

CIPRIANI & WERNER

A PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

Suite 700
650 Washington Road
Pittsburgh, Pennsylvania 15228

Telephone (412) 563-2500
Fax: (412) 563-2080

www.C-WLAW.com

Gerard J. Cipriani
Walter E. Werner, II
Chester A. Dudzinski
Michael W. Smith
Timothy G. Sullivan
Judith A. Moses *
Carl E. Harvison
Jeffrey M. Olszewski
Jamie L. Lenzi
Jacob S. Polochak
Mark J. Pecarchik
Heather C. Feinstein ~
Nathan D. Hughes
Les A. Goldstrom, Jr.

Hal A. Kestler
Of Counsel

* Also admitted in WV
~ Also admitted in Illinois

Harrisburg Office:
Suite 201
1011 Mumma Road
Lemoyne, PA 17043-1145
Telephone: (717) 975-9600

Philadelphia Office:
Suite 111
482 Norristown Road
Blue Bell, PA 19422-2352
Telephone: (610) 567-0700

Scranton Office:
Suite 210
Oppenheim Building
409 Lackawanna Avenue
Scranton, PA 18503-2059
Telephone: (570) 347-0600

Writers E-mail: mpecarchik@c-wlaw.com

October 14, 2005

VIA FACSIMILE: 724-348-8234 AND FIRST-CLASS MAIL

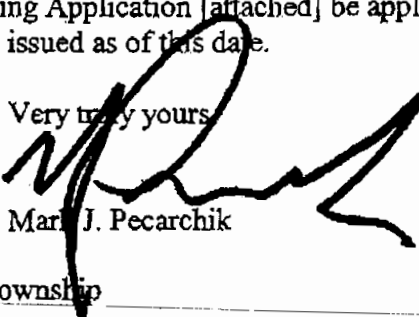
Mr. Marc Todd, Zoning Officer
Union Township
3904 Finleyville Elrama Road
Finleyville, PA 15332

Re: Curative Amendment application for BDH, Inc. and the Library Sportsmen's Club

Dear Mr. Todd:

As I discussed with Dennis Makel this morning, attached please find the Curative Amendment with Overlay for filing. Please advise of a hearing date. We request that the funds already submitted for the June 20, 2005 Zoning Application [attached] be applied to this application, as we understand no refund was issued as of this date.

Very truly yours,


Mark J. Pecarchik

cc: Dennis M. Makel, Solicitor for Union Township
David Hagar, Burt Hill
Mr. Robert C. Dixon, Behling Dixon Holdings
Mr. Carl Behling, Behling Dixon Holdings

CURATIVE AMENDMENT REQUEST

F.E: Curative Amendment for BDH, Inc. and the Library Sportsmen's Club property development

To Council/Union Township:

BDH, Inc. and the Library Sportsmen's Club would like to propose a Curative Amendment for the 140 Acre± property (Parcel ID 640-002-00-00-0001) located along Cardox Road, which is currently zoned RD and SD. (See map attached hereto as Appendix A) The developers would like to reclaim the existing coal dump, and create a Mixed-Use Overlay District (Attached hereto as Appendix B) that will allow innovative use of the abandon mines and accommodate compatible land uses through appropriate design. The proposed Overlay District would create new jobs, tax revenue and allow for the remediation of all the environmental hazards that exist there today. The Mixed-Use Development would be comprised of the following land uses:

- RESIDENTIAL
- COMMERICAL
- OFFICE
- BUSINESS
- LIGHT INDUSTRIAL

Without this Curative Amendment, the current zoning of the property and available zoning districts make the development of this property economically infeasible. The zoning also restricts state and federal assistance granted to the Township for remediation.

Furthermore, BDH, Inc. and the Library Sportsmen's Club hereby request a hearing before the Council on this proposed Curative Amendment to facilitate an understanding for the need, and approval of same, as the property is currently under Sales Agreement subject to the approval of the Curative Amendment in order to reclaim the property and create a Mixed-Use Development.

EXHIBIT B: CURATIVE AMENDMENT/MIXED-USE OVERLAY DISTRICT (MUD)**PURPOSE**

The purpose of the Mixed-Use Overlay District (MUD) is to allow multiple land uses to be developed within large tracts of undeveloped land. These land uses would include residential, commercial, office, business and industrial. The MUD will encourage innovative use of land, such as open and public spaces, as well as accommodate compatible land uses through appropriate design. The MUD will create economic growth and development for Union Township by creating new jobs and tax revenue.

AUTHORIZED USES

In the MUD, only the following uses are authorized:

A. PERMITTED USES

All uses of the underlying zoning district including the following:

1. Principal Uses

- (a) All permitted uses within the Residential (R-1, R-2, R-3)
- (b) All permitted uses within the Commercial (C-1, C-2, C-3)
- (c) Apartment above Office Rental
- (d) Retirement Community
- (e) Group Care Facility
- (f) Public Recreation
- (g) Clinic
- (h) Research and Development
- (i) Vehicle Rental, Sales & Service
- (j) Service Station
- (k) Shopping Center
- (l) Commercial Recreation
- (m) Conference or Training Center
- (n) Contractor's Yard
- (o) Light Manufacturing
- (p) Mini-Warehousing or Self Storage Buildings
- (q) Mineral Removal
- (r) Printing
- (s) Public Buildings
- (t) Supporting Commercial Uses
- (u) Temporary Construction Trailers
- (v) Truck Terminal
- (w) Truck & Heavy Equipment Rental and or Sales with Services
- (x) Wholesaling

2. Accessory Uses

- (a) All permitted uses within the Residential (R-1, R-2, R-3)
- (b) All permitted uses within the Commercial (C-1, C-2, C-3)
- (c) Signs, subject to Article XVIII
- (e) Off-street Parking and Loading, subject to Article XVII

A. NONPERMITTED USES

- (a) Adult Entertainment

MIXED-USE OVERLAY DISTRICT REQUIREMENTS

Mixed-Use Overlay District shall only be permitted in SD and RD Districts and requires review and approval by the Board of Commissioners. Also, property intended for a MUD must be owned by one entity and meets the following minimum requirements.

A. LOT AREA: Between 125 Acres – 150 Acres

B. MIN. LOT FRONTAGE ALONG AN EXISTING ROADWAY: 200 feet

AREA AND BULK REGULATIONS FOR LAND USES WITHIN THE (MUD)

1. RESIDENTIAL USES

- (a) The Area and Bulk Regulations Under Residential (R-3) Shall Apply.

2. COMMERCIAL/BUSINESS USES

- (b) The Area and Bulk Regulations Under Commercial (C-1) Shall Apply.

3. LIGHT INDUSTRIAL USES

A. MINIMUM LOT AREA:

Principal Uses: 32,000 square feet

B. MINIMUM LOT WIDTH:

Principal Uses: 100 feet

G. MAXIMUM LOT COVERAGE: 45%

H. MINIMUM FRONT YARD: 35 feet

I. MINIMUM REAR YARD:

Principal Structures Adjoining any "R" Districts: 150 feet

Principal Structures Adjoining all others: 40 feet

Accessory Structures Adjoining any "R" Districts: 150 feet
Accessory Structures Adjoining all others: 20 feet

J. MINIMUM SIDE YARD:

Principal Structures Adjoining any "R" Districts: 150 feet
Principal Structures Adjoining all others: 20 feet

Accessory Structures Adjoining any "R" Districts: 150 feet
Accessory Structures Adjoining all others: 20 feet

K. SPECIAL YARD REQUIREMENTS: See Section 1603

L. PERMITTED PROJECTIONS: See Section 1604

M. MAXIMUM HEIGHT:

All Principal Structures: 3 stories and no more than 45 feet
All Accessory Structures: 1 story and no more than 15 feet

N. HEIGHT EXCEPTIONS: See Section 1605

PARKING AND LOADING See Article XVII

SIGNS See Article XVIII

SCREENING AND LANDSCAPING See Section 1602

STORAGE See Section 1609