

**WEST NORRITON TOWNSHIP
RESOLUTION # 18-1617**

**CONDITIONAL FINAL SUBDIVISION APPROVAL
FOR PHASE 2 OF A SUBDIVISION PLAN FOR PROPERTY LOCATED AT
2325 CHESTNUT AVENUE, WEST NORRITON, PA
(MARKLEY FARM PROPERTY)**

WHEREAS, MIKELEN, LLC (the “Applicant”), was the Applicant relative to a 55.56 acre tract known as Block 1, Unit 7 (the “Original Property”), which has since been subdivided into 2 phases. Phase 1 consists of 39 lots, numbered 41 through 79 off of Oakland Drive (“Phase 1”) and Phase 2 consists of the subdivision of the remaining parcel consisting of 25.32 acres of land known as Parcel No. 63-00-01108-00-8 into 40 lots, numbered 1 through 40 off of Chestnut Street (“Phase 2”); and

WHEREAS, the Applicant obtained conditional preliminary subdivision approval pursuant to Resolution No. 16-1578 for the Original Property, which is attached hereto and incorporated herein by reference as Exhibit “A”; and

WHEREAS, the Applicant has already subdivided off and developed Phase 1 and now requests final approval for Phase 2; and

WHEREAS, the Applicant’s request for final approval of Phase 2 is shown on a set of plans consisting of 33 sheets prepared by Woodrow & Associates, Inc. dated June 15, 2018, last revised October 11, 2018, a Post Construction Stormwater Management Report prepared by Woodrow & Associates, Inc. dated June, 2018, last revised October, 2018 and an Erosion and Sediment Control Report prepared by Woodrow & Associates, Inc. dated June, 2018, last revised October, 2018; and

WHEREAS, the Plan has been reviewed by the Township Engineer, the Township Traffic Engineer, and the Township Planning Consultant (the “Township”) and Montgomery County reviewing agencies, and have been found to be suitable for final approval of Phase 2, subject to the conditions set forth below.

NOW, THEREFORE, BE IT RESOLVED, that the West Norriton Township Board of Commissioners grants preliminary approval of the Plan subject to the following conditions and requirements:

1. All conditions found in Resolution No. 16-1578, which is attached hereto as Exhibit “A”, as they pertain to Phase 2 or otherwise, shall be met and finalized prior to recordation of the Phase 2 plan.

2. The Applicant shall comply with all provisions and conditions set forth in the November 21, 2018 review letter by Gilmore & Associates, Inc. (civil engineering review).
3. The Applicant shall comply with all the provisions and conditions set forth in the September 6, 2018 review by Gilmore & Associates, Inc. (sewer engineering review).
4. The Applicant shall install the following traffic related improvements:
 - (a). No Pedestrian Crossing signs on both sides of Chestnut Avenue at the terminus of the trail along the north side of Markley Pond; and
 - (b). ADA compliant curb ramps on both sides of Dorie Drive and a crosswalk with advance warning signs where the trail terminates at Dorie Drive similar to what is shown for the terminus of the trail at Markley Farm Circle.
5. The Township grants waivers to the Applicant from the following requirements of the West Norriton Township Stormwater Ordinance:
 - (a). Appendix A – Section B(7) to allow a basin berm with less than 10 ft. for the proposed rain gardens.
 - (b). Appendix A – Section C(2)(g)(iv) to allow storm sewer pipes to be less than 18 inches in diameter.
 - (c). Appendix A – Section B(13) from the requirement that all basin inflow pipes be no less than 6 inches above the basin floor.
6. The Applicant shall install 2 additional street lamps at a location chosen by the Township staff at Applicant's cost along the frontage of Phase 1.
7. The Applicant, as final paving in Phase 1, shall pave the curb-to-curb width of Splitrail Circle from Dorie Drive, through the intersection and twenty (20) feet past the sanitary manhole on Splitrail Circle. The paving limits on Oakland Drive shall extend from the southern curb return and shall include the electrical trench to the North (towards Paddock Circle). The final paving shall include Petramat.
8. This approval is conditioned upon acceptance of the conditions contained herein by the Applicant and by his signifying acceptance of these conditions by signing a copy of this Resolution and returning it to the Township.
9. In the event that said execution of the Resolution is not delivered to the Township office by 7:00 PM, December 11, 2018 it shall be deemed that the Applicant does not accept these conditions and any approvals conditioned upon the acceptance of the conditions are revoked and the Application shall be considered denied for the

reasons of the deficiencies found in the above-referenced review letters as described in the Township Storm Water Management Ordinance, the Township Subdivision and Land Development Ordinance, as authorized in Section 508 of the Pennsylvania Municipalities Planning Code, 53 PS Section 10508.

10. Prior to issuance of any permits, all outstanding legal, engineering, and administrative fees applicable to this subdivision must be paid by Applicant.

DULY PRESENTED AND ADOPTED by the West Norriton Township Board of Commissioners, Montgomery County, Pennsylvania, in a public meeting held this 11th day of December, 2018.

ATTEST:

**WEST NORRITON TOWNSHIP
BOARD OF COMMISSIONERS**

Jason Bobst, Manager/Secretary

Martin Miller, President

ACCEPTED: MIKELEN LLC

By: _____

(Print Name and Title)

Date: _____

EXHIBIT
A

**WEST NORRITON TOWNSHIP
RESOLUTION # 16-1578**

**CONDITIONAL PRELIMINARY SUBDIVISION APPROVAL
FOR PROPERTY LOCATED AT
2325 CHESTNUT AVENUE, WEST NORRITON, PA
(MARKLEY FARM PROPERTY)**

WHEREAS, MIKELEN, LLC (the "Applicant"), is the Applicant/developer of 2325 Chestnut Avenue, which consists of approximately 55.56 acres and is known as Block 1, Unit 7, Montgomery County Tax Parcel No. 63-00-01108-008 (the "Property"); and

WHEREAS, the Applicant has requested preliminary approval of the subdivision and land development application for the Property as shown on a set of plans consisting of 36 sheets prepared by Woodrow & Associates, Inc., dated November 6, 2015, and last revised February 16, 2016, (the "Plan"); and

WHEREAS, the improvements shown on the Plan consists of a 79-unit single family detached dwelling and cluster development; and

WHEREAS, the Applicant has requested the Property be constructed in 2 phases; and

WHEREAS, the Plan has been reviewed by the Township Engineer, the Township Traffic Engineer, and the Township Planning Consultant (the "Township") and Montgomery County reviewing agencies, and have been found to be suitable for preliminary/final approval, subject to the conditions set forth below.

NOW, THEREFORE, BE IT RESOLVED, that the West Norriton Township Board of Commissioners grants preliminary approval of the Plan subject to the following conditions and requirements:

1. The Plan may be developed in two (2) phases: Phase 1 shall consist of those 39 lots numbered 41-79 off of Oakland Drive ("Phase 1"); and Phase 2 shall consist of those 40 lots numbered 1-40 off of Chestnut Street ("Phase 2").
2. Following final approval, but prior to issue of permits, the Applicant shall execute and Application and Agreement (the "Agreement") and a Storm Water Operations and Maintenance Agreement, execute and deliver all necessary and appropriate deeds of dedication, and post financial security for construction of improvements for each Phase, all of which shall be in a form acceptable to the Township Solicitor.

2. Pursuant to the Heinrich & Klein Associates, Inc. letter of March 18, 2016, a transportation impact fee is due and owing as a result of this Application in the amount of \$62,427.40. Prior to recording the final plans for Phase 1, the Applicant shall tender this transportation impact fee as it relates to the number of units for Phase 1. The remainder shall be paid prior to the recordation of the final plan for Phase 2. Furthermore, the Applicant shall comply with the Heinrich & Klein Associates, Inc. correspondence and all previous correspondence issued relative to the Application.
3. The Applicant shall comply with all provisions and conditions set forth in the April 11, 2016 Joseph M. Estock correspondence to West Norriton Township, as well as previous correspondence issued relative to the Application, except as expressly waived or modified herein.
4. The Township grants waivers to the Applicant from the following requirements of the Subdivision and Land Development Ordinance as well as the Storm Water Management Ordinance as follows:
 - a. §503.1.C(1)(d)(8): Requires a cul-de-sac to terminate at the development boundary. Due to constraints of the existing developments surrounding the project tract, connecting the proposed cul-de-sac to the tract boundary would be impracticable.
 - b. §503.1.E(1): No more than (2) streets shall cross at the same point. As a best practice, proposed streets have been aligned with existing streets creating 3 individual 4-way intersections.
 - c. §503.1.C(1)(a): Requires Residential streets to have a 30-Ft. minimum paved width. A paved width of 27-Ft. is proposed.
 - d. §503.1.C(1)(b): Requires Secondary-Feeder streets (Chestnut Avenue & Oakland Drive) to have a 40-Ft. minimum paved width. Relief requested to provide no widening beyond the existing paved width and existing curbline. Widening is proposed along Chestnut Avenue east of the access location to match the existing curbline on the adjacent property.
 - e. §504.2.A: A stopping area measured 20-ft. behind the right-of-way line shall be provided not to exceed a grade of 4%. Due to the smaller size of the cluster lots, the proposed driveways are shorter than a typical R-2 lot necessitating relief from this section.
 - f. §504.2.B: Driveways shall be located not less than 40-ft. from the street intersection. Relief is requested for Lots 48, 49, 65 & 79.
 - g. §507.1.E: Prohibits double frontage lots except along major streets. Waiver to allow double frontage lots along Chestnut Avenue (Lots 37, 38, 39, 40) and along

Oakland Drive (Lots 41 through 48) contingent upon these lots taking driveway access from the proposed internal road network.

h. §509.2.A: Nothing shall be permitted to be placed, planted, set or put within the area of an easement. Request to allow utilities and trail connections within the Perimeter Buffer at the following locations; parallel storm sewer along Lots 1 through 10 and 41 through 48, perpendicular storm sewer at Lots 37, 38, & 40, and a parallel sanitary sewer main along Stormwater Basin A to Barnwood Circle. A future trail connection is also requested within the perimeter buffer on Lot 75 and an existing trail within the perimeter buffer along lands Now or Formerly of Hines (Block 1 Unit 11).

i. SWM Appendix A - §B(21): Requires Basins to be fenced. No fencing of the stormwater basins or existing pond is proposed.

j. SWM Appendix A - §C(2)(g)(iv): Requires use of reinforced concrete pipe. Waiver is requested to allow the use of H.D.P.E. (ADS) storm pipe.

5. The Applicant shall add a 2-lot plan to its plan set. This plan shall be recorded prior to the final plan of subdivision for Phase 1. The 2-lot plan shall contain proper notes relative to the use of the open space and cross-easements where necessary. In addition, all units shall be part of the same Homeowner's Association. The 2-lot plan and all notes to be shown thereon, shall be reviewed and approved by the Township Solicitor.
6. The Applicant shall dedicate the land around the Township's pump station as shown on the Plan. The Township Solicitor shall draft the appropriate documentation to effectuate the same.
7. In exchange for the waiver relative to the widening of Chestnut Avenue and Oakland Drive, the Applicant shall instead design and install intersection improvements at the intersections of Chestnut Lane and Burnside Avenue and Chestnut Lane and Trooper Road as shown on the plans by Joseph M. Estock, P.E., attached hereto and made a part hereof (collectively 7 sheets), as Exhibit "A". The Township shall acquire any necessary right-of-way at the Applicant's expense and agrees to be the Applicant on any and all required PennDOT applications. These improvements shall be installed during Phase 2 and completed before the issuance of the first Use and Occupancy Permit in Phase 2.
8. All existing perimeter security fencing which consists of chain-link fencing and barbed wire shall be removed except for that portion along the property line of Block 1A, Unit 44, owned by West Norriton Township, where the fencing shall remain and the barbed wire only removed.
9. The stormwater management system for the entire Property shall be designed to the satisfaction of the Township Engineer prior to the recordation of Phase 1.

10. In lieu of dedication of land required by §22-1103 of the Subdivision and Land Development Ordinance, the Applicant has agreed to contribute \$30,000.00 to the Township to satisfy this requirement. Payment of this fee shall be made prior to recording the Phase 1 record plans.
11. This approval is conditioned upon acceptance of the conditions contained herein by the Applicant and by his signifying acceptance of these conditions by signing a copy of this Resolution and returning it to the Township.
12. In the event that said execution of the Resolution is not delivered to the Township office by 7:00 PM, Tuesday, August 9, 2016 it shall be deemed that the Applicant does not accept these conditions and any approvals conditioned upon the acceptance of the conditions are revoked and the Application shall be considered denied for the reasons of the deficiencies found in the above-referenced review letters as described in the Township Storm Water Management Ordinance, the Township Subdivision and Land Development Ordinance, as authorized in Section 508 of the Pennsylvania Municipalities Planning Code, 53 PS Section 10508.
13. Prior to issuance of any permits, all outstanding legal, engineering, and administrative fees applicable to this subdivision must be paid by Applicant.
14. This approval is subject to Final Plan approval as described in the West Norriton Township Subdivision and Land Development Ordinance and the fulfillment of all of the foregoing conditions, in their entirety, and no permit shall be issued, nor shall any development take place on the Property, unless and until all such conditions are fulfilled.

DULY PRESENTED AND ADOPTED by the West Norriton Township Board of Commissioners, Montgomery County, Pennsylvania, in a public meeting held this 9th day of August, 2016.

ATTEST:

[Signature]

**WEST NORRITON TOWNSHIP
BOARD OF COMMISSIONERS**

[Signature]
Ralph Panzullo, President

ACCEPTED: MIKELEN LLC

By:

[Signature]

MICHAEL J. CLEMENT
(Print Name and Title) MEMBER

Date: 8/8/16