

**BEFORE THE BOARD OF SUPERVISORS
TOWNSHIP OF WASHINGTON
FRANKLIN COUNTY, PENNSYLVANIA**

MARTINS VILLAGE, A PLANNED COMMUNITY

FINDINGS, CONCLUSIONS AND ORDER

A. Administrative Findings.

1. On June 26, 2008, Rodney L. Krebs Family Limited Partnership, a Pennsylvania limited partnership (the "Applicant"), submitted an Application for Tentative Approval of a Planned Residential Development (the "PRD") with the Board of Supervisors (the "Supervisors") under the provisions of Section 1707 of Washington Township Ordinance #153, known as the Washington Township Zoning Ordinance (the "Zoning Ordinance").

2. Public hearings on the Application were held, pursuant to public notice as required by the Municipalities Planning Code (the "MPC") and the Zoning Ordinance, by the Supervisors on September 15, 2008, and October 20, 2008, during which testimony and documentary evidence were presented on behalf of the Applicant. No testimony or evidence was presented by any members of the public.

3. At a regularly scheduled meeting of the Supervisors held on October 20, 2008, the Supervisors approved the Application, with conditions hereinafter referred to.

4. These Findings, Conclusion and Order constitute the written communication required under Section 709(a) of the MPC, 53 P.S. §10709(a), and Section 1707.7(a) of the Zoning Ordinance.

B. Findings of Fact.

1. The Applicant is a Pennsylvania limited partnership having its principal place of business at 290 Seaks Run Road, Glen Rock, PA 17327.

2. The real estate which is the subject of this matter is a single parcel of land containing approximately 74 acres, situate on the west side of Gehr Road, north of Stottlemeyer Road, and is bordered by Washington Township Boulevard (the "PRD Site"). The address of the PRD Site is 11441 and 11435 Gehr Road, Waynesboro, PA 17268. The legal owners of said real estate are Samuel L. Martin and Audrey R. Martin, husband and wife, who received title to same by a certain deed to them from Rebecca E. Martin dated July 1, 2002, and recorded in Franklin County Volume 1920, Page 140. The Applicant is the equitable owner of said estate by virtue of a Purchase Agreement with the legal owners dated March 24, 2006.

3. The PRD Site is shown on the PRD Site Development Plan, dated June 20, 2008, as last revised on October 14, 2008, prepared by Dawood Associates, Inc. (the "Tentative Plan"). The Tentative Plan as so revised is the plan that the Board of Supervisors (the "Board") is acting on.

4. The PRD will contain a total of 192 residential dwellings, 57% of which, or 110 dwellings, are townhouse units; 20% of which, or 38 dwellings, are duplex carriage house units and 23% of which, or 44 dwellings, are single family detached units. There will be a neighborhood commercial area in the PRD containing 2.7 acres.

5. The gross residential density for the PRD is not more than five (5) units per acre.

6. 30% of the PRD Site, or 22.2 acres, will contain common open space (the "Common Area" or the "Open Space"), as more fully described in Paragraph 7 hereof. None of the Common Area will be offered for dedication. The Common Area will be owned and maintained by the Martins Village Community Homeowners' Association, Inc. (the "HOA"), to be formed under the provisions of a Declaration of Planned Community (the "Declaration") to be submitted to the Board for its review and approval at the time of the submission of the Application for Final Approval of Phase 1 of the 4 phases of the PRD referred to in Paragraph 19.

7. The Open Space in the southernmost portion of the PRD contains a part of the PRD's network of walking trails, as well as a picnic pavilion. The Open Space in the area between the duplex carriage house units and the single family detached units contains a part of the PRD's network of walking trails, as well as a scenic overlook (the "Overlook"). The picnic pavilion, the Overlook and a playground to be located in the Open Space at the northeastern end of the townhouse unit portion of the PRD will provide active and passive recreation.

8. The westernmost row of townhouse unit lots will front on Open Space, and the other rows of townhouse unit lots will front on Common Area containing an open grass courtyard within which trees will be planted along the outer edge in front of the townhouse units, providing privacy for the residents of those units. The central part of the lawn in the courtyards will be reinforced in order to accommodate emergency vehicles. A gazebo will be constructed in the center of each of the courtyards between the two groups of townhouse units containing rows of 10 units and rows of 9 units. The northernmost rows of townhouse unit lots will front on Common Area consisting of expanses of lawns. All townhouse units will have alley rear-access garages.

9. Concrete sidewalks will be constructed along the outside perimeter of Street "A," as shown on the Tentative Plan. A walking trail will extend through the PRD as shown on the Tentative Plan.

10. The percentage of the PRD site area which is to be covered by buildings, roads, parking areas, and other impermeable cover is 18.9 acres, or 25.5% of the total

PRD Site area.

11. None of the residential units will exceed thirty-five (35') feet in height.
12. Trees will be planted along both sides of Street "A" and along Washington Township Boulevard west of its intersection with Street "A," as shown on the Site Plan.
13. A bus shelter will be constructed in the lawn area at the southeast intersection of Street "A" and the southern entrance to the townhouse unit portion of the PRD, as shown on the Site Plan. The location of the bus shelter has been approved by the Waynesboro Area School District.
14. All structure spacing setbacks required by the Zoning Ordinance are met, and none of the townhouse unit structures will be located within 20' of the right-of-way of private streets or drives.
15. Provision is made for at least 2 parking spaces per residential unit in the PRD. Parking in the commercial section of the PRD will be designed to be in full compliance with Article VI of the Zoning Ordinance.
16. There are no required modifications in the Washington Township land use regulations otherwise applicable to the PRD Site.
17. The duplex carriage homes and approximately 25% of the single family detached units are located directly adjacent to Open Space. The townhouse units are directly adjacent to manicured green Open Space and Open Space greenways. All Open Space and greenways are connected through walking trails and sidewalks. This arrangement will provide visual access to Open Space and promote pedestrian use of walkways within and between the sections of Open Space.
18. A detailed landscaping plan for each Phase of the PRD will be submitted with each Phase's Application for Final Approval. Such landscaping plan will incorporate, at a minimum, the landscaping features shown on the Tentative Plan.
19. Street "A" as depicted on the Tentative Plan will comply with the minimum design requirements of the Township's Subdivision and Land Development Ordinance and will be offered to the Supervisors for dedication as public streets.
20. The PRD will be developed in 4 phases over a period of 8 years, as shown on the Tentative Plan. The number and percentage of total units to be included in each stage are as follows:
 - (a) Phase 1 - 41 townhouse units and 16 duplex carriage house units, or 30%
 - (b) Phase 2 - 12 duplex carriage house units and 19 single family detached units, or 16%
 - (c) Phase 3 - 69 townhouse units or 36%

(d) Phase 4 - 10 duplex carriage house units and 25 single family detached units, or 16%

21. Disposition of sanitary waste from the PRD will be provided by the Washington Township Municipal Authority (the "WTMA"), as follows: waste will flow by gravity in lines in the bed of the new streets and easement areas to be constructed in the PRD to existing lines in Gehr Road.

22. Potable water supply will provided to the PRD by the WTMA by means of an extension of the distribution line presently under construction in Washington Township Boulevard.

23. The implementation of the extension of sewage distribution and treatment facilities servicing the PRD shall be as set forth in a Pennsylvania Department of Environmental Protection sewage planning module complying with all applicable laws and regulations of the Commonwealth of Pennsylvania and the regulations of the WTMA, to be submitted as Applications for Final Approval are submitted to the Supervisors.

24. Erosion and sedimentation management shall be as provided for in an erosion and sedimentation plan complying with all applicable laws and regulations of the Township of Washington, Commonwealth of Pennsylvania, including those of the Pennsylvania Department of Environmental Protection and the Franklin Conservation District, to be submitted as Applications for Final Approval are submitted to the Supervisors.

25. The contours of the PRD Site will permit control and disposition of storm water from the streets to be constructed in the PRD by means of utilization of two on-site stormwater retention basins, one at the northwest corner of the PRD Site and one southwest corner of the PRD Site, as shown on the Site Plan, and as will be set forth in a storm water management plan to be incorporated into the technical engineering design of the PRD. The stormwater management plan shall be in compliance with all Township, State and/or Federal Regulations.

26. In order to preserve or protect historic and/or natural features on the PRD Site, the Open Space will be provided as shown on the Tentative Plan and the Landscaping Plan.

27. The substance of the proposed covenants, conditions and restrictions of the HOA, including proposed easements or grants for public utilities and maintenance of the Common Area, are as set forth in the Summary of the Planned Community Declaration submitted to the Supervisors by the Applicant as a part of Exhibit D of the PRD Report submitted with the Application. At the time of submission of the Application for Final Approval of Phase 1 of the PRD, the final drafts of the Applicant's Declaration of Planned Community and associated HOA documents will be submitted to the Board for review and approval by the Township Solicitor.

28. Off-street parking of vehicles on individual lots will be provided as shown on the Tentative Plan.

29. The energy conservation standards of Allegheny Power, which will provide electricity to the PRD, will apply to the PRD. All construction will meet the minimum conservation standards set forth in Act No. 45 of 1999, known as the Pennsylvania Construction Code Act, and any regulations promulgated thereunder. The Applicant will encourage builders to utilize renewable energy sources, such as geothermal energy.

30. The price range of the townhouse units is intended to be \$145,000 to \$200,000; the price range of the carriage house duplex units is intended to be \$175,000 to \$300,000; and the price range of the single family detached units is intended to be \$250,000 to \$400,000.

31. The PRD Site will have vehicular access to Pennsylvania Route 997 (Anthony Highway), a road classified as an arterial roadway under the Township Comprehensive Plan, from future Washington Township Boulevard. Anthony Highway has a paving of a minimum of three (3") inches thick and has a cartway at least twenty-four (24') feet in width. Washington Township Boulevard, when constructed, will have a paving of a minimum of three (3") inches thick and a cartway at least twenty-four (24') feet in width.

32. The road network in the area of the Township in which the PRD Site is located is adequate to accommodate the traffic which will be generated by the PRD.

33. As shown on the Tentative Plan, the proposed lighting plan for the PRD consists of one lamp post per single family detached unit, one lamp post per 2 duplex carriage house units, one outside garage light per townhouse unit near the rear alley and one porch light on each townhouse unit. The lighting plan provides for adequate lighting of off-street parking areas. The lighting will be dusk-to-dawn, and will be directed away from adjacent residences.

34. The following public facilities and services, among others, are available to provide service to the PRD:

(a) Schools - elementary and secondary schools and playgrounds in the Waynesboro Area School District, as well as the Waynesboro Day Care Center, are available to residents of the PRD. As a result of a recent expansion project, the high school will be able to accommodate significant growth in the foreseeable future. The school board is attempting to plan for future growth at the elementary level.

(b) Parks - Red Run Park, operated and maintained by the Board, and Renfrew Park are available to residents of the PRD, as are Memorial Park and Northside Park, operated and maintained by the Borough of Waynesboro. The Waynesboro Soccer

Complex on Country Club Road is accessible to the PRD. Various little league fields are available for use by residents of the PRD.

(c) Police - The Washington Township Police Department will provide police protection services to the PRD.

(d) Fire - Blue Ridge Mountain Fire Department, A T H & L Fire Company and Mechanics S F E & Hose Company are available to provide fire protection services to the PRD.

(e) Refuse disposal - Waste Management and other private companies provide refuse disposal services and facilities to the PRD. The Washington Township Refuse Transfer Station and Recycling Center is also available as a drop-off station for waste.

(f) Shopping Areas - Henicle's Market, Wayne Heights Mall, Waynesboro Market Place and Rouzerville Commons are located in the Township within a convenient distance from the PRD Site. Neighborhood shopping will be available in the small commercial area within the PRD, as well as in the proposed larger commercial area adjacent to the PRD, both of which will be within walking distance of the PRD.

35. The Washington Township Comprehensive Plan, at page 90, contains the following Final Recommendation: "The Township continue to pursue the preservation of prime agricultural and forest land where public utilities do not exist."

36. The Zoning Ordinance sets forth, in Section 103, the following as one of the Community Development Objectives: "To encourage growth primarily in areas where public utilities (sewer and water) are currently available and the roadway network is adequate to handle the increased traffic flow."

C. Conclusions.

The following Conclusions are made based on the conditions as set forth in the Order being complied with.

1. The PRD is consistent with the Comprehensive Plan for the development of the Township.

2. The departures of the PRD from land use regulations otherwise applicable to the PRD Site, including but not limited to density, bulk and use, are in the public interest because there is a need and demand for a development containing affordable condominium and townhouse units, with the amenities, including the open spaces, recreational facilities and walkways, provided by the PRD.

3. The PRD Site is suitable for development because of its appropriate topographic features and its proximity and access to existing development and to the

Township's thoroughfare system and water and sewage treatment and distribution facilities.

4. The purposes, location and amount of common open space are appropriate and adequate as related to the proposed density and type of residential development in the PRD, and the proposals for ownership and maintenance and conservation of the common open space is reliable.

5. The physical design of the Tentative Plan makes adequate provision for public services, provides adequate control over vehicular traffic, and furthers the amenities of light and air, recreation and visual enjoyment.

6. The relationship of the PRD to the neighborhood in which it is proposed to be established is beneficial.

7. The provisions of Section 1706 of the Zoning Ordinance relating to development of the PRD in stages have been complied with. The terms and conditions intended to protect the interests of the public and the residents of the PRD in the integrity of the development plan are sufficient.

ORDER

The Board of Supervisors of Washington Township hereby GRANTS the Applicant's Application for Tentative Approval, subject to and together with the following:

(a) Conditions - The Tentative Approval is granted subject to the following conditions:

1. The concrete sidewalks referred to in Finding of Fact 9 and as shown on the Tentative Plan shall be constructed at the time of development of each Phase prior to the final paving of Street "A"

2. Lighting for the PRD will be provided as shown on the Tentative Plan and will consist of one lamp post per single family detached unit, one lamp post per 2 duplex carriage house units, one outside light per townhouse unit near the rear alley and one porch light on each townhouse unit. The lighting will be dusk-to-dawn, and will be directed away from adjacent residences. Lighting in each Phase shall be installed at the time of development of each Phase.

3. The school bus shelter described in Finding of Fact 13 shall be constructed at the specific location shown on the Tentative Plan at the time of development of Phase 1.

4. A detailed landscaping plan for each Phase of the PRD will be submitted with each Phase's Application for Final Approval. Such landscaping plans

will incorporate, at a minimum, the landscaping features shown on the Tentative Plan, and shall enhance the appearance of the PRD, aid in erosion control, provide protection from wind and sun, screen streets and parking areas and enhance the privacy of dwelling units. The landscaping plans are subject to review by the Board, and will be approved so long as they contain the minimum landscaping features shown on the Tentative Plan. Landscaping for each Phase shall be installed and planted at the time of development of each Phase.

5. Fire hydrants in the PRD must be painted chrome yellow and constructed at specific locations approved by the fire company providing fire protection to the PRD. There shall also be a twenty-four (24') foot wide clearance easement between the townhomes for fire trucks to provide service.

6. Recreation and impact fees shall be paid on a Phase-by-Phase basis as required by Township Ordinances. If the Applicant installs recreational facilities, the Applicant shall receive credit for the cost of said facilities toward the recreation fees otherwise required to be paid.

7. The Applicant shall submit the Declaration of Planned Community and associated homeowners' association documents to the Board at the time of submission of the Application for Final Approval of Phase 1 of the PRD for review and approval by the Township Solicitor. The Declaration shall comply with all applicable Township Ordinances.

8. The Applicant shall pay all review fees of the Township relating to the submission of the Application for Tentative and/or Final Approval, including, but not limited to, Solicitor and Engineering review fees.

9. The Applicant shall be responsible for the costs of installing all public utilities and any upgrades within the PRD Site required to serve the PRD.

10. Development of the PRD Site shall be in accordance with the approved Tentative Plan hereby, or as otherwise agreed to.

11. Streets, sewer and water utilities, storm drainage and soil erosion control shall be designed and improved in accordance with the Township Zoning and Subdivision and Land Development Ordinances.

12. Performance and maintenance guarantees and subsequent release of guarantees for all required improvements shall be in accordance with the requirements and procedures of the Subdivision and Land Development Ordinance.

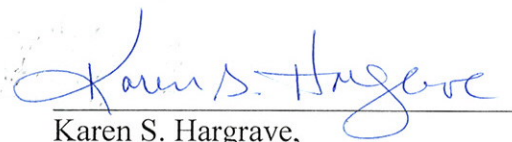
13. All Applications for Final Approval shall be in accordance with the requirements contained in the Zoning Ordinance, the Subdivision and Land Development Ordinance, and all other Township Ordinances and Regulations.

(b) Scheduling of Submission of Applications for Final Approval - The times within which Applications of Final Approval of each part of the PRD (subject to annual updating) are as follows:

1. Phase 1 - December 31, 2009
2. Phase 2 - December 31, 2011
3. Phase 3 - December 31, 2013
4. Phase 4 - December 31, 2015


(c) Certification by Secretary - In accordance with the provisions of Section 710(a) of the MPC, 53 P.S. §10710(a), and Section 1707.8(1) of the Zoning Ordinance, these Findings, Conclusions and Order shall be certified by the Secretary of the Township and shall be filed among the Township records. A certified copy of same shall be mailed to the Applicant.

(d) Notation on Zoning Map - In accordance with the provisions of Section 710(a) of the MPC and Section 1707.8(1) of the Zoning Ordinance, this Tentative Approval shall be noted on the Zoning Map.



Karen S. Hargrave,
Secretary

WASHINGTON TOWNSHIP
BOARD OF SUPERVISORS

By: 

Carroll C. Sturm,
Chairman

Dated: November 3, 2008

