

**BOROUGH OF RED HILL
MONTGOMERY COUNTY, COMMONWEALTH OF PENNSYLVANIA**

RESOLUTION NO. 2024 – 12

CREEKSIDE VILLAGE

A RESOLUTION OF THE BOROUGH COUNCIL OF RED HILL, MONTGOMERY COUNTY, PENNSYLVANIA, OFFICIALLY AMENDING AND RESTATING THE CONDITIONAL APPROVAL OF A FINAL DEVELOPMENT PLAN SUBMITTED BY KERSHNER VILLAGE, LLC FOR THE PROPERTY LOCATED ON HENDRICKS ROAD KNOWN AS THE CREEKSIDE VILLAGE (FORMERLY KNOWN AS THE KERSHNER WEAVER TRACT) WITH PORTIONS IN THE BOROUGH OF RED HILL AND THE TOWNSHIP OF UPPER HANOVER.

WHEREAS, Kershner Village, LLC (the “Applicant”) is the equitable owner, applicant and developer of five (5) contiguous parcels of land consisting in the aggregate of approximately 35.29 (gross) acres, with 21.13 acres located in the Borough of Red Hill (the “Borough”) and 14.16 acres located in the Township of Upper Hanover (“UHT”), located along Hendricks Road, identified as Montgomery County Tax Parcel Nos. 17-00-00135-60-4, 17-00-00135-61-3, 17-00-00135-62-2, and 17-00-00135-90-1 (the “RHB Parcels”) and 57-00-01516-10-1 (the “UHT Parcel”) located respectively in the Borough of Red Hill (the “Borough”) and the Township of Upper Hanover (“UHT”), Montgomery County, Pennsylvania (the UHT Parcel and the RHB Parcels shall sometimes hereinafter be collectively referred to as the “Property”); and

WHEREAS, Borough Council adopted Resolution No. 2022-05 on June 8, 2022, granting the Applicant preliminary plan approval, which was accepted by the Applicant on June 15, 2022.

WHEREAS, pursuant to Resolution No. 2024-05, the Applicant was granted conditional final subdivision and land development approval for the development of a residential subdivision containing 65 dwelling units, consisting of 33 single-family detached dwelling units (i.e., village singles) and 32 single-family attached dwelling units (i.e., townhouses), paved streets known as

Martha Way and Abigail Way, paved trails, emergency access areas, eighteen (18) paved parking spaces (consisting of four (4) parallel parking spaces and fourteen (14) parking spaces in an off-street parking area), concrete sidewalks, open space areas, stormwater management facilities and related improvements with all dwelling units, paved streets, structural stormwater management facilities and related improvements on the RHB Parcels (the “RHB Improvements”) and certain portions of the pedestrian trail and related improvements on the UHT Parcel (the “UHT Improvements”) (the “RHB Improvements” and “UHT Improvements” shall sometimes hereinafter be collectively referred to as the “Improvements”) (the “Original Development”); and

WHEREAS, the Applicant submitted a revised application and plan that proposes the same development as the Original Development, but with a revised utility plan and additional waiver requests (the “Revised Development”); and

WHEREAS, the Applicant intends to complete the Revised Development as more particularly shown on plans prepared by S.T.A. Engineering, Inc., consisting of Forty-Nine (49) sheets, dated December 1, 2021, last revised April 15, 2024 (the “Plans”); and

WHEREAS, the Original Development shall be superseded by the Revised Development, and the approval provided by this Resolution shall supersede approval provided in Resolution 2024-05; and

WHEREAS, a schedule of the individual sheets, drawing title and last revision date for each sheet comprising the Plans is attached hereto as Exhibit “A” and incorporated herein by reference; and

WHEREAS, the Plans have been reviewed by the Montgomery County Planning Commission, the Red Hill Borough Planning Commission, the Borough Engineer, the Borough Zoning Officer, the Borough Solicitor, and other Borough advisors, and have been found acceptable subject as herein below provided; and

WHEREAS, Owner/Developer has previously obtained and supplied or will obtain and supply to the Borough all applicable permits from all Authorities, Agencies and Municipalities having jurisdiction in any way over the Revised Development, and any necessary offsite easements to legally provide access, discharge stormwater or connect to utilities; and

WHEREAS, the Applicant desires to obtain amended preliminary/final land development approval of the Plans from Red Hill Borough in accordance with Section 508 of the Pennsylvania Municipalities Planning Code.

WHEREAS, Borough Council adopted Resolution No. 2024-05 on February 14, 2024 granting the Applicant final plan approval, a true and complete copy of which is attached hereto and incorporated herein as Exhibit “B”.

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED by the Borough Council of the Borough of Red Hill, Montgomery County, Pennsylvania, as follows:

SECTION A. AUTHORITY; SHORT TITLE; DEFINITIONS.

1. This Resolution is adopted pursuant to and in accordance with the Borough of Red Hill Subdivision and Land Development Ordinance, as amended through Ordinance No. 2020-566 enacted August 12, 2020 (collectively, the “SALDO”), as set forth in Chapter 22 (Subdivision and Land Development) of the Code of Ordinances of the Borough of Red Hill.

2. This Resolution is adopted pursuant to and in accordance with the Borough of Red Hill Stormwater Management Ordinance and Appendices thereto, as amended through Ordinance

No. 2021-576 enacted October 13, 2021 (the “SWMO”), as set forth in Chapter 19 (Stormwater Management) of the Code of Ordinances of the Borough of Red Hill.

3. This Resolution shall be known and may be cited as the “Amended Resolution for Final Subdivision and Land Development Approval for Creekside Village.”

4. Except as may be otherwise provided herein and/or if the context clearly indicates otherwise, all words and phrases appearing in this Resolution, which also appear in the SALDO, shall have the same meanings in this Resolution as in the SALDO.

SECTION B. WAIVERS AND DEFERRALS.

1. At this time, in addition to those waivers granted pursuant to Resolution No. 2022-05 (the Preliminary Plan Approval Resolution) and Resolution 2024-05 (the Original Final Plan Approval Resolution), the Borough Council waives strict compliance with the following provisions of the SALDO:

a. SALDO §22-439.3.A, which requires the building setback lines to be measured from the nearest side of the ultimate right-of-way or easement to the proposed building, to allow Applicant to measure the building setback line from the nearest ultimate right-of-way, rather than the nearest easement.

b. SALDO §22-439.3.B, which requires nothing to be placed, planted, set or put within the area of an easement except lawns or suitable low ground cover, to allow Applicant to plant trees within the fifteen (15) foot wide PP&L easement, provided that trees shall be planted not less than ten (10) feet from any electrical transformers, as permitted by PP&L.

2. The Borough Council waived strict compliance with the following provisions of the SALDO as a part of Resolution No. 2022-05, on and subject to the terms and conditions set forth in Resolution No. 2022-05 and Resolution 2024-05:

a. SALDO §22-304.1.F(2)(e), which requires the Applicant to show the location of all wells within 400 feet of the tract boundaries, in order to allow the Applicant to not show the locations of wells within 400 feet of the tract boundaries.

b. SALDO §22-304.1.F(3)(g), which requires the Applicant to show the location of existing septic systems and drain fields within 400 feet of the site, on the plans, to allow Applicant to not to show the location of existing septic systems and drain fields within 400 feet of the site on the Plans.

c. SALDO §22-304.1.F(6)(a), which requires Applicant to show the location, size, species and condition of all trees six inches in diameter or greater when standing alone or in small groups on the Plans, provided that on the final plans the Applicant shows and notes the location of site trees that exist and are being disturbed along the property boundaries.

d. SALDO §22-440.2, which requires elevations to be based off of the Borough sanitary sewer system datum, to allow Applicant to depict all contours and elevations based upon the NAVD29 datum and note the difference between the two datums on the Plans.

e. SALDO §22-441.3, which requires Applicant to provide a traffic impact study to accompany the Plans, to allow Applicant to forgo providing a new traffic impact study for the Development, provided that Applicant provides an update letter, dated 2021 or later, to the previously conducted 2015 traffic impact study for the Property.

3. The Borough Council waived strict compliance with the following provisions of the SALDO, on and subject to the terms and conditions set forth in Resolution 2024-05:

a. SALDO §22-408, which requires the dedication of one-percent (1%) of the Property's gross acreage for recreational land or a fee in lieu of recreation lands, to allow Applicant not to dedicate recreational land or pay a fee in lieu of the dedication of recreational lands to the Borough of Red Hill; provided that the ordinance-required open space is provided within the Development and wholly owned and maintained by a homeowner's association pursuant to a common interest community declaration subject to the approval of the Borough Solicitor.

b. SALDO §22-409, which requires the development of recreational facilities on the Property, to allow Applicant to forgo the development of two tot lots, two playfields and one basketball or tennis court on the Property; provided that Applicant develops a 2,300 linear foot recreational walking path on the Property.

c. SALDO §22-422.2.A., which requires that single-access loop streets shall serve a maximum of thirty (30) families, to allow the Applicant to develop a single-access loop street which serves sixty-two (62) families; provided (i) the streets internal to the Development shall be privately held and maintained by a Planned Community Association, (ii) emergency access is provided in a manner acceptable to the Borough and the Borough Fire Marshal, and (iii) a fully looped fire hydrant shall be installed in the cul-de-sac at a location acceptable to the Fire Marshal

d. SALDO §22-422.3.C, which does not allow the development of a cul-de-sac which extends from a single-access loop, to allow the Applicant to develop an approximately 370 foot long cul-de-sac which extends from a single-access loop street to reach the northwest

corner of the Property; provided (i) the streets internal to the Development shall be privately held and maintained by a Planned Community Association, (ii) emergency access is provided in a manner acceptable to the Borough and the Borough Fire Marshal and (iii) a fully looped fire hydrant shall be installed in the cul-de-sac at a location acceptable to the Fire Marshal.

e. SALDO §22-423.1, which requires curbing and a 36 foot wide total paving width for feeder and residential streets and a 50 foot paving width for cul-de-sac streets, to allow Applicant to develop a reduced street paving width of thirty-two (32) feet for Martha Way and Abigail Way and a sixteen (16) foot half-width cartway for Hendricks Road; provided that: (i) Applicant restricts on-street parking to one side of the street for Martha Way and Abigail Way by placing no-parking signs where necessary to prohibit parking; (ii) emergency services have adequate space to perform their duties; (iii) the reduced cartway half-width on Hendricks Road mimics the improvements for Hendricks Road associated with the Glenwood Chase development in Upper Hanover Township; and (iv) a grass strip is provided between the curb and sidewalk.

f. SALDO §22-427.1.A., which requires sidewalk along all existing and proposed streets and parking areas in the Borough, to allow Applicant to forgo the installation of sidewalks along the portion of Hendricks Road beyond proposed Lot 33 along the southeastern boundary of the Property along Hendricks Road.

g. SALDO §22-429.12.G, which prohibits trail grades from exceeding five (5) percent, to allow Applicant to develop the portion of the proposed trail behind Lots 5 through 10 with a maximum grade between seven (7) and eight (8) percent, in which this portion of the trail is approximately three hundred (300) feet in length provided that all trails within the Development shall be owned and maintained by a Planned Community Association with public access permitted.

h. SALDO §§22-437.1.C.(4)(b), which requires replacement trees to be planted on the Property to mitigate for the existing trees removed, to allow Applicant to not replace removed trees with new trees within close proximity to where the existing trees were removed; provided that the Applicant, at its sole cost and expense, plants replacement trees for each removed tree, along the portion of the Development's trail located in Upper Hanover Township in locations satisfactory to the Borough and at locations specified by Borough Council in Borough parks or other Borough owned land.

i. SALDO §22-437.4.A, which requires trails to be landscaped pursuant to certain criteria, to allow the Applicant to install landscaping on both sides of the trail, but less than that required for filtering buffers; provided that Applicant installs landscaping on both sides of the trail of a type and in a quantity that is to the satisfaction of the Borough.

4. The Borough Council waived strict compliance with the following provisions of the SWMO, on and subject to the terms and conditions set forth in Resolution 2024-5:

a. SWMO §19-401.4.A(2), which requires Applicant to locate all BMPs fifty (50) feet or greater from the road rights-of-way, to allow the Applicant a partial waiver to permit BMPs 001, 002, 004 to be located within fifty (50) feet of the road rights-of-way; provided that Applicant develops landscaping and screening of each BMP from the proposed dwellings and cul-de-sac. This waiver shall not be interpreted to permit any underground basins.

SECTION C. CONDITIONS OF FINAL PLAN APPROVAL. Approval of the Plans is hereby granted subject to the following conditions:

1. The Applicant shall revise the Plans to comply with conditions of the granted waivers provided in Paragraphs B.1., B.2., B.3 and B.4.

2. The Applicant shall guarantee any and all proposed landscaping located on the RHB Parcel pursuant to the Plans for a period of eighteen (18) months from the date of installation thereof, as certified by the Borough Engineer.

3. In order to implement ZO §27-319.8.B and SALDO §§ 22-304.1(5)(b) and (d), 22-407.6.C and 22-407.7, prior to or simultaneously with the recording of the Plans, the Applicant shall permanently restrict further subdivision or development of all open space areas and subject the open spaces to a maintenance agreement in a recorded deed restriction, in form and substance satisfactory to the Borough Solicitor, which shall be recorded prior to or simultaneously with the recording of the Plans. In the alternative, said restriction on further subdivision or development of all open space areas and maintenance thereof may be contained in Declaration of Planned Community, as further described below, in form and substance satisfactory to the Borough Solicitor. In addition, the deed of every lot shall include the applicable deed restriction language, to the satisfaction of the Borough Solicitor.

4. In accordance with SALDO §22-304.1.D.(6), a deed of consolidation shall be prepared by counsel for the Applicant, acceptable in form and substance to the Borough Solicitor, and shall be recorded prior to or simultaneously with the recording of the Plans.

5. In accordance with SALDO §§22-304.1.G.(5)(e) & (f) and 22-306.1.B.(e)5), the Applicant shall provide the Borough with copies of all letters and permits regarding water and sewer availability and all reviewing agencies, including without limitation confirmation of service capacity prior to the recording of the Plans. No building permits or road opening permits will be issued prior to recording of the Plans.

6. In accordance with SALDO §22-406.4, environmentally sensitive features shall be conserved and subject to deed restrictions requiring the same pursuant to a deed restriction prepared by counsel for the Applicant, acceptable in form and substance to the Borough Solicitor, which shall be recorded prior to or simultaneously with the recording of the Plans.

7. Pursuant to the conditions of the waiver of land development granted by the Upper Hanover Township Board of Supervisors, revised as of May 9, 2023, the Plans shall be subject to the following conditions:

a. The Plans must show and specify/detail a rope line with signage which marks and denotes the limit of the open space parcel along the northwestern property line adjoining lands owned by PFP Holdings, LLC and along the northeastern property line adjoining the various parcels owned by the Reeds.

b. Developer shall provide an item by item breakdown and cost estimate of all proposed work involving Hendricks Road for the parts within Upper Hanover Township and provide same to the Upper Hanover Township Engineer for review and inspection; which costs of review and inspection shall be reimbursed to Upper Hanover Township through an escrow account established by Developer and held by Upper Hanover Township.

c. Due to the intersection realignment of Hendricks Road, Developer shall reimburse Red Hill Borough and Upper Hanover Township for all costs associated with the following: (i) abandonment/vacation of rights-of-way and conveyance of abandoned/vacated strips of land to adjacent property owners, and (ii) preparation and review of an intermunicipal agreement between Red Hill Borough and Upper Hanover Township for post dedication maintenance of inlets A4 and A5 which will be located in Upper Hanover but maintained by Red Hill Borough;

assignment of rights and delegation of duties from Upper Hanover Township to Red Hill Borough to require and enable Red Hill Borough to enforce proper maintenance of curbing, sidewalks, grass and landscaping associated with the Development along the realigned Hendricks Road but located in Upper Hanover; and memorialize that the future maintenance of Hendricks road will continue to be split down the middle of the road in locations where the municipal boundary is not consistent with the middle of the road.

d. As part of the Glenwood Chase development in Upper Hanover Township, a new full width wearing course on Hendricks Road has recently been installed. At the completion of the Development, Developer shall mill, overlay with a new wearing course and stripe along the entire Red Hill borough half-width (including one foot over the center line toward the Upper Hanover side so the sealer of the paving joint will not impact the existing and future line painting) of Hendricks Road from the beginning point of the Glenwood Chase wearing course to the property line between the Tract and the Hoffman property.

e. A note on the Plans and a written disclosure in the Declaration of Planned Community indicating the proximity of the Gun Club property;

f. A physical barrier approved by the Borough at the termination of the former railroad right-of-way (Perkiomen Trail) at the north-western Property line; and

g. A note on the Plans indicating that all Open Space in Red Hill Borough and Upper Hanover Township is to be owned and maintained by the Planned Community Association, and that such Open Space is deed restricted from further subdivision.

8. Prior to the recording of the Plans, the Applicant shall provide to the Borough a proposed Declaration of Planned Community (the "Declaration") that complies with the requirements of the Pennsylvania Uniform Planned Community Act, 68 Pa. C.S.A. § 5101 *et seq.* (the "Act"), in accordance with SALDO §§22-407.6.E. and 22-418.4, which Declaration shall be to the satisfaction of the Borough Solicitor, and shall be recorded prior to the issuance of any certificates of occupancy, and shall contain all of the following conditions, covenants, easements and restrictions required by the Act, various provisions of the SALDO including, but not limited to:

a. The Association shall be responsible for the maintenance, repair and restoration of the private roadways, curbing, sidewalks, parking areas, subsurface and surface storm water management facilities and BMPs, emergency access easement areas, open space areas, trails and other recreational amenities, streetlights, signage, , street trees, lawn areas and landscaping constructed or installed on the Property. A long-term maintenance plan for all general landscaping and stormwater management landscaping shall be included in the Declaration and be consistent with the landscaping maintenance notes described on the Plans. Said long-term maintenance plan shall require the Homeowner's Association to be responsible for mowing grass and tending to the landscaping on all townhouse lots to promote a uniform and aesthetic appearance.

b. The long-term BMP Operation and Maintenance Plan, once approved by the Borough Engineer, shall be included in the Declaration and be consistent with the maintenance notes described on the Plans.

c. The Association shall be responsible for all snow removal from the private roadways, parking areas and sidewalks on the Property.

d. On-street parking of vehicles shall be restricted as depicted on the Plans. On-street parking shall be prohibited entirely in the cul-de-sac turnaround area and elsewhere in the community. Vehicles in violation of these restrictions shall be towed at the vehicle owner's expense.

e. The Association shall have the authority to enforce the parking restrictions and posted speed limit(s) in the development through the imposition of fines.

f. All common areas on the Property shall be identified as common facilities or limited common facilities.

g. No tree removal shall be permitted anywhere on the Property unless such trees are dead or diseased; in such case, they shall be promptly removed and replaced to avoid safety hazards.

h. An irrevocable easement from the declarant, its successors and assigns, shall be granted in favor of the Borough authorizing the Borough to access and enter upon all or any portion of the Property located in the Borough to inspect, repair, replace and maintain the storm water management facilities located on that portion of the Property in the Borough in the event the declarant or the Association fails to do so, to seek reimbursement from the Association for all costs and expenses incurred, and to file and maintain a lien against the Property until such costs and expenses are paid in full.

i. An irrevocable easement from the declarant, its successors and assigns, shall be granted in favor of UHT authorizing UHT to access and enter upon all or any portion of the Property located in UHT to inspect, repair, replace and maintain the storm water management facilities located on that portion of the Property in UHT, if any, in the event the declarant or the Association fails to do so, to seek reimbursement from the Association for all costs and expenses incurred, and to file and maintain a lien against the Property until such costs and expenses are paid in full.

j. An irrevocable easement from the declarant, its successors and assigns, shall be granted in favor of the Red Hill Water Authority, Upper Montgomery Joint Authority (“UMJA”) and other utility providers to enter upon and have rights of access to all or any portion of the Property located in the Borough to inspect, repair, replace and maintain the sanitary sewer, water and utility improvements located on that portion of the Property located in the Borough.

k. An irrevocable easement from the declarant, its successors and assigns, shall be granted in favor of the Borough, UHT, all unit owners, their family members, licensees, invitees and guests, and the general public to use and enjoy the sidewalks, open space areas and trails located on the Property for pedestrian travel.

l. The declarant, its successors and assigns, and the Association shall be prohibited from subdividing, selling, mortgaging, conveying, constructing improvements on, or changing the use of all or any portion of the open space areas on the Property without the prior written approval of the Borough and UHT in accordance with SALDO §22-407.

m. No lots or common areas within the development may be further subdivided.

n. No trees, plantings, shrubs, hedges, walls, fences, structures or other visual obstructions shall be erected to a height in excess of two (2) feet within the sight distance easement areas, as shown on the final land development plans and the Declaration Plats and Plans. The Association shall maintain the sight distance easement areas to prevent visual obstructions.

o. Snow storage easement areas, as identified on the final land development plans, shall be landscaped as lawn or meadow area, free of obstructions, to facilitate the plowing of snow in such areas.

p. The Association and each homeowner shall be prohibited from taking any action that would damage, impair or otherwise interfere with the operation and preservation of the storm water management facilities and BMPs installed anywhere on the Property.

q. No improvements shall be installed within the riparian corridor and wetland areas as shown on the final land development plans.

r. No accessory uses, as defined in the Borough of Red Hill Zoning Ordinance, shall be permitted anywhere on the Property including private lots associated with the townhomes. Notwithstanding the foregoing, owners of single family detached homes may construct accessory uses on their lots if the accessory uses are approved and permitted by both the Homeowner's Association and the Borough of Red Hill.

s. An architectural standards committee shall be formed to preserve and enforce the harmonious design of the development.

t. No vegetation except grass shall be permitted within the emergency access easement area.

u. Any amendment to the Declaration or a termination of the planned community shall require prior written notice to and the prior written approval of the Borough and UHT.

9. In addition to the Declaration described above, documentation relating to the formation and operation of the homeowners association (the "Association") shall be furnished to the Borough prior to the issuance of certificates of occupancy that satisfies the requirements of SALDO §22-407.6.E, subject to the approval of the Borough Solicitor. Such documentation shall include, without limitation, the following:

a. A Public Offering Statement prepared by the declarant for distribution to prospective purchasers of units;

b. Articles of Incorporation for the Association, which shall be filed with the Pennsylvania Department of State prior to the conveyance of the first lot in the Development;

c. Bylaws for the Association;

d. Declaration Plats and Plans that satisfy the requirements of Section 5210 of the Act, which shall be recorded concurrently with recording the Declaration; and

e. Any easement agreements which shall be recorded immediately following the recording of the Plans.

10. Prior to the recording of the Plans, the Applicant shall revise the Plans to resolve to the satisfaction of the Borough, all issues set forth in the Borough Engineer's review letter dated

November 14, 2023, the entire contents of which are incorporated herein by reference and a true and correct copy of which is attached hereto as Exhibit “C”.

11. Prior to the recording of the Plans, the Applicant shall revise the Plans to resolve to the satisfaction of the Borough, all issues set forth in the Borough Engineer’s utility plan review letter dated May 7, 2024, the entire contents of which are incorporated herein by reference and a true and correct copy of which is attached hereto as Exhibit “D”.

12. Prior to the recording of the Plans, the Applicant shall revise the Plans to resolve to the satisfaction of the Borough, all issues set forth in the Borough Fire Marshal’s review letter dated June 8th, 2024, the entire contents of which are incorporated herein by reference and a true and correct copy of which is attached hereto as Exhibit “E”.

13. Prior to the final release of financial security, the Applicant shall provide utility as-built plans to the Borough which shall include the final propane tank dimensions and locations, subject to the approval of the Borough Engineer.

14. In order to ensure that the proposed community trail system and the Perkiomen Railroad easement and trail be accessible for use by the general public, as provided in SALDO §§ 22-406, 22-410.1 and 22-429.6, the Applicant shall execute a Declaration of Public Trail Easement and Maintenance Agreement among the Borough, UHT and the Applicant, its successors and assigns (the “Trail Easement”), in form and substance satisfactory to UHT and to Borough Council upon recommendation of the Borough Engineer and the Borough Solicitor. The Trail Easement shall dedicate an easement to the Borough and to UHT that grants the general public the right to access and use the trails. The Trail Easement also shall address the maintenance, repair and

replacement of the trails and trail areas. The Trail Easement shall be recorded by the Borough at the Applicant's expense immediately following the recording of the Plans.

15. In accordance with SALDO §22-417.1.A, a deed of dedication shall be executed by the Applicant, as grantor and owner of the consolidated lots, to the Borough, as grantee, granting and conveying fee simple title in perpetuity to the lands and road widening improvements constructed thereon constituting the ultimate right-of-way of Hendricks Road along the frontage of the Property, as depicted on the Plans. The deed of dedication shall be satisfactory to the Borough Solicitor. The deed of dedication shall be recorded at the Applicant's expense upon acceptance of dedication by Borough Council following satisfactory completion of all road widening improvements and final inspection and issuance of a certificate of completion by the Borough Engineer. A policy of title insurance satisfactory in form and substance to the Borough Solicitor shall be provided in accordance with SALDO §22-506.3.

16. Prior to recording of the Plans, the Applicant shall provide all necessary easements to the Borough, the agreements for which shall be satisfactory to the Borough Solicitor, in accordance with SALDO §22-439. These easement agreements shall be recorded prior to or simultaneously with the recording of the Plans or at some other time deemed acceptable by the Borough Solicitor. Those easements include, without limitation:

a. All snow storage easement areas, including the easement area to be located at the cul-de-sac bulb (*see* SALDO §22-422.3.J);

b. A permanent access easement for the system of community walking trails to be constructed on the Property (*see* SALDO §22-429.6);

c. The abandoned Upper Perkiomen railroad bed situated on the Property (*see* SALDO §22-410.1);

d. The Tract shall be subject to a blanket access easement in the favor of the Borough to provide for the access to and inspection, maintenance and replacement of all storm water basins, rain gardens, emergency spillways, storm pipes and other storm water management facilities and BMPs to be constructed on the Property (*see* SWMO §19-401.4.N), as well as ingress to and egress from a public right-of-way (*see* SWMO §§19-404.2.A(9) and 19-505);

e. Easements over the emergency access areas to be constructed on the Property;

f. All drainage and storm sewer easements to be installed on the Property (*see* SALDO §§22-435.15.E and 22-439.8), including a drainage easement conforming substantially to the lines and dimensions of the riparian corridor identified on the Plans and any watercourse traversing the Property;

g. All sight distance easement areas shown on the Plans, within which no trees, shrubs, low-lying vegetation or other visual obstructions shall be permitted; and

h. The ultimate right-of-way along Hendricks Road to be offered for dedication to the Borough.

17. In accordance with SALDO §§22-432.1 and 22-439.6, prior to the recording of the Plans, the Applicant shall provide a letter from the Red Hill Water Authority (“RHWA”) indicating that adequate public water supply will be available from RHWA to service the Development and

letters of endorsement from the proposed utility providers acknowledging that underground utilities are feasible and to be installed.

18. All water mains, laterals and other fixtures and appurtenances to be constructed on the Property shall be offered for dedication to RHWA and be contained within legally described easement areas. The easements shall be granted to RHWA, its successors and assigns, authorizing RHWA to enter upon the Property to inspect, repair, replace and maintain all water mains, laterals and other fixtures and appurtenances located on the Property. Acceptance of dedication shall require the execution by the Applicant of appropriate deeds of dedication and a bill of sale for the improvements being conveyed to RHWA.

19. All sanitary sewer improvements to be constructed on the Property shall be offered for dedication to UMJA in accordance with SALDO §22-433.2 and be contained within legally described easement areas. The easements shall be granted to UMJA, its successors and assigns, authorizing UMJA to enter upon the Property to inspect, repair, replace and maintain all sanitary sewer improvements located on the Property. Acceptance of dedication shall require the execution by the Applicant of appropriate deeds of dedication and a bill of sale for the improvements being conveyed to UMJA.

20. For the road widening improvements to be constructed along Hendricks Road, all storm water conveyance systems and improvements constructed within the ultimate right-of-way along Hendricks Road shall be offered for dedication to the Borough. Appropriate deeds of dedication and a bill of sale for the improvements being conveyed to the Borough shall be satisfactory to the Borough Solicitor and executed by the Applicant or developer of the Property

following satisfactory completion of all road widening improvements and final inspection and issuance of a certificate of completion by the Borough Engineer.

21. Prior to the recording of the Plans, the Applicant shall provide a copy of the NPDES storm water permit for the Development issued by Pennsylvania Department of Environmental Protection (“PADEP”) to the Borough for review and approval by the Borough Engineer in accordance with SWMO §19-403.

22. Prior to the Borough releasing the Plans for recording, and upon recommendation of the Borough Solicitor as to form, the Applicant shall execute either (i) a Stormwater Best Management Practices (BMPs) Operation and Maintenance Agreement, or (ii) a Declaration of Covenants, Easements and Restrictions Concerning Stormwater Facilities, in accordance with SALDO §22-435.8 and SWMO §§19-301, 19-401, 19-504 and 19-505 (the “BMP Agreement”). The BMP Agreement shall grant and convey to the Borough, its contractors, agents, successors and assigns, a blanket easement in perpetuity over the Property, to enter upon the portion of the Property in the Borough for the inspection, maintenance, repair and replacement of the storm water management facilities and BMPs in the event that the Applicant or the homeowners’ association fails to do so. The BMP Agreement shall include provisions to allow Borough to access the Property to plan and construct expanded BMP’s on the Property, within common areas, at Borough’s expense, for the purpose of mitigating pre-existing, upstream, off-site stormwater excesses which cause frequent flooding conditions in the areas near the Development. The BMP Agreement shall be acceptable in form and substance to Borough Council upon recommendation of the Borough Engineer and the Borough Solicitor and be recorded by the Borough at the Applicant’s expense on the same date as and immediately following the recording of the Plans.

23. Prior to the recording of the Plans, the Applicant shall enter into a Land Development and Financial Security Agreement, including financial security provisions, and a Memorandum of Land Development Agreement with the Borough, each prepared by, and in form and substance acceptable to, the Borough Solicitor, which shall be executed by the Applicant before Borough Council signs the Plans and releases same for recording, as required by SALDO §§ 22-307.1.G and 22-509.

24. The Applicant shall submit an improvements cost estimate to the Borough for review and approval by the Borough Engineer in accordance with SALDO §22-310.6. Prior to releasing the final plans for recording, the Applicant shall post financial security, as described in the Land Development Agreement, with the Borough to cover the cost of construction of all improvements in accordance with SALDO §22-502.3.

25. Prior to the recording of the Plans, the Applicant shall post financial security with the Borough, as described in the Land Development and Financial Security Agreement, in accordance with SALDO §§ 22-307.1.G and 22-502.

26. Prior to the Borough releasing the Plans for recording, the Plans shall be signed and sealed by the Professional Engineer or Professional Land Surveyor responsible for their preparation in accordance with SALDO §22-306.1.D.(1).

27. Prior to the Borough releasing the Plans for recording, all signature blocks and certifications on the Plans shall be signed and notarized, as appropriate, as part of the final plan approval and recording process in accordance with SALDO §22-306.1.D.

28. Prior to the Borough releasing the Plans for recording, the Applicant's Engineer shall provide revised legal descriptions for review and approval by the Borough Engineer for the right-of-way areas to be offered for dedication to the Borough, as depicted on the Plans. The legal descriptions submitted with the final plan submission shall include the following:

a. Each legal description shall be signed and sealed by the Professional Land Surveyor responsible for its preparation.

b. Each legal description shall be revised to include the specific last revised date of the Plans and shall ultimately refer to the final version of the final plans to be recorded.

The legal descriptions, once approved by the Borough Engineer, shall be provided to the Borough Solicitor for attachment to the deeds of dedication and other appropriate legal documentation prior to recording thereof.

29. The Plans shall be fully executed and delivered to the Borough and shall be recorded at the expense of the Applicant.

30. All recording costs and applicable taxes and fees, if any, shall be paid by the Applicant prior to the issuance of any building permit for the Development.

31. The Development shall be known as "Creekside Village" as mutually agreed upon by Borough Council and Developer at the December 13, 2023 Borough Council meeting.

32. The homes in the development shall be constructed so that the appearance of the architectural features and color palette substantially resemble the renderings attached hereto as Exhibit "F".

33. Prior to recording the Plans, Applicant shall make all necessary revisions and adjustments to the Plans, to the satisfaction of the Borough Engineer and UMJA, to share utilization of the Glenwood Chase Pump Station with the Glenwood Chase subdivision.

34. Consistent with Section 509(b) of the Pennsylvania Municipalities Planning Code (as amended), the completion of all conditions, the payment of all applicable fees and the funding of all escrows must be accomplished within ninety (90) days of the date of the resolution approving the Plans unless a written extension is granted by the Borough. Until the conditions have been satisfied, the applicable fees have been paid and the escrows fully funded, the Plans shall not be signed nor recorded. In the event that the conditions have not been satisfied, the fees have not been paid and the escrows have not been funded within ninety (90) days of the date of said resolution, or any written extension thereof, the contingent approval shall expire and be deemed to have been revoked.


35. Under the provisions of the Pennsylvania Municipalities Planning Code, the Applicant has the right to accept or reject conditions imposed by Borough Council upon final approval. The Applicant shall signify its acceptance of the conditions contained herein by signing a copy of this Resolution and returning it to the Borough during regular business hours within thirty (30) days of the date of this Resolution. In the event the 30th day falls on a weekend or a recognized holiday, the executed resolution shall be due on the following business day. In the event execution of this Resolution is not timely delivered to the Borough or if the Borough receives written notice of an appeal or rejection of any of the conditions set forth herein within thirty (30) days from the date of this Resolution, this approval and the waivers granted in Section B.1., B.2., B.3., and B.4., shall be deemed to be automatically rescinded and revoked and the application shall


be considered denied based upon the failure to fully comply with all of the sections set forth in Section B, all as authorized by Section 508 of the Pennsylvania Municipalities Planning Code.

SECTION D. EFFECTIVE DATE. This Resolution shall be effective immediately upon the adoption hereof.

APPROVED at the public meeting of the Borough Council of the Borough of Red Hill council held on June 12, 2024.

BOROUGH OF RED HILL

By: 
Doris Decker, President
Borough Council

Attest: 
Elizabeth DeJesus, Secretary

By signing below, the Applicant accepts and consents to all of the terms and conditions of approval contained in the foregoing Amended Resolution for Final Subdivision and Land Development Approval for Kershner Village, LLC.

APPLICANT:

KERSHNER VILLAGE, LLC

Date: _____

By: _____

Name:

Title:

EXHIBIT "A"

**ENUMERATION OF THE FINAL PLANS FOR THE
CREEKSIDE VILLAGE SUBDIVISION AND LAND DEVELOPMENT**

Page No.	<u>Title</u>	Original Date/ Last Revised Date
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13 of 50	Aerial Plan	12/1/2021 // 04/15/2024
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21 of 50	Abigail Way Plan and Profile – STA 7+50 to STA 13+88.51	12/1/2021 // 04/15/2024
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24 of 50	Hendricks Road & Cedar Lea Plan and Profile	12/1/2021 // 04/15/2024
25 of 50	Hendricks Road Plan and Profile – STA 12+00 to STA 16+16.47	12/1/2021 // 04/15/2024
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EXHIBIT "B"

**RESOLUTION 2024-05
ORIGINAL FINAL PLAN APPROVAL RESOLUTION**

**BOROUGH OF RED HILL
MONTGOMERY COUNTY, COMMONWEALTH OF PENNSYLVANIA**

RESOLUTION NO. 2024 – 05

CREEKSIDE VILLAGE

A RESOLUTION OF THE BOROUGH COUNCIL OF RED HILL, MONTGOMERY COUNTY, PENNSYLVANIA, GRANTING CONDITIONAL APPROVAL OF A FINAL DEVELOPMENT PLAN SUBMITTED BY KERSHNER VILLAGE, LLC FOR THE PROPERTY LOCATED ON HENDRICKS ROAD KNOWN AS THE KERSHNER WEAVER TRACT WITH PORTIONS IN THE BOROUGH OF RED HILL AND THE TOWNSHIP OF UPPER HANOVER.

WHEREAS, Kershner Village, LLC (the “Applicant”) is the equitable owner, applicant and developer of five (5) contiguous parcels of land consisting in the aggregate of approximately 35.29 (gross) acres, with 21.13 acres located in the Borough of Red Hill (the “Borough”) and 14.16 acres located in the Township of Upper Hanover (“UHT”), located along Hendricks Road, identified as Montgomery County Tax Parcel Nos. 17-00-00135-60-4, 17-00-00135-61-3, 17-00-00135-62-2, and 17-00-00135-90-1 (the “RHB Parcels”) and 57-00-01516-10-1 (the “UHT Parcel”) located respectively in the Borough of Red Hill (the “Borough”) and the Township of Upper Hanover (“UHT”), Montgomery County, Pennsylvania (the UHT Parcel and the RHB Parcels shall sometimes hereinafter be collectively referred to as the “Property”); and

WHEREAS, the Applicant proposes the development of a residential subdivision containing 65 dwelling units, consisting of 33 single-family detached dwelling units (i.e., village singles) and 32 single-family attached dwelling units (i.e., townhouses), paved streets known as Martha Way and Abigail Way, paved trails, emergency access areas, eighteen (18) paved parking spaces (consisting of four (4) parallel parking spaces and fourteen (14) parking spaces in an off-

street parking area), concrete sidewalks, open space areas, stormwater management facilities and related improvements (the “Development”); and

WHEREAS, the Applicant proposes to locate all dwelling units, paved streets, structural stormwater management facilities and related improvements on the RHB Parcels (the “RHB Improvements”); and

WHEREAS, the Applicant proposes to locate certain portions of the pedestrian trail and related improvements on the UHT Parcel (the “UHT Improvements”) (the “RHB Improvements” and “UHT Improvements” shall sometimes hereinafter be collectively referred to as the “Improvements”); and

WHEREAS, the Development is more particularly shown on plans prepared by S.T.A. Engineering, Inc., consisting of Fifty (50) sheets, dated December 1, 2021, last revised September 5, 2023 (the “Plans”); and

WHEREAS, a schedule of the individual sheets, drawing title and last revision date for each sheet comprising the Plans is attached hereto as Exhibit “A” and incorporated herein by reference; and

WHEREAS, the Plans have been reviewed by the Montgomery County Planning Commission, the Red Hill Borough Planning Commission, the Borough Engineer, the Borough Zoning Officer, the Borough Solicitor, and other Borough advisors, and have been found acceptable subject as herein below provided; and

WHEREAS, Borough Council adopted Resolution No. 2022-05 on June 8, 2022 granting the Applicant preliminary plan approval, which was accepted by the Applicant on June 15, 2022, a true and complete copy of which is attached hereto and incorporated herein as Exhibit “B”.

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED by the Borough Council of the Borough of Red Hill, Montgomery County, Pennsylvania, as follows:

SECTION A. AUTHORITY; SHORT TITLE; DEFINITIONS.

1. This Resolution is adopted pursuant to and in accordance with the Borough of Red Hill Subdivision and Land Development Ordinance, as amended through Ordinance No. 2020-566 enacted August 12, 2020 (collectively, the “SALDO”), as set forth in Chapter 22 (Subdivision and Land Development) of the Code of Ordinances of the Borough of Red Hill.

2. This Resolution is adopted pursuant to and in accordance with the Borough of Red Hill Stormwater Management Ordinance and Appendices thereto, as amended through Ordinance No. 2021-576 enacted October 13, 2021 (the “SWMO”), as set forth in Chapter 19 (Stormwater Management) of the Code of Ordinances of the Borough of Red Hill.

3. This Resolution shall be known and may be cited as the “Resolution for Final Subdivision and Land Development Approval for Creekside Village.”

4. Except as may be otherwise provided herein and/or if the context clearly indicates otherwise, all words and phrases appearing in this Resolution, which also appear in the SALDO, shall have the same meanings in this Resolution as in the SALDO.

SECTION B. WAIVERS AND DEFERRALS.

1. The Borough Council waived strict compliance with the following provisions of the SALDO as a part of Resolution No. 2022-05 (the Preliminary Plan Approval Resolution), on and subject to the terms and conditions set forth in Resolution No. 2022-05 and this Resolution:

a. SALDO §22-304.1.F(2)(e), which requires the Applicant to show the location of all wells within 400 feet of the tract boundaries, in order to allow the Applicant to not show the locations of wells within 400 feet of the tract boundaries.

b. SALDO §22-304.1.F(3)(g), which requires the Applicant to show the location of existing septic systems and drain fields within 400 feet of the site, on the plans, to allow Applicant to not to show the location of existing septic systems and drain fields within 400 feet of the site on the Plans.

c. SALDO §22-304.1.F(6)(a), which requires Applicant to show the location, size, species and condition of all trees six inches in diameter or greater when standing alone or in small groups on the Plans, provided that on the final plans the Applicant shows and notes the location of site trees that exist and are being disturbed along the property boundaries.

d. SALDO §22-440.2, which requires elevations to be based off of the Borough sanitary sewer system datum, to allow Applicant to depict all contours and elevations based upon the NAVD29 datum and note the difference between the two datums on the Plans.

e. SALDO §22-441.3, which requires Applicant to provide a traffic impact study to accompany the Plans, to allow Applicant to forgo providing a new traffic impact study for the Development, provided that Applicant provides an update letter, dated 2021 or later, to the previously conducted 2015 traffic impact study for the Property.

2. The Borough Council hereby waives strict compliance with the following provisions of the SALDO, on and subject to the terms and conditions set forth in this Resolution:

a. SALDO §22-408, which requires the dedication of one-percent (1%) of the Property's gross acreage for recreational land or a fee in lieu of recreation lands, to allow Applicant not to dedicate recreational land or pay a fee in lieu of the dedication of recreational lands to the Borough of Red Hill; provided that the ordinance-required open space is provided within the Development and wholly owned and maintained by a homeowner's association pursuant to a common interest community declaration subject to the approval of the Borough Solicitor.

b. SALDO §22-409, which requires the development of recreational facilities on the Property, to allow Applicant to forgo the development of two tot lots, two playfields and one basketball or tennis court on the Property; provided that Applicant develops a 2,300 linear foot recreational walking path on the Property.

c. SALDO §22-422.2.A., which requires that single-access loop streets shall serve a maximum of thirty (30) families, to allow the Applicant to develop a single-access loop street which serves sixty-two (62) families; provided (i) the streets internal to the Development shall be privately held and maintained by a Planned Community Association, (ii) emergency access is provided in a manner acceptable to the Borough and the Borough Fire Marshal, and (iii) a fully looped fire hydrant shall be installed in the cul-de-sac at a location acceptable to the Fire Marshal

d. SALDO §22-422.3.C, which does not allow the development of a cul-de-sac which extends from a single-access loop, to allow the Applicant to develop an approximately 370 foot long cul-de-sac which extends from a single-access loop street to reach the northwest

corner of the Property; provided (i) the streets internal to the Development shall be privately held and maintained by a Planned Community Association, (ii) emergency access is provided in a manner acceptable to the Borough and the Borough Fire Marshal and (iii) a fully looped fire hydrant shall be installed in the cul-de-sac at a location acceptable to the Fire Marshal.

e. SALDO §22-423.1, which requires curbing and a 36 foot wide total paving width for feeder and residential streets and a 50 foot paving width for cul-de-sac streets, to allow Applicant to develop a reduced street paving width of thirty-two (32) feet for Martha Way and Abigail Way and a sixteen (16) foot half-width cartway for Hendricks Road; provided that: (i) Applicant restricts on-street parking to one side of the street for Martha Way and Abigail Way by placing no-parking signs where necessary to prohibit parking; (ii) emergency services have adequate space to perform their duties; (iii) the reduced cartway half-width on Hendricks Road mimics the improvements for Hendricks Road associated with the Glenwood Chase development in Upper Hanover Township; and (iv) a grass strip is provided between the curb and sidewalk.

f. SALDO §22-427.1.A., which requires sidewalk along all existing and proposed streets and parking areas in the Borough, to allow Applicant to forgo the installation of sidewalks along the portion of Hendricks Road beyond proposed Lot 33 along the southeastern boundary of the Property along Hendricks Road.

g. SALDO §22-429.12.G, which prohibits trail grades from exceeding five (5) percent, to allow Applicant to develop the portion of the proposed trail behind Lots 5 through 10 with a maximum grade between seven (7) and eight (8) percent, in which this portion of the trail is approximately three hundred (300) feet in length provided that all trails within the Development shall be owned and maintained by a Planned Community Association with public access permitted.

h. SALDO §§22-437.1.C.(4)(b), which requires replacement trees to be planted on the Property to mitigate for the existing trees removed, to allow Applicant to not replace removed trees with new trees within close proximity to where the existing trees were removed; provided that the Applicant, at its sole cost and expense, plants replacement trees for each removed tree, along the portion of the Development's trail located in Upper Hanover Township in locations satisfactory to the Borough and at locations specified by Borough Council in Borough parks or other Borough owned land.

i. SALDO §22-437.4.A, which requires trails to be landscaped pursuant to certain criteria, to allow the Applicant to install landscaping on both sides of the trail, but less than that required for filtering buffers; provided that Applicant installs landscaping on both sides of the trail of a type and in a quantity that is to the satisfaction of the Borough.

3. The Borough Council hereby waives strict compliance with the following provisions of the SWMO, on and subject to the terms and conditions set forth in this Resolution:

a. SWMO §19-401.4.A(2), which requires Applicant to locate all BMPs fifty (50) feet or greater from the road rights-of-way, to allow the Applicant a partial waiver to permit BMPs 001, 002, 004 to be located within fifty (50) feet of the road rights-of-way; provided that Applicant develops landscaping and screening of each BMP from the proposed dwellings and cul-de-sac. This waiver shall not be interpreted to permit any underground basins.

SECTION C. CONDITIONS OF FINAL PLAN APPROVAL. Approval of the Plans is hereby granted subject to the following conditions:

1. The Applicant shall revise the Plans to comply with conditions of the granted waivers provided in Paragraphs B.1., B.2. and B.3.

2. The Applicant shall guarantee any and all proposed landscaping located on the RHB Parcel pursuant to the Plans for a period of eighteen (18) months from the date of installation thereof, as certified by the Borough Engineer.

3. In order to implement ZO §27-319.8.B and SALDO §§ 22-304.1(5)(b) and (d), 22-407.6.C and 22-407.7, prior to or simultaneously with the recording of the Plans, the Applicant shall permanently restrict further subdivision or development of all open space areas and subject the open spaces to a maintenance agreement in a recorded deed restriction, in form and substance satisfactory to the Borough Solicitor, which shall be recorded prior to or simultaneously with the recording of the Plans. In the alternative, said restriction on further subdivision or development of all open space areas and maintenance thereof may be contained in Declaration of Planned Community, as further described below, in form and substance satisfactory to the Borough Solicitor. In addition, the deed of every lot shall include the applicable deed restriction language, to the satisfaction of the Borough Solicitor.

4. In accordance with SALDO §22-304.1.D.(6), a deed of consolidation shall be prepared by counsel for the Applicant, acceptable in form and substance to the Borough Solicitor, and shall be recorded prior to or simultaneously with the recording of the Plans.

5. In accordance with SALDO §§22-304.1.G.(5)(e) & (f) and 22-306.1.B.(e)5), the Applicant shall provide the Borough with copies of all letters and permits regarding water and sewer availability and all reviewing agencies, including without limitation confirmation of service capacity prior to the recording of the Plans. No building permits or road opening permits will be issued prior to recording of the Plans.

6. In accordance with SALDO §22-406.4, environmentally sensitive features shall be conserved and subject to deed restrictions requiring the same pursuant to a deed restriction prepared by counsel for the Applicant, acceptable in form and substance to the Borough Solicitor, which shall be recorded prior to or simultaneously with the recording of the Plans.

7. Pursuant to the conditions of the waiver of land development granted by the Upper Hanover Township Board of Supervisors, revised as of May 9, 2023, the Plans shall be subject to the following conditions:

a. The Plans must show and specify/detail a rope line with signage which marks and denotes the limit of the open space parcel along the northwestern property line adjoining lands owned by PFP Holdings, LLC and along the northeastern property line adjoining the various parcels owned by the Reeds.

b. Developer shall provide an item by item breakdown and cost estimate of all proposed work involving Hendricks Road for the parts within Upper Hanover Township and provide same to the Upper Hanover Township Engineer for review and inspection; which costs of review and inspection shall be reimbursed to Upper Hanover Township through an escrow account established by Developer and held by Upper Hanover Township.

c. Due to the intersection realignment of Hendricks Road, Developer shall reimburse Red Hill Borough and Upper Hanover Township for all costs associated with the following: (i) abandonment/vacation of rights-of-way and conveyance of abandoned/vacated strips of land to adjacent property owners, and (ii) preparation and review of an intermunicipal agreement between Red Hill Borough and Upper Hanover Township for post dedication maintenance of inlets A4 and A5 which will be located in Upper Hanover but maintained by Red Hill Borough;

assignment of rights and delegation of duties from Upper Hanover Township to Red Hill Borough to require and enable Red Hill Borough to enforce proper maintenance of curbing, sidewalks, grass and landscaping associated with the Development along the realigned Hendricks Road but located in Upper Hanover; and memorialize that the future maintenance of Hendricks road will continue to be split down the middle of the road in locations where the municipal boundary is not consistent with the middle of the road.

d. As part of the Glenwood Chase development in Upper Hanover Township, a new full width wearing course on Hendricks Road has recently been installed. At the completion of the Development, Developer shall mill, overlay with a new wearing course and stripe along the entire Red Hill borough half-width (including one foot over the center line toward the Upper Hanover side so the sealer of the paving joint will not impact the existing and future line painting) of Hendricks Road from the beginning point of the Glenwood Chase wearing course to the property line between the Tract and the Hoffman property.

e. A note on the Plans and a written disclosure in the Declaration of Planned Community indicating the proximity of the Gun Club property;

f. A physical barrier approved by the Borough at the termination of the former railroad right-of-way (Perkiomen Trail) at the north-western Property line; and

g. A note on the Plans indicating that all Open Space in Red Hill Borough and Upper Hanover Township is to be owned and maintained by the Planned Community Association, and that such Open Space is deed restricted from further subdivision.

8. Prior to the recording of the Plans, the Applicant shall provide to the Borough a proposed Declaration of Planned Community (the "Declaration") that complies with the requirements of the Pennsylvania Uniform Planned Community Act, 68 Pa. C.S.A. § 5101 *et seq.* (the "Act"), in accordance with SALDO §§22-407.6.E. and 22-418.4, which Declaration shall be to the satisfaction of the Borough Solicitor, and shall be recorded prior to the issuance of any certificates of occupancy, and shall contain all of the following conditions, covenants, easements and restrictions required by the Act, various provisions of the SALDO including, but not limited to:

a. The Association shall be responsible for the maintenance, repair and restoration of the private roadways, curbing, sidewalks, parking areas, subsurface and surface storm water management facilities and BMPs, emergency access easement areas, open space areas, trails and other recreational amenities, streetlights, signage, street trees, lawn areas and landscaping constructed or installed on the Property.

b. A long-term maintenance plan for all general landscaping and stormwater management landscaping shall be included in the Declaration and be consistent with the landscaping maintenance notes described on the Plans. Said long-term maintenance plan shall require the Homeowner's Association to be responsible for mowing grass and tending to the landscaping on all townhouse lots to promote a uniform and aesthetic appearance.

c. The long-term BMP Operation and Maintenance Plan, once approved by the Borough Engineer, shall be included in the Declaration and be consistent with the maintenance notes described on the Plans.

d. The Association shall be responsible for all snow removal from the private roadways, parking areas and sidewalks on the Property.

e. On-street parking of vehicles shall be restricted as depicted on the Plans. On-street parking shall be prohibited entirely in the cul-de-sac turnaround area and elsewhere in the community. Vehicles in violation of these restrictions shall be towed at the vehicle owner's expense.

f. The Association shall have the authority to enforce the parking restrictions and posted speed limit(s) in the development through the imposition of fines.

g. All common areas on the Property shall be identified as common facilities or limited common facilities.

h. No tree removal shall be permitted anywhere on the Property unless such trees are dead or diseased; in such case, they shall be promptly removed and replaced to avoid safety hazards.

i. An irrevocable easement from the declarant, its successors and assigns, shall be granted in favor of the Borough authorizing the Borough to access and enter upon all or any portion of the Property located in the Borough to inspect, repair, replace and maintain the storm water management facilities located on that portion of the Property in the Borough in the event the declarant or the Association fails to do so, to seek reimbursement from the Association for all costs and expenses incurred, and to file and maintain a lien against the Property until such costs and expenses are paid in full.

j. An irrevocable easement from the declarant, its successors and assigns, shall be granted in favor of UHT authorizing UHT to access and enter upon all or any portion of the Property located in UHT to inspect, repair, replace and maintain the storm water management facilities located on that portion of the Property in UHT, if any, in the event the declarant or the Association fails to do so, to seek reimbursement from the Association for all costs and expenses incurred, and to file and maintain a lien against the Property until such costs and expenses are paid in full.

k. An irrevocable easement from the declarant, its successors and assigns, shall be granted in favor of the Red Hill Water Authority, Upper Montgomery Joint Authority (“UMJA”) and other utility providers to enter upon and have rights of access to all or any portion of the Property located in the Borough to inspect, repair, replace and maintain the sanitary sewer, water and utility improvements located on that portion of the Property located in the Borough.

l. An irrevocable easement from the declarant, its successors and assigns, shall be granted in favor of the Borough, UHT, all unit owners, their family members, licensees, invitees and guests, and the general public to use and enjoy the sidewalks, open space areas and trails located on the Property for pedestrian travel.

m. The declarant, its successors and assigns, and the Association shall be prohibited from subdividing, selling, mortgaging, conveying, constructing improvements on, or changing the use of all or any portion of the open space areas on the Property without the prior written approval of the Borough and UHT in accordance with SALDO §22-407.

n. No lots or common areas within the development may be further subdivided.

o. No trees, plantings, shrubs, hedges, walls, fences, structures or other visual obstructions shall be erected to a height in excess of two (2) feet within the sight distance easement areas, as shown on the final land development plans and the Declaration Plats and Plans. The Association shall maintain the sight distance easement areas to prevent visual obstructions.

p. Snow storage easement areas, as identified on the final land development plans, shall be landscaped as lawn or meadow area, free of obstructions, to facilitate the plowing of snow in such areas.

q. The Association and each homeowner shall be prohibited from taking any action that would damage, impair or otherwise interfere with the operation and preservation of the storm water management facilities and BMPs installed anywhere on the Property.

r. No improvements shall be installed within the riparian corridor and wetland areas as shown on the final land development plans.

s. No accessory uses, as defined in the Borough of Red Hill Zoning Ordinance, shall be permitted anywhere on the Property including private lots associated with the townhomes. Notwithstanding the foregoing, owners of single family detached homes may construct accessory uses on their lots if the accessory uses are approved and permitted by both the Homeowner's Association and the Borough of Red Hill.

t. An architectural standards committee shall be formed to preserve and enforce the harmonious design of the development.

u. No vegetation except grass shall be permitted within the emergency access easement area.

v. Any amendment to the Declaration or a termination of the planned community shall require prior written notice to and the prior written approval of the Borough and UHT.

9. In addition to the Declaration described above, documentation relating to the formation and operation of the homeowners association (the "Association") shall be furnished to the Borough prior to the issuance of certificates of occupancy that satisfies the requirements of SALDO §22-407.6.E, subject to the approval of the Borough Solicitor. Such documentation shall include, without limitation, the following:

a. A Public Offering Statement prepared by the declarant for distribution to prospective purchasers of units;

b. Articles of Incorporation for the Association, which shall be filed with the Pennsylvania Department of State prior to the conveyance of the first lot in the Development;

c. Bylaws for the Association;

d. Declaration Plats and Plans that satisfy the requirements of Section 5210 of the Act, which shall be recorded concurrently with recording the Declaration; and

e. Any easement agreements which shall be recorded immediately following the recording of the Plans.

10. Prior to the recording of the Plans, the Applicant shall revise the Plans to resolve to the satisfaction of the Borough, all issues set forth in the Borough Engineer's review letter dated

November 14, 2023, the entire contents of which are incorporated herein by reference and a true and correct copy of which is attached hereto as Exhibit “C”.

11. Prior to the recording of the Plans, the Applicant shall revise the Plans to resolve to the satisfaction of the Borough, all issues set forth in the Borough Fire Marshal’s review letter dated June 12, 2023, the entire contents of which are incorporated herein by reference and a true and correct copy of which is attached hereto as Exhibit “D”

12. In order to ensure that the proposed community trail system and the Perkiomen Railroad easement and trail be accessible for use by the general public, as provided in SALDO §§ 22-406, 22-410.1 and 22-429.6, the Applicant shall execute a Declaration of Public Trail Easement and Maintenance Agreement among the Borough, UHT and the Applicant, its successors and assigns (the “Trail Easement”), in form and substance satisfactory to UHT and to Borough Council upon recommendation of the Borough Engineer and the Borough Solicitor. The Trail Easement shall dedicate an easement to the Borough and to UHT that grants the general public the right to access and use the trails. The Trail Easement also shall address the maintenance, repair and replacement of the trails and trail areas. The Trail Easement shall be recorded by the Borough at the Applicant’s expense immediately following the recording of the Plans.

13. In accordance with SALDO §22-417.1.A, a deed of dedication shall be executed by the Applicant, as grantor and owner of the consolidated lots, to the Borough, as grantee, granting and conveying fee simple title in perpetuity to the lands and road widening improvements constructed thereon constituting the ultimate right-of-way of Hendricks Road along the frontage of the Property, as depicted on the Plans. The deed of dedication shall be satisfactory to the Borough Solicitor. The deed of dedication shall be recorded at the Applicant’s expense upon

acceptance of dedication by Borough Council following satisfactory completion of all road widening improvements and final inspection and issuance of a certificate of completion by the Borough Engineer. A policy of title insurance satisfactory in form and substance to the Borough Solicitor shall be provided in accordance with SALDO §22-506.3.

14. Prior to recording of the Plans, the Applicant shall provide all necessary easements to the Borough, the agreements for which shall be satisfactory to the Borough Solicitor, in accordance with SALDO §22-439. These easement agreements shall be recorded prior to or simultaneously with the recording of the Plans or at some other time deemed acceptable by the Borough Solicitor. Those easements include, without limitation:

a. All snow storage easement areas, including the easement area to be located at the cul-de-sac bulb (*see* SALDO §22-422.3.J);

b. A permanent access easement for the system of community walking trails to be constructed on the Property (*see* SALDO §22-429.6);

c. The abandoned Upper Perkiomen railroad bed situated on the Property (*see* SALDO §22-410.1);

d. The Tract shall be subject to a blanket access easement in the favor of the Borough to provide for the access to and inspection, maintenance and replacement of all storm water basins, rain gardens, emergency spillways, storm pipes and other storm water management facilities and BMPs to be constructed on the Property (*see* SWMO §19-401.4.N), as well as ingress to and egress from a public right-of-way (*see* SWMO §§19-404.2.A(9) and 19-505);

e. Easements over the emergency access areas to be constructed on the Property;

f. All drainage and storm sewer easements to be installed on the Property (*see* SALDO §§22-435.15.E and 22-439.8), including a drainage easement conforming substantially to the lines and dimensions of the riparian corridor identified on the Plans and any watercourse traversing the Property;

g. All sight distance easement areas shown on the Plans, within which no trees, shrubs, low-lying vegetation or other visual obstructions shall be permitted; and

h. The ultimate right-of-way along Hendricks Road to be offered for dedication to the Borough.

15. In accordance with SALDO §§22-432.1 and 22-439.6, prior to the recording of the Plans, the Applicant shall provide a letter from the Red Hill Water Authority (“RHWA”) indicating that adequate public water supply will be available from RHWA to service the Development and letters of endorsement from the proposed utility providers acknowledging that underground utilities are feasible and to be installed.

16. All water mains, laterals and other fixtures and appurtenances to be constructed on the Property shall be offered for dedication to RHWA and be contained within legally described easement areas. The easements shall be granted to RHWA, its successors and assigns, authorizing RHWA to enter upon the Property to inspect, repair, replace and maintain all water mains, laterals and other fixtures and appurtenances located on the Property. Acceptance of dedication shall

require the execution by the Applicant of appropriate deeds of dedication and a bill of sale for the improvements being conveyed to RHWA.

17. All sanitary sewer improvements to be constructed on the Property shall be offered for dedication to UMJA in accordance with SALDO §22-433.2 and be contained within legally described easement areas. The easements shall be granted to UMJA, its successors and assigns, authorizing UMJA to enter upon the Property to inspect, repair, replace and maintain all sanitary sewer improvements located on the Property. Acceptance of dedication shall require the execution by the Applicant of appropriate deeds of dedication and a bill of sale for the improvements being conveyed to UMJA.

18. For the road widening improvements to be constructed along Hendricks Road, all storm water conveyance systems and improvements constructed within the ultimate right-of-way along Hendricks Road shall be offered for dedication to the Borough. Appropriate deeds of dedication and a bill of sale for the improvements being conveyed to the Borough shall be satisfactory to the Borough Solicitor and executed by the Applicant or developer of the Property following satisfactory completion of all road widening improvements and final inspection and issuance of a certificate of completion by the Borough Engineer.

19. Prior to the recording of the Plans, the Applicant shall provide a copy of the NPDES storm water permit for the Development issued by Pennsylvania Department of Environmental Protection (“PADEP”) to the Borough for review and approval by the Borough Engineer in accordance with SWMO §19-403.

20. Prior to the Borough releasing the Plans for recording, and upon recommendation of the Borough Solicitor as to form, the Applicant shall execute either (i) a Stormwater Best

Management Practices (BMPs) Operation and Maintenance Agreement, or (ii) a Declaration of Covenants, Easements and Restrictions Concerning Stormwater Facilities, in accordance with SALDO §22-435.8 and SWMO §§19-301, 19-401, 19-504 and 19-505 (the “BMP Agreement”). The BMP Agreement shall grant and convey to the Borough, its contractors, agents, successors and assigns, a blanket easement in perpetuity over the Property, to enter upon the portion of the Property in the Borough for the inspection, maintenance, repair and replacement of the storm water management facilities and BMPs in the event that the Applicant or the homeowners’ association fails to do so. The BMP Agreement shall include provisions to allow Borough to access the Property to plan and construct expanded BMP’s on the Property, within common areas, at Borough’s expense, for the purpose of mitigating pre-existing, upstream, off-site stormwater excesses which cause frequent flooding conditions in the areas near the Development. The BMP Agreement shall be acceptable in form and substance to Borough Council upon recommendation of the Borough Engineer and the Borough Solicitor and be recorded by the Borough at the Applicant’s expense on the same date as and immediately following the recording of the Plans.

21. Prior to the recording of the Plans, the Applicant shall enter into a Land Development and Financial Security Agreement, including financial security provisions, and a Memorandum of Land Development Agreement with the Borough, each prepared by, and in form and substance acceptable to, the Borough Solicitor, which shall be executed by the Applicant before Borough Council signs the Plans and releases same for recording, as required by SALDO §§ 22-307.1.G and 22-509.

22. The Applicant shall submit an improvements cost estimate to the Borough for review and approval by the Borough Engineer in accordance with SALDO §22-310.6. Prior to releasing the final plans for recording, the Applicant shall post financial security, as described in

the Land Development Agreement, with the Borough to cover the cost of construction of all improvements in accordance with SALDO §22-502.3.

23. Prior to the recording of the Plans, the Applicant shall post financial security with the Borough, as described in the Land Development and Financial Security Agreement, in accordance with SALDO §§ 22-307.1.G and 22-502.

24. Prior to the Borough releasing the Plans for recording, the Plans shall be signed and sealed by the Professional Engineer or Professional Land Surveyor responsible for their preparation in accordance with SALDO §22-306.1.D.(1).

25. Prior to the Borough releasing the Plans for recording, all signature blocks and certifications on the Plans shall be signed and notarized, as appropriate, as part of the final plan approval and recording process in accordance with SALDO §22-306.1.D.

26. Prior to the Borough releasing the Plans for recording, the Applicant's Engineer shall provide revised legal descriptions for review and approval by the Borough Engineer for the right-of-way areas to be offered for dedication to the Borough, as depicted on the Plans. The legal descriptions submitted with the final plan submission shall include the following:

a. Each legal description shall be signed and sealed by the Professional Land Surveyor responsible for its preparation.

b. Each legal description shall be revised to include the specific last revised date of the Plans and shall ultimately refer to the final version of the final plans to be recorded.

The legal descriptions, once approved by the Borough Engineer, shall be provided to the Borough Solicitor for attachment to the deeds of dedication and other appropriate legal documentation prior to recording thereof.

27. The Plans shall be fully executed and delivered to the Borough and shall be recorded at the expense of the Applicant.

28. All recording costs and applicable taxes and fees, if any, shall be paid by the Applicant prior to the issuance of any building permit for the Development.

29. The Development shall be known as “Creekside Village” as mutually agreed upon by Borough Council and Developer at the December 13, 2023 Borough Council meeting.

30. The homes in the development shall be constructed so that the appearance of the architectural features and color palette substantially resemble the renderings attached hereto as Exhibit “E”.

31. Prior to recording the Plans, Applicant shall make all necessary revisions and adjustments to the Plans, to the satisfaction of the Borough Engineer and UMJA, to share utilization of the Glenwood Chase Pump Station with the Glenwood Chase subdivision.

32. Consistent with Section 509(b) of the Pennsylvania Municipalities Planning Code (as amended), the completion of all conditions, the payment of all applicable fees and the funding of all escrows must be accomplished within ninety (90) days of the date of the resolution approving the Plans unless a written extension is granted by the Borough. Until the conditions have been satisfied, the applicable fees have been paid and the escrows fully funded, the Plans shall not be signed nor recorded. In the event that the conditions have not been satisfied, the fees have not been

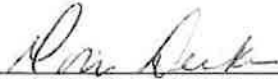
paid and the escrows have not been funded within ninety (90) days of the date of said resolution, or any written extension thereof, the contingent approval shall expire and be deemed to have been revoked.


33. Under the provisions of the Pennsylvania Municipalities Planning Code, the Applicant has the right to accept or reject conditions imposed by Borough Council upon final approval. The Applicant shall signify its acceptance of the conditions contained herein by signing a copy of this Resolution and returning it to the Borough during regular business hours within thirty (30) days of the date of this Resolution. In the event the 30th day falls on a weekend or a recognized holiday, the executed resolution shall be due on the following business day. In the event execution of this Resolution is not timely delivered to the Borough or if the Borough receives written notice of an appeal or rejection of any of the conditions set forth herein within thirty (30) days from the date of this Resolution, this approval and the waivers granted in Section B.2. and B.3. shall be deemed to be automatically rescinded and revoked and the application shall be considered denied based upon the failure to fully comply with all of the sections set forth in Section B, all as authorized by Section 508 of the Pennsylvania Municipalities Planning Code.

SECTION D. EFFECTIVE DATE. This Resolution shall be effective immediately upon the adoption hereof.

APPROVED at the public meeting of the Borough Council of the Borough of Red Hill council the held on February 14, 2024.

BOROUGH OF RED HILL

By: 
Doris Decker, President
Borough Council


Attest: 
Liz DeJesus, Secretary

By signing below, the Applicant accepts and consents to all of the terms and conditions of approval contained in the foregoing Resolution for Final Subdivision and Land Development Approval for Kershner Village, LLC.

APPLICANT:

KERSHNER VILLAGE, LLC

Date: 3/3/24

By: 
Name: MEMBER.
Title: J. EDMOND MULLIN

**START OF
RESOLUTION 2024-5
EXHIBITS**

EXHIBIT "A"

**ENUMERATION OF THE FINAL PLANS FOR THE
KERSHNER WEAVER TRACT SUBDIVISION AND LAND DEVELOPMENT**

Page No.	<u>Title</u>	Original Date/ Last Revised Date
1 of 50	Cover Sheet	12/1/2021 // 4/7/2023
2 of 50	Overall Subdivision Plan – Record Sheet 1 of 15	12/1/2021 // 4/7/2023
3 of 50	Subdivision Plan – Record Sheet 2 of 15	12/1/2021 // 9/5/2023
4 of 50	Record Plan Notes – Record Sheet 3 of 15	12/1/2021 // 4/7/2023
5 of 50	Open Space Plan – Record Sheet 4 of 15	12/1/2021 // 4/7/2023
6 of 50	Easement Plan – Record Sheet 5 of 15	12/1/2021 // 4/7/2023
7 of 50	Easement Plan – Record Sheet 6 of 15	12/1/2021 // 4/7/2023
8 of 50	Parcel Consolidation Plan – Record Sheet 7 of 15	12/1/2021 // 4/7/2023
9 of 50	Overall Existing Features Plan	12/1/2021 // 4/7/2023
10 of 50	Existing Features/Demolition Plan	12/1/2021 // 4/7/2023
11 of 50	Existing Features/Demolition Plan	12/1/2021 // 4/7/2023
12 of 50	Existing Features/Demolition Plan	12/1/2021 // 4/7/2023
13 of 50	Aerial Plan	12/1/2021 // 4/7/2023
14 of 50	Overall Grading Plan	12/1/2021 // 9/5/2023
15 of 50	Grading Plan	12/1/2021 // 9/5/2023
16 of 50	Overall Utility Plan	12/1/2021 // 4/7/2023
17 of 50	Utility Plan	12/1/2021 // 9/5/2023
18 of 50	Martha Way Plan and Profile	12/1/2021 // 4/7/2023
19 of 50	Abigail Way Plan and Profile STA 0+00 to STA 7+50	12/1/2021 // 8/23/2023
20 of 50	Abigail Way Plan and Profile – STA 7+50 to STA 13+88.51	12/1/2021 // 4/7/2023
21 of 50	Off-road Profiles	12/1/2021 // 4/7/2023
22 of 50	Off-road Profiles	12/1/2021 // 9/5/2023
23 of 50	Plan & Profile – Off-Road Sanitary Sewer and Force Main	12/1/2021 // 4/7/2023
24 of 50	Hendricks Road & Cedar Lea Plan and Profile	12/1/2021 // 9/5/2023
25 of 50	Hendricks Road Plan and Profile – STA 0+00 to STA 12+00	12/1/2021 // 4/7/2023
26 of 50	Hendricks Road Plan and Profile – STA 12+00 to STA 16+16.47	12/1/2021 // 8/23/2023
27 of 50	Hendricks Road Plan and Profile – STA 0+00 to STA 4+00	12/1/2021 // 9/5/2023
28 of 50	Intersection Detail Sheet	12/1/2021 // 4/7/2023
29 of 50	Vehicle Turnpath Plan	12/1/2021 // 9/5/2023
30 of 50	Overall Erosion & Sediment Control Plan	12/1/2021 // 9/5/2023
31 of 50	Overall Erosion & Sediment Control Plan	12/1/2021 // 4/7/2023
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33 of 50	Erosion & Sediment Control Plan	12/1/2021 // 4/7/2023
34 of 50	E&S Plan – Chapter 105 Permit Areas	12/1/2021 // 4/7/2023
35 of 50	E&S Notes	12/1/2021 // 4/7/2023
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45 of 50	PCSM Landscape Detail Sheet – Record Sheet 15 of 15	12/1/2021 // 9/5/2023
46 of 50	Riparian Corridor and Open Space Management Plan	12/1/2021 // 9/5/2023
47 of 50	Construction Detail Sheet – Site Improvements	12/1/2021 // 9/5/2023
48 of 50	Construction Detail Sheet – Storm Sewer	12/1/2021 // 4/7/2023
49 of 50	Construction Detail Sheet – Sanitary Sewer Facilities	12/1/2021 // 4/7/2023
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EXHIBIT "B"

RESOLUTION 2022-05

**BOROUGH OF RED HILL
MONTGOMERY COUNTY, COMMONWEALTH OF PENNSYLVANIA**

RESOLUTION NO. 2022 - 05

A RESOLUTION OF THE BOROUGH COUNCIL OF RED HILL, MONTGOMERY COUNTY, PENNSYLVANIA, GRANTING CONDITIONAL APPROVAL OF A PRELIMINARY DEVELOPMENT PLAN SUBMITTED BY KERSHNER VILLAGE, LLC FOR THE PROPERTY LOCATED ON HENDRICKS ROAD AND COLLECTIVELY KNOWN AS THE KERSHNER WEAVER TRACT IN THE BOROUGH OF RED HILL AND THE TOWNSHIP OF UPPER HANOVER.

WHEREAS, Kershner Village, LLC (the “Applicant”) is the equitable owner, applicant and developer of five (5) contiguous parcels of land consisting in the aggregate of approximately 35.29 (gross) acres, with 21.13 acres located in the Borough of Red Hill (the “Borough”) and 14.16 acres located in the Township of Upper Hanover (“UHT”), located along Hendricks Road, identified as Montgomery County Tax Parcel Nos. 17-00-00135-60-4, 17-00-00135-61-3, 17-00-00135-62-2, and 17-00-00135-90-1 (the “RHB Parcels”) and 57-00-01516-10-1 (the “UHT Parcel) located respectively in the Borough of Red Hill (the “Borough”) and the Township of Upper Hanover (“UHT”), Montgomery County, Pennsylvania (the UHT Parcel and the RHB Parcels shall sometimes hereinafter be collectively referred to as the “Property”); and

WHEREAS, the Applicant proposes the development of a residential subdivision containing 65 dwelling units, consisting of 33 single-family detached dwelling units (i.e., village singles) and 32 single-family attached dwelling units (i.e., townhouses), paved streets known as Tyler Drive and Ashley Drive, paved trails, emergency access areas, twenty-four (24) paved parking spaces (consisting of six (6) perpendicular parking spaces, four (4) parallel parking spaces, and fourteen (14) parking spaces in an off-street parking area), concrete sidewalks, open

space areas, stormwater management facilities and related improvements (the “Development”); and

WHEREAS, the Applicant proposes to locate all dwelling units, paved streets, structural stormwater management facilities and related improvements on the RHB Parcels (the “RHB Improvements”); and

WHEREAS, the Applicant proposes to locate certain portions of the pedestrian trail and related improvements on the UHT Parcel (the “UHT Improvements”) (the “RHB Improvements” and “UHT Improvements” shall sometimes hereinafter be collectively referred to as the “Improvements”); and

WHEREAS, the Development is more particularly shown on plans prepared by S.T.A. Engineering, Inc., consisting of Fifty (50) sheets, dated December 1, 2021, last revised March 28, 2022 (the “Plans”); and

WHEREAS, a schedule of the individual sheets, drawing title and last revision date for each sheet comprising the Plans is attached hereto as Exhibit “A” and incorporated herein by reference; and

WHEREAS, the Plans have been reviewed by the Montgomery County Planning Commission, the Red Hill Borough Planning Commission, the Borough Engineer, the Borough Zoning Officer, the Borough Solicitor, and other Borough advisors, and have been found acceptable subject as herein below provided.

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED by the Borough Council of the Borough of Red Hill, Montgomery County, Pennsylvania, as follows:

SECTION A. AUTHORITY; SHORT TITLE; DEFINITIONS.

1. This Resolution is adopted pursuant to and in accordance with the Borough of Red Hill Subdivision and Land Development Ordinance, as amended through Ordinance No. 2021-2333 enacted January 12, 2021 (collectively, the “SALDO”), as set forth in Chapter 22 (Subdivision and Land Development) of the Code of Ordinances of the Borough of Red Hill.

2. This Resolution is adopted pursuant to and in accordance with the Borough of Red Hill Stormwater Management Ordinance and Appendices thereto, as amended through Ordinance No. 2020-2317 enacted October 13, 2020 (the “SWMO”), as set forth in Chapter 19 (Stormwater Management) of the Code of Ordinances of the Borough of Red Hill.

3. This Resolution shall be known and may be cited as the “Resolution for Preliminary Land Development Approval for Kershner Weaver Tract.”

4. Except as may be otherwise provided herein and/or if the context clearly indicates otherwise, all words and phrases appearing in this Resolution, which also appear in the SALDO, shall have the same meanings in this Resolution as in the SALDO.

SECTION B. WAIVERS AND DEFERRALS.

1. The Borough Council hereby waives strict compliance with the following provisions of the SALDO, on and subject to the terms and conditions set forth in this Resolution:

 a. SALDO §22-304.1.F(2)(e), which requires the Applicant to show the location of all wells within 400 feet of the tract boundaries, in order to allow the Applicant to not show the locations of wells within 400 feet of the tract boundaries.

 b. SALDO §22-304.1.F(3)(g), which requires the Applicant to show the location of existing septic system and drain fields within 400 feet of the site, on the plans, to

allow Applicant to not to show the location of existing septic system and drain fields within 400 feet of the site on the Plans.

c. SALDO §22-304.1.F(6)(a), which requires Applicant to show the location, size, species and condition of all trees six inches in diameter or greater when standing alone or in small groups on the Plans, provided that on the final plans the Applicant shows and notes the location of site trees that exist and are being disturbed along the property boundaries.

d. SALDO §22-440.2, which requires elevations to be based off of the Borough sanitary sewer system datum, to allow Applicant to depict all contours and elevations based upon the NAVD29 datum.

e. SALDO §22-441.3, which requires Applicant to provide a traffic impact study to accompany plans, to allow Applicant to forgo providing a new traffic impact study for the Development, provided that Applicant provides an update letter, dated 2021 or later, to the previously conducted 2015 traffic impact study for the Property.

2. At this time, Borough Council defers taking action on the Applicant's following requested waivers from strict compliance with the Borough's SALDO, which shall be considered subject to the terms and conditions contained herein, as well as any additional waivers requested by the Developer, at the time of final land development approval:

a. SALDO §22-408, which requires the dedication of one-percent (1%) of the Property's gross acreage for recreational land or a fee in lieu of recreation lands, to allow Applicant not to dedicate recreational land or pay a fee in lieu of the dedication of recreational lands to the Red Hill Borough. Any approval of this waiver during final plan review should at least be subject to the condition that the ordinance-required open space is provided within the

Development and owned and maintained by a homeowner's association pursuant to a common interest community declaration subject to the approval of the Borough Solicitor.

b. SALDO §22-409, which requires the development of recreational facilities on the Property, to allow Applicant to forgo the development of two tot lots, two playfields and one basketball or tennis court on the Property. Any approval of this waiver during final plan review should at least be subject to the condition that Applicant develops a 2,300 linear foot recreational walking path on the Property.

c. SALDO §22-422.2.A., which requires that single-access loop streets shall serve a maximum of thirty (30) families, to allow the Applicant to develop a single-access loop street which serves sixty-two (62) families. Any approval of this waiver during final plan review should at least be subject to the condition that emergency access is provided in a manner acceptable to the Borough and the Borough Fire Marshal.

d. SALDO §22-422.3.C, which does not allow the development of a cul-de-sac which extends from a single-access loop, to allow the Applicant to develop an approximately 370 foot long cul-de-sac which extends from a single-access loop street to reach the northwest corner of the Property. Any approval of this waiver during final plan review should at least be subject to the condition that emergency access is provided in a manner acceptable to the Borough and the Borough Fire Marshal.

e. SALDO §22-423.1, which requires curbing and a 36 foot wide total paving width for feeder and residential streets and a 50 foot paving width for cul-de-sac streets, to allow Applicant to develop a reduced street paving width of thirty-two (32) feet for Ashley Drive and Tyler Drive and a sixteen (16) foot half-width cartway for Hendricks Road. Any approval of this waiver during final plan review should at least be subject to the condition that:

(i) Applicant restricts on-street parking to one side of the street for Ashley Drive and Tyler Drive by placing no-parking signs where necessary to prohibit parking; (ii) emergency services have adequate space to perform their duties; (iii) the reduced cartway half-width on Hendricks Road mimics the improvements for Hendricks Road associated with the Glenwood Chase development in Upper Hanover Township; and (iv) a grass strip is provided between the curb and sidewalk.

f. SALDO §22-427.1.A., which requires sidewalk along all existing and proposed streets and parking areas in the Borough, to allow Applicant to forgo the installation of sidewalks along the portion of Hendricks Road beyond proposed Lot 33 along the southeastern boundary of the Property along Hendricks Road.

g. SALDO §22-429.12.G, which prohibits trail grades from exceeding five (5) percent, to allow Applicant to develop the portion of the proposed trail behind Lots 5 through 10 with a maximum grade between seven (7) and eight (8) percent, which portion of the trail is approximately three hundred (300) feet in length.

h. SALDO §§22-437.1.C.(4)(b), which requires replacement trees to be planted on the Property to mitigate for the existing trees removed, to allow Applicant to not replace removed trees with new trees within close proximity to where the existing trees were removed. Any approval of this waiver during final plan review should at least be subject to the condition that the Applicant, at its sole cost and expense, plants replacement trees for each removed tree, along the portion of the Development's trail located in Upper Hanover Township in locations satisfactory to the Borough and at locations specified by Borough Council in Borough parks or other Borough owned land.

i. SALDO §22-437.4.A, which requires trails to be landscaped pursuant to certain criteria, to allow the Applicant to install landscaping on both sides of the trail, but less

than that required for filtering buffers. Any approval of this waiver during final plan review should at least be subject to the condition that Applicant installs landscaping on both sides of the trail of a type and quantity that is to the satisfaction of the Borough.

3. At this time, Borough Council defers taking action on the Applicant's following requested waivers from strict compliance with the Borough's SWMO, which shall be considered subject to the terms and conditions contained herein, as well as any additional waivers requested by the Developer, at the time of final land development approval:

a. SWMO §19-401.4.A(2), which requires Applicant to locate all BMPs within 50 feet of the road rights-of-way, to allow the Applicant a partial waiver to permit BMPs 001, 002, 004 to be located within fifty (50) feet of the road rights-of-way. Any approval of this waiver during final plan review should at least be subject to the condition that Applicant develops landscaping and screening of each BMP from the proposed dwellings and cul-de-sac. This waiver shall not be interpreted to permit any underground basins.

SECTION C. CONDITIONS OF PRELIMINARY PLAN APPROVAL. Approval of the Plans is hereby granted subject to the following conditions:

1. The Applicant shall revise the Plans to comply with conditions of the granted waivers provided in Paragraph B.1.

2. In the event that any requested waiver identified in Paragraph B.2. is not granted, the Applicant shall revise the final plans to comply with the underlying sections of SALDO.

3. In the event that any requested waiver identified in Paragraph B.3. is not granted, the Applicant shall revise the final plans to comply with the underlying sections of SWMO.

4. The Applicant shall guarantee any and all proposed landscaping located on the RHB Parcel pursuant to the Plans for a period of eighteen (18) months from the date of installation thereof, as certified by the Borough Engineer.

5. Along with the submission of the final plans, the Applicant shall submit architectural renderings satisfactory to Borough Council upon the advice of the Planning Commission, in accordance with ZO §27-319.6.C.(6).

6. In order to implement ZO §27-319.8.B and SALDO §§ 22-304.1(5)(b) and (d), 22-407.6.C and 22-407.7, prior to or simultaneously with the recording of the final plans, the Applicant shall permanently restrict further subdivision or development of all open space areas and subject the open spaces to a maintenance agreement in a recorded deed restriction and/or a Declaration of Planned Community, in form and substance satisfactory to the Borough Solicitor, which shall be recorded prior to the recording of the final plans. In addition, the deed of every lot shall include the applicable deed restriction language, to the satisfaction of the Borough Solicitor.

7. In accordance with SALDO §22-304.1.D.(6), a deed of consolidation shall be prepared by counsel for the Applicant, acceptable in form and substance to the Borough Solicitor, and shall be recorded prior to the recording of the final plans.

8. In accordance with SALDO §22-304.1.G.(5)(e) & (f), the Applicant shall provide the Borough with copies of all letters and permits regarding water and sewer availability and all reviewing agencies.

9. In accordance with SALDO §22-406.4, environmentally sensitive features shall be conserved and subject to deed restrictions requiring the same pursuant to a deed restriction prepared by counsel for the Applicant, acceptable in form and substance to the Borough Solicitor, which shall be recorded prior to the recording of the final plans.

10. As a part of the final plan submission, the Applicant shall provide to the Borough a proposed Declaration of Planned Community (the "Declaration") that complies with the requirements of the Pennsylvania Uniform Planned Community Act, 68 Pa. C.S.A. § 5101 *et seq.* (the "Act"), in accordance with SALDO §§22-407.6.E. and 22-418.4, which Declaration shall be to the satisfaction of the Borough Solicitor, and shall be recorded immediately following the recording of the record plans, and contains all of the following conditions, covenants, easements and restrictions required by the Act, various provisions of the SALDO including, but not limited to:

a. The Association shall be responsible for the maintenance, repair and restoration of the private roadways, curbing, sidewalks, parking areas, subsurface and surface storm water management facilities and BMPs, emergency access easement areas, open space areas, trails and other recreational amenities, street lights, signage, street trees, lawn areas and landscaping constructed or installed on the Property.

b. A long-term maintenance plan for all general landscaping and stormwater management landscaping shall be included in the Declaration and be consistent with the landscaping maintenance notes described on the Preliminary Plans.

c. The long-term BMP Operation and Maintenance Plan, once approved by the Borough Engineer, shall be included in the Declaration and be consistent with the maintenance notes described on the Preliminary Plans.

d. The Association shall be responsible for all snow removal from the private roadways, parking areas and sidewalks on the Property.

e. On-street parking of vehicles shall be restricted as depicted on the Plans. On-street parking shall be prohibited entirely in the cul-de-sac turnaround area and elsewhere in the community. Vehicles in violation of these restrictions shall be towed at the vehicle owner's expense.

f. The Association shall have the authority to enforce the parking restrictions and posted speed limit(s) in the development through the imposition of fines.

g. All common areas on the Property shall be identified as common facilities or limited common facilities.

h. No tree removal shall be permitted anywhere on the Property unless such trees are dead or diseased; in such case, they shall be promptly removed and replaced to avoid safety hazards.

i. An irrevocable easement from the declarant, its successors and assigns, shall be granted in favor of the Borough authorizing the Borough to access and enter upon all or any portion of the Property located in the Borough to inspect, repair, replace and maintain the storm water management facilities located on that portion of the Property in the Borough in the

event the declarant or the Association fails to do so, to seek reimbursement from the Association for all costs and expenses incurred, and to file and maintain a lien against the Property until such costs and expenses are paid in full.

j. An irrevocable easement from the declarant, its successors and assigns, shall be granted in favor of UHT authorizing UHT to access and enter upon all or any portion of the Property located in UHT to inspect, repair, replace and maintain the storm water management facilities located on that portion of the Property in UHT, if any, in the event the declarant or the Association fails to do so, to seek reimbursement from the Association for all costs and expenses incurred, and to file and maintain a lien against the Property until such costs and expenses are paid in full.

k. An irrevocable easement from the declarant, its successors and assigns, shall be granted in favor of the Red Hill Water Authority, Upper Hanover Authority ("TUHA") and other utility providers to enter upon and have rights of access to all or any portion of the Property located in the Borough to inspect, repair, replace and maintain the sanitary sewer, water and utility improvements located on that portion of the Property located in the Borough.

l. An irrevocable easement from the declarant, its successors and assigns, shall be granted in favor of the Borough, UHT, all unit owners, their family members, licensees, invitees and guests, and the general public to use and enjoy the sidewalks, open space areas and trails located on the Property for pedestrian travel.

m. The declarant, its successors and assigns, and the Association shall be prohibited from subdividing, selling, mortgaging, conveying, constructing improvements on, or changing the use of all or any portion of the open space areas on the Property without the prior written approval of the Borough and UHT in accordance with SALDO §22-407.

n. No lots or common areas within the development may be further subdivided.

o. No trees, plantings, shrubs, hedges, walls, fences, structures or other visual obstructions shall be erected to a height in excess of two (2) feet within the sight distance easement areas, as shown on the final land development plans and the Declaration Plats and Plans. The Association shall maintain the sight distance easement areas to prevent visual obstructions.

p. Snow storage easement areas, as identified on the final land development plans, shall be landscaped as lawn or meadow area, free of obstructions, to facilitate the plowing of snow in such areas.

q. The Association and each homeowner shall be prohibited from taking any action that would damage, impair or otherwise interfere with the operation and preservation of the storm water management facilities and BMPs installed anywhere on the Property.

r. No improvements shall be installed within the riparian corridor and wetland areas as shown on the final land development plans.

s. No accessory uses, as defined in the Borough of Red Hill Zoning Ordinance, shall be permitted anywhere on the Property.

t. The Association shall provide solid waste and recycling services for the development as a common expense payable by all homeowners.

u. An architectural standards committee shall be formed to preserve and enforce the harmonious design of the development.

v. No vegetation except grass shall be permitted within the emergency access easement area.

w. Any amendment to the Declaration or a termination of the planned community shall require prior written notice to and the prior written approval of the Borough and UHT..

11. In addition to the Declaration described above, documentation relating to the formation and operation of the homeowners association (the "Association") shall be furnished to the Borough as part of the Applicant's final plan application that satisfies the requirements of SALDO §22-407.6.E, subject to the approval of the Borough Solicitor. Such documentation shall include, without limitation, the following:

a. A Public Offering Statement prepared by the declarant for distribution to prospective purchasers of units;

b. Articles of Incorporation for the Association, which shall be filed with the Pennsylvania Department of State prior to the conveyance of the first lot in the Development;

c. Bylaws for the Association;

d. Declaration Plats and Plans that satisfy the requirements of Section 5210 of the Act, which shall be recorded concurrently with recording the Declaration; and

e. Any easement agreements which shall be recorded immediately following the recording of the final plans.

12. Prior to the recording of the Plans, the Applicant shall revise the Plans to resolve to the satisfaction of the Borough, all issues set forth in the Borough Engineer's review letter dated May 17, 2022, the entire contents of which are incorporated herein by reference and a true and correct copy of which is attached hereto as Exhibit "B".

13. Prior to the recording of the Plans, the Applicant shall revise the Plans to resolve to the satisfaction of the Borough, all issues set forth in the Borough Zoning Officer's review

letter dated May 18, 2022, the entire contents of which are incorporated herein by reference and a true and correct copy of which is attached hereto as Exhibit "C".

14. Prior to the recording of the Plans, the Applicant shall revise the Plans to resolve to the satisfaction of the Borough, all issues set forth in the Borough Fire Marshal's review letter dated May 27, 2022, the entire contents of which are incorporated herein by reference and a true and correct copy of which is attached hereto as Exhibit "D".

15. In order to ensure that the proposed community trail system and the Perkiomen Railroad easement and trail be accessible for use by the general public, as provided in SALDO §§ 22-406, 22-410.1 and 22-429.6, the Applicant shall prepare and provide, prior to final plan approval, a Declaration of Public Trail Easement and Maintenance Agreement among the Borough, UHT and the Applicant, its successors and assigns (the "Trail Easement"), in form and substance satisfactory to UHT and to Borough Council upon recommendation of the Borough Engineer and the Borough Solicitor. The Trail Easement shall dedicate an easement to the Borough and to UHT that grants the general public the right to access and use the trails. The Trail Easement also shall address the maintenance, repair and replacement of the trails and trail areas. The Trail Easement shall be recorded by the Borough at the Applicant's expense immediately following the recording of the record plans.

16. In accordance with SALDO §22-417.1.A, as a condition to final plan approval and prior to releasing the final plans for recording, a deed of dedication shall be prepared and executed by the Applicant, as grantor and owner of the consolidated lots, to the Borough, as grantee, granting and conveying fee simple title in perpetuity to the lands and road widening improvements constructed thereon constituting the ultimate right-of-way of Hendricks Road along the frontage of the Property, as depicted on the Preliminary Plans. The deed of dedication

shall be satisfactory to the Borough Solicitor. The deed of dedication shall be recorded at the Applicant's expense upon acceptance of dedication by Borough Council following satisfactory completion of all road widening improvements and final inspection and issuance of a certificate of completion by the Borough Engineer. A policy of title insurance satisfactory in form and substance to the Borough Solicitor shall be provided in accordance with SALDO §22-506.3.

17. Prior to recording of the final plans, the Applicant shall provide all necessary easements to the Borough, the agreements for which shall be satisfactory to the Borough Solicitor, in accordance with SALDO §22-439. These easement agreements shall be recorded prior to or simultaneously with the recording of the record plan or at some other time deemed acceptable by the Borough Solicitor. Those easements include, without limitation:

a. All snow storage easement areas, including the easement area to be located at the cul-de-sac bulb (see SALDO §22-422.3.J);

b. A permanent access easement for the system of community walking trails to be constructed on the Property (see SALDO §22-429.6);

c. The abandoned Upper Perkiomen railroad bed situated on the Property (see SALDO §22-410.1);

d. The Tract shall be subject to a blanket access easement in the favor of the Borough to provide for the access to and inspection, maintenance and replacement of all storm water basins, rain gardens, emergency spillways, storm pipes and other storm water management facilities and BMPs to be constructed on the Property (see SWMO §19-401.4.N), as well as ingress to and egress from a public right-of-way (see SWMO §§19-404.2.A(9) and 19-505);

e. Easements over the emergency access areas to be constructed on the Property;

f. All drainage and storm sewer easements to be installed on the Property (see SALDO §§22-435.15.E and 22-439.8), including a drainage easement conforming substantially to the lines and dimensions of the riparian corridor identified on the Plans and any watercourse traversing the Property;

g. All sight distance easement areas shown on the Preliminary Plans, within which no trees, shrubs, low-lying vegetation or other visual obstructions shall be permitted;

h. The ultimate right-of-way along Hendricks Road to be offered for dedication to the Borough; and

i. The pump station and all water and sewer mains, laterals and appurtenances to be constructed on the Property, provided that such improvements are not dedicated to the TUHA.

18. In accordance with SALDO §§22-432.1 and 22-439.6, prior to the recording of the final plans, the Applicant shall provide a letter from the Red Hill Water Authority (“RHWA”) indicating that adequate public water supply will be available from RHWA to service the Development and letters of endorsement from the proposed utility providers acknowledging that underground utilities are feasible and to be installed.

19. In making its final plan submission, the Applicant shall comply with all provisions and requirements for final plan submissions not otherwise waived by Borough Council in accordance with SALDO §§ 22-306 and 22-307.

20. All water mains, laterals and other fixtures and appurtenances to be constructed on the Property shall be offered for dedication to RHWA and be contained within legally described easement areas. The easements shall be granted to RHWA, its successors and assigns, authorizing RHWA to enter upon the Property to inspect, repair, replace and maintain all water

mains, laterals and other fixtures and appurtenances located on the Property. Acceptance of dedication shall require the execution by the Applicant of appropriate deeds of dedication and a bill of sale for the improvements being conveyed to RHWA.

21. All sanitary sewer improvements to be constructed on the Property shall be offered for dedication to TUHA in accordance with SALDO §22-433.2 and be contained within legally described easement areas. The easements shall be granted to TUHA, its successors and assigns, authorizing TUHA to enter upon the Property to inspect, repair, replace and maintain all sanitary sewer improvements located on the Property. Acceptance of dedication shall require the execution by the Applicant of appropriate deeds of dedication and a bill of sale for the improvements being conveyed to TUHA.

22. For the road widening improvements to be constructed along Hendricks Road, all storm water conveyance systems and improvements constructed within the ultimate right-of-way along Hendricks Road shall be offered for dedication to the Borough. Appropriate deeds of dedication and a bill of sale for the improvements being conveyed to the Borough shall be satisfactory to the Borough Solicitor and executed by the Applicant or developer of the Property following satisfactory completion of all road widening improvements and final inspection and issuance of a certificate of completion by the Borough Engineer.

23. Prior to the Borough releasing the final plans for recording, and upon recommendation of the Borough Solicitor as to form, the Applicant shall execute either (i) a Stormwater Best Management Practices (BMPs) Operation and Maintenance Agreement, or (ii) a Declaration of Covenants, Easements and Restrictions Concerning Stormwater Facilities, in accordance with SALDO §22-435.8 and SWMO §§19-301, 19-401, 19-504 and 19-505 (the "BMP Agreement"). The BMP Agreement shall grant and convey to the Borough, its

contractors, agents, successors and assigns, a blanket easement in perpetuity over the Property, to enter upon the portion of the Property in the Borough for the inspection, maintenance, repair and replacement of the storm water management facilities and BMPs in the event that the Applicant or the homeowners' association fails to do so. The BMP Agreement shall require the Applicant, its successors and assigns, post financial security with the Borough in form, amount and on terms satisfactory to the Borough Solicitor to ensure the ongoing maintenance, repair and replacement of the underground stormwater basins installed on the Property in the Borough. The BMP Agreement shall be acceptable in form and substance to Borough Council upon recommendation of the Borough Engineer and the Borough Solicitor and be recorded by the Borough at the Applicant's expense on the same date as and immediately following the recording of the Record Plans.

24. Prior to the recording of the final plans, the Applicant shall enter into a Land Development and Financial Security Agreement, including financial security provisions, and a Memorandum of Land Development Agreement with the Borough, each prepared by, and in form and substance acceptable to, the Borough Solicitor, which shall be executed by the Applicant before Borough Council signs the Record Plans and releases same for recording, as required by SALDO §§ 22-307.1.G and 22-509.

25. Prior to the recording of the final plans, the Applicant shall post financial security with the Borough, as described in the Land Development and Financial Security Agreement, in accordance with SALDO §§ 22-307.1.G and 22-502.

26. Prior to the Borough releasing the final plans for recording, the final plans shall be signed and sealed by the Professional Engineer or Professional Land Surveyor responsible for their preparation in accordance with SALDO §22-306.1.D.(1).

27. The final plans shall contain a matrix identifying the approved modifications or waivers to the SALDO and/or the SWMO, and only those approved modifications or waivers. The matrix shall include a description of the extent of the waiver or modification granted and the conditions thereof using language identical to the motions approved by Borough Council, along with the date of the Borough Council meeting at which such waivers were granted, as required by SALDO §22-703.4.

28. Prior to the Borough releasing the final plans for recording, all signature blocks and certifications on the final plans shall be signed and notarized, as appropriate, as part of the final plan approval and recording process in accordance with SALDO §22-306.1.D.

29. Prior to the Borough releasing the final plans for recording, the Applicant's Engineer shall provide revised legal descriptions for review and approval by the Township Engineer for the right-of-way areas to be offered for dedication to the Township, as depicted on the Plans. The legal descriptions submitted with the final plan submission shall be revised as follows:

a. Each legal description shall be signed and sealed by the Professional Land Surveyor responsible for its preparation.

b. Each legal description shall be revised to include the specific last revised date of the Plans and shall ultimately refer to the final version of the final plans to be recorded.

The legal descriptions, once approved by the Borough Engineer, shall be provided to the Borough Solicitor for attachment to the deeds of dedication and other appropriate legal documentation prior to recording.

30. The final plans shall be fully executed and delivered to the Borough and shall be recorded at the expense of the Applicant.

31. All recording costs and applicable taxes and fees, if any, shall be paid by the Applicant prior to the issuance of any building permit for the Development.

32. Consistent with Section 509(b) of the Pennsylvania Municipalities Planning Code (as amended), the completion of all conditions, the payment of all applicable fees and the funding of all escrows must be accomplished within ninety (90) days of the date of the resolution approving the final plans unless a written extension is granted by the Borough. Until the conditions have been satisfied, the applicable fees have been paid and the escrows fully funded, the final plans shall not be signed nor recorded. In the event that the conditions have not been satisfied, the fees have not been paid and the escrows have not been funded within ninety (90) days of the date of said resolution, or any written extension thereof, the contingent approval shall expire and be deemed to have been revoked.

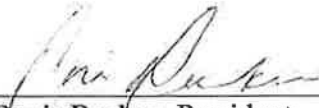
33. Under the provisions of the Pennsylvania Municipalities Planning Code, the Applicant has the right to accept or reject conditions imposed by Borough Council upon final approval. The Applicant shall signify its acceptance of the conditions contained herein by signing a copy of this Resolution and returning it to the Borough within thirty (30) days of the date of this Resolution. In the event execution of this Resolution is not delivered to the Borough office by 12:00 p.m. on July 8, 2022, or if the Borough receives written notice of an appeal or rejection of any of the conditions set forth herein within thirty (30) days from the date of this Resolution, this approval, the waivers granted in Section B.1., the deferrals provided in Section B.2 and the deferrals provided in Section B.3 hereof (which waivers are granted and deferrals provided contingent upon the acceptance of the conditions set forth herein) shall be deemed to be automatically rescinded and revoked and the application shall be considered denied based upon

the failure to fully comply with all of the sections set forth in Section B, all as authorized by Section 508 of the Pennsylvania Municipalities Planning Code.

SECTION D. EFFECTIVE DATE. This Resolution shall be effective immediately upon the adoption hereof.

APPROVED at the public meeting of the Borough Council of the Borough of Red Hill council the held on June 8, 2022.

BOROUGH OF RED HILL

By: 

Doris Decker, President
Borough Council

Attest: 

Gia McKinley, Secretary

By signing below, the Applicant accepts and consents to all of the terms and conditions of approval contained in the foregoing Resolution for ~~Final~~ Subdivision and Land Development Approval for Kershner Village, LLC.

PRELIMINARY J.EM

APPLICANT:

KERSHNER VILLAGE, LLC

Date: 6/15/22

By: *J. Edmund Mullin*
Name: J. EDMUND MULLIN
Title: MEMBER

START OF
RESOLUTION 2022-5
EXHIBITS

EXHIBIT "A"

**ENUMERATION OF THE PRELIMINARY PLANS FOR THE
KERSHNER WEAVER TRACT SUBDIVISION AND LAND DEVELOPMENT**

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8 of 50	Parcel Consolidation Plan – Record Sheet 7 of 14	12/1/2021 // 3/28/2022
9 of 50	Overall Existing Features/ Demolition Plan	12/1/2021 // 3/28/2022
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15 of 50	Grading Plan	12/1/2021 // 3/28/2022
16 of 50	Overall Utility Plan	12/1/2021 // 3/28/2022
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18 of 50	Utility Plan	12/1/2021 // 3/28/2022
19 of 50	Ashley Drive and Profile	12/1/2021 // 3/28/2022
20 of 50	Tyler Drive Plan and Profile STA 0+00 to STA 7+50	12/1/2021 // 3/28/2022
21 of 50	Tyler Drive Plan and Profile – STA 7+50 to STA 13+88.51	12/1/2021 // 3/28/2022
22 of 50	Off-road Profiles	12/1/2021 // 3/28/2022
23 of 50	Off-road Profiles	12/1/2021 // 3/28/2022
24 of 50	Off-road Profiles – Sanitary Sewer and Force Main	12/1/2021 // 3/28/2022
25 of 50	Off-road Profiles – Force Main	12/1/2021 // 3/28/2022
26 of 50	Off-road Profiles – Force Main	12/1/2021 // 3/28/2022
27 of 50	Hendricks Road Plan and Profile – STA 0+00 to STA 12+00	12/1/2021 // 3/28/2022
28 of 50	Hendricks Road Plan and Profile –	12/1/2021 // 3/28/2022

	STA 12+00 to STA 16+16.47	
29 of 50	Hendricks Road Plan and Profile – STA 0+00 to STA 4+00	12/1/2021 // 3/28/2022
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33 of 50	E&S Plan – Chapter 105 Permit Areas	12/1/2021 // 3/28/2022
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EXHIBIT "B"
BOROUGH ENGINEER REVIEW LETTER



MULTI-DISCIPLINE ENGINEERS AND CONSULTANTS

55 South Route 100, Allentown, PA 18106

610.398.0904 610.461.9098

barryisett.com

May 17, 2022
Project #351418.008

VIA EMAIL

David Schiffgens, Mayor & Chair
Red Hill Borough Planning Commission
Borough of Red Hill
56 West Fourth Street
Red Hill, PA 18076

Dear Mr. Schiffgens:

RE: KERSHNER WEAVER TRACT – PROPOSED RESIDENTIAL DEVELOPMENT

Preliminary Plan Submission
Hendricks Road, Red Hill Borough, Pennsylvania

As requested, we have reviewed the preliminary plans for the referenced project. This project is located on Hendricks Road at the municipal boundary with Upper Hanover Township, across the street from the proposed Glenwood Chase Subdivision. The site is located within the Village Residential Overlay District. The purpose of the plan is to develop the site with the installation of 33 single-family detached units and 32 single family attached units.

Materials Submitted for Review:

- Preliminary plan submission includes 50 plan sheets all dated December 1, 2021 and last revised April 28, 2022, prepared by STA Engineering, Inc.
- Waiver Request Letter dated February 4, 2022, amended April 27, 2022.
- Post-construction Stormwater Management Report dated December 1, 2021 and last revised April 28, 2022, prepared by STA Engineering, Inc.
- Wetland Report dated March 2022, prepared by Nova Consultants Ltd.
- Trip Generation Comparison/Access Analysis, dated April 20, 2022, prepared by Traffic Planning and Design, Inc.
- Engineer's Response Letter dated April 27, 2022.
- Agreement of Sale, Kershner Village, LLC, not dated.

The project includes the consolidation of four parcels into one 21.14-acre lot, and the construction of 33 single family detached village homes and 32 single family attached townhouse units on the consolidated lot. The overall project also includes another 14.16-acre parcel located in Upper Hanover Township. The applicant proposes to use the portion of land within Red Hill Borough for the residential development of the 65 residential units and to utilize the portion of land within Upper Hanover Township as an Open Space area.

The plan was considered a major land development and was reviewed for conformance to the Zoning Ordinance, dated December 4, 1984, with the latest revisions adopted November 11, 2019, the preliminary plan requirements included in the Subdivision and Land Development Ordinance, adopted July 10, 2013, and for conformance to Ordinance 2019-560. Based upon our review, the following comments are provided for your consideration:

Waivers

The following waivers from the Subdivision and Land Development Ordinance and the Stormwater Management Ordinance have been requested:

1. **§22-304.1.F(2)(e)** – Existing well locations within the tract proposed for subdivision and/or land development and within 400 feet of the tract boundaries shall be shown. A **waiver** is requested from showing the wells within 400 feet of the site; however, any wells that exist on the Prodex, Groff, and Hoffman properties along Hendricks Road will be field located and depicted on the final plan.
2. **§22-304.1.F(3)(g)** – Existing septic system and drain field locations within the tract proposed for subdivision and/or land development and within 400 feet of the tract boundaries shall be shown. A **waiver** is requested from showing the septic systems within 400 feet of the site; however, any septic systems or drain fields that exist on the Prodex, Groff, and Hoffman properties along Hendricks Road will be field located and depicted on the final plan.
3. **§22-304.1.F(6)(a)** – The location, size, species, and condition of on-site trees six inches in diameter or greater, when standing alone or in small groups shall be shown on the plans. A **waiver** is requested to not depict all site trees on the final plan, but to instead show and note the location of site trees that exist and are being disturbed along the property boundaries on the final plan.
4. **§22-408** – Per the requirements of this section, recreation land must be provided and dedicated to the Borough. A **partial waiver** from dedicating recreation land has been requested to allow the recreation land to be owned and maintained by the homeowner's association rather than be dedicated to the Borough.
5. **§ 22-409** – Per the requirements of this section, for developments of more than 51 units at least 2 tot lots, 2 playfields and 1 basketball or tennis court must be provided. A **waiver** from providing the recreation facilities has been requested because an approximately 2,300 l.f. recreational walking path is proposed. The Planning Commission should review the proposed trail configuration and confirm the trail system as proposed is acceptable.
6. **§ 22-422.2.A** – Per this section, a single access loop street can only serve a maximum of 30 families. A **waiver** is requested to allow a single-access loop street to serve 62 families. An emergency access is provided in a manner previously discussed with the Borough and the Fire Marshal.
7. **§ 22-422.3.C** – Per this section, a cul-de-sac street shall not extend from a single-access loop street. A **waiver** is requested to allow an approximately 370-foot long cul-de-sac to extend from the single-access loop street to reach the northwest corner of the tract.
8. **§ 22-423.1** – The required paving width for residential streets is 36 feet, for cul-de-sac streets the required paving width is 50 feet. The required right-of-way for residential streets is 50 feet, for cul-de-sac streets the required right-of-way width is 60 feet. The plan proposes the installation of a 32-foot wide cartway for Ashley Drive and a 32-foot-wide cartway for Tyler Drive, and a 16-foot half-width cartway for Hendricks Road. A

waiver is requested to allow the reduced street paving and right-of-way widths for the new internal roads, and as previously discussed, on-street parking will be restricted to one side of the street on Ashley Drive and Tyler Drive.

9. **§ 22-426.1.D** – At no time shall angle or perpendicular parking along the curbs of local, public, or private access roads or streets be permitted. The plan proposes perpendicular parking along both Ashley Drive and Tyler Drive. A **waiver** is requested to allow the perpendicular parking.
10. **§ 22-427.1.A** – Sidewalks are required along the site frontage with Hendricks Road. A **partial waiver** is requested to provide sidewalk along the site frontage with Hendricks Road only to the realigned intersection proposed as part of the Glenwood Chase Subdivision. No sidewalk is proposed along the site frontage where the pump station is proposed.
11. **§ 22-429.12.G** – The trail grade shall not exceed 5%. A **waiver** is requested to allow a proposed trail slope of greater than 5 percent in the trail that extends through Upper Hanover Township. From the request letter it appears the trail slope will be between 7 and 8 percent for a distance of approximately 300 feet behind Lots 5 through 10.
12. **§22-437.1.C(4)(b)** – Replacement trees shall be planted on the site to mitigate the loss of existing trees which are removed as part of construction. Such replacement trees shall be in addition to other landscaping requirements. A **waiver** is requested from replacing each tree of 6 inches in diameter or greater that are removed. A survey of existing trees of 6 inches in diameter (dbh) or greater will be conducted along the borders of the property where tree disturbance is proposed. The location and number of trees to be removed will be shown and noted on the final plan and replacement trees shall be planted in close proximity to the trees removed, with the location being designed by a landscape architect and shown on the final plan.
13. **§22-437.4.A** – A filtering buffer shall buffer the trail from adjacent land uses on both sides of the trail. A **partial waiver** has been requested to provide less plantings.
14. **§ 22-440.2** – The Borough elevations are based on the Borough sanitary sewer system datum and all contours and elevations shown on plans must be based on this system. The contours shown on the plans are not based upon the required datum. A **waiver** is requested to allow the contours to be based upon the NAVD29 datum in lieu of the Borough sewer datum. The difference between the two datums is referenced in General Note 2 on Sheet 4.
15. **§ 22-441.3** – A traffic impact study shall be submitted as a part of any part of a land development for a residential subdivision of 20 lots or more. A **partial waiver** is requested from submitting a new traffic impact study. An update letter with a comparison to the 2015 study, instead of a new traffic impact study, is proposed because this development has fewer units than was proposed in 2015.
16. **SWM §19-401.4.A(2)** – Stormwater retention or detention basins shall be located at least 50 feet from any property boundary or right-of-way. A **waiver** has been requested to allow BMPs 001, 002, and 004 to be located within 50 feet of the road rights-of-way.

Zoning Ordinance

1. **§27-319.4.G** – The configuration of Village Single Lots 31 through 33, which front on Hendricks Road, are designed assuming the road intersection is reconfiguration as part of the Glenwood Chase Subdivision. If the intersection, however, does not get realigned or the realignment is significantly delayed, then those lots will not meet the minimum front yard

setback requirements if they are built as shown on the plans. The lot configuration may need to be redesigned based upon an ultimate right-of-way of Hendricks Road without the intersection realignment.

2. §27-319.6.E(2) –The Fire Marshall should review the plans and comment on necessary vertical clear space between the proposed vegetation, as well as the use of the truck selected for the turning analysis. The May 11, 2020 Letter from the Fire Marshall indicates that the minimum required width is 20' in accordance with Section 503 International Fire Code 2015. Confirmation from the Fire Marshall should be provided that the design is acceptable.
3. §27-319.7.A & §27-319.7.F(2) – Recreation facilities shall be provided in accordance with §22-409 of the SALDO. Or, in the alternative, a trail constructed within any portion of the Perkiomen Railroad easement located within the development and additional open space containing a community trail system that meet the specifications described in §27- 319.7.F and are otherwise satisfactory to Borough Council shall be provided. In addition to the rail trail, a system of community walking trails not located within the abandoned Perkiomen Railroad easement in amounts and locations acceptable to Borough Council shall also be provided. The revised limits of the rail trail and community trail systems are now shown on the plans. The Planning Commission should review the proposed trail configuration and confirm the trail system as proposed is acceptable.
4. §27-404.4.C(2)(c) – The plantings screen along the site property lines shall be placed such that at maturing the plantings will be at least three feet from any street or property line.

Subdivision and Land Development Ordinance

1. §22-304.E(3) – The seal of the surveyor and the seal of the engineer responsible for the preparation of the plans should be included on the plans. It is a preliminary plan requirement that the seals of the individual professionals who are responsible for the preparation of the plans are to be included on the plans.
2. §22-304.1.G – Proposed Features and Lotting Plan.
 - Note 27 on Sheet 4 indicates that the open space areas shall be owned and maintained by the homeowner's association. A copy of the operation and maintenance agreement should be provided with the final plan submission.
 - (3)(b) The design for the proposed pumping station must be approved by the Upper Hanover Authority. Approval of the design should be a condition of the final plan approval.
 - (4)(b) The design of the stream channel box culvert should be provided and approved prior to construction.
 - (4)(d) The stormwater BMP Operations and Maintenance Plan as required by the Borough Stormwater Management Ordinance should be provided with the final plan submission.
 - (5)(a) A new development schedule including the approximate date when the construction is expected to begin and be completed should be provided with the final plan submission.
 - (5)(b) A copy of all restrictions, easements, or covenants, if any, under which lots are to be sold should be provided with the final plan submission.
 - (5)(e) The letters regarding availability of sewer and water facilities should be provided.

- (5)(f) Submit copies of letters and permit applications from all reviewing agencies.
3. § 22-407.6(e) – If the open space areas are to be controlled by the Homeowners Association, then they are subject to meeting the requirements of this section.
 4. § 22-417.1.A – A written legal description of any right-of-way area to be dedicated to the Borough will be required at the time of the final plan submission.
 5. § 22-427.2.C(2) – Curbing shall be a twenty-two-inch vertical type, with an eight-inch reveal. The vertical dimensions shown in the Concrete Curb detail on Sheet 45 should be revised to indicate the 22" curb height and note an 8" curb reveal is to be provided.
 6. § 22-703.4 – If modification or waiver approval is granted by Red Hill Borough Council, then the waivers list shall on Sheet 4 shall be revised to include the date of the board meeting when the relief was granted.

Stormwater Management

7. §19-401.4.K(5) – A fence or suitable vegetation screen shall be provided around all detention basins as required and approved by the Borough Engineer in compliance with this section. The locations for the proposed access gates for maintenance equipment should be shown. Gate locations should not be obstructed by proposed landscaping features.
8. §19-402 – The applicant shall provide a copy of the submissions to, and the approvals from, the Montgomery County Conservation District and the Pennsylvania Department of Environmental Protection regarding erosion and sediment controls, NPDES permit and any Chapter 105 permitting as required by PA DEP.
9. Inlet F34 appears to have 15" pipes entering at acute angles. Review and consider larger box type to accommodate these connections.

Landscaping Comments

10. §22-437.4.A and §27-319.7.F – The community walking trails not located within the abandoned Perkiomen Railroad easement require planting on both sides along its entire length where the trail is located within the Borough. The plans are only showing some areas of planting, so additional plantings are needed. While a partial waiver has been requested from the SALDO requirement, the requirement of the Village Overlay section of the Zoning Ordinance should be addressed.
11. § 22-437.1.C.3 – Each freestanding mature tree, tree mass, or woodland on the site shall be designated "TO REMAIN" on the landscaping plan. Mature trees, tree masses, or woodlands must remain unless they are required to be removed.
12. §22-421.7 – Proper sight lines shall be maintained at all street intersections. No building, tree, hedge, shrubbery, or other obstruction shall be permitted in this area.
13. Revise conflicts of proposed trees with existing trees and tree masses.
14. Planting quantities should be confirmed.
15. § 22-443.8 Street and Parking Lot Lighting for Residential Applications. The applicant shall provide a proposed lighting plan with the next submission. The following comments are based on the previous lighting plan submission.
 - A. Revise the proposed lighting plan to meet the requirements of this section. Additional lighting required:
 - (3) At cul-de-sac bulb radii.

- (5) At defined pedestrian crossings located within the development.
 - (6) At other locations along the street as deemed necessary by Red Hill Borough Council upon recommendation of the Borough Engineer.
 - (7) Where lot sizes permit the parking of less than two vehicles on the lot, thereby necessitating on-street parking, streetlighting shall be provided along the length of the street, in accordance with the illuminance requirements contained in § 22-443.4C above.
- B. In residential developments with lots of less than 20,000 square feet, where six or more contiguous parking spaces are proposed, such spaces shall be illuminated in accordance with the illuminance requirements contained in § 22-443.4C above.
- 16. § 22-443.10 Lighting plan shall be prepared to meet the lighting plan submission requirements of this section.
 - 17. § 22-443.2(D) –The developer shall be responsible for making necessary arrangements with the Borough and the electric utility for the streetlight installation.
 - 18. § 22-443.5 – Streetlighting supplied with unmetered service shall meet the specifications of the electric utility and the Borough Council. Council shall determine if the proposed site lighting fixture meets their approval.


General Comments

- 19. Sewage facility planning is to be addressed.
- 20. Lot boundary closure reports for each lot, the road right-of-way areas and all easements shall be provided with the next submission.
- 21. Record Plan Note 14 on Sheet 4 should be amended to indicate that corner pins are to be set at each new lot corner.
- 22. Extension of the rear driveway on Lot 33 to Hendricks Road, creating a looped driveway for Lots 30 through 33, should be considered.
- 23. If possible, Inlet F22.1 should be relocated to the curb line of the parking space.
- 24. The driveway for Townhouse Unit 1 should be re-drawn to be entirely on the lot for that unit, it should not encroach onto Lot 2.
- 25. The sanitary lateral for Townhouse Unit 2 should not be shown cutting across the driveway for Lot 1, the lateral should be located in front of the lot for that unit.
- 26. Endwall G is drawn at an incorrect invert elevation in the profile shown on Sheet 23.
- 27. The Fire Marshall should review the revised plans and provide comment as to whether the locations and spacing of the proposed hydrants and the emergency access drives are acceptable.
- 28. A response letter should be provided addressing the comment letters from the Fire Marshall and the office of the Red Hill Borough solicitor.
- 29. Provide a copy of the supporting documents listed in the Plan Sheet Index in the next submission.
- 30. The applicant should provide a notification from the post office and the Fire Marshal that the proposed street names are acceptable.
- 31. The final plans indicating the landscaping improvements must be signed and sealed by a licensed Landscape Architect or a certified horticulturalist.

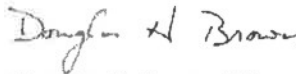
32. All resubmissions should be accompanied with a detailed letter explaining how each comment has been addressed.

These comments are made with the understanding that all features are accurately displayed on the submitted plans and that they comply with all current laws, regulations, and currently acceptable professional land surveying and engineering practices. This is not a comprehensive list and other comments may be added as additional information becomes available or should change.

Sincerely,



Ryan M. Kern, PE
Barry Isett & Associates
Borough Engineer



Douglas H. Brown, PE
Barry Isett & Associates
Senior Project Manager

cc: Gia McKinley, Borough Secretary (via email)
Doris Decker, Borough Council President (via email)
Scott Denlinger, PC Solicitor (via email)
Mark Hosterman, Solicitor (via email)
Susan Rice, P.E., STA Engineering, Inc. (via email)
Ed Mullin, Esq. (via email)

EXHIBIT "C"

BOROUGH ZONING OFFICER REVIEW LETTER



2325 Heritage Center Drive, Suite 315, Furlong, PA, 18925
267-454-2260 610-481-9098
barryissett.com

May 18, 2022

Red Hill Borough
56 W Fourth Street
Red Hill, PA 18076

To Whom It May Concern:

RE: KERSHNER WEAVER TRACT – PROPOSED RESIDENTIAL DEVELOPMENT
Hendricks Road, Red Hill Borough, Montgomery County, Pennsylvania

As requested, we have reviewed the Preliminary Plan for the Kershner Weaver Properties proposed residential development. This project is located on Hendricks Road (Rd.) at the municipal boundary with Upper Hanover Township.

The project includes the construction of 65 new residential units on a 35.3-acre lot. The property extends across two municipalities with approximately 21 acres located within Red Hill Borough and approximately 14 acres in Upper Hanover Township. The applicant proposes to use the portion of land within Red Hill Borough for the residential development of the 65 units including 33 single family homes and 32 townhomes. The plan was reviewed for conformance to the requirements included in the Village Overlay District Section of the Zoning Ordinance.

Based upon our review the following comments are offered for your consideration:

1. §27–319.6.D(2) – Parking Design Standards. A single garage door facing a street shall not exceed a width of ten feet. Architectural standards for those building types must specify two garage doors, each not exceeding a width of ten feet.
2. §27–319.6.E(2) –The proposed cul-de-sac provides a secondary emergency access. Please note this emergency access shall be acceptable to Borough Council upon advice of the Borough Engineer and the Borough Fire Marshal.
3. §27–319.7.A & §27–319.7.F(2) – Recreation facilities shall be provided in accordance with §22-409 of the SALDO. Or, in the alternative, a trail constructed within any portion of the Perkiomen Railroad easement located within the development and additional open space containing a community trail system that meets with the satisfaction of Borough Council shall be provided. The plans indicate a community trail system similar to what was shown on the previously submitted preliminary plans, with the bulk of the community trail being located in the Upper Hanover Township portion of the site. The Applicant has requested a waiver from §22-409 of the SALDO.
4. §27–319.7 – Open space requirements provided within Upper Hanover Township must be deemed acceptable to Planning Commission and Borough Council. The Borough Engineer

will also review for compliance for the open space requirements of the Village Residential Overlay District.

Feel free to reach out if you need any further information or clarification.

Sincerely,



Caitlin Mest, EIT, BCO, CFM
SEPA Municipal Code Services Manager
Code Services Department
Barry Isett & Associates, Inc.
Red Hill Borough Zoning Officer
215-622-1616
cmest@barryisett.com

Copy Gia McKinley, Red Hill Borough Secretary
 Mark Hosterman, Wisler Pearlstine LLP, Red Hill Borough Council Solicitor
 Scott C Denlinger, Wisler Pearlstine LLP, Red Hill Borough Planning Commission Solicitor
 Susan Rice, P.E., STA Engineering Inc.
 Ed Mullin, Esq., HRMM&L, PC

EXHIBIT "D"

BOROUGH FIRE MARSHAL REVIEW LETTER

Borough of Red Hill

56 West 4th Street
Red Hill, PA 18076
PH: 215-679-2040
Fax: 215-679-0527
www.redhillborough.org
info@redhillborough.org

Borough of Red Hill
56 West Fourth Street
Red Hill, Pa. 18076

May 27, 2022

Re: Preliminary / Subdivision & Land Development Plans
Kershner Weaver Tract

To Whom this may concern,

As requested, I have reviewed the preliminary plan for the Kershner Weaver Properties proposed residential development. This project is located on Hendricks Road at the Municipal boundary with Upper Hanover Township. Revised drawings March 28, 2022.

Based upon review the following comments are noted for your consideration:

1. Emergency Access Road

Section 503 International Fire Code 2015

Fire Apparatus access roads shall have an unobstructed width of not less than 20 feet. Surface shall be designed and maintained to support the imposed loads of the fire apparatus and shall be surfaced to provide all weather driving capabilities. Proposed Emergency Access Shoulder Construction Page 45/50. Borough Engineer to approve design will support the weight of 80,000 lbs. Needs to provide all weather driving capabilities.

Removable bollard to be placed at the end of each emergency access. To prevent unauthorized vehicle access.

Needs to be in the HOA agreement to maintain

2. Road widths

Widths of roads are noted on the plan to be 32 feet with no parking one side.

Note road widths are required to be 36 feet, that would allow parking on both sides by ordinance.

(a) Parking on both sides will not permit enough room for the aerial jacks. Outside to outside of Jacks are 19 feet 6 inches. Average vehicle 9 feet for parking, would require 37 foot 6 inches for proper and safe operations. We would be 1 foot 6 inches short to operate safely.

(b) At 32-foot road width, parking one side. 19 feet 6 inches for aerial, 9 feet for parked vehicle would be 28 feet 6 inches allow an extra 3 feet 6 inches.

If approved for parking only on one side. Request for hydrants to be placed on the no parking side of Road.

3. Fire Protection Water Supplies 507 International Fire Code 2015

- Residential occupancies for fire hydrant, required distance shall not exceed 600 feet.
- Required water supply test, water supply tests shall be witnessed by the code official.
- Documentation of the test shall be provided to the fire code official prior to the final approval of water supply system.
- Fire Hydrant located in the Cul-De-Sac appears to be a dead-end hydrant. Please provide hydraulic calculation for this hydrant
- Hydrant detail P 48/50 reflect standard pumper connection.
- Hydrant detail should reflect the following 5inch storz connection and 2 – 2 1/2-inch national standard connection. An approval of the Red Hill Water Authority.

Location of hydrants:

Existing Hydrant located on Hendricks road in front of Groff property. Please note on Plan

Hydrants located in cul-de-sac, intersection Ashley Drive and Tyler Drive, and at building Lot 16 Just need to ensure they do not exceed 600 feet between hydrants,

The other two Hydrants that are proposed are on the Glenwood Chase Development.

I will defer to the solicitor. I think we would need some type of agreement.

You are Requesting to use two hydrants that are not in place at this time and are going to be installed by another developer.

Will need to meet the hydrant details as requested as listed above. And meet the 600-foot distance from Glenwood Chase Hydrant to Ashley Drive & Tyler Drive hydrant. Proposed now when scaled is over 600 feet.

4. Premises Identification 505 International Fire Code 2015

The address identification shall be legible and placed in a position that is visible from the street or road fronting the property. Address Identification characters shall contrast with their background. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall not be spelled out. Each character shall be not less than 4 inches high with a minimum stroke width of 1/2 inch.

5. Street Signs 505.2 International fire code 2015

Street and roads shall be identified with approved signs. Temporary signs shall be installed at each street intersection when construction of new road ways allows passage by vehicles. Signs shall be of an approved size, weather resistant and be maintained until replaced by permanent signs.

General comments

Utility Note on drawings; Sump Pumps

Shall not discharge onto driveways, sidewalk, or streets. Please add They cannot be tied into public Sewer.

Please do not hesitate to contact me at 484-226-9918 if you have any questions regarding this letter.

Sincerely,

A handwritten signature in black ink, appearing to read "John Lehr". The signature is fluid and cursive, with a large initial "J" and a long horizontal stroke extending to the right.

John Lehr CFI, CFPE, CFI II
Borough Fire Marshal

Copy Gia McKinley, Red Hill Borough Secretary
Mark Hosterman, Wisler Pearlstine LLP, Red Hill Borough Council Solicitor
Scott C Denlinger, Wisler Pearlstine LLP, Red Hill Borough Planning Commission Solicitor
Susan Rice P.E. STA Engineering Inc.
Douglas Brown, P.E. Red Hill Borough Engineer – Barry Isett & Associates, Inc
David Schiffgens, Chair Red Hill Borough Planning Commission
Doris Decker, President Red Hill Borough Council

END OF
RESOLUTION 2022-5
EXHIBITS

EXHIBIT "C"

BOROUGH ENGINEER REVIEW LETTER



**REMINGTON
& VERNICK
ENGINEERS**

Croton Road Corporate Center
555 Croton Road, Suite 401
King of Prussia, PA 19406
O: (610) 940-1050
F: (610) 940-1161

November 14, 2023

David Schiffgens
Mayor & Chair of Planning Commission
Borough of Red Hill
56 West Fourth Street
Red Hill, PA 18076

**Re: Borough of Red Hill
Kershner Village (formerly Kershner Weaver Tract)
Red Hill Borough Parcels A. #17-00-00135-62-2, B. #17-00-00135-90-1, C. 17-00-00135-61-3
& D. #17-00-00135-60-4
Upper Hanover Township Parcel E. #57-00-01516-10-1
RVE File # PMRHP003**

Dear Mr. Schiffgens:

Remington & Vernick Engineers (RVE), on behalf of Red Hill Borough has reviewed the following submission materials in connection the application referenced above:

- Plan entitled “Final Plans of Kershner Village” (50 sheets), dated December 1, 2021, various revision dates with the last revised September 5, 2023, prepared by STA Engineering, Inc. of Pennsburg, PA.
- Response Letter dated October 25, 2023, prepared by STA Engineering, Inc. of Pennsburg, PA.
- Laboratory testing & Gravelpave Confirmation dated July 11, 2023, prepared by Earth Engineering Incorporated of Emmaus, PA.
- Legal Descriptions (35) for storm sewer easements, utility easements, roadway right-of-way abandonment, emergency access / trail easement, Perkiomen Trail easement, Community Walking Trail easement, snow easement, entrance amenity easement, open spaces, road rights-of-way, sight triangle easement, lot consolidation and overall tract, dated October 23, 2023, prepared by STA Engineering, Inc. of Pennsburg, PA.
- Architectural Dwelling and Unit Renderings dated October 18, 2023, prepared by D. R. Horton of Harleysville, PA.
- Draft Public Offering Statement, undated, prepared by Hamburg, Rubin, Mullin, Maxwell & Lupin of Lansdale, PA.
- Draft Declaration of Planned Community, undated, prepared by Hamburg, Rubin, Mullin, Maxwell & Lupin of Lansdale, PA.
- Upper Montgomery Joint Authority ‘Will Serve’ Letter dated October 23, 2023.

I. General Information

Owner & Applicant: Parcels A & C:
Shelbourne Greene Associates LP
P. O. Box 1181
Blue Bell, PA 19422

Kershner Village Subdivision Final Plan – Review #1
1354 Hendricks Road
Borough of Red Hill
Page 2 of 6

Parcels B & D:
Willard Franklin & Mary G. Kershner
1354 Hendricks Road
Pennsburg, PA 18073
Parcel E:
Willard Franklin & Mary G. Kershner
1354 Hendricks Road
Pennsburg, PA 18073

Equitable Owner: Kershner Village, LLC
800 Tristen Way
Schwenksville, PA 19473
Attn: Anthony Rossi
tonyross1@verizon.net

Plan Preparer: STA Engineering, Inc.
2499 Knight Road
Pennsburg, PA 18073
215-679-0200
Fax: 215-679-9200
Attn: Susan A. Rice, P.E.
srice@stotac.com

Attorney: Hamburg, Rubin, Mullin, Maxwell & Lupin
375 Morris Road
Lansdale, PA 19446-0773
215-661-0400
Attn: Carl N. Weiner, Esq.
cweiner@hrmml.com

Builder: D. R. Horton – New Jersey, Inc.
2060 Detwiler Road, Suite 103
Harleysville, PA 19438

Proposal: Construct thirty-three (33) Detached Dwelling Units and thirty-two (32) Townhome Units on a combined 35.29 acre tract.

II. Comments

Any underlined comments must be addressed by the applicant prior to project approval.

The following comments remain outstanding from the June 13, 2023, Barry Isett & Associates, Inc. review letter.

1. Comment 1.d - The Typical Removable Bollard Detail should identify that the lock for the bollard will be placed at the higher locking eye. *STA Response: The detail has been corrected on Sheet 47.*

No note has been found on the detail. Add a note that the chain is to be welded to the lower locking eye.

2. Comment 1.g – Based on the meeting minutes from the February Planning Commission meeting, the detail for the fire hydrant on Sheet 50 should identify the fire hydrant with two (2) 2-1/2” National Standard threads and one (1) Storz 5-1/4” pumper connection. *STA Response: The fire hydrant detail on Sheet 50 depicts the stated requirements.*

The current note is missing several required pieces of information. Replace the current note:

Fire Hydrant with two (2) hose and one (1) pumper connection with 5” Storz connection.
Note: Pumper connection to face street.

With this note:

Fire Hydrant with two (2) 2-1/2” National Standard threads and one (1) Storz 5-1/4” pumper connection. Note: Pumper connection to face street.

3. Comment 9. – The plans should be signed and sealed by both the surveyor and the engineer responsible for the preparation of the plans (§22-306.1.D(1)). *STA Response: Will comply upon final plan approval.*
4. Comment 10. - The final plans indicating the landscaping improvements must be signed and sealed by a Landscape Architect or a certified horticulturalist (§22-437.1.A). *STA Response: Will comply upon final plan approval.*
5. Comment 11. – Final plan approval should be conditioned upon the sewage planning modules being approved by PADEP. The planning module approval shall be received prior to recording of the final plans (§22-306.1.B(2)(e)6)). *STA Response: Understood. The planning module is currently under review by PADEP.*
6. Comment 12. - The Design Engineer shall submit an estimate of the cost of completion of the required improvements (§22-502.3). *STA Response: Will comply upon final plan approval.*
7. Comment 14. - The property owner should sign an operations and maintenance agreement with the Borough covering all stormwater BMPs that are to be privately owned (§19-504.1). *STA Response: Will comply.*
8. Comment 15. - Pump Station design plans, along with documentation indicating that the Upper Hanover Authority has approved the Pump Station plans, should be provided (§22-304.1.G(3)(b)). *STA Response: Approval documentation will be provided to the Borough upon receipt.*

9. Comment 16. – The design of the stream channel box culvert should be provided and approved prior to construction (§22-304.1.G(4)(b)). *STA Response: Developer will comply.*
10. Comment 17. – A copy of all restrictions, easements or covenants, if any, under which lots are to be sold should be provided (§22-304.1.G(5)(b)). *STA Response: Developer will comply.*
11. Comment 18. – The Developer should comply with all items in SALDO Part 5 for Guarantee of Required Improvements, Financial Security, Release of Financial Security, Inspection of Work and Materials, Off-Site Improvements, Conditions for Acceptance of Dedication, Guarantee of Completed Improvements and Required Contracts. *STA Response: Developer will comply.*

New RVE Comments:

12. On Plan Sheet 1 (Cover Sheet) – Site Statistics 5 – also provide the tract area in acres.
13. On Plan Sheet 1 (Cover Sheet) – Red Hill Borough Waivers 8 – Line 2 – change the number of families from 62 to 65.
14. On Plan Sheet 47 (Construction Detail Sheet – Site Improvements) – Basin Split Rail Fence Detail & Double Gate Detail for Basin Split Rail Fence & Single Gate Detail for Basin Split Rail Fence – coordinate the type of wire and the location of attachment. The note on all three details should read:

Note: 1” x 3” Vinyl-Coated Black or Green Wire Mesh Shall Be Attached to the Exterior of the Fence Spanning from the Top Rail to 6” from Ground Elevation.

Also coordinate the number of horizontal rails that are proposed (two or three) and the height of the fence posts (4’ vs 4.5’).

GRANTED WAIVERS (June 8, 2022)

1. Section §22-304.1.F(2)(e) – to not show existing well locations within the tract and within 400 feet of the tract boundaries.
2. Section §22-304.1.F(3)(g) – to not show existing septic systems and drain field locations within the tract and within 400 feet of the tract boundaries.
3. Section §22-304.1.F(6)(a) – to not show the location, size, species and condition of trees six (6) inches in diameter (DBH) or greater, when standing alone or in small groups. The location of site trees that exist and are being disturbed along the property boundaries will be shown on the final plan.
4. Section §22-440.2 – to not base all contours and elevations shown on the plans to be based on the Borough sanitary sewer system datum. The contours and elevations are based on NAVD29 datum and the difference between the two datums is noted on the plans.

5. Section §22-441.3 – to not require a new traffic impact study. An updated letter with a comparison to the 2015 study is proposed because the proposed development is fewer units.

REQUESTED WAIVERS

1. Section §22-408.1 – to not provide and dedicate recreation land to the Borough. Open space will be owned and maintained by a homeowners association rather than dedicating the area to the Borough.
2. Section §22-409.1 – to not provide, for developments with more than 51 units, the required minimum two (2) tot lots, two (2) playfields and one (1) basketball or tennis court. An approximately 2,300 LF recreational walking path will be provided instead.
3. Section §22-422.2.A – to exceed the maximum number of families (30) to be served on a single - access loop street. A single-access loop street will serve sixty-five (65) families and emergency access will be provided in a manner acceptable to the Borough and the Fire Marshal.
4. Section §22-422.3.C – to allow a cul-de-sac that extends from a single-access loop street. An approximately 370-foot-long cul-de-sac will extend from the single-access loop street. Emergency access will be provided in a manner acceptable to the Borough and the Fire Marshal.
5. Section §22-423.1 – to allow other than the required roadway paving widths (residential street – 36 feet, cul-de-sac – 50 feet). The project proposes a paving width of 32 feet for Martha Way and Abigail Way (loop street & cul-de-sac) and a sixteen (16) foot half-width for Hendricks Road (residential street).
6. Section §22-427.1.A – to allow a sidewalk along Hendricks Road only from the Groff property line to the intersection curve just past Lot 33, where a sidewalk is also required along the Hendricks Road frontage from the intersection curve to the Hoffman property line.
7. Section §22-429.12.G – to allow trail grades to exceed the maximum five percent (5%) where the trail extends into Upper Hanover Township due to the existing site topography.
8. Section §22-437.1.C(4)(b) – replacement trees are required to mitigate for the existing trees being removed which are in addition to other landscaping requirements. Replacement trees will be planted, at the sole cost and expense of the applicant or developer, along the portion of the development’s trail located in Upper Hanover Township in locations satisfactory to the Borough and at locations specified by Borough Council in Borough Parks or other Borough owned land.
9. Section §22-437.4.A – a filtering buffer is required along both sides of the trail for its entire length. Plantings are provided on both sides of the trail of a type and quantity that is to the satisfaction of the Borough.
10. Section §19-401.4.A(2) – to allow stormwater retention or detention basins to be located less than the minimum fifty (50) feet from any property boundary or right-of-way. BMP 001 is located five (5) feet and BMP 002 is located twenty-four (24) feet from the Abigail Way right-of-way at

Kershner Village Subdivision Final Plan – Review #1
1354 Hendricks Road
Borough of Red Hill
Page 6 of 6

the cul-de-sac and BMP 004 is located eighteen (18) feet downstream from the Hendricks Road right-of-way.

Should you have any questions, please feel free to contact our office at (610) 940-1050.

Sincerely,
REMINGTON & VERNICK ENGINEERS

By



John Bundy, P.E.
Borough Engineer

JR/jrw

cc: Elizabeth DeJesus, Borough Manager
Shelbourne Greene Associates LP, Owner & Applicant
Willard Franklin & Mary G. Kershner, Owner & Applicant
Kershner Village, LLC, Equitable Owner
D. R. Horton – New Jersey, Inc., Builder
STA Engineering, Inc., Plan Preparer
Hamburg, Rubin, Mullin, Maxwell & Lupin, Attorney
Mark A. Hosterman, Esq., Borough Solicitor
John Lehr, Fire Marshal
Christopher Fazio, P.E., Regional Vice President
Joshua Seeherman, P.E., Project Engineer

EXHIBIT "D"

BOROUGH FIRE MARSHAL REVIEW LETTER

Borough of Red Hill

56 West 4th Street
Red Hill, Pa, 18076
PH: 215 679-2040
WWW.redhillborough.org
info@redhillborough.org

Borough of Red Hill
56 West Fourth Street
Red Hill, Pa. 18076

June 12, 2023

Re: Kershner Village (previously Kershner Weaver Track) FINAL Plan Resubmission

To Whom This May Concern,

As requested, I have reviewed the Final Plan for the Kershner Village, Proposed residential development. This project is located on Hendricks road at the Municipal boundary with Upper Hanover Township. Drawings April 7, 2023

1. EMERGENCY ACCESS ROAD

Section 503 International Fire Code 2015

Fire Apparatus access roads shall have an unobstructed width of not less than 20 feet. Surface shall be designed and maintained to support the imposed loads of the fire apparatus shall be surfaced to provide all weather driving capabilities. Proposed Emergency Access shoulder construction has been changed to a gravel pave. Borough Engineer to approve new design to ensure will support 80,000 pounds. Needs to provide all weather driving capabilities.

Emergency Access width along side Martha Way shows 10 foot wide for approximately 100 feet. Required to be 20 feet wide.

Emergency Access roads show placement of two bollards. We requested one in the middle on the access road.

Dolly Lane access to Hendricks Road, appears to have direct access on to Hendricks Road. Bollards need to be put in place, To prevent direct access onto Hendricks Road.

2. Road widths.

Page 4 note 10 22-423.1 speaks on the road width from 36 to 32 feet. Part missing is No parking one side.

Under Borough Maintenance Responsibilities

Proposed roads to be maintained by the Borough of Red Hill. Will this also include the Emergency Access Roads? Or will this be under the HOA?

3. Fire Protection Water Supplies 507 International Fire Code 2015
Fire Hydrant located in the Cul-de-Sac appears to be a dead-end hydrant. This needs to be a continuous feed and NOT a dead end.

Hydrant detail reflects the required connections, 2 2 ½" national standard and one 5" storz connection. Hydrant needs to be red in color.

Water flow test was conducted on May 11, 2023, at 09:11. Witnessed by both Red Hill Water Authority and Firemarshal Borough Red Hill.

General Notes

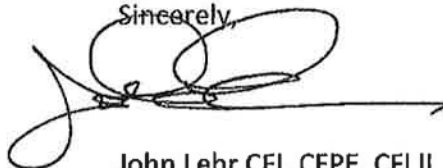
1. Ensure hydrants do not exceed 600 feet between hydrants.
2. Address identification shall be legible and placed in a position that is visible from the street or road fronting the property. Address identification characters shall contrast with the background. Address numbers shall be not less than 4 inches in height with a minimum stroke width of ½ inch. Numbers shall not be spelled out. Numbers shall be Arabic numbers or alphabetical letters. Location to be approved by the Borough Firemarshal

3. Street Signs

Street road signs shall be identified with approved signs. Temporary signs shall be installed at each street intersection when construction of new roadways allows passage of vehicles. Signs shall be of an approved size by Borough Firemarshal, weather resistant and maintained until replaced by permanent signs are in place.

Please do not hesitate to contact me at 484-226-9918 if you have any questions regarding this letter.

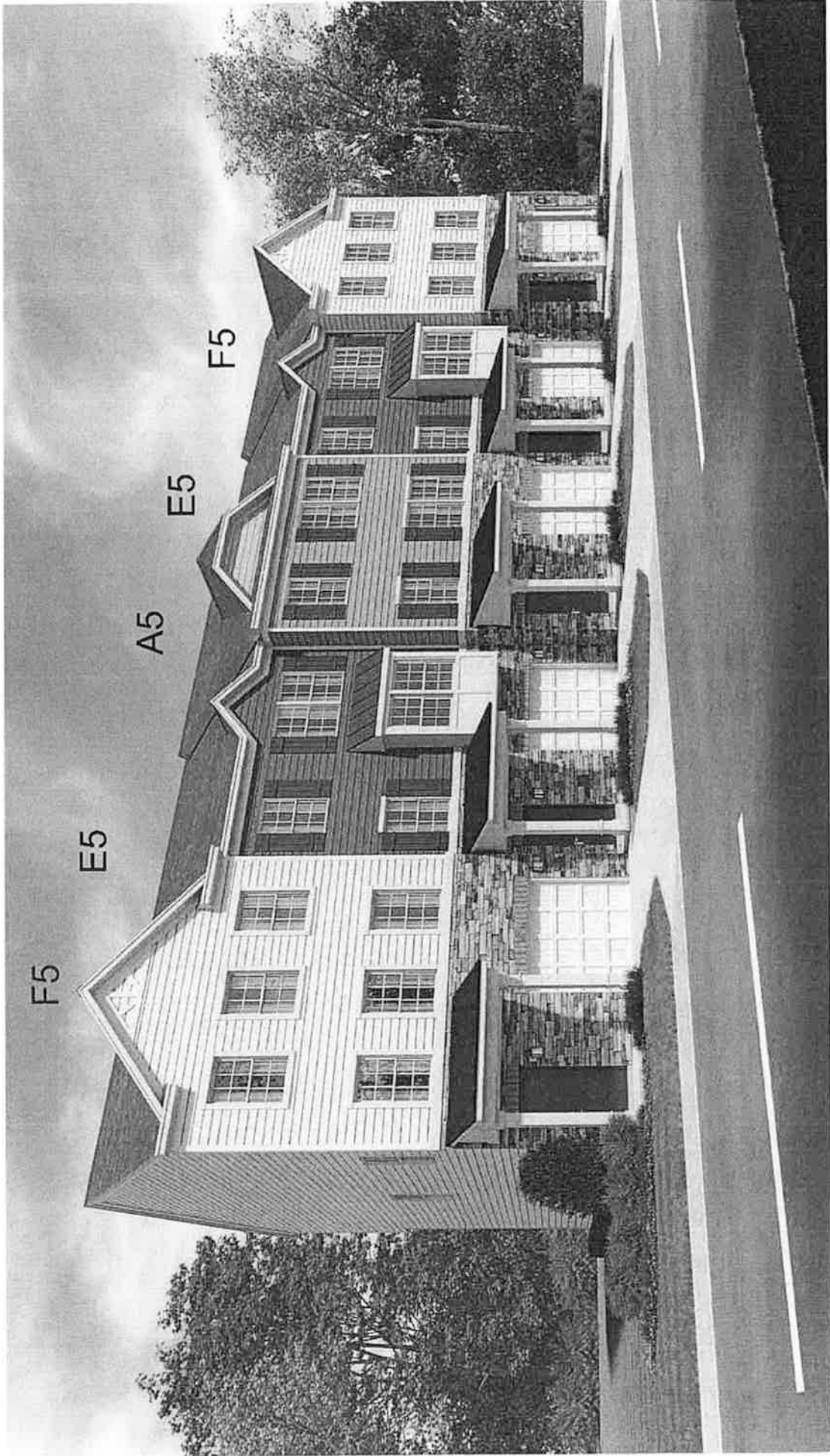
Sincerely,

A handwritten signature in black ink, appearing to read 'John Lehr', with a long horizontal line extending to the right.

John Lehr CFI, CFPE, CFI II
Borough Firemarshal

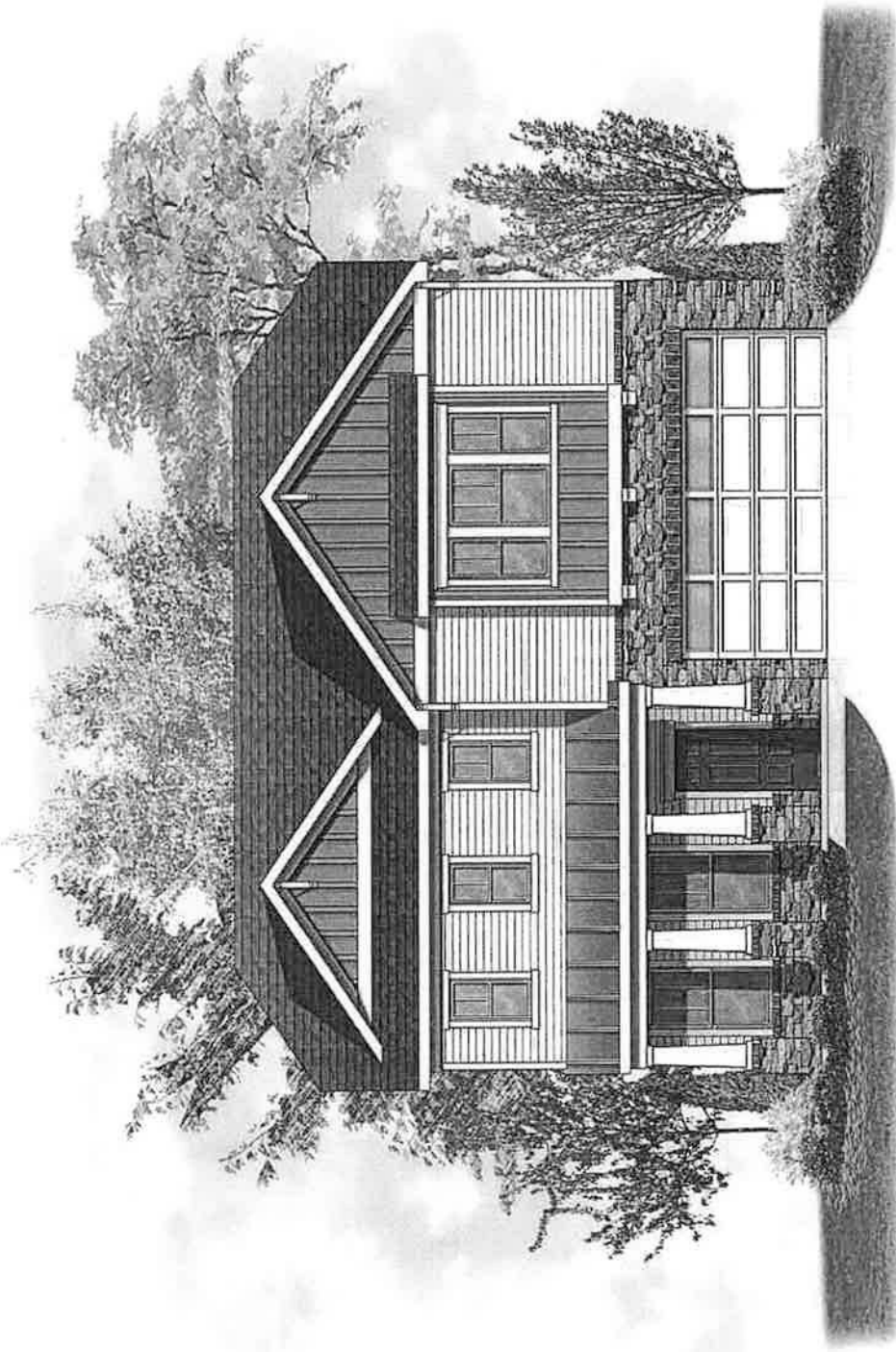
Copy Gia McKinley, Red Hill Borough Secretary
Mark Hosterman, Wisler Pearlstine LLP, Red Hill Borough Council Solicitor
Scott C Denlinger, Wisler Pearlstine LLP, Red Hill Borough Planning Commission Solicitor
Susan Rice, P.E. STA Engineering Inc.
Stan Wojciechowski, PE Red Hill Borough Engineer-Barry Isett & Associates, Inc
David Schiffgens, Chair Red Hill Planning Commission
Doris Decker, President Red Hill Borough Council

EXHIBIT "E"
APPROVED RENDERINGS



Creekside Village
Lafayette - "F5, E5, A5" Elevations

1.10.24



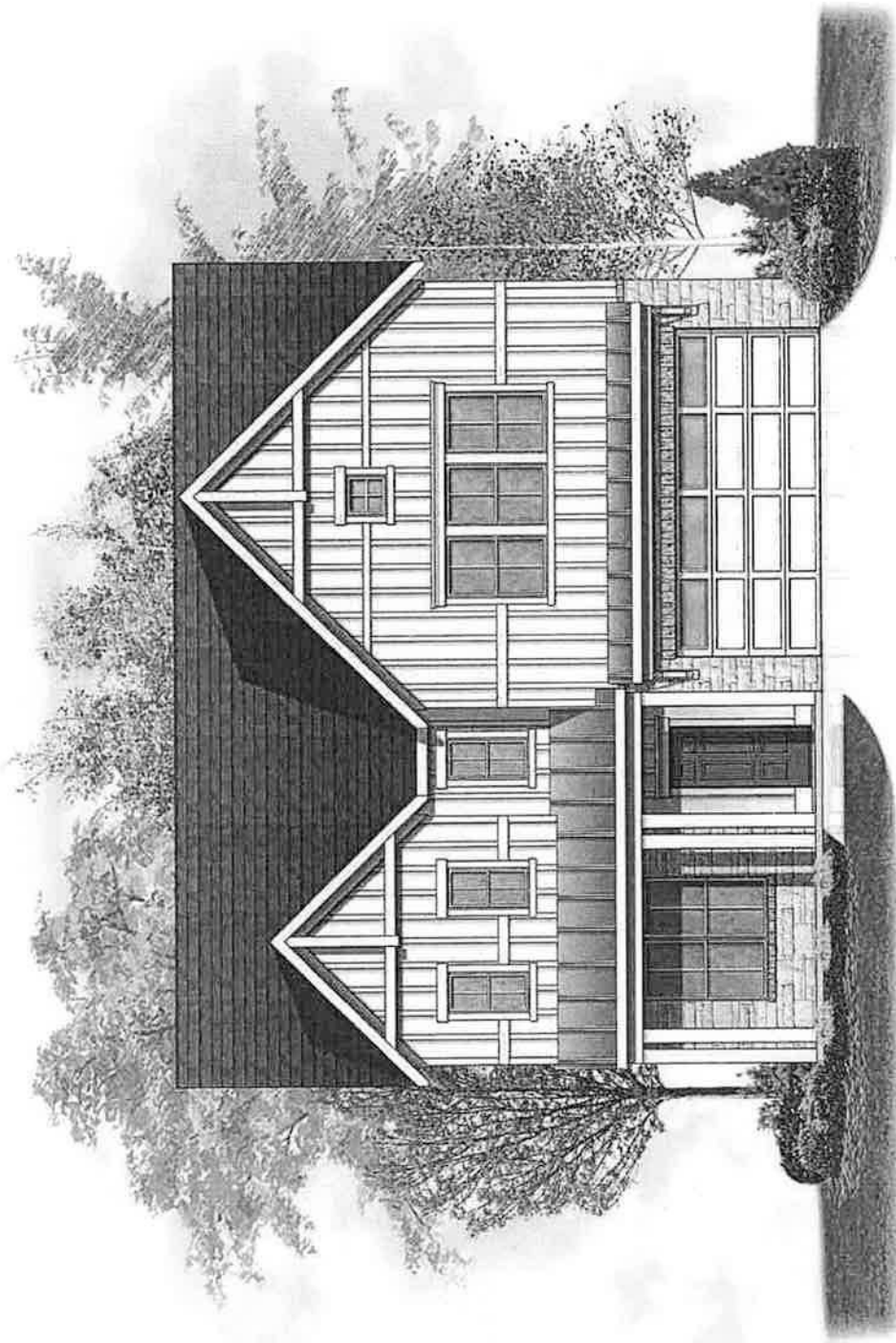
**Creekside Village
Galen - "F" Elevation**

1.10.24

D.R. HORTON
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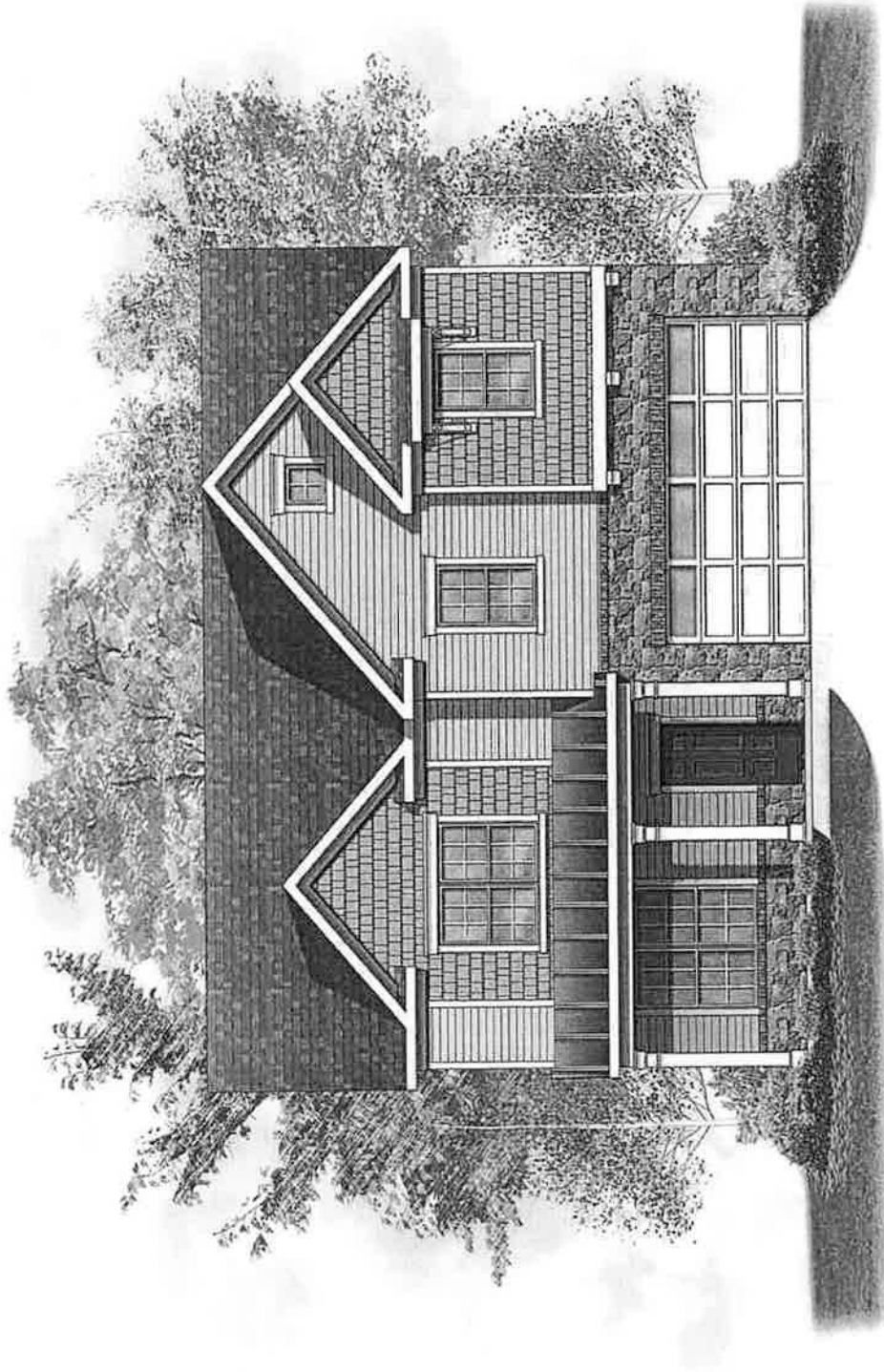
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Creekside Village Galen - "G" Elevation

1.10.24

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**Creekside Village
Henley - "F" Elevation**

1.10.24

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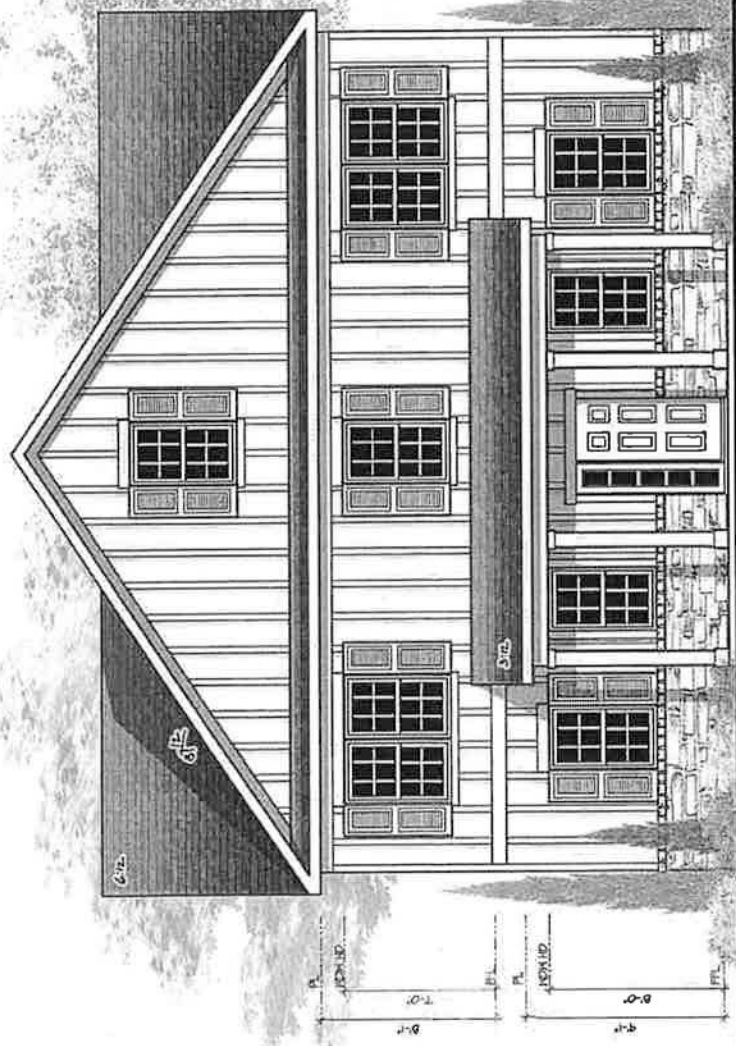
**Creekside Village
Henley - "H" Elevation**

1.10.24

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5333 SAUNDERS BL. CHUCKLE, AZ 85120 303.277.8800

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**Creekside Village
Henley Rear Loaded Plan
"F" Elevation**

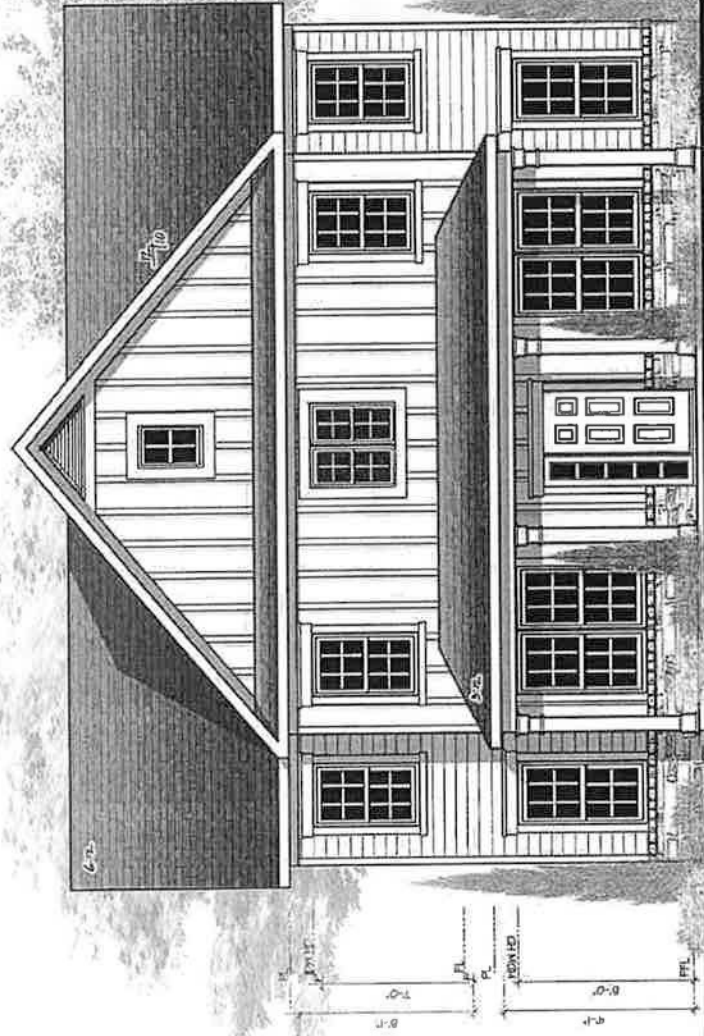
1.10.24



GMD-GA16082.1

Per contract awarded as a design-build project, the design-build team is responsible for the design and construction of the project. The design-build team includes the architect, interior designer, and construction manager. The design-build team is responsible for the design and construction of the project. The design-build team is responsible for the design and construction of the project. The design-build team is responsible for the design and construction of the project.





**Creekside Village
Henley Rear Loaded Plan
"G" Elevation**

1.10.24

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GMD-GA16082.1
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**Creekside Village
Henley Rear Loaded Plan
"H" Elevation**

1.10 24

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**END OF
RESOLUTION 2024-5
EXHIBITS**

EXHIBIT "C"

BOROUGH ENGINEER REVIEW LETTER

November 14, 2023

David Schiffgens
Mayor & Chair of Planning Commission
Borough of Red Hill
56 West Fourth Street
Red Hill, PA 18076

**Re: Borough of Red Hill
Kershner Village (formerly Kershner Weaver Tract)
Red Hill Borough Parcels A. #17-00-00135-62-2, B. #17-00-00135-90-1, C. 17-00-00135-61-3
& D. #17-00-00135-60-4
Upper Hanover Township Parcel E. #57-00-01516-10-1
RVE File # PMRHP003**

Dear Mr. Schiffgens:

Remington & Vernick Engineers (RVE), on behalf of Red Hill Borough has reviewed the following submission materials in connection the application referenced above:

- Plan entitled “Final Plans of Kershner Village” (50 sheets), dated December 1, 2021, various revision dates with the last revised September 5, 2023, prepared by STA Engineering, Inc. of Pennsburg, PA.
- Response Letter dated October 25, 2023, prepared by STA Engineering, Inc. of Pennsburg, PA.
- Laboratory testing & Gravelpave Confirmation dated July 11, 2023, prepared by Earth Engineering Incorporated of Emmaus, PA.
- Legal Descriptions (35) for storm sewer easements, utility easements, roadway right-of-way abandonment, emergency access / trail easement, Perkiomen Trail easement, Community Walking Trail easement, snow easement, entrance amenity easement, open spaces, road rights-of-way, sight triangle easement, lot consolidation and overall tract, dated October 23, 2023, prepared by STA Engineering, Inc. of Pennsburg, PA.
- Architectural Dwelling and Unit Renderings dated October 18, 2023, prepared by D. R. Horton of Harleysville, PA.
- Draft Public Offering Statement, undated, prepared by Hamburg, Rubin, Mullin, Maxwell & Lupin of Lansdale, PA.
- Draft Declaration of Planned Community, undated, prepared by Hamburg, Rubin, Mullin, Maxwell & Lupin of Lansdale, PA.
- Upper Montgomery Joint Authority ‘Will Serve’ Letter dated October 23, 2023.

I. General Information

Owner & Applicant:	Parcels A & C: Shelbourne Greene Associates LP P. O. Box 1181 Blue Bell, PA 19422
-----------------------	--

Parcels B & D:
Willard Franklin & Mary G. Kershner
1354 Hendricks Road
Pennsburg, PA 18073

Parcel E:
Willard Franklin & Mary G. Kershner
1354 Hendricks Road
Pennsburg, PA 18073

Equitable Owner: Kershner Village, LLC
800 Tristen Way
Schwenksville, PA 19473
Attn: Anthony Rossi
tonyross1@verizon.net

Plan Preparer: STA Engineering, Inc.
2499 Knight Road
Pennsburg, PA 18073
215-679-0200
Fax: 215-679-9200
Attn: Susan A. Rice, P.E.
srice@stotac.com

Attorney: Hamburg, Rubin, Mullin, Maxwell & Lupin
375 Morris Road
Lansdale, PA 19446-0773
215-661-0400
Attn: Carl N. Weiner, Esq.
cweiner@hrmml.com

Builder: D. R. Horton – New Jersey, Inc.
2060 Detwiler Road, Suite 103
Harleysville, PA 19438

Proposal: Construct thirty-three (33) Detached Dwelling Units and thirty-two (32) Townhome Units on a combined 35.29 acre tract.

II. Comments

Any underlined comments must be addressed by the applicant prior to project approval.

The following comments remain outstanding from the June 13, 2023, Barry Isett & Associates, Inc. review letter.

1. Comment 1.d - The Typical Removable Bollard Detail should identify that the lock for the bollard will be placed at the higher locking eye. *STA Response: The detail has been corrected on Sheet 47.*

No note has been found on the detail. Add a note that the chain is to be welded to the lower locking eye.

2. Comment 1.g – Based on the meeting minutes from the February Planning Commission meeting, the detail for the fire hydrant on Sheet 50 should identify the fire hydrant with two (2) 2-1/2” National Standard threads and one (1) Storz 5-1/4” pumper connection. *STA Response: The fire hydrant detail on Sheet 50 depicts the stated requirements.*

The current note is missing several required pieces of information. Replace the current note:

Fire Hydrant with two (2) hose and one (1) pumper connection with 5” Storz connection.
Note: Pumper connection to face street.

With this note:

Fire Hydrant with two (2) 2-1/2” National Standard threads and one (1) Storz 5-1/4” pumper connection. Note: Pumper connection to face street.

3. Comment 9. – The plans should be signed and sealed by both the surveyor and the engineer responsible for the preparation of the plans (§22-306.1.D(1)). *STA Response: Will comply upon final plan approval.*
4. Comment 10. - The final plans indicating the landscaping improvements must be signed and sealed by a Landscape Architect or a certified horticulturalist (§22-437.1.A). *STA Response: Will comply upon final plan approval.*
5. Comment 11. – Final plan approval should be conditioned upon the sewage planning modules being approved by PADEP. The planning module approval shall be received prior to recording of the final plans (§22-306.1.B(2)(e)6)). *STA Response: Understood. The planning module is currently under review by PADEP.*
6. Comment 12. - The Design Engineer shall submit an estimate of the cost of completion of the required improvements (§22-502.3). *STA Response: Will comply upon final plan approval.*
7. Comment 14. - The property owner should sign an operations and maintenance agreement with the Borough covering all stormwater BMPs that are to be privately owned (§19-504.1). *STA Response: Will comply.*
8. Comment 15. - Pump Station design plans, along with documentation indicating that the Upper Hanover Authority has approved the Pump Station plans, should be provided (§22-304.1.G(3)(b)). *STA Response: Approval documentation will be provided to the Borough upon receipt.*

9. Comment 16. – The design of the stream channel box culvert should be provided and approved prior to construction (§22-304.1.G(4)(b)). *STA Response: Developer will comply.*
10. Comment 17. – A copy of all restrictions, easements or covenants, if any, under which lots are to be sold should be provided (§22-304.1.G(5)(b)). *STA Response: Developer will comply.*
11. Comment 18. – The Developer should comply with all items in SALDO Part 5 for Guarantee of Required Improvements, Financial Security, Release of Financial Security, Inspection of Work and Materials, Off-Site Improvements, Conditions for Acceptance of Dedication, Guarantee of Completed Improvements and Required Contracts. *STA Response: Developer will comply.*

New RVE Comments:

12. On Plan Sheet 1 (Cover Sheet) – Site Statistics 5 – also provide the tract area in acres.
13. On Plan Sheet 1 (Cover Sheet) – Red Hill Borough Waivers 8 – Line 2 – change the number of families from 62 to 65.
14. On Plan Sheet 47 (Construction Detail Sheet – Site Improvements) – Basin Split Rail Fence Detail & Double Gate Detail for Basin Split Rail Fence & Single Gate Detail for Basin Split Rail Fence – coordinate the type of wire and the location of attachment. The note on all three details should read:

Note: 1” x 3” Vinyl-Coated Black or Green Wire Mesh Shall Be Attached to the Exterior of the Fence Spanning from the Top Rail to 6” from Ground Elevation.

Also coordinate the number of horizontal rails that are proposed (two or three) and the height of the fence posts (4’ vs 4.5’).

GRANTED WAIVERS (June 8, 2022)

1. Section §22-304.1.F(2)(e) – to not show existing well locations within the tract and within 400 feet of the tract boundaries.
2. Section §22-304.1.F(3)(g) – to not show existing septic systems and drain field locations within the tract and within 400 feet of the tract boundaries.
3. Section §22-304.1.F(6)(a) – to not show the location, size, species and condition of trees six (6) inches in diameter (DBH) or greater, when standing alone or in small groups. The location of site trees that exist and are being disturbed along the property boundaries will be shown on the final plan.
4. Section §22-440.2 – to not base all contours and elevations shown on the plans to be based on the Borough sanitary sewer system datum. The contours and elevations are based on NAVD29 datum and the difference between the two datums is noted on the plans.

5. Section §22-441.3 – to not require a new traffic impact study. An updated letter with a comparison to the 2015 study is proposed because the proposed development is fewer units.

REQUESTED WAIVERS

1. Section §22-408.1 – to not provide and dedicate recreation land to the Borough. Open space will be owned and maintained by a homeowners association rather than dedicating the area to the Borough.
2. Section §22-409.1 – to not provide, for developments with more than 51 units, the required minimum two (2) tot lots, two (2) playfields and one (1) basketball or tennis court. An approximately 2,300 LF recreational walking path will be provided instead.
3. Section §22-422.2.A – to exceed the maximum number of families (30) to be served on a single-access loop street. A single-access loop street will serve sixty-five (65) families and emergency access will be provided in a manner acceptable to the Borough and the Fire Marshal.
4. Section §22-422.3.C – to allow a cul-de-sac that extends from a single-access loop street. An approximately 370-foot-long cul-de-sac will extend from the single-access loop street. Emergency access will be provided in a manner acceptable to the Borough and the Fire Marshal.
5. Section §22-423.1 – to allow other than the required roadway paving widths (residential street – 36 feet, cul-de-sac – 50 feet). The project proposes a paving width of 32 feet for Martha Way and Abigail Way (loop street & cul-de-sac) and a sixteen (16) foot half-width for Hendricks Road (residential street).
6. Section §22-427.1.A – to allow a sidewalk along Hendricks Road only from the Groff property line to the intersection curve just past Lot 33, where a sidewalk is also required along the Hendricks Road frontage from the intersection curve to the Hoffman property line.
7. Section §22-429.12.G – to allow trail grades to exceed the maximum five percent (5%) where the trail extends into Upper Hanover Township due to the existing site topography.
8. Section §22-437.1.C(4)(b) – replacement trees are required to mitigate for the existing trees being removed which are in addition to other landscaping requirements. Replacement trees will be planted, at the sole cost and expense of the applicant or developer, along the portion of the development’s trail located in Upper Hanover Township in locations satisfactory to the Borough and at locations specified by Borough Council in Borough Parks or other Borough owned land.
9. Section §22-437.4.A – a filtering buffer is required along both sides of the trail for its entire length. Plantings are provided on both sides of the trail of a type and quantity that is to the satisfaction of the Borough.
10. Section §19-401.4.A(2) – to allow stormwater retention or detention basins to be located less than the minimum fifty (50) feet from any property boundary or right-of-way. BMP 001 is located five (5) feet and BMP 002 is located twenty-four (24) feet from the Abigail Way right-of-way at

the cul-de-sac and BMP 004 is located eighteen (18) feet downstream from the Hendricks Road right-of-way.

Should you have any questions, please feel free to contact our office at (610) 940-1050.

Sincerely,
REMINGTON & VERNICK ENGINEERS

By

A handwritten signature in blue ink, appearing to read "John Randy", is written over the printed name below.

John Randy, P.E.
Borough Engineer

JR/jrw

cc: Elizabeth DeJesus, Borough Manager
Shelbourne Greene Associates LP, Owner & Applicant
Willard Franklin & Mary G. Kershner, Owner & Applicant
Kershner Village, LLC, Equitable Owner
D. R. Horton – New Jersey, Inc., Builder
STA Engineering, Inc., Plan Preparer
Hamburg, Rubin, Mullin, Maxwell & Lupin, Attorney
Mark A. Hosterman, Esq., Borough Solicitor
John Lehr, Fire Marshal
Christopher Fazio, P.E., Regional Vice President
Joshua Seeherman, P.E., Project Engineer

EXHIBIT "D"

BOROUGH ENGINEER UTILITY PLAN REVIEW LETTER

Plan Preparer: STA Engineering, Inc.
2499 Knight Road
Pennsburg, PA 18073
215-679-0200
Fax: 215-679-9200
Attn: Susan A. Rice, P.E.
srice@stotac.com

Attorney: Hamburg, Rubin, Mullin, Maxwell & Lupin
375 Morris Road
Lansdale, PA 19446-0773
215-661-0400
Attn: Carl N. Weiner, Esq.
cweiner@hrmml.com

Builder: D. R. Horton – New Jersey, Inc.
2060 Detwiler Road, Suite 103
Harleysville, PA 19438

Proposal: Construct thirty-three (33) Detached Dwelling Units and thirty-two (32) Townhome Units on a combined 35.29 acre tract.

II. Comments

Any underlined comments must be addressed by the applicant prior to project approval.

1. Comment 1- §22-439.3.A. – Building setback lines shall be measured from the nearest side of the ultimate right-of-way or easement to the proposed building. *A waiver has been requested.*
2. Comment 2- §22-439.B. – Nothing shall be permitted to be placed, planted, set or put within the area of an easement except lawns or suitable low ground cover. *A waiver has been requested.*
3. The proposed propane tank locations are acceptable. As built details for the final tank dimensions and locations shall be provided to the Borough.

REQUESTED WAIVERS

1. Section §22-439.3.A.– to not measure building setback lines from the nearest side of the ultimate right-of-way or easement.

2. Section §22-439.3.B.– to allow street trees to be planted within the easement as permitted by PP&L.

Should you have any questions, please feel free to contact our office at (610) 940-1050.

Sincerely,
REMINGTON & VERNICK ENGINEERS
By



John Rundy, P.E.
Borough Engineer

JR/mew

cc: Elizabeth DeJesus, Borough Manager
Shelbourne Greene Associates LP, Owner & Applicant
Willard Franklin & Mary G. Kershner, Owner & Applicant
Kershner Village, LLC, Equitable Owner
D. R. Horton – New Jersey, Inc., Builder
STA Engineering, Inc., Plan Preparer
Hamburg, Rubin, Mullin, Maxwell & Lupin, Attorney
Mark A. Hosterman, Esq., Borough Solicitor
John Lehr, Fire Marshal
Christopher Fazio, P.E., Regional Vice President
Joshua Seeherman, P.E., Project Engineer

EXHIBIT “E”

BOROUGH FIRE MARSHAL REVIEW LETTER

Borough of Red Hill

56 West 4th Street
Red Hill, Pa, 18076
PH: 215 679-2040
WWW.redhillborough.org
info@redhillborough.org

Borough of Red Hill
56 West Fourth Street
Red Hill, Pa. 18076

June 08, 2024

RE: Borough of Red Hill
Creekside Village (formerly Kershner Weaver Track)

Review of underground LP-gas storage tanks for single family residents.

The storage and handling of LP and the installation and maintenance of related equipment shall comply with NFPA 58 and be subject to the approval of the Firemarshal.

Maximum Capacity shall not exceed the capacity of 2,000 gallons of water (7570L).

Container Locations: LP Gas containers shall be located with respect to building, public ways and lot lines of adjoining property that can be built upon, in accordance with the table listed below.

LP-Gas Container Capacity Water gallons	Mounted or underground LP-Gas containers (feet)
Less than 125	10 feet
125 to 250	10 feet
251 to 500	10 feet
501 to 2,000	10 feet
2,001 to 30,000	50 feet
30,001 to 70,000	50 feet
70,001 to 90,000	50 feet
90,001 to 120,000	50 feet

Safety devices on LP-gas containers, equipment and systems shall not be tampered with or made ineffective.

Clearance to combustibles: Weeds, grass, brush, trash and other combustible materials shall be kept not less than 10 feet from LP tanks or containers.

Protecting containers, where exposed to vehicular damaged due to proximity to alleys, driveways or parking shall be protected in accordance with NFPA 58.

Piping from the tank to the building shall be marked with a tape 8 inches below final grade.

As built utility drawings must show location of tank, piping, size of tank, dimension from building lines, public ways, or adjoining property. These will need to be submitted to Borough Firemarshal as well as the Borough of Red Hill.

Sincerely,

A handwritten signature in black ink, appearing to read 'John Lehr', with a long horizontal flourish extending to the right.

John Lehr CFEI, CFPE, CFI II
Borough Firemarshal

Elizabeth DeJesus, Borough Manager
Shelbourne Greene Associates LP, Owner & Applicant
Willard Franklin & Mary G Kershner, Owner Applicant
Kershner Village, LLC, Equitable owner
D.R. Horton – New Jersey Builder
STA Engineering, Inc., Plan Preparer
Hamburg, Rubin, Mullin, Maxwell & Lupin, Attorney
Mark Hosterman, Esq., Borough Solicitor
John Rundy, P.E., Borough Engineer
Christopher Fazio, P.E. Regional Vice President
Joshua Seeherman, P.E. Project Engineer
David Schiffgens, Mayor, Borough of Red Hill
Dori Decker, Council President

**EXHIBIT “F”
APPROVED RENDERINGS**



F5

E5

A5

E5

F5



**Creekside Village
Galen - "F" Elevation**

1.10.24

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America's Builder
3073 Alameda Pkwy, Charlotte, NC 28205 704.377.8886

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Creekside Village Galen - "G" Elevation

1.10.24

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**Creekside Village
Henley - "F" Elevation**

1.10.24

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**Creekside Village
Henley - "H" Elevation**

1.10.24

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**Creekside Village
Henley Rear Loaded Plan
“F” Elevation**

1.10.24



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Creekside Village Henley Rear Loaded Plan "G" Elevation

1.10.24





Creekside Village Henley Rear Loaded Plan "H" Elevation

1.10.24



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