RESOLUTION NO. 2017-06

A RESOLUTION OF THE TOWNSHIP BOARD OF SUPERVISORS APPROVING A FINAL SUBDIVISION PLAN – REPLOT OF PROPERTY LINES FOR PROPERTY ADDITION FROM LANDS OF GORDON SCOTT COX TO LANDS OF EVERGREEN ACRES, LLC

WHEREAS, a "*Final Subdivision Plan – Replot of Property Lines for Property Addition from Lands of Gordon Scott Cox to Lands of Evergreen Acres, LLC*" prepared by Mease Associates, Inc., Fred M. Henry, PLS, consisting of two (2) sheets, dated 03/09/17, and last revised on 04/20/17 (hereinafter the "Plan") has been submitted to Warriors Mark Township (the "Township") for review; and

WHEREAS, Gordon Scott Cox ("Developer") owns 216.67 acres of land along Burkett Road, identified as Tax Parcel No. 52-10-09 ("Developer's Property"); and

WHEREAS, Evergreen Acres, LLC ("Evergreen") owns an adjacent 57.84 acre property (Tax Parcel No. 52-10-23.1; the "Evergreen Property"); and

WHEREAS, Developer proposes to subdivide from Developer's Property 99.64 acres which will then be combined with the Evergreen Property; and

WHEREAS, the Developer's Property and the Evergreen Property both currently are being utilized for agricultural purposes; and

WHEREAS, the Developer's Property and the Evergreen Property both are located within the Township's Agricultural and Resource Protection Zoning District; and

WHEREAS, the Huntingdon County Planning Commission has reviewed the Plan and issued a comment letter regarding the same; and

WHEREAS, pursuant to Developer's request for final approval for the Plan, the Township's Engineer, Mark Haefner of Keller Engineers, has issued to the Township review letters dated April 7, 2017, and April 24, 2017, copies of which are attached hereto as Exhibit "A" and incorporated herein by this reference (hereinafter the "Keller Letters") wherein comments are made regarding certain deficiencies in the Plan; and

WHEREAS, the Township Planning Commission at its April 20, 2017 meeting, reviewed and recommended granting Developer's request for approval of the Plan, subject to all legal conditions being met; and

WHEREAS, the Board wishes to grant conditional 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 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. 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 fully accept said conditions within said thirty (30) day time period, the approval of the Plan shall be rescinded automatically and without further action of the part of the Township or the Township Board of Supervisors.

6. All comments contained in the Keller Letters being satisfactorily addressed, as determined solely by the Township Engineer.

RESOLVED by the Board of Supervisors of the Township of Warriors Mark this 2nd day of May, 2017.

WARRIORS MARK TOWNSHIP
BOARD OF SUPERVISORS

L. Stewart Neff, Chair

Rodney L. Marshall, Vice Chair

Mark E Brown
Mark Brown, Supervisor

ATTEST:

Julie Brenneman, Secretary

KELLER ENGINEERS
Civil • Structural • Survey

420 Allegheny Street
Post Office Box 61
Hollidaysburg, PA 16648
Phone: (814) 696-7430
Fax: (814) 696-0150
Keller-Engineers.com

April 7, 2017

1344-89

Warriors Mark Township Board of Supervisors
P.O. Box 114
Warriors Mark, PA 16877

RE: FINAL SUBDIVISION PLAN – REPLOT OF PROPERTY LINES FOR PROPERTY ADDITION FROM LANDS OF GORDON SCOTT COX TO LANDS OF EVERGREEN ACRES, LLC. SUBDIVISION AND LAND DEVELOPMENT ORDINANCE REVIEW #1

Board of Supervisors:

Per your request we have completed an initial review of the above referenced plan. Plans were prepared by Mease Associates, Inc., and the following information was provided to our office for review at the March 16, 2017 Planning Commission meeting:

- Subdivision Plan,(2 sheets) dated 3/9/17
- Waiver Requests
- Copy of Zoning Officer review dated 3/16/17
- Copy of Warriors Mark Township Applications for Plan Approval
- Copy of Warriors Mark Township Zoning Permit Applications
- Copy of Request for Planning Waiver & Non-Building Declaration
- Copy of Huntingdon County Planning Commission Application

INTRODUCTION

Gordon Scott Cox owns 217.67 acres of land along Burkett Road, identified as tax parcel 52-10-09. Evergreen Acres, LLC owns an adjacent 57.84 acre property along Burkett Road, identified as tax parcel 52-10-23.1. Cox is proposing to subdivide 99.64 acres of his property, the property is to then be combined with the adjacent Evergreen Acres property. The existing parcels are currently being utilized for agricultural purposes and it is our understanding the proposed lots will continue to be used for agriculture. Both of the parcels are within the Agricultural and Resource Protection zoning district.

We conducted our review in accordance with the following Warriors Mark Township ordinances:

- Subdivision and Land Development Ordinance and amendments thereof (May 5, 1998, October 1, 1998 & November 1, 2005)

SUBDIVISION AND LAND DEVELOPMENT ORDINANCE

ARTICLE IV PLAN REQUIREMENTS

1. §402: The plan scale shall be no greater that 1" = 100'. The Consultant has submitted a waiver request of this section of the ordinance to utilize a scale of 1" = 200'.
2. §402.k: The plan shall show the location of Class I and II agricultural soils. The Consultant has submitted a waiver request of this section of the ordinance.
3. §402.l: The plan shall show existing and proposed contours at two (2) or five (5) foot intervals. The Consultant has submitted a waiver request of this section of the ordinance to provide existing contours at 20 foot intervals.
4. §403.1.3: A Request for Planning Waiver & Non-building Declaration has been submitted and should be reviewed by the SEO prior to action by the Board of Supervisors.

ZONING

5. Tax parcel 52-10-09 was approved by the Township as part of the "Rocky Top" subdivision in 2009. In accordance with the approved "Rocky Top" subdivision plan and resolution (resolution 2009-7), the use of the parcel is restricted to open space or agriculture and cannot be further subdivided. Please revise the plans accordingly and provide a copy of the existing and proposed deeds for the property.

GENERAL

6. Huntingdon County Planning Commission Review – submit evidence of HCPC plan review
7. Plan Certifications – ultimately all plan certifications must be executed.

This plan was reviewed for general conformance with Township Subdivision and Land Development ordinances. We do not accept any liability for any potential design errors or omissions made by the design engineer or surveyor.

By copy of this letter to the Developer we hereby advise the Developer, to the extent that the Plans fail to comply with the Township's Ordinance, the Township reserves the right to require that the Plans comply with its Ordinance.

Don't hesitate to call us with any questions you may have.

Sincerely,

Mark J. Haefner
Keller Engineers

xc: Warriors Mark Planning Commission, (via email)
W. Lee Oswalt, Solicitor (via email)
Dave Piper (via email)
Fred M. Henry, PLS (via email)
Gordon Scott Cox
Evergreen Acres, LLC

KELLER ENGINEERS
Civil • Structural • Survey

420 Allegheny Street
Post Office Box 61
Hollidaysburg, PA 16648
Phone: (814) 696-7430
Fax: (814) 696-0150
Keller-Engineers.com

April 24, 2017

1344-89

Warriors Mark Township Board of Supervisors
P.O. Box 114
Warriors Mark, PA 16877

RE: FINAL SUBDIVISION PLAN – REPLOT OF PROPERTY LINES FOR PROPERTY ADDITION FROM LANDS OF GORDON SCOTT COX TO LANDS OF EVERGREEN ACRES, LLC. SUBDIVISION AND LAND DEVELOPMENT ORDINANCE REVIEW #2

Board of Supervisors:

Per your request we have completed a second review of the above referenced plan. Plans were prepared by Mease Associates, Inc., and the following information was provided to our office for review, via emails on April 18 & April 21, 2017:

- Response Letter, dated 4/18/17
- Subdivision Plan,(2 sheets) dated 3/9/17, last revised 4/20/17
- Copy of Existing Deed, DB 2013 PG 1677
- Draft Deeds for the proposed lots
- Copy of Huntingdon County Planning Commission Review, dated 4/19/17

INTRODUCTION

Gordon Scott Cox owns 217.67 acres of land along Burkett Road, identified as tax parcel 52-10-09. Evergreen Acres, LLC owns an adjacent 57.84 acre property along Burkett Road, identified as tax parcel 52-10-23.1. Cox is proposing to subdivide 99.64 acres of his property, the property is to then be combined with the adjacent Evergreen Acres property. The existing parcels are currently being utilized for agricultural purposes and it is our understanding the proposed lots will continue to be used for agriculture. Both of the parcels are within the Agricultural and Resource Protection zoning district.

We conducted our review in accordance with the following Warriors Mark Township ordinances:

- Subdivision and Land Development Ordinance and amendments thereof (May 5, 1998, October 1, 1998 & November 1, 2005)

Our comments are as follows (text shown in ***bold italic*** print is the Developer/Consultant response; **bold** print is our response to the Developer):

SUBDIVISION AND LAND DEVELOPMENT ORDINANCE

ARTICLE IV PLAN REQUIREMENTS

1. §402: The plan scale shall be no greater that 1" = 100'. The Consultant has submitted a waiver request of this section of the ordinance to utilize a scale of 1" = 200'.
   4/18/17: Waiver granted by BOS on April 4, 2017. **AT THIS TIME, NO WAIVERS HAVE BEEN GRANTED FOR THIS PROJECT. OPEN COMMENT.**
2. §402.k: The plan shall show the location of Class I and II agricultural soils. The Consultant has submitted a waiver request of this section of the ordinance.
   4/18/17: Waiver granted by BOS on April 4, 2017. **AT THIS TIME, NO WAIVERS HAVE BEEN GRANTED FOR THIS PROJECT. OPEN COMMENT.**
3. §402.l: The plan shall show existing and proposed contours at two (2) or five (5) foot intervals. The Consultant has submitted a waiver request of this section of the ordinance to provide existing contours at 20 foot intervals.
   4/18/17: Waiver granted by BOS on April 4, 2017. **AT THIS TIME, NO WAIVERS HAVE BEEN GRANTED FOR THIS PROJECT. OPEN COMMENT.**
4. §403.1.3: A Request for Planning Waiver & Non-building Declaration has been submitted and should be reviewed by the SEO prior to action by the Board of Supervisors.
   4/18/17: Planning Waiver & Non-Building Declaration form has been executed by all required parties and submitted to DEP for their files. Received by the Department on April 7, 2017 via certified return receipt mail. **COMMENT RESOLVED.**

ZONING

5. Tax parcel 52-10-09 was approved by the Township as part of the "Rocky Top" subdivision in 2009. In accordance with the approved "Rocky Top" subdivision plan and resolution (resolution 2009-7), the use of the parcel is restricted to open space or agriculture and cannot be further subdivided. Please revise the plans accordingly and provide a copy of the existing and proposed deeds for the property.
   4/18/17: I believe you mean to referenced Tax Parcel 52-10-23.1 instead of 52-10-09. See attached existing deed. Also see Note #7 on plan coversheet. Attorney Ody is in the process of preparing the deeds. Once received a copy will be forwarded to the Township. **THE INITIAL COMMENT SHOULD HAVE REFERENCED TAX PARCEL 52-10-23.1. COMMENT RESOLVED.**

GENERAL

6. Huntingdon County Planning Commission Review – submit evidence of HCPC plan review.
   4/18/17: **A COPY OF THE REVIEW WAS RECEIVED ON 4/20/17. COMMENT RESOLVED**
7. Plan Certifications – ultimately all plan certifications must be executed.
   4/18/17: Certification will be executed prior to final plan signatures. **OPEN COMMENT.**

This plan was reviewed for general conformance with Township Subdivision and Land Development ordinances. We do not accept any liability for any potential design errors or omissions made by the design engineer or surveyor.

By copy of this letter to the Developer we hereby advise the Developer, to the extent that the Plans fail to comply with the Township's Ordinance, the Township reserves the right to require that the Plans comply with its Ordinance.

Don't hesitate to call us with any questions you may have.

Sincerely,

Mark J. Haefner
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