

**TOWNSHIP OF WORCESTER
MONTGOMERY COUNTY, PENNSYLVANIA**

RESOLUTION 2025-13_____

**A RESOLUTION TO GRANT PRELIMINARY APPROVAL OF
TROOPER RIDGE SUBDIVISION**

WHEREAS, Commerce Pursuit Capital, LP, ("Applicant") has submitted a Plan of Subdivision and Land Development to Worcester Township and has made application for Preliminary Plan Approval of the Plan known as Trooper Ridge Subdivision. The Applicant is the equitable owner of a 15.11 acre parcel, split zoned in the R-100 Residential Zoning District and C-Commercial Zoning District as well as the MR Multi-Residential Overlay District, said parcel being Tax Parcel No. 67-00-01540-004, as more fully described in a Deed recorded in the Montgomery County Recorder of Deeds Office; and,

WHEREAS, the Applicant proposes to subdivide the existing 15.11 acre parcel to create two lots. Lot 1 will be a 1.45 acre (gross) lot to contain an existing single-family dwelling with a detached garage located entirely in the R-100 Residential Zoning District. Lot 2 will be a 13.66 acre (gross) lot to contain 45 townhouses in nine building clusters pursuant to the MR Multi-Residential Overlay Zoning District (the "Development"); and

WHEREAS, said plan received a recommendation for Preliminary Plan Approval by the Worcester Township Planning Commission at their meeting on May 22, 2025; and

WHEREAS, the Preliminary Plan of Subdivision and Land Development was prepared by T & M Associates, consisting of 46 sheets dated December 19, 2024, last revised March 26, 2025, known as Trooper Ridge Subdivision, (the "Plan(s)" or "Preliminary Plan"); and

WHEREAS, the Preliminary Plan is now in a form suitable for Preliminary Plan Approval by the Worcester Township Board of Supervisors, subject to certain conditions.

NOW, THEREFORE, IN CONSIDERATION OF THE FOREGOING,

IT IS HEREBY RESOLVED by the Board of Supervisors of Worcester Township, as follows:

1. **Approval of Plan.** The Preliminary Plan proposed by T & M Associates as described above is hereby granted Preliminary Approval, subject to the conditions set forth below.
2. **Conditions of Approval.** The approval of the Preliminary Plan is subject to strict compliance with the following conditions:
 - A. Compliance with all comments and conditions set forth in the CKS Engineers, Inc. letter of May 15, 2025, relative to the Plan.
 - B. Compliance with all comments and conditions set forth in the Montgomery County Planning Commission review letter of May 21, 2025, as required by the Township.
 - C. Compliance with all comments and conditions set forth in the Bowman traffic review letter dated May 7, 2025.
 - D. Compliance with all comments and conditions set forth in the Fire Marshal review letter dated March 6, 2025 to the satisfaction of the Fire Marshal.
 - E. No parking shall be permitted along West Germantown Pike or North Trooper Road (S.R. 3002); no parking signs shall be placed along West Germantown Pike in such areas deemed appropriate by the Township traffic engineer.
 - F. Payment to the Township of a Traffic Impact Fee, in the total amount of \$81,250.00.
 - G. Prior to recording the Final Plan, the Applicant shall purchase 45 EDUs at the current rate per EDU.
 - H. At Final Plan approval, it will be determined whether an outdoor recreational amenity area will be provided; or, at the Board of Supervisors' discretion, the Township may require a fee-in-lieu of outdoor recreational facilities.
 - I. At Final Plan approval, it will be determined if a deferral of the Applicant's obligation to install sidewalks pursuant to Section 130-18.A of the Subdivision and Land Development Ordinance is warranted or if a fee-in-lieu of required sidewalks will be required.
 - J. The approval and/or receipt of permits required from any and all outside agencies, including but not limited to, Montgomery County Conservation District, Pennsylvania Department of

Environmental Protection, Pennsylvania Department of Transportation, Montgomery County Roads and Bridges Department, East Norriton Township (for signal and other infrastructure improvements in their jurisdiction), the receipt of will-serve letters from all applicable utilities, and all other authorities, agencies, and duly constituted public bodies having jurisdiction in any way over the development.

- K. In the event the Applicant elects to proceed with construction of the Development in phases, the record Plan shall be revised to reflect only the applicable phase or phases ("Phase Plan"); prior to recording the Preliminary/Final Plan or any Phase Plan, Applicant shall enter into a Land Development and Financial Security Agreement ("Agreement") with the Township for the applicable phase or phases. The Agreement shall be in a form satisfactory to the Township Solicitor, and the Applicant shall obligate itself to complete all of the improvements shown on the Plans in accordance with applicable Township criteria and specifications, as well as to secure the completion of the public improvements by posting financial security as required by the Pennsylvania Municipalities Planning Code, and in form satisfactory to the Township Solicitor.
- L. Prior to recording the Final Plan, Applicant shall enter into a Land Development and Financial Security Agreement ("Agreement") with the Township. The Agreement shall be in a form satisfactory to the Township Solicitor, and the Applicant shall obligate itself to complete all of the improvements shown on the Plans in accordance with applicable Township criteria and specifications, as well as to secure the completion of the public improvements by posting financial security as required by the Pennsylvania Municipalities Planning Code, and in form satisfactory to the Township Solicitor.
- M. Applicant agrees to provide Township with estimated costs for financial security and establish financial security for all public improvements, to the satisfaction of the Township Engineer, prior to Final Plan recording and issuance of any building, grading or other permits. Applicant shall provide financial security, as required by the Township, for all work that falls under their responsibility per the approved Final Plan.
- N. Following approval of the Final Plan, the Applicant shall provide to the Township for signature that number of Final Plans required for recording and filing with the various

Departments of Montgomery County, plus an additional three (3) Plans to be retained by the Township, and the Applicant shall have all Plans recorded, and the Applicant return the three (3) Plans to the Township within seven (7) days of Plan recording.

- O. The Applicant shall provide a copy of the recorded Final Plan in an electronic format acceptable to the Township Engineer, within seven (7) days of Plan recording.
- P. The Applicant shall make payment of all outstanding review fees and other charges due to the Township prior to Final Plan recording.
- Q. The Development shall be constructed in strict accordance with the content of the Final Plan, notes on the Plan and the terms and conditions of this Resolution and the Resolution of Final Plan Approval.
- R. The cost of accomplishing, satisfying and meeting all of the terms and conditions and requirements of the Plans, notes to the Plans, this Resolution, the Final Approval Resolution, and any required agreements shall be borne entirely by the Applicant, and shall be at no cost to the Township.
- S. Applicant shall provide the Township Manager and the Township Engineer with at least seventy-two (72) hour notice prior to the initiation of any grading or ground clearing, whether for the construction of public improvements or in connection with any portion of the Development.
- T. Applicant understands that it will not be granted Township building or grading permits until the Final Plan, financial security, and all appropriate development and financial security agreements, easements, and other required legal documents are approved by the Township and recorded with the Montgomery County Recorder of Deeds and all appropriate approvals and/or permits from Township or other agencies for the above mentioned project are received. Any work performed on this project without the proper permits, approvals, and agreements in place will be stopped.
- U. Applicant shall execute a Stormwater Management BMP Operations and Maintenance Agreement and Declaration of Stormwater Easement in favor of the Township, satisfactory to the Township Solicitor, which shall be recorded simultaneously with the Final Plan.

V. In the event that a Homeowners Association is proposed to maintain the stormwater management facilities/storm sewer system, access roads for the multi family dwelling units, open space and common areas within the Development, the Declaration of Covenants and Restrictions setting forth the Homeowners Association's obligations regarding same shall be in form satisfactory to the Township Solicitor.

3. **Waivers.** Unless stated otherwise in this Resolution, this Preliminary Plan Approval shall not constitute the granting of any additional waivers or deferrals except as set forth herein. All additional requested waivers and deferrals will be considered at the time of Final Plan Approval. If the Final Plan is not compliant with the Zoning or Subdivision and Land Development Ordinance of the Township, then this approval does not grant permission for said noncompliance because at the time of Final Plan Approval, the Township will either permit the noncompliance by additional waivers or will deny the additional waiver request and, possibly, deny the Final Plan.

The Worcester Township Board of Supervisors hereby grants the following waivers requested with respect to this Plan:

- A. §129-18.C.(2) of the Worcester Township Stormwater Management Ordinance - a partial waiver to permit HDPE storm pipe for structures S9 to S2 and T12 to T9.
- B. §129-18-H.(12) of the Worcester Township Stormwater Management Ordinance - a waiver to allow for the basin emergency spillway to be vegetated with a permanent liner.
- C. §129-18.H.(19) of the Worcester Township Stormwater Management Ordinance - a waiver for the freeboard of 100-year water elevation to top of outlet structure. The additional freeboard to emergency spillway requires a waiver as the primary spillway is a weir in the lower chamber.
- D. §130-16.B.2.a of the Worcester Township Subdivision and Land Development Ordinance - to permit the internal private access street to have radii less than 150 feet;
- E. §130-16.C.1.a.4 of the Worcester Township Subdivision and Land Development Ordinance - to permit a 40 foot right-of-way rather than the required 50 foot right-of-way as the internal street will be a private street, and to permit the internal access street to have a width of 24 feet;

- F. § 130-17.B.2. of the Worcester Township Subdivision and Land Development Ordinance - to permit less than a 40 foot distance from street intersections to driveways at units 1, 10 and 45;
- G. § 130-17.D.2 of the Worcester Township Subdivision and Land Development Ordinance - to permit the proposed guest parking direct access to the internal access way;
- H. § 130-18.A.3 of the Worcester Township Subdivision and Land Development Ordinance - to permit sidewalks to be 4 feet from the curbline; and
- I. § 130-18.B.1.a of the Worcester Township Subdivision and Land Development Ordinance - to permit Belgian Block curb along the internal access drives of the public rights-of-way.
4. **Acceptance.** The Conditions of Approval set forth in paragraph 2 above shall be accepted by the Applicant, in writing, within ten (10) days from the date of receipt of this Resolution.
5. **Effective Date.** This Resolution shall become effective on the date upon which the Conditions are accepted by the Applicant in writing.

BE IT FURTHER RESOLVED that the Plan shall be considered to have received Preliminary Plan Approval once staff appointed by the Worcester Township Board of Supervisors determines that any and all conditions attached to said approval have been resolved to the satisfaction of Township staff. This approval **DOES NOT** represent nor constitute Final Plan Approval. Any changes to the approved site Plan will require the submission of an amended site Plan for land development review by all Township review parties.

RESOLVED and **ENACTED** this 18th day of June, 2025 by the Worcester Township Board of Supervisors.

FOR WORCESTER TOWNSHIP

By: _____

Richard DeLello, Chairman
Board of Supervisors

Attest: _____

Daniel DeMeno, Secretary

Christian Jones, Deputy Secretary

ACCEPTANCE

The undersigned states that he/she is authorized to execute this Acceptance on behalf of the Applicant and equitable owner of the property which is the subject matter of this Resolution, that he/she has reviewed the Conditions imposed by the Board of Supervisors in the foregoing Resolution and that he/she accepts the Conditions on behalf of the Applicant and the equitable owner and agrees to be bound thereto. This Acceptance is made subject to the penalties of 18 Pa. C.S.A. Section 4904 relating to unsworn falsifications to authorities.

COMMERCE PURSUIT CAPITAL, LP

Date: 6/26/25

By: Brian D. McKenzie, VP

Brian D. McKenzie, Vice President

(PRINT NAME AND TITLE)