

**BOARD OF SUPERVISORS OF MILFORD TOWNSHIP  
IN RE: CONDITIONAL USE APPLICATION OF  
MILFORD VILLAGE, L.P. FOR PREMISES KNOWN AS  
TAX MAP PARCEL NOS. 23-15-99, 23-10-172-2, 23-10-175-1, 23-10-175-2,  
23-10-177-1, 23-10-178, 23-10-179, 23-10-180, 23-10-100 and 23-15-115  
FRONTING ON MILL HILL ROAD, JOHN FRIES HIGHWAY (ROUTE 663)  
AND PORTZER ROAD  
MILFORD TOWNSHIP, PENNSYLVANIA**

**I. FINDINGS OF FACT**

1. Milford Village, L.P. filed a Conditional Use Application with the Board of Supervisors of Milford Township for premises fronting on Mill Hill Road, John Fries Highway ("Route 663") and Portzer Road, Milford Township, Bucks County, PA consisting of approximately 206.86 acres and identified as Tax Map Parcel Nos. 23-15-99, 23-10-172-2, 23-10-175-1, 23-10-175-2, 23-10-177-1, 23-10-178, 23-10-179, 23-10-180, 23-10-100 and 23-15-115 (the "Property"). The Applicant proposes a mixed use development on the Property including office, non-residential, congregate care, nursing home, assisted living, day care, single family dwellings, townhouses, apartments and recreational uses. A mixed use is permitted by Conditional Use in an Arterial Mixed Use ("AMU") Overlay Zoning District where the Property is located pursuant to Milford Township Ordinance No. 156, enacted March 16, 2010, by the Milford Township Board of Supervisors, as an amendment to Article 6 of the Milford Township Portion of the Quakertown Area Zoning Ordinance which serves as the Zoning Ordinance for Milford Township (the "Zoning Ordinance").

2. A Conditional Use hearing was advertised for February 2, 2010, at which time the hearing was convened and certain Township exhibits were marked and introduced into the Record. The hearing was then specifically continued to March 16, 2010 at which time testimony of witnesses and additional exhibits were received. Testimony was also presented and exhibits received into evidence on May 4<sup>th</sup> and June 1<sup>st</sup> of 2010. These continued hearing dates were announced at the conclusion of the prior hearing and all parties, including the Applicant, agreed to the continued hearing dates. The court stenographer did not appear at the June 1<sup>st</sup> meeting. All parties present agreed to proceed without a court stenographer. Exhibits A-9, A-10 and A-11

were accepted into the record. The parties agreed that if any disputed Findings of Fact are made as relates to the testimony presented at the June 1<sup>st</sup> hearing, the parties will be entitled to recall Stephen Pany and/or Scott Hurney to provide testimony on the record concerning the disputed issue.

3. The following persons requested and received approval to become parties to this matter:

- Robert Martin, 2332 Blackledge Drive, Quakertown, Pa 18951
- David J. Murawski, 2320 Blackledge Drive, Quakertown, PA 18951
- Bob Flack and Mary E. Flack, 2265 Mill Hill Road, Quakertown, PA 18951
- Frank Kasper – 2175 Mill Hill Road, Quakertown, PA 18951
- Doug and Peggy Harr, 2305 Mill Hill Road, Quakertown, PA 18951
- Suzanne O'Donnell, 2250 Mill Hill Road, Quakertown, PA 18951

4. The following documents were identified as exhibits and admitted into the record during the hearing:

TOWNSHIP:

- a. T-1, Conditional Use Application including:
  - i. Two-page letter Pany & Lentz dated 09/11/09.
  - ii. Four-page site capacity calculations, Pany & Lentz.
  - iii. One-page impervious surface calculations.
  - iv. Unified master record plan, Pany & Lentz dated 09/11/09.
- b. T-2 Wetland Report, Nova Consultants, Ltd., dated 11/2006.
- c. T-3 Deeds and Agreements for properties subject to Application.
- d. T-4 Copy of Public Notice and Proof of Publication issued by Larry Roeder, LJR, Publishing, LLC certifying Notice of Hearing was published in the Town and Country on January 14, 2010 and January 21, 2010.
- e. T-5 Affidavit of Jim Young, Zoning Officer that on January 20, 2010, Notice of Hearing was posted along the Portzer Road, John Fries Highway and Mill Hill Road frontages of the Property.
- f. T-6 Copy of example of letters sent to 51 residents on January 6, 2010 from offices of Clemons Richter & Reiss, P.C. to property owners in

vicinity and Affidavit of Donna Lee Eller confirming parties to whom letters sent.

- g. T-7 Letter to Pany & Lentz, agents for Applicants confirming date of Hearing.
- h. T-8 Milford Township Planning Commission review dated 11/20/2009.
- J. T-9 QAPC Memorandum of 10/19/2009 containing review of Application.
- k. T-10 Review of Andersen Engineering Associated dated 09/28/2009.
- l. T-11 Bucks County Planning Commission Reviews dated 03/20/2009 and 10/13/2009.
- m. T-12 Review letter of Andersen Engineering Associates, Inc. dated 06/10/10.

#### APPLICANT EXHIBITS:

- n. A-1 Curriculum Vitae – Stephen A. Pany, PE.
- o. A-2 Unified Master Record Plan for Milford Village Center prepared by Pany & Lentz Engineering Company consisting of 9 sheets dated 09/11/2009.
- p. A-3 Colorized Unified Master Record Plan (aerial photo showing proposed improvements).
- q. A-4 Environmental Resources Plan
- r. A-5 Revised Unified Master Plan consisting of 9 sheets last revised 04/19/2010.
- s. A-6 Deed conveying TMP No. 23-10-179 from Pauline Sheetz to LifeQuest.
- t. A-7 Settlement sheet evidencing conveyance of property of Clifford E. and Julia D. Mease at 2225 Mill Hill Road to LifeQuest Enterprises, Inc.
- u. A-8 Roadway Improvement Phasing Plan consisting of 24 sheets dated May 3, 2010 and 6 page Phase description narrative (“Roadway Improvements Phasing Plan”).
- v. A-9 Revised Roadway Improvement Phasing Plan including Phase description narrative, last revised 05/27/2010.

- w. A-10 Traffic simulation presented by Scott Hurney, P.E. of Benchmark Engineers (to be provided in DVD format).
- x. A-11 Revised Sheet 9 of Unified Master Record Plan revised to address Township Engineer's review of 05/04/2010.
- y. A-12 Traffic Impact Study, Benchmark Civil Engineering Services, Inc. dated June, 2010.

INTERVENORS EXHIBITS:

Flack-1 Letter of Mary E. Flack objecting to approval of Conditional Use Plan

5. As noted above, three revisions were made to the Unified Master Record Plan for Milford Village Center (Exhibits A-2, A-5 and A-11). The most recent contains a revision to May 4, 2010, is dated 4-19-10 with the revision note "Township Engr. Letter 5-4-10". References to the "Unified Master Plan" herein will refer to the Unified Master Record Plan as revised through its latest revision addressing the Township Engineer review of May 4, 2010. Similarly, reference to the Roadway Improvement Phasing Plans will refer to that Plan as revised through May 27, 2010.

6. In addition to the exhibits, the following witnesses offered testimony on behalf of Milford Village, L.P.:

- Stephen A. Pany, PE of Pany & Lentz
- Dell Markward, Developer of Milford Village, L.P.
- Scott Hurney, P.E. – Traffic Engineer for Benchmark Engineers

7. Each of the Intervening parties named above either testified or offered comments with respect to their concerns with the proposed Conditional Use. None were represented by legal counsel. However, all were given an opportunity to question witnesses.

8. Appearing at the hearing on behalf of Milford Village, L.P. was Patrick Armstrong, Esquire of Grim, Biehn & Thatcher. The Board of Supervisors was represented by Terry W. Clemons, Esquire, Township Solicitor.

9. The following findings of fact are made based upon the exhibits presented and the testimony received at the hearings:

10. Milford Village, L.P. is proposing to develop a mixed use, permitted by Conditional Use in an Arterial Mixed Use (“AMU”) Overlay Zoning District.

11. The proposed mixed use land development has frontage on and takes access to Mill Hill Road, Route 663 and Portzer Road.

12. The Applicant established that it is either the legal owner, equitable owner or has the consents of the owners of the above-described tax map parcels with total acreage of which is in excess of two hundred (200) acres. Accordingly, the requirement that an arterial mixed use consist of more than 200 acres as required by Ordinance No. 156 enacted March 16, 2010, by the Board of Supervisors of Milford Township, as an amendment to Article 6 of the Zoning Ordinance is met.

13. Applicant established that if developed in accordance with the Unified Master Plan for Milford Village Center, the proposed land development will preserve 80% of the woodlands on the Property and minimizes the disturbance of 100 year floodplain soils to affect roadway crossings.

14. Sheet 1 of the Unified Master Plan in the latest revision deleted a driveway or roadway access onto Mill Hill Road at the Property’s northwest frontage onto that road. This revision does not appear on sheets 3, 6 or 7 of the Unified Master Plan. To avoid confusion, it will be a condition of this approval that prior to the recording of the Unified Master Record Plan a complete plan set (containing sheets 1 through 9) be provided to the Township removing the northwest Mill Hill Road access from sheets 3, 6 and 7).

15. The Unified Master Plan proposes development of a housing type identified as “cottage” most notably under “dwelling unit calculation on sheet 1” and “section data” on sheet 3. Cottage type is not identified as a housing type in the Milford Township Zoning Ordinance. Applicant’s engineer, Stephan Pany, testified at the June 15, 2010 conditional use hearing that the “cottage” housing type is really a village house (Use B6(b)(3) under Section 404 of the Zoning Ordinance) which could be developed as a condominium or planned community where some or all of the required lot area would be designated as a “limited common element” or “limited community facility”. It will be a condition of this approval that prior to the recording of the Unified Master Record Plan a complete plan set (sheets 1 through 9) shall be provided to the Township replacing the

“cottage” designation in each place it appears with the designation “village house Use 404.B.6(b)(3) as part of condominium or planned community”.

16. The Applicant proposes the following mixed use of the Property, presently planned to be developed in three (3) Phases with the proposed uses identified on the Unified Master Plan with section numbers and further described in the Phase Descriptions last revised May 27, 2010 and being part of Exhibit A-9. Reviewing these Exhibits collectively, the proposed development is as follows:

a. **Phase I.**

1. Existing 60,800 square foot nursing center to be expanded to add 20 beds.
2. A 140 bed assisted living facility.
3. Relocation of the existing day care center to a newly constructed building.
4. Conversion of existing day care center to an office building.

The Improvements described in 1 through 3 above are within Section 3 as depicted on the Unified Master Plan. The existing day care facility proposed to be converted to an office building is part of Section 4. It will be a condition of this approval that prior to the recording of the Unified Master Plan all of the Improvements listed under 1 through 4 above will be identified as “Section 3” Improvements and clearly identified as Phase I on the Unified Master Plan.

b. **Phase II.**

1. Three non-residential buildings with a total of 90,000 square feet located at the far western corner of the site located within Section 1 on Unified Master Plan.
2. A congregate care facility cluster of four residential buildings containing 256 dwelling units and a clubhouse, located between the non-residential and the nursing center located within Section 2 on Unified Master Plan.
3. Three non-residential buildings with a total of 31,000 square feet located within Section 1 on Unified Master Plan.
4. A 30,000 square foot non-residential facility located southeast of the nursing center located within Section 4 on Unified Master Plan.

5. A congregate care facility cluster of five residential buildings containing 320 dwelling units and a clubhouse, located northeast of the nursing center located within Section 5 of Unified Master Plan.

6. A cluster of 74 residences north in the center of the site located within Section 6 of Unified Master Plan.

7. A group of seven residential buildings containing 208 dwelling units, located in the center of the site located within Section 7 of Unified Master Plan.

8. A clubhouse shared among the residences located within Section 6 of Unified Master Plan.

**c. Phase III.**

1. A 13,000 square foot non-residential facility near the center of the site toward Route 663 located within Section 8 on Unified Master Plan.

2. A non-residential complex containing 205,000 square feet located within Section 9 on Unified Master Plan.

It will be a condition of this approval that prior to the recording of the Unified Master Plan it will be revised to clearly depict the Sections and Phases as stated above.

17. The applicant proposes that the following Traffic Improvements be developed in a coordinated fashion as Phases or Section of the Improvements deemed land development or conditional use improvements. The Traffic Improvements proposed are depicted on the Roadway Improvement Phasing Plans (Exhibit A-9) and are described in the Phase descriptions dated May 27, 2010 attached to Exhibit A-9. The Traffic Improvements are generally described as follows:

**a. Traffic Improvements – Phase I**

1. Improve access into the Property at Route 663 and Commerce Drive to high volume design with channelization and associated markings on Commerce Drive south of Route 663. The design of these Traffic Improvements shall be subject to approval by the Board of Supervisors at the time land development or conditional use approval is requested for any Phase I Improvements. The design approved by the Board of Supervisors at the time of land development or conditional use approval may require improvements different from and greater than what is depicted on the Unified Master Plan and Exhibit A-9. These Traffic Improvements shall be constructed as part

of the Phase I development and adequate financial security to assure the construction of these improvements shall be accepted by the Township prior to the recording of the land development plans or issuance of any building permits for any Phase I improvements.

2. Signalize Route 663 and Commerce Drive Intersection, the design of which shall be submitted to the Board of Supervisors prior to application being made to PennDoT for a Highway Occupancy Permit. The PennDoT Highway Occupancy Permit application will be based upon a design approved by the Board of Supervisors as part of the Phase I land development or conditional use application but will be subject to PennDoT approval. These Traffic Improvements shall be constructed as part of the Phase I development and adequate financial security to assure the construction of these improvements shall be accepted by the Township prior to the recording of the land development plans or issuance of any building permits for any Phase I improvements.

**b. Traffic Improvements – Phase II**

The Phase II Traffic Improvements will be constructed in two sub-phases:

**Phase IIA**

1. Close Mill Hill Road at Route 663 with a cul-de-sac and provide access through the site to Commerce Drive with the relocated Mill Hill Road in a manner approved by the Board of Supervisors of Milford Township as part of the land development or conditional use application involving either congregate care facility proposed in Section 2 or Section 5 as depicted on the Unified Master Plan, or non-residential development in Section 1. The cul-de-sac must be so designed as to provide access to TMP No. 23-10-117-2 and TMP No. 23-10-119-1.

**Phase IIB**

**[Graphics depicting road improvements to be incorporated in this section]**

2. Construct Driveway A at western end of site, including a westbound Route 663 through lane, and eastbound and westbound left turn lanes. The westbound through lane begins full width approximately 400 feet east of Driveway A (or extends to end of widening for Commerce Drive, if constructed first), and ends according to signing requirements approximately 800 feet west of Driveway A. The design of these Traffic

Improvements shall be subject to approval by the Board of Supervisors at the time land development or conditional use approval is requested for any Phase II Improvements other than the Improvements depicted as Section 1 on the revised Unified Master Plan. The design approved by the Board of Supervisors at the time of land development or conditional use approval may require improvements different from and greater than what is depicted on the Unified Master Plan and Exhibit A-9. These Traffic Improvements shall be constructed as part of the Phase IIB development and adequate financial security to assure the construction of these improvements shall be accepted by the Township prior to the recording of the land development plans or issuance of any building permits for any Phase IIB improvements.

3. Construct Driveway B, including eastbound left turn lane, extend private road (Mill Hill extension) from Driveway B to Commerce Drive. The design of these Traffic Improvements shall be subject to approval by the Board of Supervisors as part of the land development or conditional use approval requested for any of the Improvements depicted in Section 6 of the Unified Master Plan. The design approved by the Board of Supervisors at the time of land development or conditional use approval may require improvements different from and greater than what is depicted on the Unified Master Plan and Exhibit A-9. These Traffic Improvements shall be constructed as part of the Phase IIB development and adequate financial security to assure the construction of these improvements shall be accepted by the Township prior to the recording of the land development plans or issuance of any building permits for any Phase IIB improvements.

4. Add eastbound Route 663 through lane at Commerce Drive. The through lane begins full width approximately 400 feet west of Commerce Drive and ends according to signing requirements approximately 800 feet east of Commerce Drive. The design of these Traffic Improvements shall be subject to approval by the Board of Supervisors at the time land development or conditional use approval is requested for any Phase IIB Improvements other than the Improvements depicted as Section 1 on the revised Unified Master Plan. The design approved by the Board of Supervisors at the time of land development or conditional use approval may require improvements different from and greater than what is depicted on the Unified Master Plan and Exhibit

A-9. These Improvements shall be constructed at the time building permits are requested for any improvements which will result in the build out of 50% or more of the Phase IIB Improvements. Adequate financial security to assure the construction of these improvements shall be accepted by the Township prior to the issuance of any building permits which will result in the building out of 50% or more of the Phase IIB Improvements.

5. Add westbound Route 663 through lane at Commerce Drive. The through lane begins full width approximately 400 feet east of Commerce Drive and ends according to signing requirements approximately 800 feet west of Commerce Drive (or continuing to widening for Driveway A, if present). The design of these Traffic Improvements shall be subject to approval by the Board of Supervisors at the time land development or conditional use approval is requested for any Phase II Improvements other than the Improvements depicted as Section 1 on the revised Unified Master Plan. The design approved by the Board of Supervisors at the time of land development or conditional use approval may require improvements different from and greater than what is depicted on the Unified Master Plan and Exhibit A-9. These Improvements shall be constructed at the time building permits are requested for any improvements which will result in the build out of 50% or more of the Phase IIB Improvements. Adequate financial security to assure the construction of these improvements shall be accepted by the Township prior to the issuance of building permits which will result in the build out of 50% or more of the Phase IIB Improvements.

6. Add westbound Route 663 through lane at Portzer Road. The through lane begins full width approximately 300 feet east of Portzer Road and ends according to signing requirements approximately 800 feet west of Portzer Road. The design of these Traffic Improvements shall be subject to approval by the Board of Supervisors at the time land development or conditional use approval is requested for any Phase II Improvements other than the Improvements depicted as Section 1 on the revised Unified Master Plan. The design approved by the Board of Supervisors at the time of land development or conditional use approval may require improvements different from and greater than what is depicted on the Unified Master Plan and Exhibit A-9. These Improvements shall be constructed at the time building permits are requested for any

improvements which will result in the build out of 80% or more of the Phase IIB Improvements. Adequate financial security to assure the construction of these improvements shall be accepted by the Township prior to the issuance of any building permits which will result in the build out of 80% or more of the Phase IIB Improvements.

**c. Traffic Improvements - Phase III**

The following Traffic Improvements shall be constructed when land development or conditional use approval is requested for any Phase III Improvements.

1. Design and construct Driveway C, including left turn lane on eastbound Route 663 into site.

2. Design and construct Driveways D and E, including a left turn lane on northbound Portzer Road into the site at Driveway E.

The design of these Traffic Improvements listed under 1 and 2 above, shall be subject to approval by the Board of Supervisors at the time land development or conditional use approval is requested for any Phase III Improvements. The design approved by the Board of Supervisors at the time of land development or conditional use approval may require improvements different from and greater than what is depicted on the Unified Master Plan and Exhibit A-9. These Improvements shall be constructed at the time land development or conditional use approval is requested for any Phase III Improvements. Adequate financial security to assure the construction of these improvements shall be accepted by the Township prior to the recording of the land development plans or issuance of any building permits for any Phase III Improvements.

3. Add eastbound Route 663 through lane at Portzer Road and Driveway B. The through lane begins full width at end of widening for Commerce Drive and ends according to signing requirements approximately 800 feet east of Portzer Road.

4. Add northbound left turn lane on Portzer Road.

5. Add two southbound left turn lanes on Portzer Road.

The design of these Traffic Improvements listed under 3, 4 and 5 above, shall be subject to approval by the Board of Supervisors at the time land development or conditional use approval is requested for any Phase III Improvements. The design

approved by the Board of Supervisors at the time of land development or conditional use approval may require improvements different from and greater than what is depicted on the Unified Master Plan and Exhibit A-9. These Improvements shall be constructed at the time building permits are issued for any improvements which will result in the build out of 50% or more of the Phase III Improvements.

16. The Unified Master Plan demonstrates that all buildings and structures shown on the Plan will comply with required setbacks in the AMU Overlay Zoning District as amended by Ordinance No. 156.

17. As demonstrated by the impervious surface table on Sheet 1 of the Unified Master Plan and confirmed by Stephen A. Pany, P.E., the proposed AMU development complies with the impervious surface requirement for the AMU overland Zoning District.

18. As demonstrated by the dwelling unit and non-residential building area calculations on Sheet 1 of the Unified Master Plan and confirmed by the testimony of Stephen A. Pany, P.E., the dwelling unit and non-residential building mix comply with the requirements of the Arterial Mixed Use regulations contained in Article 6.E.

19. Based upon site capacity calculations and impervious surface table contained on Sheet 1 of the Unified Master Plan and confirmed by the testimony of Stephen A. Pany, P.E., the proposed development, if developed in accordance with the Unified Master Plan, complies with the site capacity and impervious surface requirements for the underlying RD Zoning District.

20. Dwelling units of the various types stated in the dwelling unit calculations and non-residential building areas as provided in the non-residential building area calculations are allocated to nine sections as depicted on the Unified Master Plan. In addition, the developer testified that it is its intention to develop these improvements in three phases.

21. A note must be added to pages 1, 3, 4 and 5 of the Unified Master Plan making it clear that the permitted number of dwelling units, non-residential building area and impervious surface permitted in the different phases is dependent upon the development of other phases in accordance with the Unified Master Plan. Conditional Use and land development approval will be required prior to the development of each phase. Any change in the allocation of dwelling units, non-residential building area or

impervious surface made in a specific section or phase may impact the allocation of dwelling units, non-residential building area and impervious surface in another stage.

22. In order to assure that the proper balance of dwelling units, non-residential building area and impervious surface is maintained as each section or phase is developed to section to phase, a Declaration of Covenants, Conditions and Restrictions will be recorded simultaneously with the recording of the Unified Master Record Plan. The number of square feet of non-residential building area and impervious surface must be maintained from section to section and within each phase. No change in this allocation shall be permitted except by approval by the Board of Supervisors in a subsequent Conditional Use application which change in allocation shall be recorded as an amendment to the Declaration.

## **II. CONCLUSIONS OF LAW**

1. The present Conditional Use Application is governed by AMU Overlay Zoning District, of the Zoning Ordinance; and Ordinance No. 156 enacted March 16, 2010 by the Milford Township Board of Supervisors, as an amendment to the Zoning Ordinance.

2. Section 1108 of the Zoning Ordinance authorizes Township representatives, the Board of Supervisors, to approve Conditional Uses that conform to the conditions and standards as outlined in the Zoning Ordinance.

3. The Board of Supervisors has the right to impose conditions on the grant of such approval where the applicant establishes that the conditions imposed in the Zoning Ordinance and reasonable conditions imposed by the Board can be met, conditional use approval must be granted. State College Borough Water Authority vs. Board of Supervisors of Bermer Township, 165 PA. Cmwlth. Court 405, 645 A2d 394.

4. The testimony and plans submitted by Milford Village, L.P. demonstrate general compliance with the requirements in Ordinance No. 156 and the Milford Township Portion of the Quakertown Area Zoning Ordinance.

5. Subject to the conditions hereafter imposed and only if those conditions are complied with, the proposed mixed uses within the AMU Overlay Zoning District will be consistent with the spirit, purposes and intent of the AMU Overlay Zoning District.

6. Subject to the conditions hereafter imposed and only if those conditions are complied with, the proposed mixed uses within the AMU Overlay Zoning District will not be detrimental to the property in the immediate vicinity and will be in the best interests of the Township and the community.

7. Subject to the conditions hereafter imposed and only if those conditions are complied with, the proposed mixed uses within the AMU Overlay Zoning District will be suitable for the Property and designed, constructed, operated and maintained so as to be in harmony with the character of the existing facilities on the Property.

8. Subject to the conditions hereafter imposed and only if those conditions are complied with, the proposed mixed uses within the AMU Overlay Zoning District will be in conformance with the applicable requirements of the Township Zoning Ordinance, Subdivision and Land Development Ordinance and other Ordinances of the Township.

9. Subject to the conditions hereafter imposed and only if those conditions are complied with, the proposed mixed uses within the AMU Overlay Zoning District will be suitable in terms of affect on highway traffic and safety.

### III. DECISION

**AND NOW**, this \_\_\_ day of \_\_\_\_\_, 20\_\_\_, the Conditional Use Application of Milford Village, L.P. for conditional use approval to develop mixed use including office, non-residential, congregate care, nursing home, assisted living, day care, single family dwellings, townhouses, apartments and recreational uses within the AMU Overlay Zoning District, is **APPROVED** generally subject to the following conditions to which the Applicant has agreed. The conditions of approval are as follows:

1. Prior to the issuance of a building permit for any phase of this mixed use development, the Applicant/Owner shall obtain Conditional Use approval for that Phase demonstrating compliance with the Unified Master Plan approved hereby unless a revision of the Unified Master Plan and the plan for a particular phase is approved by the Board of Supervisors. Such approval will only be granted when adequate conditions are imposed to assure that the provisions of the AMU Ordinance regarding the balance between dwelling units and non-residential buildings; compliance with the impervious

surface requirements for the overall site; and the natural resource protection standards are met.

2. Prior to the issuance of a building permit authorizing construction in any phase, the Applicant/Owner shall obtain from the Township land development approval for the construction proposed in that phase or section and deposit adequate financial security to assure the construction of all improvements in that phase or section, including Traffic Improvements.

3. Prior to the recording of the Unified Master Record Plan, the plan will be revised to clearly depict the sections and phases as described in the Findings of Fact.

4. Prior to the recording of the Unified Master Record Plan, the plan will be revised to modify the boundary between Section 3 and Section 4 such that the office and related parking is placed within Section 3 rather than Section 4 with the result that all of the Phase I improvements are in Section 3.

5. Prior to the recording of Unified Master Record Plan a complete plan set (containing sheets 1 through 9) removing the northwest Mill Hill Road access from sheets 3, 6 and 7).

6. Prior to the recording of the Unified Master Plan a complete plan set (sheets 1 through 9) shall be provided to the Township replacing the “cottage” designation in each place it appears with the designation “village house” Use 404.B.6(b)(3) as part of condominium or planned community. Prior to the recording of the Record Plan, a complete plan set will be provided that deletes the reference to “cottage” in each place it appears replacing it with “village house”.

7. The following conditions provide a mechanism to assure that all Traffic Improvements shall be constructed as approved by the Board of Supervisors, to provide a means for assuring the financing of those Traffic Improvements and to provide for the timing and sequencing of the Traffic Improvements as required under Section 665(b) of the Arterial Mixed Use Overlay Zoning District, Ordinance No. 156:

a. As generally shown on the Phase I sheet for this intersection, which is part of Exhibit A-9, the following Traffic Improvements shall be designed and constructed as part of Phase I:.

i. Improve access into the Property at Route 663 and Commerce Drive to high volume design with channelization and associated markings on Commerce Drive south of Route 663. The design of these Traffic Improvements shall be subject to approval by the Board of Supervisors at the time land development or conditional use approval is requested for any Phase I Improvements. The design approved by the Board of Supervisors at the time of land development or conditional use approval may require improvements different from and greater than what is depicted on the Unified Master Plan and Exhibit A-9. These Traffic Improvements shall be constructed as part of the Phase I development and adequate financial security to assure the construction of these improvements shall be accepted by the Township prior to the recording of the land development plans or issuance of any building permits for any Phase I improvements.

ii Signalize Route 663 and Commerce Drive Intersection, the design of which shall be submitted to the Board of Supervisors prior to application being made to PennDoT for a Highway Occupancy Permit. The PennDoT Highway Occupancy Permit application will be based upon a design approved by the Board of Supervisors as part of the Phase I land development or conditional use application but will be subject to PennDoT approval. These Traffic Improvements shall be constructed as part of the Phase I development and adequate financial security to assure the construction of these improvements shall be accepted by the Township prior to the recording of the land development plans or issuance of any building permits for any Phase I improvements.

b. The following Traffic Improvements shall be designed and constructed as part of Phase II:

#### **Phase IIA**

As generally depicted on the Phase IIA sheet of Exhibit A-9, the following improvements shall be designed and constructed as part of Phase IIA:

i. Close Mill Hill Road at Route 663 with a cul-de-sac and provide access through the site to Commerce Drive with the relocated Mill Hill Road in a manner approved by the Board of Supervisors of Milford Township as part of the land

development or conditional use application involving either congregate care facility proposed in Section 2 or Section 5 as depicted on the Unified Master Plan.

ii. The design for the closing of Mill Hill Road and for the cul-de-sac shall be subject to approval by the Board of Supervisors at the time land development or conditional use approval is requested for any Phase I improvements. The design approved by the Board of Supervisors at the time of land development or conditional use approval may require improvements different from and greater than what is depicted on the Unified Master Plan and Exhibit A-9. Adequate financial security to assure the construction of these improvements shall be accepted by the Township prior to the recording of the land development plans or issuance of any building permits for any Phase IIA Improvements.

#### **Phase IIB**

The Improvements which are generally depicted on the sheets identified as Phase IIB of Exhibit A-9 shall be constructed as follows:

iii. Construct Driveway A at western end of site, including a westbound Route 663 through lane, and eastbound and westbound left turn lanes. The westbound through lane begins full width approximately 400 feet east of Driveway A (or extends to end of widening for Commerce Drive, if constructed first), and ends according to signing requirements approximately 800 feet west of Driveway A. The design of these Traffic Improvements shall be subject to approval by the Board of Supervisors at the time land development or conditional use approval is requested for any Phase II Improvements other than the Improvements depicted as Section 1 on the revised Unified Master Plan. The design approved by the Board of Supervisors at the time of land development or conditional use approval may require improvements different from and greater than what is depicted on the Unified Master Plan and Exhibit A-9. These Traffic Improvements shall be constructed as part of the Phase IIB land development and adequate financial security to assure the construction of these improvements shall be accepted by the Township prior to the recording of the land development plans or issuance of any building permits for any Phase IIB Improvements.

iv. Construct Driveway B, including eastbound left turn lane, extend private road (Mill Hill extension) from Driveway B to Commerce Drive. The

design of these Traffic Improvements shall be subject to approval by the Board of Supervisors as part of the land development or conditional use approval requested for any of the Improvements depicted in Section 6 of the Unified Master Plan. The design approved by the Board of Supervisors at the time of land development or conditional use approval may require improvements different from and greater than what is depicted on the Unified Master Plan and Exhibit A-9. These Traffic Improvements shall be constructed as part of the Phase IIB development and adequate financial security to assure the construction of these improvements shall be accepted by the Township prior to the recording of the land development plans or issuance of any building permits for any Phase IIB improvements.

v. Add eastbound Route 663 through lane at Commerce Drive. The through lane begins full width approximately 400 feet west of Commerce Drive and ends according to signing requirements approximately 800 feet east of Commerce Drive. The design of these Traffic Improvements shall be subject to approval by the Board of Supervisors at the time land development or conditional use approval is requested for any Phase II Improvements other than the Improvements depicted as Section 1 on the revised Unified Master Plan. The design approved by the Board of Supervisors at the time of land development or conditional use approval may require improvements different from and greater than what is depicted on the Unified Master Plan and Exhibit A-9. These Improvements shall be constructed at the time a building permit is requested for any improvements which will result in the build out of 50% or more of the Phase II Improvements. Adequate financial security to assure the construction of these improvements shall be accepted by the Township prior to the issuance of any building permits for any Phase II Improvements which will increase the build out of Phase II to over 50%.

vi. Add westbound Route 663 through lane at Commerce Drive. The through lane begins full width approximately 400 feet east of Commerce Drive and ends according to signing requirements approximately 800 feet west of Commerce Drive (or continuing to widening for Driveway A, if present). The design of these Traffic Improvements shall be subject to approval by the Board of Supervisors at the time land development or conditional use approval is requested for any Phase II Improvements

other than the Improvements depicted as Section 1 on the revised Unified Master Plan. The design approved by the Board of Supervisors at the time of land development or conditional use approval may require improvements different from and greater than what is depicted on the Unified Master Plan and Exhibit A-9. These Improvements shall be constructed at the time building permits are requested for any improvements which will result in the build out of 50% or more of the Phase II Improvements. Adequate financial security to assure the construction of these improvements shall be accepted by the Township prior to the issuance of any Phase II Improvements which will increase the build out of Phase II to over 50%.

vii. Add westbound Route 663 through lane at Portzer Road. The through lane begins full width approximately 300 feet east of Portzer Road and ends according to signing requirements approximately 800 feet west of Portzer Road. The design of these Traffic Improvements shall be subject to approval by the Board of Supervisors at the time land development or conditional use approval is requested for any Phase II Improvements other than the Improvements depicted as Section 1 on the revised Unified Master Plan. The design approved by the Board of Supervisors at the time of land development or conditional use approval may require improvements different from and greater than what is depicted on the Unified Master Plan and Exhibit A-9. These Improvements shall be constructed prior to the issuance of any building permits which will result in the build out of 80% or more of the Phase II Improvements. Adequate financial security to assure the construction of these improvements shall be accepted by the Township prior to the issuance of any building permits which will result in the build out of 80% or more of the Phase II Improvements.

c. The following Traffic Improvements shall be constructed as part of Phase III which are generally depicted on the Phase III sheets of Exhibit A-9:

i. Design and construct Driveway C, including left turn lane on eastbound Route 663 into site.

ii. Design and construct Driveways D and E, including a left turn lane on northbound Portzer Road into the site at Driveway E.

The design of these Traffic Improvements listed under 1 and 2 above, shall be subject to approval by the Board of Supervisors at the time land

development or conditional use approval is requested for any Phase III Improvements. The design approved by the Board of Supervisors at the time of land development or conditional use approval may require improvements different from and greater than what is depicted on the Unified Master Plan and Exhibit A-9. These Traffic Improvements shall be constructed as part of the Phase III development and adequate financial security to assure the construction of these improvements shall be accepted by the Township prior to the recording of the land development plans or issuance of any building permits for any Phase III improvements.

iii. Add eastbound Route 663 through lane at Portzer Road and Driveway B. The through lane begins full width at end of widening for Commerce Drive and ends according to signing requirements approximately 800 feet east of Portzer Road.

iv. Add northbound left turn lane on Portzer Road.

v. Add two southbound left turn lanes on Portzer Road.

The design of the Traffic Improvements listed under 3, 4 and 5 above, shall be subject to approval by the Board of Supervisors at the time land development or conditional use approval is requested for any Phase III Improvements. The design approved by the Board of Supervisors at the time of land development or conditional use approval may require improvements different from and greater than what is depicted on the Unified Master Plan and Exhibit A-9. These Improvements shall and constructed at the time building permits are requested for any improvements which will result in the build out of 50% or more of the Phase III Improvements. Adequate financial security to assure the construction of these improvements shall be accepted by the Township prior to the issuance of any building permits which will result in the build out of 50% or more of the Phase III Improvements.

d. In addition to the traffic improvements referenced above, the Board of Supervisors may require as a condition of future land development approval within Milford Village Center, improvements to the intersection of Old Bethlehem Pike and Portzer Roads and any other location where the level of service is projected to be at level "D" or "F".

8. The Applicant shall make the following contributions and complete the following improvements with this mixed use land development:

a. Cell Tower Location - Prior to the recording of the Record Plans of any phase of the development, Applicant shall execute a Deed of Dedication, in a form prepared by the Township Solicitor, dedicating to Milford Township a mutually agreed upon 100' by 100' area for the future location of a telecommunication facility. Any future rents for location and utilization of any constructed telecommunication facility shall be divided between the Township and the owner of the Property in the following manner – 50% to Township and 50% to owner of Property.

b. Well Location - Prior to the recording of the Record Plans of any phase of the development, Applicant shall execute a Deed of Easement to Milford Township Water Authority a mutually agreed upon 200' by 200' area and access there to for the future location of a well and related pipes and appurtenances.

c. As part of the land development approval for each Phase (or part thereof), the developer shall make a contribution to the Milford Township Fire Department in an amount mutually agreed to between the Township and the developer which recognizes the additional demands for fire protection generated by the Phase (or part thereof) being developed.

**MILFORD TOWNSHIP  
BOARD OF SUPERVISORS**

ATTEST:

\_\_\_\_\_  
Jeffrey A. Vey, Manager

\_\_\_\_\_  
Robert B. Mansfield, Chairman

\_\_\_\_\_  
Charles Strunk

\_\_\_\_\_  
Timothy Damiani