

Developer NB Land LLC's Offered Conditions of Conditional Use Approval

Heritage Village

1. As a condition of preliminary land development plan approval, Developer and South Middleton Township ("Township") shall enter into a Developer Agreement to detail the proposed improvements to Property as shown on the conditionally approved land development plan, the construction of off-site traffic improvements, the financial security to be posted to guarantee construction of all such improvements, the payment of traffic impact contributions, and other specified improvements.
2. As a condition of preliminary land development plan approval, Developer and the South Middleton Township Municipal Authority shall enter into a Developer Agreement that covers topics including, but not limited to, on-site infrastructure installation, sewer and water capacity availability and service, sewer and water tapping/connection fees, the construction of upgrades to existing sewer and water infrastructure required to be completed by Developer to establish adequate system capacity to serve the development on the Property, and financial security for such required improvements.
3. Developer shall design and construct an integrated sidewalk and walking trail system within the proposed development and terminating at the Property boundaries for possible future connections.
4. As set forth in SALDO §711.a(9), no topsoil shall be removed from the Property.
5. Buffer screening as required by the Township's applicable land use ordinances, and as depicted generally on the Conditional Use Plan, shall comply with the Township's applicable land use ordinances and be further detailed on the Preliminary Plan.
6. Representations made by Developer in the application and the supporting documentation and testimony at the hearing by the Developer and its experts and agents shall be considered conditions of the conditional use approval. Changes from said representations, documentation, and testimony other than minor technical changes or those expressly permitted elsewhere in this conditional use approval or failure to comply with the conditions of conditional use approval shall be considered a violation of the conditional use and may result in revocation of the conditional use approval if not brought into full compliance within 60 days of written notice of non-compliance from the Township or within such other period if extended by the Board of Supervisors.
7. The final layout and location of lots and structures may be subject to minor technical changes or those expressly permitted in the conditional use approval consistent with Township ordinances. Such changes shall be reviewed by the Township Planning Staff for appropriateness and consistency with the approved conditional use plan. The Board of Supervisors will have the final determination as to whether any proposed changes are considered

substantial, for purposes of complying with the conditional use decision. This determination shall be the sole and absolute discretion of the Board of Supervisors.

8. All open space, common areas, and community amenities will be owned and maintained by a planned community association.

9. Proposed changes to the unit footprints for apartment buildings may occur so long as such changes result in no increase to the total number of apartment units or buildings, no significant changes to the driveway and parking lot layouts surrounding such apartments, and provided all required setbacks, impervious coverage limitations, and other dimensional zoning criteria are met. If any apartment building separation from the parking lot curb exceeds 10 feet, then a separate fire lane will be added within the parking lot or to the rear of the apartment building. All such changes shall be subject to approval by the Fire Marshal and Board of Supervisors.

10. The Township and Developer agree to follow what PADEP suggests and/or requires through the National Pollutant Discharge Elimination System permitting process at the time of the review of land development plan, notwithstanding what is depicted in concept on the site plan.

11. The terms, limitations, rights, and obligations of the conditional use decision shall be binding on the Developer and any and all assigns, designees, successors in interest, and all other persons or entities claiming an interest in the Property or any improvement thereof, provided same is developed pursuant to this conditional use decision.

12. Fire hydrants shall be provided and located during land development in consultation with the Fire Marshal.

13. Developer shall complete, at its cost, all design, permitting, and construction of the off-site traffic improvements relating to the following intersections, as outlined in the Dawood Engineering memorandum dated June 5, 2023, provided all approving entities including Township and PennDOT agree such improvements are presently warranted:

- a. Trindle Road (SR 0641) / Army Heritage Drive;
- b. Army Heritage Drive / Westminster Drive – Fairview Street;
- c. York Road (SR 0074) / I-81 NB Off-Ramp; and
- d. York Road (SR 0074) / Westminster Drive.

14. Developer shall enter into an agreement with the Township to address possible improvements to the intersection of Trindle Road (SR 0641) / Middlesex Road located in Middlesex Township, to address the variety of options that could occur at that intersection:

- a. It is our understanding that PennDOT is currently evaluating a roundabout for that intersection that would be installed as a PennDOT project. Should that be

the path forward, there are no additional improvements anticipated by Developer and Township.

- b. The Developer will make a fair share contribution in conjunction with the Kensington Development for installation of a traffic signal.
- c. If the intersection does not meet warrants for a traffic signal control, the Developer would enter into a traffic monitoring agreement to allow for occasional traffic study updates of the intersection, which agreement would provide for a fair share contribution to made in the future if it would meet traffic signal warrants.

15. Developer agrees to pay a \$750 per unit traffic impact contribution to the Township at the time of building permit application for each residential unit constructed within the proposed development, which the Township may use for any purpose including but not limited to future off-site traffic improvements.

16. The portion of Lisburn Road between Fairview Street and the Connector Road, from the existing temporary cul-de-sac eastward to the Connector Road, as shown on the Conditional Use Plan, is to be vacated, and Developer shall provide written agreement of the adjoining landowners requesting such vacation. The Township agrees to approve such vacation, and such vacation by both landowners shall be a condition of this conditional use approval.

17. If prior to preliminary land development plan approval, Developer can obtain such landowner and Township agreements necessary for an alternative configuration and/or vacation of portions of Lisburn Road between Fairview Street and the Connector Road, then the Township shall approve any vacation required thereby and the preliminary land development plan may depict such alternative configuration.

18. The Developer's preliminary land development plan shall depict the improvement of any portion of Lisburn Road between Fairview Street and the Connector Road which is to remain public, including any proposed cul-de-sac, to be improved by Developer to Township road standards, subject to adjustments thereto as approved by the Board of Supervisors during such preliminary land development plan review.

19. The portion of Lisburn Road to the east side of the Connector Road along the Property's frontage is intended to remain an unimproved public right of way and as such the Township will grant a modification of the Subdivision and Land Development Ordinance section 716.b.(2)(c) to allow a proposed local road connection with spacing from the existing Lisburn Road less than that shown in Table 716-1B, and to grant such modifications as necessary to allow such portion of Lisburn Road to remain unimproved. If the reduced spacing between the intersections cannot be agreed upon, the plan design may be revised during the Preliminary Plan approval process to utilize an improved Lisburn Road as a point of connection.