

**TOWNSHIP OF WORCESTER
MONTGOMERY COUNTY, PENNSYLVANIA**

RESOLUTION 2025-14

**A RESOLUTION TO GRANT PRELIMINARY/FINAL LAND
DEVELOPMENT APPROVAL OF
1038 WINDY HILL ROAD - 2 LOT SUBDIVISION**

WHEREAS, Arden Reserve, LLC (hereinafter referred to as "Applicant") has submitted a Subdivision Plan to Worcester Township and has made application for Preliminary/Final Plan Approval of a plan known as 1038 Windy Hill Road - 2 Lot Subdivision Plan. The Applicant is legal owner of an approximate 5.39 acre tract of land located at 1038 Windy Hill Road, Worcester Township, Montgomery County, Pennsylvania in the R-100 Residential Zoning District of the Township, being Tax Parcel No. 67-00-04162-001 as more fully described in the Deed recorded in the Montgomery County Recorder of Deeds Office; and

WHEREAS, the Applicant proposes the subdivision of the existing 5.39 acre tract to create two lots. Lot 1 will consist of 74,532 square feet and Lot 2 will consist of 160,348 square feet. The proposed dwellings are to be served by private water and private sanitary sewage disposal systems, (the "Development"); and

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

WHEREAS, the Preliminary/Final Plan for the proposed subdivision, prepared by Bursich and Associates, titled, "1038 Windy Hill Road - 2-Lot Subdivision" consisting of 12 sheets, dated January 15, 2025, last revised April 15, 2025, and a Post Construction Stormwater Report dated January 2025, last revised April 2025 (the "Plan(s)" or "Preliminary/Final Plan") is now in a form suitable for Preliminary/Final 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/Final Plan as described above, is hereby approved, subject to the conditions set forth below.

2. **Conditions of Approval.** The approval of the Preliminary/Final 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 13, 2025.
- B. Compliance with all comments and conditions set forth in the Montgomery County Planning Commission review letter of May 21, 2025.
- C. Compliance with all comments and conditions set forth in the Bowman letter of May 2, 2025 concerning Land Development Review and Waiver Request Review.
- D. Payment to the Township of a Traffic Impact Fee, in the total amount of \$6,250, which shall be paid on a per lot basis and at the time of submission of a building permit application for each of the dwellings to be built on 2 lots, in the amount of \$3,125 per lot.
- E. Payment to Worcester Township of a voluntary contribution in the amount of \$6,000.00 in-lieu of required plantings, pursuant to the waiver contained in Paragraph 3.E.
- F. The existing storm water basin located on Lot 1 can be used for storage and disposal of plowed snow from Windy Hill Road. This condition shall be disclosed on any building permit or other plot plans for Lot 1; in addition, a seller's disclosure in form satisfactory to the Township Solicitor

shall be included in the Agreement of Sale for Lot 1 and evidence of same shall be provided to the Township prior to issuance of a Use and Occupancy permit for Lot 1.

- G. The existing emergency access and associated Easement on Lot 2 shall be kept free and clear for the purpose of emergency use and not be obstructed or blocked in any manner at any time by the lot owner or visitors to the property, including but not limited to, parking of vehicles, plantings, structures, storage, etc. for a minimum distance of 150 feet from the driveway edge accessing the Windy Hill Road cul-de-sac to a point of the Lot 2 driveway that is fully outside the emergency access easement. This condition shall be disclosed on any building permit or other plot plans for Lot 2; in addition, a seller's disclosure in form satisfactory to the Township Solicitor shall be included in the Agreement of Sale for Lot 2 and evidence of same shall be provided to the Township prior to issuance of a Use and Occupancy permit for Lot 2.
- H. 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, 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.
- I. Prior to recording the Preliminary/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 in an amount satisfactory to the Township Engineer as required by the Pennsylvania Municipalities Planning Code, and in form satisfactory to the Township Solicitor.

- J. 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 Plan.
- K. 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 Plan.
- L. The Applicant shall provide to the Township for signature that number of 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.
- M. The Applicant shall provide a copy of the recorded Plan in an electronic format acceptable to the Township Engineer, within seven (7) days of Plan recording.
- N. The Applicant shall make payment of all outstanding review fees and other charges due to the Township prior to Plan recording.

- O. The Development shall be in strict accordance with the content of the Plans, notes on the Plans and the terms and conditions of this Resolution.
- P. The cost of accomplishing, satisfying and meeting all of the terms and conditions and requirements of the Plans, notes to the Plans, this Resolution, and the Agreement shall be borne entirely by the Applicant, and shall be at no cost to the Township.
- Q. 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.
- R. Applicant understands that it will not be granted Township building or grading permits until the record 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.

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

- A. Section 130-16.C(1)(a)[4] of the Worcester Township Subdivision and Land Development Ordinance - a waiver from providing a cartway along the Windy Hill Road site frontage to be a minimum of 28 feet;
- B. Section 130-16.C(1)(a)[5][b][v] of the Worcester Township Subdivision and Land Development Ordinance - a waiver to permit the cul-de-sac street to be longer than 500 feet;

- C. Section 130-18.A of the Worcester Township Subdivision and Land Development Ordinance - a waiver from the requirement to provide sidewalks along the site frontage of Windy Hill Road;
- D. Section 130-18.B of the Worcester Township Subdivision and Land Development Ordinance - a waiver from the requirement to provide curbing along the extension of Windy Hill Road;
- E. Section 130-28.F.(7) of the Worcester Township Subdivision and Land Development Ordinance - a waiver for replacement of trees over 6 inch caliper in excess of the permitted 25% removal; and
- F. Section 130-28.G.(5) of the Worcester Township Subdivision and Land Development Ordinance - a waiver to permit the existing woods/vegetation to suffice to satisfy the perimeter landscape buffer requirements.

4. **Acceptance.** The conditions 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.


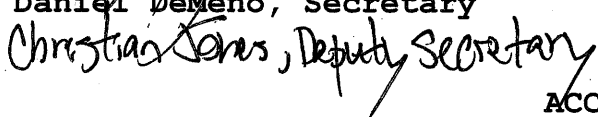
BE IT FURTHER RESOLVED that the Plans shall be considered to have received Preliminary/Final Approval once staff appointed by the Worcester Township Board of Supervisors determines that any and all conditions attached to said approval have been resolved to the satisfaction of Township staff and appropriate Township officials have signed said Plans and submitted them for recording with the Montgomery County Recorder of Deeds. Applicant shall provide the Township with executed Preliminary/Final Plans, record plans, development agreements, easements, and other associated documentation, according to Township procedures. 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.

WORCESTER TOWNSHIP
BOARD OF SUPERVISORS

By: 
Rick DeLello, Chair

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 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 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.

ARDEN RESERVE, LLC

Date: _____

By: _____
Michael J. Clement, Member