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March 18, 2025

Jackie Wilbern, Zoning Officer  
Mount Joy Township  
8853 Elizabethtown Road  
Elizabethtown, PA 17022

RE: Final Plan Tiny Estates  
RETTEW Project No. 126192000

Dear Ms Wilbern:

The Tiny Estates Final Land Development Plan was approved by the Planning Commission at their July 24, 2024 meeting with the condition that the Applicant shall pay Mount Joy Township traffic impact fees as required by Chapter 125 of the Code of Ordinances of the Township of Mount Joy, in the total amount of \$7,064.00. This condition is listed as Condition Number 6 in Proposed Motion M.J.T.P.C. File # 22-141-FLDP.

However, it was later determined that the project met Chapter 125's definition of a de minimus application, and therefore, these fees are not required. According to Lancaster Civil's review letter dated April 23, 2024, we are exempt from these fees.

To resolve this inconsistency, we request that the Planning Commission eliminate this condition of approval, as it was determined to be exempt per Chapter 125 of the Ordinance.

We request to be placed on the March 24, 2025, Planning Commission Agenda to review this matter.

Should you have any questions or need any additional information, please do not hesitate to contact me at [kim.fasnacht@rettew.com](mailto:kim.fasnacht@rettew.com) or on my cell phone at (484) 798-9782.

Sincerely,

A handwritten signature in black ink that reads "Kimberly M Fasnacht". The signature is written in a cursive, flowing style.

Kim Fasnacht, PMP, LEED AP  
Project Manager

**PROPOSED MOTION FOR THE  
PRELIMINARY/FINAL LAND DEVELOPMENT PLAN  
FOR TINY ESTATES  
M.J.T.P.C. File # 22-14-FLDP**

I move that the Township Planning Commission grant waivers of Chapter 119 of the Code of Ordinances of the Township of Mount Joy, i.e. the Mount Joy Township Subdivision and Land Development Ordinance as follows:

- (1) §119-25 – preliminary plan review process
- (2) §119-52.S(3)(f) – minimum horizontal curve radius
- (3) §119-78 – sidewalks and curbs
- (4) §119-52.J – road frontage improvements (deferral requested)
- (5) §119-52.L – deed with clear sight triangle restriction

And having granted such waivers, grant approval of the Preliminary/Final Land Development Plan for Tiny Estates (the “Plan”) prepared by Rettew Associates, Drawing No. 126192000, dated November 14, 2022, subject to the following conditions:

1. To the extent not otherwise provided in these conditions, Applicant shall address the comments of the Township Engineer’s review letter dated July 14, 2023.
2. To the extent not otherwise provided in these conditions, Applicant shall address the comments of the Township Solicitor’s review letter dated November 29, 2022.
3. Applicant shall submit a fully executed Storm Water Management Agreement and Declaration of Easement, which shall be acceptable to the Township Solicitor and in recordable form. The Agreement, fully executed, shall be submitted and approved prior to the release of the final plan for recording.
4. Applicant shall submit a fully executed Agreement Providing for Grant of Conservation Easement, which shall be acceptable to the Township Solicitor and in recordable form. The Agreement, fully executed, shall be submitted and approved prior to the release of the final plan for recording.
5. Applicant shall submit a fully executed Deferred Road Improvement Agreement, which shall be acceptable to the Township Solicitor and in recordable form. The Agreement shall include, but not necessarily limited to, the installation of curb and sidewalk, provision of additional right-of-way, and road widening. The Agreement, fully executed, shall be submitted and approved prior to the release of the final plan for recording.
6. Applicant shall pay Mount Joy Township traffic impact fees, as required by Chapter 125 of the Code of Ordinances of the Township of Mount Joy, in the total dollar amount of \$7,064 (4 P.M. peak hour trips @ \$1,766/trip). Payment of the traffic impact fees shall be made at the time an application is made for the required building permit. Applicant shall not at any time in the future seek return of such impact fees, or any earned accrued interest thereon, or authorize any successor to make such claim, whether or not the Township expends the traffic impact fees within the time limitations set forth in Act 209 of 1990, as amended, 53 P.S. §10501-A, et seq., expends the traffic impact fees for improvements set forth in the



[07/25/2023]

Transportation Capital Improvements Plan or for other road improvements not addressed in the Transportation Capital Improvements Plan or for road improvements to address existing deficiencies or for improvements (regardless of the percentage of the cost of improvements or the amount of the improvements paid for with traffic impact fees) to state highways. Applicant shall place a note on the final plan referencing this condition.

7. Applicant shall submit a fully executed Land Development Agreement, which shall be acceptable to the Township Solicitor. Said Agreement shall be submitted and approved prior to the release of the final plan for recording.
8. Applicant shall submit financial security to guarantee the proper installation of all improvements associated with this land development project prior to the release of the final plan for recording and shall be in a form acceptable to the Township Solicitor. The amount of said financial security shall be in the amount consistent with the construction cost opinion approved by the Township Engineer.
9. Applicant shall apply for and obtain all necessary permits prior to commencing any construction activities.
10. Applicant shall reimburse the Township for all reasonable engineering and legal fees incurred in the review of plans under the Subdivision and Land Development Ordinance, Storm Water Management Ordinance, and other governing ordinances; review or preparation of documentation required in connection with the development; review and approval of financial security and other documentation; inspection of improvements; and for other costs as set forth in these Conditions within 30 days after receipt of an invoice for such fees. If Applicant fails to pay such costs within 30 days after the date of a written invoice for such costs, Applicant shall be in violation of this Condition.



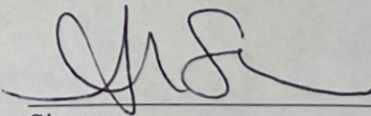
[07/25/2023]

**ACCEPTANCE OF CONDITIONS UPON APPROVAL OF A  
PRELIMINARY/FINAL LAND DEVELOPMENT PLAN  
IMPOSED BY THE PLANNING COMMISSION OF MOUNT JOY TOWNSHIP  
FOR**

**TINY ESTATES  
M.J.T.P.C. File # 22-14-FLDP**

I have reviewed the conditions imposed by the Planning Commission of Mount Joy Township, Lancaster County, Pennsylvania, at the meeting on July 24, 2023, upon the approval of the Preliminary/Final Land Development Plan for Tiny Estates (the "Plan") prepared by Rettew Associates, Drawing No. 126192000, dated November 14, 2022. In my capacity as developer/developer's agent and being authorized to do so, and intending to be legally bound, I hereby accept the imposition of the conditions attached hereto as part of the approval of the above-described subdivision and/or land development project. I expressly waive any requirements of the Pennsylvania Municipalities Planning Code that the Township provide a section number of a governing ordinance, statute or regulation upon which such conditions are based and a description of the requirements which have not been met. To the extent that any condition is not based upon a specific requirement of a governing ordinance, statute or regulation, I expressly waive any right which I may have to challenge the imposition of such condition. If signing as developer's agent, I expressly state that I have been authorized by developer to agree to the conditions imposed upon the approval of the above-described subdivision and/or land development application.

Date: 7/25/23

  
Signature

Abigail Shank  
Printed Name

CEO  
Title

April 23, 2024

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

Via email: Justin@mtjoytp.org



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Re: Tiny Estates LLC  
Final Land Development Plan  
Township Permit No. 22-14-PLDP  
LCEC Project No: 25-147

Dear Mr. Evans,

We have received a land development plan submission from Rettew Associates, Inc. for the above-referenced project. The submission consisted of the following documents:

- Comment Response Letter dated April 5, 2024
- Preliminary/Final Land Development Plan revised April 5, 2024
- Post Construction Stormwater Management Plan revised April 5, 2024

Based upon my review of the submitted information, I offer the following comments for the Township to consider:

**Zoning Ordinance**

1. The applicant shall enter into a recordable agreement with the Township providing for the permanent maintenance of the riparian corridor, in a form acceptable to the Township Solicitor (135-306.F).
2. The applicant shall enter into a recordable agreement with the Township providing for the permanent maintenance of the wetland area, in a form acceptable to the Township Solicitor (135-307.E).

**Subdivision and Land Development Ordinance**

3. All certificates shall be executed prior to final plan approval (119-35.E).
4. A Stormwater Management Agreement and Declaration of Easement in a form acceptable to the Township Solicitor shall be executed and recorded (119-35.E(4)(c), 119-56.E & 113-62).
5. A land development agreement in a form acceptable to the Township Solicitor shall be executed (119-35.E(4)(f)).
6. Financial security in the amount of \$124,219.70 shall be provided prior to final plan approval (119-41 & 113-60).

**Stormwater Management Ordinance**

7. The landowner shall execute the final documents prior to final plan approval (113-41.B).


8. An operation and maintenance (O&M) agreement shall be provided (113-62).

**Traffic**

9. The proposed development is located within the Transportation Service Area established for the Mount Joy Township Traffic Impact Fee Ordinance. However, trip generation reports have been submitted to confirm that the proposed development will not generate more than five (5) additional P.M. peak hour trips; therefore, this development is a de minimus application and is exempt from the impact fee (125-10.A(4)).

If you should have any questions or need additional information, please do not hesitate to contact me at [bencraddock@lancastercivil.com](mailto:bencraddock@lancastercivil.com) or via telephone at 717-799-8599.

Sincerely,

 Digitally signed by Benjamin S. Craddock  
DN: C=US,  
E=bencraddock@lancastercivil.com,  
O=Lancaster Civil Engineering Co.,  
CN=Benjamin S. Craddock  
Date: 2024.04.23 08:41:26-04'00'

Benjamin S. Craddock, PE, President

**LANCASTER CIVIL**

cc: Patricia Bailey, Township Secretary (via email)  
Josele Cleary, Esquire, Township Solicitor (via email)  
Abigail Shank, Tiny Estates, LLC (via email)  
Kim Fasnacht, Rettew Associates (via email)  
Del Becker, PE, EAWA (via email)  
Nick Viscome, ERSA (via email)  
Abraham King, PE, RETTEW (via email)  
Renee Addleman, Planner, LCPC (via email)