RESOLUTION NO. 2024-02

A RESOLUTION OF THE TOWNSHIP BOARD OF SUPERVISORS APPROVING THE PRELIMINARY/FINAL LAND DEVELOPMENT PLANS OF LANDS OF JOHN J. BOMEISL AND KATHIE L. BOMEISL

WHEREAS, a land development plan entitled: *Preliminary/Final Land Development Plans Birmingham PA East* (hereinafter, the "Plan"), consisting of 21 sheets, dated February 9, 2023, prepared by The Crossroads Group, LLC., last revised December 12, 2023, has been submitted to Warriors Mark Township (hereinafter the "Township") by John J. Bomeisl and Kathie L. Bomeisl, owners of a parcel of land (the "Property") of 22.00 acres (Tax Parcel 52-15-15), (hereinafter "Developer"); and

WHEREAS, pursuant to the Plan, Developer desires to lease a portion of the property to Vertical Bridge VBTS, LLC for the development of a cellular tower site; and

WHEREAS, the proposed tower site lease area is identified as being 150' c 150' with a fenced compound area of 50' x 50' for the installation of a 195' monopole (199' overall height) and associated equipment, approximately 110' from Butternut Road (T-537), and will be accessed via a new 12' driveway within a 20' wide access and utility easement; and

WHEREAS, the Developer wishes to have the Township approve the previously accomplished lot consolidation and land development plan so it can proceed with construction; and

WHEREAS, pursuant to Developer's request for final approval for the Plan, the Township's engineering firm, KCI Technologies ("KCI") has reviewed the Plan, with the most recent KCI review letter being dated December 22, 2023, and a copy of which is attached hereto as Exhibit "A" and incorporated herein by this reference (hereinafter "KCI Letter") wherein KCI recommends that the Township approves the Plan subject to certain conditions; and

WHEREAS, the Developer has provided a copy of a review letter from the Huntingdon County Planning Commission dated July 21, 2023; and

WHEREAS, the Township Planning Commission has reviewed and recommended granting Developer's request for approval of the Plan conditioned upon the Developer satisfying all of the outstanding comments from the December 22, 2023 review letter; and

WHEREAS, the Board wishes to grant approval to the Plan subject to the hereinafter set forth conditions.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the Township of Warriors Mark, Huntingdon County, Pennsylvania, that the said Plan, as filed by the Developer, is hereby approved subject to the following conditions:

1. Acceptance by the Developer of the conditions of approval imposed by any other governing body which may have jurisdiction over the Plan.

2. Agreement by the Developer to obtain all required federal, state, and local permits upon final approval of the Plan by the Township, if and as applicable, prior to issuance of any building permits including, but not limited to, those relating to sewage treatment and water supply.

3. Payment by the Developer of all recording fees and fees related thereto incurred by the Township relative to the recording of the Plan, and payment by Developer of all professional review fees, including but not limited to attorney fees, consulting fees, and engineering fees, incurred by the Township. Said payment shall be made by Developer within thirty days of receipt by Developer of a bill for the same.

4. Complete execution of the Plan by Developer.

5. Submission of financial security, acceptable to the Township Solicitor, in the amount $60,000.00 for the removal of the cell tower and/or improvements upon decommissioning of the tower prior to the release of the executed Plan.

6. The Developer shall have thirty (30) days to either accept or reject these conditions and so notify the Township in writing. If the Developer fails to act within this time period, the Plan approval shall be rescinded automatically.

7. All comments (if any) contained in the KCI Letter being satisfactorily addressed, as determined solely by KCI.

8. Execution of a Developer's Agreement prepared by the Township solicitor.

9. The above recitals are incorporated herein by this reference.

RESOLVED by the Board of Supervisors of the Township of Warriors Mark this 6th day of February, 2024.

WARRIORS MARK TOWNSHIP
BOARD OF SUPERVISORS

L. Stewart Neff, Chair

Peter Liese, Vice Chair

Brian Hockenberry, Supervisor

ATTEST:

Julie Brenneman, Secretary