

**WEST NORRITON TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA**

RESOLUTION #2022-1690

**A RESOLUTION OF WEST NORRITON TOWNSHIP GRANTING
CONDITIONAL PRELIMINARY/FINAL SUBDIVISION AND LAND DEVELOPMENT
APPROVAL TO T-MOBILE NORTHEAST, LLC FOR PHASE 1 OF
A THREE LOT CONSOLIDATION AND BUILDING EXPANSION PROJECT AT
SOUTH MONTGOMERY AVENUE AND JACKSON STREET**

WHEREAS, Act 247 of 1968, the Pennsylvania Municipalities Planning Code, empowers the West Norriton Township Board of Commissioners to regulate subdivisions and land developments within the Township; and

WHEREAS, West Norriton Township desires orderly and appropriate land use and development to protect the health, safety, and welfare of residents; and

WHEREAS, T-Mobile Northeast, LLC (“Applicant”) is the legal landowner of the property located at 50 South Montgomery Avenue (parcel 63-00-05338-00-8) and the adjacent vacant property located along South Montgomery Avenue (parcel 63-00-05332-00-5), and is the equitable owner of the adjoining parcel located at 30 South Montgomery Avenue (parcel 63-00-05335-00-2), near the southeast corner of Jackson Street, West Norriton Township, Montgomery County, all located within the Township’s LC&I Limited Commercial and Industrial Zoning District (collectively, the “Property”); and

WHEREAS, the Applicant proposes to develop the Property in two phases. Phase 1 proposes to consolidate the three lots into a 3.3-acre parcel, demolish certain buildings existing on the lots, and to construct a 3,250 square foot building addition to the existing industrial building on the Property along with associated site improvements including site grading, a relocated access drive, generators, and stormwater management facilities (collectively, the “Project”). Phase 2, to occur at a later time and is not subject to this Resolution, proposes an additional consolidation of parcel 63-00-03628-00-8 with the Property, the demolition of the building on that parcel, and the construction of a large building addition, relocated access drives, parking facilities, and site grading throughout the Property (“Phase 2”); and

WHEREAS, the Applicant has filed with the Township a certain preliminary/final subdivision and land development plan for the Project prepared by Bercek and Associates, dated March 21, 2022, and last revised on June 7, 2022 (“Plan”); and

WHEREAS, Applicant now desires that the Township approve the Plan pursuant to Section 508 of the Pennsylvania Municipalities Planning Code;

NOW, THEREFORE, BE IT RESOLVED by the West Norriton Township Board of Commissioners, that the Plan is APPROVED subject to the following conditions:

1. Applicant must comply with and address all comments and conditions in the June 30, 2022 Gilmore & Associates, Inc. Engineers review letter to the satisfaction of the Township Engineer.
2. Applicant must comply with and address all comments and conditions in the June 23, 2022 Gilmore & Associates, Inc. Engineers sanitary sewer review letter to the satisfaction of the Township Sanitary Sewer Engineer.
3. Applicant must comply with and address all comments and conditions in the June 30, 2022 Cedarville Engineering Group, LLC stormwater management review letter to the satisfaction of the Township's Stormwater Engineer.
4. Applicant must comply with and address all comments and conditions in the April 25, 2022 Remington and Vernick Engineers traffic review letter to the satisfaction of the Township Traffic Engineer.
5. A subsequent recordable plan shall be submitted for internal Township review that addresses all Township review letter requests for further plan details and clarifications.
6. Applicant must comply with any applicable requirements of the Montgomery County Conservation District, Pennsylvania Department of Environmental Protection, Pennsylvania Department of Transportation (including, but not limited to, obtaining any necessary Highway Occupancy Permits and Signal Permits required by PennDOT), United States Environmental Protection Agency, or any other necessary outside agency, and obtain any necessary planning modules, approvals, or permits from such agencies, before the Plan is recorded.
7. Applicant must complete and record all required easements and/or maintenance agreements or declarations, including, but not limited to, a stormwater management facilities operation and maintenance agreement, in forms reasonably satisfactory to the Township Engineer and Township Solicitor prior to recording the Plan. Applicant will provide all necessary legal descriptions for any necessary easements.
8. Prior to recording the Plans, Applicant shall execute a Land Development and Financial Security Agreement to guarantee the installation of all public improvements associated with the Project on a form drafted by the Township Solicitor. In addition, Applicant shall post financial security for the public improvements that are deferred until the proposed improvements of Phase 2, as detailed below. If Applicant chooses to post financial security in the form of a bond, the Township Solicitor shall have the unconditional right to review the bond and must approve the conditions and language of the bond. Further, the bond shall be issued by a "AAA" rated surety, or its equivalent, qualified to do business in Pennsylvania, and shall contain language stating that the bond is to be payable upon demand, absolutely, and unconditionally, and if payment is not made, that the bonding company shall be responsible for all reasonable attorneys' fees and costs that are incurred to collect on the bond, plus interest at the annual rate of twelve (12%) percent, for so long

as the bond remains unpaid. Additionally, the Bond is required to automatically renew annually until the improvements detailed on the Plans are completed and the final release is issued by the Township, subject to partial releases being permitted in accordance with Pennsylvania Municipalities Planning Code, and shall include a 90-day Evergreen Clause in a form acceptable to the Township Solicitor.

9. All outstanding Township fees, Township's engineering fees, and Township's legal fees, and any other professional fees associated with the review and approval of the application and Plans shall be paid in full before the Plan is recorded, in accordance with the Pennsylvania Municipalities Planning Code.
10. Prior to recording the Plan, and in addition to and separate from the financial security posted for the Project's public improvements, Applicant shall deposit with the Township or otherwise establish a reasonable sum of monies, in an amount to be reasonably determined by the Township Engineer, as to be further described in the Land Development and Financial Security Agreement, for the reimbursement of the Township's reasonable engineering, inspection, legal and related administrative costs and expenses related to the further reviews, inspections, and development of the Project, in accordance with the Pennsylvania Municipalities Planning Code.
11. Applicant shall pay any and all other fees established by the Township Code related to the Project, if any, at or before the time of Building Permit issuance.
12. Applicant agrees and understands that this Plan approval and the conditions related to such approval apply only to the development and subdivision proposed during Phase 1, and shall not be interpreted in any way to apply to, or provide approval for, any future proposals related to Phase 2 or the fees, costs, permits, or reviews required for Phase 2.

B. Waivers. The Applicant has requested the following waivers from the Township's Streets and Sidewalks, Subdivision and Land Development, and Water/Stormwater Management code requirements. A lack of indication of the decision on the waiver after the Township has executed this Resolution shall be interpreted to mean that the waiver was granted, unless the minutes of the associated Township meeting reflect otherwise. A grant of a waiver indicates that the Applicant has established a sufficient hardship warranting the waiver:

1. **Section 21-101** – to permit a driveway width of 20 feet in lieu of the maximum allowable width of 18 feet, is hereby:

_____ Granted _____ Denied

2. **Section 22-602** – to allow for a combined Preliminary and Final Plan submission and approval, is hereby:

_____ Granted _____ Denied

3. **Section 22-1008** – to not provide a Traffic Impact Study, is hereby:

_____ Granted _____ Denied

4. **Section 26-121.8.E(11)** – to allow site grading within 5’ of a property line, and contingent upon the future Phase 2 consolidation of the property with the impacted property line, is hereby:

_____ Granted _____ Denied

5. **Section 26-122.6.K** –to allow the existing natural drainage discharge to be altered at the western corner parcel 63-00-03628-00-8, and contingent upon the future Phase 2 consolidation of such parcel, is hereby:

_____ Granted _____ Denied

C. Deferrals. The Applicant has requested the following deferrals from the Township’s Subdivision and Land Development code requirements. All deferrals granted shall be deferred until such time the improvements are installed during Phase 2 development pursuant to a subsequently filed Phase 2 plan. However, if a Phase 2 plan for the Property is not filed with the

Township within four (4) years of the effective date of this Resolution, and unless further extended by the Township Board of Commissioners, the Applicant shall be required to complete the installation of the below deferred improvements according to the Township Code specifications and requirements within five (5) years of the effective date of this Resolution. A lack of indication of the decision on the deferral after the Township has executed this Resolution shall be interpreted to mean that the deferral was granted, unless the minutes of the associated Township meeting reflect otherwise:

1. **Section 22-505.1.A** – to defer providing the required sidewalks along existing streets until Phase 2, is hereby:

_____ Granted _____ Denied

2. **Section 22-505.2.A** – to defer providing the required curbing along existing streets until Phase 2, is hereby:

_____ Granted _____ Denied

3. **Section 22-507.3.E** – to defer providing required landscaping until Phase 2, is hereby:

_____ Granted _____ Denied

4. **Section 22-507.3.F** – to defer providing the required buffer plantings until Phase 2, is hereby:

_____ Granted _____ Denied

5. **Section 22-515** – to defer providing the required shade trees along the frontage of Montgomery Avenue until Phase 2, is hereby:

_____ Granted _____ Denied

This Resolution shall bind the Applicant, and the Applicant’s successors and assigns. This Resolution does not and shall not authorize the construction of improvements or buildings exceeding those shown on the Plan. Furthermore, this Resolution, and the approvals and conditions contained herein, shall be rescinded automatically upon Applicant’s or Applicant’s agent’s failure to accept, in writing, all conditions herein imposed within ten (10) days of receipt of this Resolution, such acceptance to be evidenced by Applicant’s or Applicant’s agent’s signature below.

RESOLVED AND APPROVED this 12th day of July, 2022.

ATTEST:

**WEST NORRITON TOWNSHIP
BOARD OF COMMISSIONERS**

By: _____
Jason Bobst, Township Secretary

By: _____
Peter Smock, President of
West Norriton Township
Board of Commissioners

ACCEPTANCE OF CONDITIONS

THE UNDERSIGNED, BEING AN AUTHORIZED SIGNATORY FOR THE APPLICANT, DOES HEREBY ACKNOWLEDGE AND ACCEPT THE APPROVAL OF THE PLAN ISSUED BY WEST NORRITON TOWNSHIP ON BEHALF OF THE APPLICANT, ACCEPTS THE CONDITIONS CONTAINED WITHIN THIS RESOLUTION, AND REPRESENTS THAT THE APPLICANT AGREES TO THE PROVISIONS OF THE ABOVE PLAN APPROVAL RESOLUTION:

For Applicant: T-Mobile Northeast, LLC

By: _____

Dated _____

Print : _____

Title : _____

Attest : _____

Dated _____

Print : _____