5) of the Zoning Ordinance permits a PRD by Conditional Use in the MDR Zoning District. The premises identified by the Applicant in Applicant's Exhibit A-1

for the Leaf Creek Subdivision is located in the MDR Zoning District. The standards and criteria for the approval of a Conditional Use are set forth at Section 1109 of the Zoning Ordinance. Those standards are:

1. The use shall be one which is specifically authorized as a Conditional Use in the Zoning District wherein the applicant is seeking a Conditional Use.

2. The use conforms with the goals, objectives, and policies of the Township Comprehensive Plan.

3. The use conforms with the spirit, purposes, and intent of all other applicable provisions of all other Township Ordinances.

4. The use conforms with all pertinent State and Federal laws, regulations and requirements.

5. Services and utilities shall be made available to adequately serve the proposed use.

6. The use will not generate traffic such that hazardous or unduly congested conditions will result.

7. The use is appropriate to the site in question.

8. The use shall not adversely affect the character of the general neighborhood, nor the health and safety of residents or workers on adjacent properties and in the general neighborhood.

An Applicant for a Conditional Use has the burden of proving compliance with the specific requirements of the Zoning Ordinance. *Levin v. Board of Supervisors of Benner Township*, 669 A.2d 1063 (1995). This burden must be carried by substantial evidence. *Id.* After an Applicant meets its initial burden, the burden is then upon the objectors to the

Conditional Use to show a high degree of probability that the use will adversely impact the public interest. A Conditional Use is a use which is otherwise permitted in the underlying zoning district subject to conditions which may be reasonably attached by the governing body. *Borough of Perkasié v Moulton Builders*, 858 A.2d 778 (Pa. Commw. 2004). Because a zoning ordinance allows a governing body to grant or deny conditional uses pursuant to express standards and criteria, the governing body, pursuant to Section 913.2 of the Municipalities Planning Code is required to hold hearings on and decide requests for such conditional uses in accordance with such standards and criteria. *Hovnavian v Newtown Township Board of Supervisors*, 954 A.2d 718 at 723 (Pa. Commw. 2008).

The Township's Comprehensive Plan is the Township's official statement of public policy by the Township concerning its growth and development and establishes its goals and objectives to be utilized to guide, control and regulate growth and development into the 21st Century. The Comprehensive Plan and the Zoning Ordinance acknowledge the usefulness and values of PRDs as part of a balanced development of preservation of open space throughout Amity Township.

III. FINDINGS OF FACT

1. The Applicant is GCP Amity Residential, L.P., 700 South Henderson Road, Suite 300D, King of Prussia, Pennsylvania 19406 ("Applicant").

2. The Applicant owns two parcels of land known as 675 Old Swede Road in Amity Township identified as Tax Parcel Numbers: 5365-15-53-4611 (Premises A) and 5365-19-52-1220 (Premises B) containing approximately 118 acres of land and otherwise being recorded in Deed Book Volume 5367, Page 371, Berks County records ("Premises").

3. The Applicant submitted a Joint Conditional Use Application and Application for Tentative Approval of a PRD under the Zoning Ordinance on March 7, 2011 seeking approval for a development containing 97 single family dwellings, 32 twin dwellings and 162 townhomes. Together with those dwellings the Applicant also proposes all of the infrastructure, streets, sidewalks, sewer, water, electric and other requirements throughout the development. The March 7, 2011 Application was approved with conditions on August 11, 2011 and is referenced to herein as the "Original Approval."

4. The Applicant submitted a Conditional Use Application Extension on June 28, 2019 requesting a five year (5) extension of the Original Approval ("Application Extension").

5. The Premises is located in the MDR Zoning District where a PRD is authorized pursuant to Section 403(c)(5) and Section 1109 as a Conditional Use and in accordance with Article VII of the Zoning Ordinance.

6. The Application and Hearing were advertised on July 2, 2019 and Tuesday July 9, 2019 in the Reading Eagle and the required postings and notices were given as set forth in the statement of the case above and in the Township's Exhibits.

7. The Hearing on the Application Extension was conducted on July 17, 2019.

8. The Applicant proposes a subdivision containing 97 single family dwellings, 32 twin dwellings and 162 townhomes and open space (hereinafter referred to as "the Development"), in accordance with the Plan submitted at the hearing as Exhibit A-2 and consistent with the Original Approval.

9. The Development contains more than the minimum land area of 50 acres, Zoning Ordinance [702(a)(2)].

10. The Applicant incorporated by reference all of its original exhibits and testimony from its March 23, 2011 hearing and the Original Approval which establishes that:

A.) The Development will be served by public sewer supplied by Amity Township and public water supplied by Pennsylvania American Water Company. Pennsylvania American Water Company provided a letter indicating its ability to serve the Development and Applicant presents it as Exhibit A-6.

B.) Applicant has met Section 701 of the Statement of Intent of the Zoning Ordinance by providing evidence that the PRD meets the goals of the Township, provides a mix of single family, twin and townhouse units, proposes to conserve nature features and open space, and that it has been designed to avoid environmentally sensitive areas.

C.) Development Standards per Section 702 of the Zoning Ordinance are met as follows:

(1) The PRD is a Conditional Use in accordance with Section 403(c)(5) of the Zoning Ordinance.

(2) The gross site is in excess of 50 contiguous acres in the MDR and, in fact is 117.515 acres.

(3) The existing subject parcel is not within any existing rights-of-way and no street divides the subject parcel.

(4) All lots within the PRD will be served by

public water and sanitary sewer.

(5) A minimum of fifty percent (50%) of the gross area of the PRD shall be set aside as common open space inasmuch as the Applicant has offered 58.765 acres of open space when the Ordinance requires 58.755 acres.

(6) The proposed uses of single family, semi-detached and townhouse homes are permitted uses within a PRD.

D.) Through the use of its Conditional Use report (Exhibit A-4) and pages 1 and 3 of the Plan (Exhibit A-2) that Applicant meets the overall gross residential density of four (4) dwelling units per acre and specifically meets the net residential density for single family, single family semi-detached and townhouse units.

E.) Applicant has demonstrated compliance with Section 703 of the Zoning Ordinance design standards in regard to the following items:

(1) The layout of the Development has taken into consideration the topographical natural features of the site.

(2) The natural features of the site have been incorporated into the Plan.

(3) A planting screen has been provided along all property lines.

(4) The residential site design and location provides for architectural variations and otherwise complies with Section 703(b).

(5) The Plan complies with Section 703(c) Area Yard and Height Regulations and is compliant therewith.

(6) In addition, a zoning variance was granted by the Amity Township Zoning Hearing Board on November 15, 2010 to permit townhouse units to be closer than one hundred fifty feet (150') from the ultimate right-of-way along the proposed Gregory Boulevard in the Development. All other dimensional area, yard and height regulations are conforming with the Zoning Ordinance.

(7) The street system has been designed to conform with Township requirements and Gregory Boulevard is the only proposed collector road with ingress and egress to the PRD. Meadow Lane will be connected to Cider Mill Run in an adjoining development in order to permit ingress and egress between the developments.

(8) In accordance with Section 703(f) of the Zoning Ordinance, the parking design and loading area requirements have been met with a combination of driveways, off-street parking and parking rows.

(9) Section 703(g) Street Lighting and Sign Standards have been met and all street lighting and signs will be located so as to not interfere with the character and integrity of the PRD.

(10) Section 703(h) Sanitary Sewer Disposal plan has been submitted, reviewed and complies with the SALDO, as does water supply at Section 703(i). Additionally, the Applicant submitted a "Will Serve" letter at Exhibit A-6.

(11) Section 703(j) Solid Waste Management and Section 703(k) Stormwater Management will be met as required.

(12) That in accordance with Section 703(l), the erosion and sediment control standards will be met by the submission of an E & S Control Plan to the Berks County Conservation District.

(13) In accordance with Section 703(m), Landscaping and Tree Conservation, the PRD has taken into consideration the existing wooded and stream areas and takes advantage of the existing woodland and streams along the property line. Additional parking areas will be landscaped in accordance with Township requirements. Further, existing trees are proposed to be conserved throughout the PRD and incorporated into the Open Space. This requirement also meets the requirements of Section 703(n) relating to the natural amenities and environmental considerations. Furthermore, the Applicant has provided a report that no structures will be constructed within fifty feet (50') of the hundred year flood plain nor any hydric soils, alluvial soils, or high water table soils, or slopes exceeding twenty-five percent (25%).

(14) In accordance with Section 703(o), the PRD is designed to provide curbs and sidewalks throughout the PRD in accordance with the Ordinance.

(15) In accordance with Section 704, open space calculations have been provided and the minimum of fifty percent (50%) of the open space shall be set aside as Open Space in accordance with the Plans, Conditional Use Report and testimony and that twenty-five percent (25%) of that Open Space is available for active recreation.

(16) In accordance with Section 703(d), the Applicant testified that the management and maintenance of the Open Space shall be done in accordance with the Homeowner's Association documents. Those documents shall be submitted to the Township for review prior to final plan approval.

(17) In accordance with Section 705 Improvements

Specifications, the Applicant testified that Applicant shall submit fully engineered PRD plans for approval in accordance with Section 705 of the Zoning Ordinance and the SALDO which plans shall be approved by the Amity Township Board of Supervisors and Planning Commission.

(18) In accordance with Section 706, the pre-application conference occurred on June 16, 2010 in front of the Board of Supervisors. A copy of the meeting minutes were attached to Applicant's Exhibit A-4.

(19) In accordance with Section 706(b), Applicant has submitted its Application for Tentative Approval together with its request for Conditional Use to Amity Township and as a result thereof a Hearing was held on March 23, 2011.

(20) In accordance with Section 706(b)(6), the Applicant has submitted a written statement indicating why in the Applicant's opinion the PRD would be in the public's interest and would be consistent with the Comprehensive Plan. That written statement is contained as part of Exhibit A-4.

(21) The Applicant submitted the Leaf Creek Farm Transportation Impact Study prepared by Traffic Planning & Design ("TPD").

(22) Applicant's traffic expert, Matthew I. Hammond, P.E. and TPD made the following recommendations:

(a) Prepare sightline profiles for the proposed Route 662 site access to further evaluate the sight distance to the left and a vehicle approaching and entering left turn from ahead.

(b) Design the site driveway to Route 662 and Pine Forge Lane per applicable PennDot standards.

(c) Realign Pine Forge Road to optimize the sight distance for motorists entering and exiting the proposed site driveway.

(d) Construct a one hundred twenty-five (125) foot Southbound Route 662 left turn lane at the site driveway.

(e) Construct a two hundred ninety feet (290') Northbound Route 662 right turn lane at the site driveway (neither of the right and left turn driveways will require easements except from the Applicant's property.)

(23) The conclusions reached by TPD are that in their opinion Route 662 intersection with Pine Forge Road, the proposed site access, and Pine Lane will operate in an acceptable manner.

(24) The Applicant submitted Exhibit A-8 which is an ARRO Engineering and Environmental Consultant's review letter December 10, 2010. That letter states, and the Applicant testified that, they will comply with all items listed in that letter at its expense (with the exception of item #16 relating to manholes 90-99) including the construction of the sewer system to be a gravity feed system from the site with the objective of eliminating the Cider Mill Pump Station.

(25) Applicant testified at its July 17, 2019 hearing that it was unable to develop the property within the original time frame approved as a result of the severe economic recession that occurred during the period of time that followed the approval. An applicant for Conditional Use has the initial burden of proving compliance with the specific requirements of the Zoning Ordinance. *See Long v. Collier Township Board of Commissioners*, 62 Pa. Commwlth Ct, 481, 437 A.2d. 86 (1981).

(26) All of the Township Exhibits from the hearing of March 23, 2011 and the hearing of July 17, 2019 together with all of the Exhibits of the Applicant from the hearing of March 23, 2011 together with the transcript of the hearing of July 17, 2019 are incorporated herein by reference as if fully set forth as are all of the testimony of record of both hearings.

IV CONCLUSIONS OF LAW

1. The Applicant is the owner of the Premises and qualifies as a landowner under the Zoning Ordinance and the MPC. Accordingly, the Applicant has standing to seek a Conditional Use and to submit an application for a five year (5) extension to the Conditional Use for an Extension of the Original Approval for the Development of a PRD pursuant to the Zoning Ordinance.

2. The Applicant received the Original Approval on August 3, 2011 and has now filed an Application for Original Approval Extension in accordance with Article VII of the Zoning Ordinance. The Application and the full set of plans marked as Exhibit A-2 are complete and comply with the Zoning Ordinance.

3. The Applicant's burden must be carried by substantial evidence. *Id.*

4. The Applicant's burden must be proven by substantial evidence that the proposed use conforms with the goals, objectives and policies of the Township's Comprehensive Plan. See Zoning Ordinance Section 1109.

5. Utilizing the same burden, the Applicant must show that the application conforms with the spirit, purposes and intent of all other applicable provisions of all other Township Ordinances in accordance with Section 1109(d) of the Zoning Ordinance.

6. The Applicant has testified that Applicant intends to construct a PRD in accordance with the full plan set entered as Applicant's Exhibit A-2 of the original hearing and Original Approval and unmodified or unamended unless as required by Township Ordinances.

7. In addition, the Applicant has testified that Applicant will meet each and every requirement set forth in the Conditional Use Report labeled as Applicant's Exhibit A-4 of the original hearing.

8. Section 403(c)(5) of the Zoning Ordinance and Article VII of the Zoning Ordinance provide for a PRD as a Conditional Use in the MDR Zoning District. Therefore, the Applicant's proposed use falls within the Ordinance's definition and the Applicant has provided substantial evidence through testimony, Exhibits and reports that all of the regulations of Article VII and Section 403(c)(5) and 1109 of the Zoning Ordinance can and will be satisfied.

9. There was no proof presented at the hearing that the proposed extension of the Original Approval would result in an adverse impact on the public interest that is greater than might be expected under normal circumstances.

10. Applicant will comply with the terms and provisions of the Special Use Sewer District Ordinance as adopted by the Township on November 7, 2018.

DECISION

The Amity Township Board of Supervisors find that the Applicant meets the requirement of the Amity Township Zoning Ordinance for a Conditional Use of a PRD in an MDR District, meets the requirements for an extension of time and approves the five year (5) extension as requested. However, the Approval Extension pursuant to Section

403(c)(5) of the Zoning Ordinance as applied for and testified to is subject to all of the following conditions being satisfied:

1. The applicant will eliminate the cul-de-sac adjacent to Lot #9 and install a hammer-head type configuration that would permit access to Township owned property adjacent to the parcel. The hammer-head type configuration will have Karen Court terminate at the property line and not lose any building lots.

2. Applicant will provide and dedicate to the Township a twenty foot (20') wide strip of land beginning at the property line of the land of Amity Township and terminating at the land formerly owned by H. Laddie Montague and Linda P. Montague and now owned by Stephanie Mattiola (Parcel ID #24536519611428) for purposes of constructing and extending the Leaf Creek Trail at the Township's expense unless the Township decides to eliminate this condition. The exact location of this land and trail shall be determined by the Township during the Preliminary Land Development Plan approval process.

3. The remainder of the Open Space required by the Zoning Ordinance and SALDO shall be held in a Homeowners Association and a fee in lieu of shall be paid to the Township in accordance with the Zoning Ordinance and SALDO. The land area for the trail shall be deducted from the fee in lieu but only if the Township accepts the trail.

4. The Applicant shall repair and/or replace any downstream manholes and sewer mains between manholes 92 and 90 with twelve inch (12") sewer lines, in accordance with the Township engineer's recommendations. This shall only apply if the development is served by gravity sewer. If the Applicant uses a sewage pump station to service the development, the Applicant shall repair and replace any downstream manholes and sewer

mains between manholes 90 and 104 with twelve inch (12") sewer lines, in accordance with the Township engineer's recommendation.

5. The Applicant shall connect the sewer systems for Leaf Creek Subdivision to the Cider Mill Development on the lands of Amity Township and the Applicant shall be responsible for all costs related to the connection to Cider Mill. The Township will provide access to its property to do so.

6. The Applicant shall adhere to each and every item set forth in the Conditional Use Report dated March 18, 2011 and marked as Applicant's Exhibit A-4, unless otherwise agreed to by the Township.

7. The Applicant shall adhere to all items in the LTL Consultants, Ltd. letter dated December 3, 2010 marked as Applicant's Exhibit A-5 with the exception of Zoning Ordinance comment at No. 2 and SALDO comments at No. 8A, 16 and 18B, unless otherwise agreed to by the Township.

8. The Applicant shall adhere to all items in the ARRO review letter dated December 7, 2010 marked as Applicant's Exhibit A-8, unless otherwise agreed to by the Township.

9. The applicant shall comply with all matters set forth in the LTL Consultants, Ltd. dated January 11, 2011 marked as Applicant's Exhibit A-9, unless otherwise agreed to by the Township.

10. In accordance with Section 703(b)(2) of the Zoning Ordinance and 402(e)(9) of the SALDO, all architectural and schematics of the proposed units shall be submitted by any future developer to the Township prior to the issuance of any building permits. The architectural and schematics must be approved by the Township.

11. The Applicant will comply with Applicant's Exhibit No A-12 of the McMahon Engineers and Planners letter dated February 23, 2011 and all items contained therein with the exception of item No. 5, unless otherwise agreed to by the Township, including the requirement that all traffic studies and recommendations be updated at the time of final approval. A future recommendation pursuant to updated traffic studies shall be required for final approval.

12. The Applicant shall agree that Meadow Lane shall not be opened into Cider Mill until Gregory Boulevard is opened to traffic at both Pine Forge Lane and Old Swede Road (S.R. 662).

13. The Applicant shall not permit any construction traffic to drive through the Cider Mill Run Development to access the proposed development.

14. The Applicant shall construct all Pine Forge Lane improvements and realignment as directed by the Township with no traffic impact fee adjustment fee or credit given. Amity Township will obtain all necessary easements and rights-of-way for said improvements at the Township's expense. Said realignment shall be completed as shown on Exhibit A-2. PennDOT permits and approvals shall be obtained by Applicant. Amity Township will execute any applications as necessary.

15. The Applicant will perform all surveys and prepare all documents necessary for easement and right-of-way acquisition.

16. All Homeowners Association documents shall be subject to the Amity Township Solicitor's approval.

17. Traffic impact fees shall be calculated and be paid based upon the McMahon Engineers and Planners letter (Exhibit A-12) and calculations of two hundred twenty-one (221) trips per peak P.M. hours.

18. If warrants are determined to be met for a traffic light at Pine Forge Road and Route 662, Applicant will design, permit and construct the traffic light. Amity Township will reimburse the Applicant for the construction costs only up to one hundred percent (100%) of Applicant's Traffic Impact Fee. Any construction costs in excess of the Traffic Impact Fee shall be at Applicant's sole expense.

19. Pine Forge Road improvements shall be completed prior to opening Gregory Boulevard to Pine Forge Road.

20. Gregory Boulevard must be connected to Pine Forge Road and Pine Forge Road improvements must be completed prior to the issuance of the seventy-sixth (76th) building permit for this development.

21. The Applicant, or its successors in title, shall execute the necessary Municipal Improvements Agreements, Financial Security Agreements and Stormwater Agreements at Final Plan Approval of the entire plan or any phase. However, the Applicant, or its successors in title, shall post security for the completion of the improvements to Pine Forge Road and Gregory Boulevard at the time of the final plan approval or first phase final approval that includes the seventeenth (17th) unit. Route 662 improvement security shall be posted as part of the first phase final plan approval.

22. This Conditional Use Approval Extension shall be effective this date and shall so remain approved without further action of the Applicant for a period of five years until November 5, 2024. The expiration of the Conditional Use Approval Extension shall occur

automatically on November 5, 2024 unless an additional hearing is held thereon to extend the expiration or the Applicant has installed public improvements as set forth in the MPC and applicable Township Ordinances.

23. The Applicant shall preserve the two (2) mature American beech trees on the property now or late of Edward Arnold while making the Pine Forge Road improvements.

24. The Applicant is bound by all of the testimony and Exhibits provided to the Township.

25. The transcript of the proceeding dated March 23, 2011 and July 17, 2019 are incorporated herein by reference as if fully set forth herein.

26. The Applicant shall be bound by the terms of Amity Township Ordinance No. 308 of 2019 relating to the creation of a special sanitary sewer district.

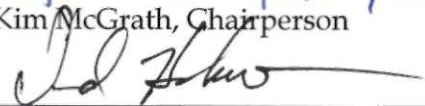
27. The Applicant is granted no relief to alter or revise any portion or part of its Application, plan or exhibit entered into this or the Original Approval without submission and approval by the Township in accordance with its Zoning Ordinance and SALDO.

ORDER

AND NOW, this 6th day of November, 2019, the Applicant's Request for Conditional Use Approval Extension is hereby granted for the construction of the PRD for the Leaf Creek Farm Subdivision subject to the conditions set forth herein and based upon the testimony given, Exhibits introduced and Findings of Fact set forth herein, which are incorporated herein by reference as if fully set forth.




Kim McGrath, Chairperson



David Hackett



Paul Weller



Terry Jones



Kevin Keifrider

Attest:


Pamela Kisch, Secretary