

SUBDIVISION AND LAND DEVELOPMENT ORDINANCE
OF
GREENE TOWNSHIP
PIKE COUNTY, PENNSYLVANIA

ARTICLE I
GENERAL PROVISIONS

101 Adoption – Authority – Title

The Board of Supervisors of Greene Township, pursuant to the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended, 53 P.S. 10101 et seq., hereby enacts and ordains the following Ordinance governing subdivisions and land developments within the limits of Greene Township. This Ordinance shall be known and may be cited as "The Greene Township Subdivision and Land Development Ordinance."

102 Jurisdiction

102.1 Application – This Ordinance shall apply to all subdivisions and land developments in Greene Township proposed after the effective date of this Ordinance. No subdivisions of any lot, tract, or parcel of land nor any land development shall be effected; no street, sewer system, storm sewer, water system, or other facilities, in connection therewith, shall be laid out, constructed, opened, or dedicated for public use or travel, or for common use of occupants of buildings or lands abutting thereon; no lot may be sold, no permit to erect any building may be issued and no building may be erected, except upon approval of the final plan and in strict accordance with the provision of these regulations, and until the improvements required in connection therewith have either been constructed or guaranteed as herein provided.

102.2 Prior Approvals – If an Applicant has received approval of a Preliminary or Final Plan prior to the effective date of this Ordinance, no provision of this Ordinance shall be applied to adversely affect the right of the Applicant to commence and complete any aspect of the approved Preliminary or Final Plan in accordance with the terms of such approval within five (5) years of the date of his application. When approval of a Final Plan has been preceded by approval of a Preliminary Plan, the five-year period shall be counted from the date of the Preliminary Plan approval. If there is any doubt as to the terms of approval, the terms shall be construed in light of the provisions of the governing ordinances or plans as they stood at the time when the application for such approval was duly filed.

103 Purpose

This Ordinance has been adopted to protect and promote the health, safety, and general welfare of the citizens of Greene Township by establishing regulations to allow for the proper and controlled development of the Township, to provide for environmental protection and to insure the proper provision of community facilities.

104 Conflicts

Whenever there is a difference between the minimum applicable standard specified herein and those included in other applicable municipal regulations, the more stringent requirement shall apply.

105 Repealer

The Greene Township Subdivision and Land Development Ordinance of 1976 enacted on December 22, 1976 as amended, is hereby repealed in total, provided however that the repeal shall in no manner be construed as a waiver, release, or relinquishment of the right to initiate, pursue, or prosecute, as the case may be, any proceedings, pertaining to any act done which would have constituted a violation of the Greene Township Subdivision and Land Development Ordinance of 1976 or its applicable predecessor ordinances and regulations, and all provisions of said repealed ordinances shall remain in full effect and force, and not be repealed hereby, as they pertain to said acts.

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ARTICLE II
DEFINITIONS

201 Tense, Gender, and Number

Words in the present tense include the future tense; words used in the masculine gender include the feminine and the neuter; words in the singular include the plural and those in the plural include the singular.

202 General Terms

- A. The words “DEVELOPER”, “PERSON”, “SUBDIVIDER”, and “OWNER” include a corporation, un-incorporated association, and a partnership or other legal entity, as well as an individual.
- B. The word “STREET” includes thoroughfare, avenue, boulevard, court, expressway, highway, lane, arterial, and road.
- C. The word “BUILDING” includes structures and shall be construed as if followed by the phrase “OR PART THEREOF”.
- D. The term “OCCUPIED” or “USED” as applied to any building shall be construed as though followed by the words “OR INTENDED, ARRANGED, OR DESIGNED TO BE OCCUPIED OR USED”.
- E. The word “LOT” includes plot, parcel, tract, site, or any other similar term.
- F. The word “WATERCOURSE” includes channel, creek, ditch, drain, dry run, river, spring, and stream.
- G. The word “ABUT” shall include the words “DIRECTLY ACROSS FROM”.
- H. The words “SHOULD” and “MAY” are permissive.
- I. The words “SHALL” and “WILL” are mandatory and directive.

203 Terms or Words Not Defined

Where terms or words are not defined, they shall have their ordinarily accepted meanings or such as the context may imply.

204 Specific Terms

Terms or words used herein, unless otherwise expressly stated, shall have the following meanings:
ACCESSORY STRUCTURE (INCLUDES ACCESSORY BUILDING) – A structure serving a purpose customarily incidental to and subordinate to the use of the principal use and located on the same lot as the principal use. Accessory structures include, but are not limited to, a household garage, household storage shed, detached carport, a household swimming pool, or an accessory storage building to a business use. An *accessory building* is any accessory structure that meets the definition of a *building*. A portion of a principal building used for an accessory use shall not be considered an accessory building.

AGRICULTURAL USE – An enterprise that is actively engaged in the commercial production and preparation

for market of crops, livestock and livestock products and in the production, harvesting and preparation for market or use of agricultural, agronomic, horticultural, silvicultural and aquacultural crops and commodities. The term includes an enterprise that implements changes in production practices and procedures or types of crops, livestock, livestock products or commodities produced consistent with practices and procedures that are normally engaged by farmers or are consistent with technological development within the agricultural industry. It includes necessary structures within the limits of the parcel and the storage of equipment necessary for production.

ALLEY – A right-of-way, privately or publicly owned, primarily for service access to the rear or sides of properties.

APPLICANT – A landowner or developer, as hereinafter defined, who has filed an application for a subdivision or development, including his heirs, successors, and assigns.

APPLICATION – Every application, whether preliminary or final, required to be filed and approved prior to start of construction or development including but not limited to, an application for a building permit, for approval of a subdivision plat or plan or for approval of a development plan.

BLOCK – A tract of land, a lot or groups of lots, bounded by streets, public parks, water courses, boundary lines of the Township, un-subdivided land or by any combination of the above.

BOARD OF SUPERVISORS – The Board of Supervisors of Greene Township, Pike County, Pennsylvania.

BUILDING – Any combination of materials forming any structure which is erected on the ground and permanently affixed thereto, designed, intended or arranged for the housing, sheltering, enclosure or structural support of persons, animals, or property of any kind.

BUILDING, ACCESSORY – See *accessory structure*.

BUILDING, PRINCIPAL – A building in which the primary or predominate use of a lot is conducted including any structure that is physically attached to the principal building.

BUILDING HEIGHT – The vertical distance measured from the average elevation of the finished grade calculated by averaging the elevation of grade at the center point of each side of the building to the highest part of the building, excluding chimneys.

BUILDING SETBACK LINE – The line within a property defining the minimum required distance between any building to be erected and an adjacent right-of-way line or lot line. Such line shall be measured at right angles from the street right-of-way line or lot line which abuts the property upon which said building is located and shall be parallel to said right-of-way line or lot line.

CAMPGROUND OR RECREATIONAL VEHICLE PARK – A plot of ground upon which two or more campsites are located, established or maintained for temporary occupancy by persons using tents or recreational vehicles, and which is not to be used for long term residency of occupants. **Long term residency shall be defined as longer than 180 days.**

CARTWAY (ROADWAY) – The portion of a street right-of-way paved or unpaved intended for vehicular use including the travelway and shoulders.

CLEAR SITE TRIANGLE – An area of unobstructed vision at the street intersection defined by lines of sight between points at a given distance from the intersection of the street centerlines.

CLUSTER DEVELOPMENT – A form of development for single-family residential subdivisions that permits a reduction in lot area and certain development standards provided unit densities permitted under a conventional subdivision are maintained and the resultant land area is devoted to common open space.

COMMISSION OR PLANNING COMMISSION – The Greene Township Planning Commission.

COMMON OPEN SPACE – A parcel or parcels of land or an area of water or a combination of land and water within a development site designed and intended for the use and enjoyment of residents of the development, not including streets, off-street parking areas, and areas set aside for public or community facilities.

COMMUNITY ASSOCIATION – See *property owners association*.

COMPRHENSIVE PLAN - The complete plan or any part of the plan for the conservation and development of Greene Township adopted in accordance with the Pennsylvania Municipalities Planning Code.

COUNTY – The County of Pike, Commonwealth of Pennsylvania.

CUL-DE-SAC – A minor street having one end open to traffic and being permanently terminated by vehicular turnaround.

DEDICATION – The deliberate appropriation of land by its owner for any general and public use, reserving to himself no other rights than those that are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted.

DEVELOPER – Any landowner, agent of such landowner or tenant with the permission of such landowner who makes or causes to be made, a subdivision of land or a land development.

DEVELOPMENT – Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, the placement of manufactured homes, streets and other paving, utilities, filling, grading, excavation, mining, dredging or drilling operations and the subdivision of land.

DEVELOPMENT IMPROVEMENTS – All the physical additions and changes to a tract and the constructed facilities necessary and/or required by the Township to produce a usable and functional development; including, but not limited to streets, parking areas, stormwater controls and drainage easements, landscaped areas, utilities, and water supplies and sewage disposal systems.

DRIVEWAY – A privately owned and constructed vehicular access from an approved private or public road into a lot or parcel having frontage on the said road.

DWELLING – A structure or portion thereof which is used exclusively for human habitation.

DWELLING UNIT – One (1) or more rooms in a dwelling structure, including a kitchen, sleeping facilities, bath and toilet, designed as a household unit for extended periods of occupancy for living and sleeping purposes by not more than one (1) family at a time.

DWELLING, MULTI-FAMILY – A building or buildings designed for occupancy by three (3) or more families living independently of each other in separate dwelling units. The term “multi-family dwelling” shall include condominium as well as non-condominium housing units including the following construction types:

- A. Residential Conversion to Apartments – Conversion of an existing single-family detached dwelling into three (3) to five (5) dwelling units and not exceeding two and one-half (2 ½) stories in height.
- B. Garden Apartment – Multi-family dwellings originally designed as such; containing three (3) or more dwelling units and not exceeding two and one-half (2 ½) stories in height, not including townhouses.

C. Townhouse – Multi-family dwelling of three (3) or more dwelling units of no more than two and one-half (2 ½) stories in height in which each unit has its own front and rear accesses to the outside, no unit is located over another unit, and each unit is separated unit by one or more common fire resistant walls.

D. Apartment Building – A building that contains separate and distinct multi-family dwellings of three (3) or more dwelling units and that is comprised of more than two and one-half (2 ½) stories but not exceeding the height limitations (in feet) of this Ordinance.

DWELLING, SINGLE-FAMILY - A dwelling unit detached from any other dwelling unit accommodating a single family and having two (2) side yards (i.e., setbacks).

DWELLING, TWO-FAMILY – Dwelling accommodating two families either with units which are attached side by side through the use of a party wall and having one side yard adjacent to each dwelling unit, or upstairs/downstairs units.

EASEMENT – A right-of-way granted, but not dedicated, for limited use of private land for a public or quasi-public purpose, within which the lessee or owner of the property shall not erect any permanent structure.

IMPROVEMENTS – Those physical additions and changes to the land that may be necessary to provide usable and desirable lots.

LAND DEVELOPMENT – Any of the following activities:

A. The improvement of one (1) lot or two (2) or more contiguous lots, tracts or parcels of land for any purpose involving:

1. A group of two (2) or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or
2. The division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.

B. A subdivision of land.

C. The definition of land development shall not include the following:

1. The conversion of an existing single-family detached dwelling or single family semi-detached dwelling into not more than three residential units, unless such units are intended to be a condominium;
2. The addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building, the use of which is customarily incidental to and located on the same lot occupied by the principal building or structure. However, an accessory building that is over one thousand (1,000) square feet will require a land development plan.
3. The addition or conversion of buildings or rides within the confines of an enterprise which would be considered an amusement park. For purposes of this subclause, an amusement park is defined as a tract or area used principally as a location for permanent amusement structures or rides. This exclusion shall not apply to newly acquired acreage by an amusement park until initial plans for the expanded area have been approved by proper authorities.

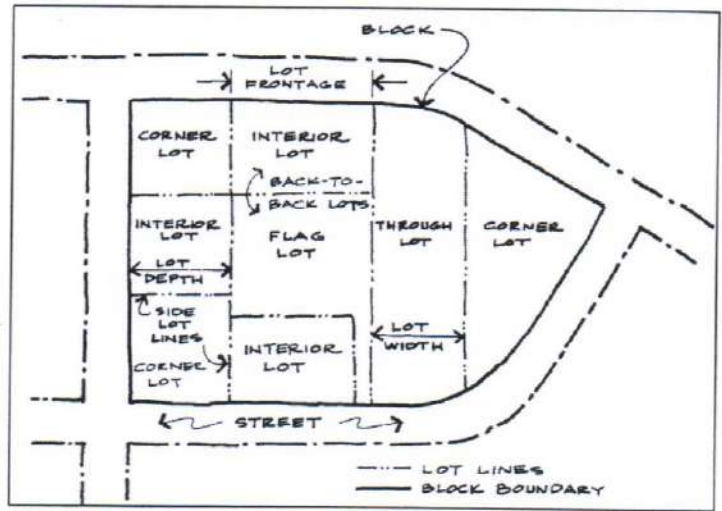
4. Billboards and cell towers, which do not entail accessory buildings, fences, or access roads.¹

LANDOWNER – The legal or beneficial owner or owners of land including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee, if he is authorized under the lease to exercise the rights of the landowner for the purposes of this Ordinance.

LOT – A designated parcel or tract or area of land, regardless of size, established by a plat or other legal means intended for transfer of ownership, use, lease, or improvements or for development, regardless of how it is conveyed.

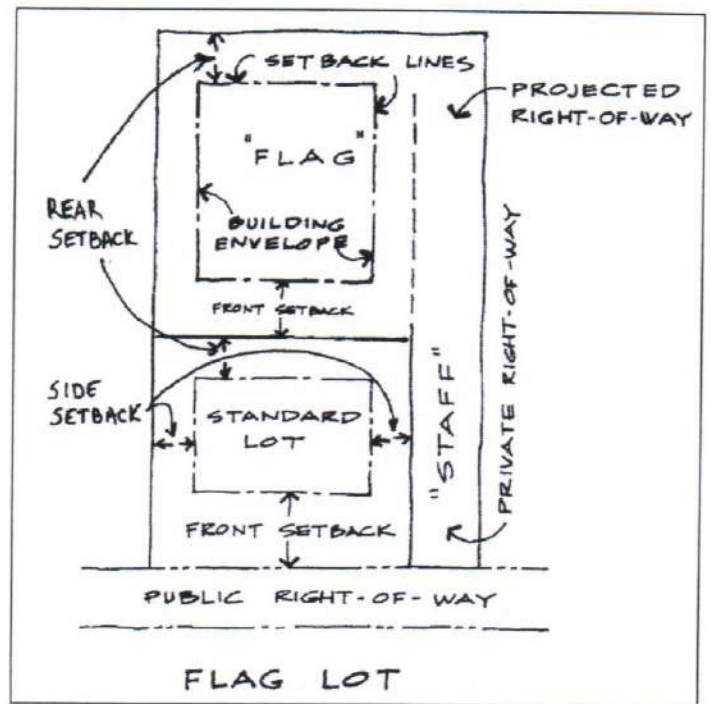
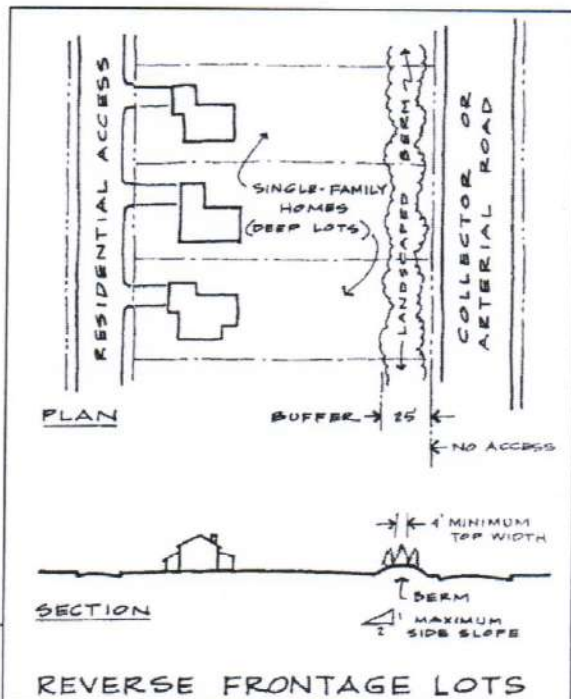
LOT, CORNER – A lot or parcel of land abutting two or more streets at their intersection or upon two parts of the same street forming an interior angle of less than one hundred thirty-five (135) degrees. A lot abutting upon a curved street or streets shall be considered a corner lot if the tangent to the curve at the points beginning within the lot or at the points of intersection of the side lot lines with the street lines intersect at an angle of less than 135°.

LOT, EXISTING OF RECORD – Any lot or parcel of property which was legally in existence and properly on file with the County Recorder of Deeds prior to the effective date of the original Township Zoning Ordinance. (See *parent tract*.)



LOT, FLAG - A lot not meeting minimum frontage requirements and where access to the public or private street is by a narrow corridor.

LOT, INTERIOR – A lot other than a corner lot, the sides of which do not abut a street.



LOT, REVERSE FRONTAGE – A through lot with frontage on two streets with vehicular access restricted to only one of the streets.

LOT, THROUGH – A lot that fronts on two parallel streets or that fronts on two streets that do not intersect at the boundaries of the lot.

LOT AREA – The total area of a lot available for building purposes as established by Section 602.3

LOT COMBINATION – A subdivision which involves the combination of contiguous lots of record which are shown on a map on file at the office of the Pike County Recorder of Deeds and which does not involve the creation of any new lot lines.

LOT IMPROVEMENT SUBDIVISION – The realignment of lot lines or the transfer of land to increase the size of an existing lot provided the grantor’s remaining parcel complies with all provisions of this Ordinance and any other Greene Township Ordinance and no new lots are created; or the combination or re-allotment of small lots into a larger lot or lots; Provided however, that the lot improvement does not create a substandard size lot, from one that complied initially.

LOT WIDTH – The average of the widths of a lot at the required front building set back line and at the rear lot line.

MAINTENANCE AGREEMENT – An agreement in a form and manner acceptable to the Board of Supervisors requiring the developer of required improvements to make any repairs or reconstructions and to maintain such improvements for a certain period.

MAINTENANCE GUARANTEE – Financial security which is acceptable to the Township to secure the promise made by a developer in the maintenance agreement that required improvements shall be maintained by the developer. (Note: These guarantees typically include acceptable letters of credit, performance bonds, escrow agreements, and other similar collateral or surety agreements.)

MOBILE HOME – A transportable, single family dwelling intended for permanent occupancy, office or place of assembly contained in one unit, or in two or more units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operation.

MOBILE HOME LOT – A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances for the placement thereon of a single mobile home.

MOBILE HOME PARK – A parcel of land under single, partnership, corporation, or individual ownership which has been planned and improved for the placement of two (2) or more mobile homes for non-transient use; and individual sites shall not be sold to individual mobile home owners.

MUNICIPALITY – Greene Township, Pike County, Pennsylvania.

NON-CONFORMING LOT – Any legally created lot which does not conform to the lot size requirements of this Ordinance.

PARENT TRACT – Any lot or parcel of property which was legally in existence and properly on file with the County Recorder of Deeds from which a lot or lots have been subdivided or are proposed for subdivision. (See *lot, existing of record.*)

PERFORMANCE GUARANTEE – A written instrument which may be accepted by the Township Supervisors in lieu of a requirement that certain improvements be made by a developer before a final plan is granted final

approval and released for recording, which shall provide for the deposit with the Township of financial security in an amount sufficient to cover the costs of any improvements or common amenities including, but not limited to, roads, sanitary sewage facilities, water supply and distribution facilities, stormwater detention and/or retention basins and other related drainage facilities, open space improvements, and buffer or screen planting which may be required.

PLAN OR PLAT – A map or drawing indicating the subdivision or re-subdivision of land or a land development which in its various stages of preparation includes the following:

- A. SKETCH PLAN – An informal plan, identified as such with the title Sketch Plan on the map, indicating salient existing features of a tract and its surroundings and the general layout of the proposal to be used as a basis for consideration by the Township.
- B. PRELIMINARY PLAN – A complete plan prepared by a registered Professional Engineer and/or by a registered Professional Land Surveyor, identified as such with the wording Preliminary Plan in the title, accurately showing proposed streets and lot layout and such other information as required by this Ordinance.
- C. FINAL PLAN – A complete and exact plan identified as such with the wording Final Plan in the title, with a registered Professional Engineer's and/or a registered Professional Land Surveyor's seal affixed and prepared for official recording as required by this Ordinance to define property rights, proposed streets, and other improvements.
- D. RECORD PLAN – The copy of the final plan which contains the original endorsements of the Township Planning Commission, the County Planning Commission, and the Township Board of Supervisors, and which is intended to be recorded with the County Recorder of Deeds at Milford, Pennsylvania.

PLANNING COMMISSION – The Planning Commission of Greene Township, Pike County, Pennsylvania.

PROFESSIONAL CONSULTANTS - Persons who provide expert or professional advice, including, but not limited to, architects, attorneys, certified public accountants, engineers, geologists, land surveyors, landscape architects or planners.

PROFESSIONAL ENGINEER – Person registered and licensed to practice engineering in the Commonwealth of Pennsylvania.

PROPERTY OWNERS ASSOCIATION – A non-profit corporation organized by the developer or home owners for the purpose of establishing an association of all property owners in a private development which purposes shall include the ownership and maintenance of open space common areas and all development improvements.

PUBLIC HEARING – A formal meeting held pursuant to public notice by the Board of Supervisors or Planning Commission, intended to inform and obtain public comment, prior to taking action in accordance with this act.

PUBLIC MEETING – A forum held pursuant to notice under the act of July 3, 1986 (P.L.388, No. 84), known as the "Sunshine Act".

PUBLIC NOTICE – Notice published once each week for two successive weeks in a newspaper of general circulation in the municipality. The advertisement must be placed in a designated Township newspaper. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than thirty (30) days and the second publication shall not be less than seven (7) days from the date of the hearing.

QUALIFIED PROFESSIONAL – An individual authorized to prepare plans pursuant to Section 503(1) of the Pennsylvania Municipalities Planning Code which states that plats and surveys shall be prepared in accordance

with the act of May 23, 1945 (P.L. 913, No. 367), known as the “Engineer, Land Surveyor and Geologist Registration Law,” except that this requirement shall not preclude the preparation of a plat in accordance with the act of January 24, 1966 (P.L. 1527, No. 535), known as the “Landscape Architects Registration Law,” when it is appropriate to prepare the plat using professional services set forth in the definition of the “practice of landscape architecture” under section 2 of that act.

RESERVE STRIP – A parcel of ground in separate ownership separating a street from other adjacent properties of from another street; the ownership of which is usually retained by the developer to control access to lots.

RE-SUBDIVISION – Any revision, re-platting, or re-subdivision of land which includes changes to a recorded plan.

RIGHT-OF-WAY – The total width of any land reserved or dedicated as a street, drainage way or for other public or semi-public purposes.

SETBACK, FRONT – The required minimum open space extending the full width of the lot between the principal structure(s), accessory structures, or other improvements and the front lot line.

SETBACK, REQUIRED – The required minimum open space between the principal structure(s), accessory structures, or other improvements and the nearest lot line or right-of-way as provided by this Ordinance.

SETBACK, REAR – The required minimum open space extending the full width of the lot between the principal structure(s), accessory structures, or other improvements and the rear lot line.

SETBACK, SIDE – The required minimum open space extending from the front setback to the rear setback between the principal structure(s), accessory structures, or other improvements and the side lot line.

SEWAGE DISPOSAL, CENTRAL – A sewage collection and disposal system in which sewage is carried from more than one individual lot, dwelling, or other unit by a system or pipes to a central treatment plant, or subsurface, or other type disposal area in compliance with the Pennsylvania Department of Environmental Protection regulations.

SEWAGE DISPOSAL, ON-SITE – Any structure designed to biochemically treat sanitary sewage within the boundaries of an individual lot from one individual dwelling or other type of unit.

SHOULDER - That part of the roadway contiguous with the travelway for accommodation of stopped vehicles, emergency use, and lateral support of base and surface courses.

SIGHT DISTANCE, VERTICAL – The required length of roadway visible to the driver of a passenger vehicle at any given point on the roadway when the view is unobstructed by traffic.

STREET – A strip of land, including the entire right-of-way, whether public or private, designed to provide access, by vehicular traffic or pedestrians to more than one (1) lot.

- A. MAJOR STREET – Serves large volumes of comparatively high speed and long distance traffic and includes those roads classified as main and secondary highways by the Pennsylvania Department of Transportation, serving more than 500 dwelling units.
- B. COLLECTOR STREET – Provides access to abutting properties, intercepts minor streets and provides routes for considerable volume of traffic to community facilities and major streets and serves from two hundred (200) dwelling units to five hundred (500) dwelling units.
- C. MINOR STREET – Provides access to abutting properties and serves up to two hundred (200) dwelling units.

D. PRIVATE ACCESS STREET – See Section 603.7

SUBDIVISION – The division of or re-division of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition of the court for distribution to heirs or devisees, transfer of ownership of buildings or lot development – The subdivision by lease of land for agricultural purposes into parcels of more than 10 acres, not involving any new street or easement of access or residential dwellings, shall be exempted. Subdivisions are further classified and defined as follows:

- A. MINOR SUBDIVISION – A subdivision that creates five (5) lots or less (cumulative total from time of adoption of this Ordinance); does not require the construction or extension of any streets or municipal facilities and creates no public or private development improvements or community facilities such as, but not limited to, a central water supply or a central sewage disposal system. However, a stormwater management plan may be required at the discretion of the Board of Supervisors.
- B. MAJOR SUBDIVISION – Any subdivision that is not a minor subdivision, and any land development.

SUBSTANTIALLY COMPLETED – Where, in the judgment of the municipal engineer, at least 90% (based on the cost of the required improvements for which financial security was posted pursuant to this Ordinance) of those improvements required as a condition for final approval have been completed in accordance with the approved plan, so that the project will be able to be used, occupied or operated for its intended use.

SUPERVISORS – The Greene Township Board of Supervisors.

SURVEYOR – A Professional Land Surveyor licensed as such in the Commonwealth of Pennsylvania.

TOWNSHIP – Greene Township, Pike County, Pennsylvania

TOWNSHIP ENGINEER – A registered Professional Engineer licensed as such in the Commonwealth of Pennsylvania, and either 1) duly appointed by the Board of Supervisors to serve Greene Township as the Township Engineer, or 2) retained by the Board of Supervisors to serve as an alternate to the Township Engineer.

TRAVELWAY – The portion of the cartway used for steady movement of vehicles.

WATERCOURSE – A discernible, definable, natural, manmade, or altered course or channel along which water is conveyed ultimately to streams and/or rivers at lower elevations. A watercourse

WATER SUPPLY, CENTRAL – A public or private utility system designed to supply and transmit drinking water from a common source to two or more dwelling units or uses in compliance with the Pennsylvania Department of Environmental Protection regulations.

WATER SUPPLY, ON-SITE – A system for supplying and transmitting drinking water to a single dwelling or other use from a source located on the same lot, and in compliance with the Pennsylvania Department of Environmental Protection if such compliance is required.

WETLANDS – An area of land where the presence of water (at least during part of the year) determines the soil characteristics of the site and the species of vegetation growing on the site; said areas meeting the criteria of the U.S. Fish and Wildlife Service; and being regulated by the PA DEP and the U.S. Army Corps of Engineers.

Footnote 1- Pursuant to the decision of the Supreme Court of Pennsylvania in the matter of Upper Southampton Township vs. Upper Southampton Township Zoning Board, 594 Pa. 58, 934 A. 2d 1162 (2007).