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McNees

May 15, 2024

VIA E-MAIL

Josele Cleary, Esq.
Mount Joy Township Solicitor
Morgan, Hallgren, Crosswell & Kane, P.C.
700 North Duke Street
Lancaster, Pennsylvania 17604

Justin Evans
Mount Joy Township
Community Development Director/
Zoning Officer
8853 Elizabethtown Road
Elizabethtown, PA 17022

RE: Development of 1376 Campus Road

Dear Josele and Justin:

As you know, our office represents 1376 Campus Road Associates, LLC ("Developer") with respect to the development of the property located at 1376 Campus Road (the "Property") in Mount Joy Township (the "Township") for residential purposes (the "Proposed Development"). As discussed via a series of emails exchanged between the Developer and Township staff, please accept this correspondence as a request from the Developer for waivers of Sections 119-28, 119-93.A and 119-93.B of the Township's Subdivision and Land Development Ordinance (the "SLDO").

Section 119-28 of the SLDO permits a developer to install certain improvements depicted on an approved preliminary plan prior to providing financial security for the same to the Township upon submission and approval of an "improvement construction plan". In a similar vein, Sections 119.93.A-B of the SLDO preclude a developer from commencing land development activities, including grading, prior to the recording of a final plan. As you are aware, Developer is currently in the process of finalizing the plan for Phase 1A of the Proposed Development for recording. Currently, Developer is undertaking limited construction activities on the Property as authorized by Township staff, including installation of perimeter Erosion and Sediment ("E&S") controls. The next step in the construction process is for the Developer to bulk grade the entire Property, including portions of the Property outside of Phase 1A, and to stabilize same as authorized by Developer's approved NPDES permit and E&S Plans. On March 25, Developer sought and received a waiver of the requirements of 119-28 of the SLDO from the Township Planning Commission (the "Planning Commission") so that it could complete the Bulk Grading outside of Phase 1A based on the information depicted on the approved preliminary plan and for the Proposed Development without the submission of a separate improvement construction plan. Applicant now desires to expand the scope of this waiver, and to seek additional waivers from Sections 119-93.A-B of the SLDO, to allow Developer to commence bulk grading within Lot 1, as well as across the remainder of the Property, prior to the recording of the Phase 1A Plan.

Developer anticipates the Phase 1A Plan will be recorded in the next one to two months. The Phase 1A Plan has received final conditional approval from the Planning Commission. All outstanding engineering comments have been addressed and all agreements required by the Township have been provided to and reviewed by the Township Solicitor. Applicant is currently in the process of obtaining the requisite financial security to post with the Township. The final matter that must be addressed is the water and sewer extension agreements that Developer is required to enter into with Elizabethtown Area Water Authority and the Elizabethtown Area Sewer Authority. It is the Developer's understanding that, at the earliest, these agreements can be approved at the Authorities' meetings in June, and that the Phase 1A Plan will not be signed by the Authorities until the agreements are approved and financial security is posted.

Applicant desires to proceed with grading of the Property as a whole (both inside and outside of Phase 1A) while it awaits the Authority's June meetings and subsequent recording of the Plan. The Developer expressly acknowledges that, if the waivers is granted, it will proceed with any grading on the site prior to the recording of the Phase 1A Plan at its own risk.

We are asking for these waiver requests to be addressed at the Township's Planning Commission meeting on May 29, 2024. Please confirm that this matter has been added to the May 29 Planning Commission agenda. A representative of the Developer will be present at the Planning Commission meeting to explain the request and to answer any questions.

Sincerely,



Claudia N. Shank
MCNEES WALLACE & NURICK LLC

c: Andy Miller (via email)
Chris Venarchick (via email)
Nick Grandi (via email)
Gabe Clark (via email)