

2. Approval of the Application by the Supervisors is limited to the proposed use as represented and described by the Applicant at the Hearing only, including Applicant's Exhibits and Testimony.

3. Approval of the Application by the Supervisors shall run with the Property and bind the Applicant's and Borough's successors, heirs, and assigns.

4. The Applicant must comply with the Exhibits and Testimony presented at the Hearing; subject to possible limited modification by the Board at the time of Final Land Development Approval.

5. The Applicant must obtain Final Land Development Approval in accordance with the Township Subdivision and Land Development Regulations, including the execution of security and development agreements in form satisfactory to the Township.

6. The development of the 70 townhouse units on Tax Parcel No. 40-1-23 shall be consistent with the concept plans for Kardon Park previously submitted to the Township as to layout and architectural design.

7. The installation of a new trail, parking lot and connections to the existing Struble Trail shall be consistent with the most recent trail plan discussed and revised with the Planning Commission.

8. The trail shall be a minimum of 10' wide and paved equal or better than the Borough trail specifications, allow for its use by dogs subject to reasonable regulation, and be ambulance accessible to the point of stream crossings.

9. To ensure adequate emergency medical access to the trail between stream crossings, prior to the initiation of construction, the Applicant shall donate to the

Minquas Fire Co., EMS Division, a four-wheel drive John Deere "Gator" ATV, equipped with a medical response package, as approved by the Minquas Fire Co., EMS Division; and shall design the stream crossings to adequately support such vehicle while fully loaded, including manpower and patient loads.

10. Fencing shall be provided between the trail and the proposed parking lot and any unremediated lands and between the trail and Norwood Road; the final location and design of the fencing shall be subject to Township approval at the time of Final Subdivision and Land Development Plan Approval.

11 Crosswalks/stripping shall be installed where the trail is to cross Norwood Road (2 locations). The final design of such crosswalks shall be subject to Township approval at the time of Final Subdivision and Land Development Plan Approval.

12. Additional landscaping shall be proposed along the trail; the final location and design shall be subject to Township approval at the time of Final Subdivision and Land Development Plan Approval.

13. Pond enhancements to Fourth Lake shall be made consistent with the Applicant's testimony and Exhibits.

14. The Applicant shall obtain any required DEP approval of any revisions to the phased remediation proposed for the overall Kardon Park site.

15. If required, the Borough shall obtain the removal of any Project 70 deed restrictions affecting the proposed development of the Property.

16. The Township shall approve any HOA documents prior to final plan approval to ensure, *inter alia*, Borough ownership and maintenance of the open space

area, and the protection of future Township homeowners relative to open space maintenance liability and costs.

17. The portion of the existing trail in East Caln Township shall be decommissioned upon the conclusion of the litigation pending as to development of Applicant's larger proposed project, financial security to be provided as deemed necessary by Township.

18. In the event the pending litigation involving Kardon Park is resolved favorably to the Applicant and Borough, the Applicant may seek modification of this conditional use approval for development of the additional 34 units within the Township consistent with the concept plans previously submitted to the Township, and shall install an additional trail connection to Sunset Drive.

19. The Applicant shall request the Downingtown Area School District access the development for the transportation of students. In the event the District will not agree to do so, parking spaces shall be provided proximate to the entrance to the development for parent parking for student drop-off/pick-up.

20. The enumeration of any specific conditions of approval shall not relieve the Applicant or the Borough from compliance with Applicant's testimony and Exhibits in all respects.

21. The Applicant shall donate \$1,500.00 per unit to the East Caln Safety Fund. The per unit contribution shall be made at time of settlement of each unit.

22. The Applicant shall reimburse the Township for any and all professional costs incurred by the Township in its review, approval and inspection of the multi-family dwelling use, and in assuring compliance with these conditions of approval.

23. The Applicant shall indemnify and hold the Township, its officers, employees and agents, harmless from any liability caused, in any way, in whole or in part, by the multi-family dwellings development, its operation or use or this approval. The Applicant shall at all times carry liability insurance adequate, in the Township's reasonable judgment, to ensure that the Applicant will have the funds available to so indemnify the Township, its officers, employees and agents.

24. The Township and its officers, employees and agents shall be permitted access to the Property at any and all times necessary to assure compliance with the codes and ordinances of the Township and these conditions of approval.

Approved this 5<sup>th</sup> day of July, 2010.

ATTEST

*Barb Kelly*  
Barb Kelly, Township Manager

BOARD OF SUPERVISORS

By: *[Signature]*  
Edward J. Dymek, Chairman

By: *[Signature]*  
Joel F. Swisher, Vice-Chairman

By: *[Signature]*  
Donald D. Maheu, Member