RESOLUTION NO. 2464

EAST NORRITON TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA

A RESOLUTION GRANTING AMENDED, CONDITIONAL, FINAL APPROVAL OF THE APPLICATION FOR SUBDIVISION AND LAND DEVELOPMENT OF PHILOMENO AND SALAMONE BUILDERS FOR THE ENCLAVE AT WILLIAMSTADT DEVELOPMENT LOCATED AT THE NORTHWEST CORNER OF DEKALB PIKE AND JOHNSON HIGHWAY IN EAST NORRITON TOWNSHIP

The Board of Supervisors of East Norriton Township, Montgomery County, Pennsylvania, hereby resolves to grant amended, conditional, final approval of the subdivision and land development plan for The Enclave at Williamstadt consisting of 66 residential units proposed by Philomeno and Salamone Builders as more fully detailed on the plans prepared by Woodrow & Associates, Inc., sheets 1 through 30, dated November 30, 2005 and last revised July 14, 2009, being further conditioned upon the following being satisfied by Applicant. The conditions and grants of waiver contained herein supersede those made on December 19, 2006 by Resolution No. 2334 and those made on May 27, 2008 by Resolution 2402.

1. Fulfilling all obligations and requirements of the **Robert E. Blue, Township Engineer** letters dated January 3, 2006, May 2, 2006, October 10, 2006, December 13, 2006, April 30, 2008, April 2, 2009 and June 15, 2009; the **Gilmore & Associates, Inc., Township Sewer Engineer** review letters dated July 2, 2009 and July 16, 2009; the **East Norriton Township Planning Commission** meeting minutes dated December 19, 2005; the **E. Van Reiker, Township Planner** review letters dated January 31, 2006 and March 15, 2006; the **Montgomery County Planning Commission** review letter dated January 11, 2006; the **Staff Meeting minutes** dated February 23, 2006, March 24, 2006, January 9, 2008, March 4, 2008, May 19, 2008, November 14, 2008 and February 26, 2009; and the **Norriton Fire Engine Company** review, meeting the Township's requirements for installation of approved street lighting along the roadways and providing an auto-track drawing showing movement of emergency equipment throughout the proposed project.

2. The Applicant shall submit detailed plans to the Township for review and approval by the Township Engineer.

3. The Applicant shall enter into an Application and Agreement and Improvement Fund Agreement and post financial security for all improvements to the satisfaction of the Township Engineer, Township Sewer Engineer and Township Solicitor.

4. The Applicant shall connect to East Norriton Township sanitary sewer system and pay tapping fees and inspection fees at the then current rates if required. Furthermore, Applicant shall offer for dedication to the Township all sanitary sewer pipes and appurtenances and shall provide a blanket easement for access to the same.

5. The Applicant shall be responsible for payment of all Township Consultant fees related to this project

6. The Applicant shall be responsible for obtaining all other Regulatory Authority permits having jurisdiction over this project.

7. The Applicant shall satisfy East Norriton Township's Park and Recreation ordinance requirements.

8. The Applicant shall satisfy East Norriton Township's Act 209, Traffic Impact Fee Requirements reflecting the new use provided by the Age-Targeted zoning district.

9. The Applicant shall provide for ownership and maintenance of the **roadways, storm sewer facilities, sidewalks, curbing and street lights** in the Declaration of the Homeowner's Association and shall provide that the Declaration shall run to the benefit of the Township and any breach may be remedied by the Township and the Township shall have the right, but not the obligation to enforce any breach of covenants contained in the Declaration or Bylaws of the Association. The Declaration shall provide that the cost expended by the Township in remedying such breach shall constitute a lien upon the Unit or Common Facilities upon which such breach occurred. Further, the Township shall be entitled to recover associated charges including, but not limited to attorneys' fees, from the Owner of the subject Unit, and/or from the Association in the event the affected property constitutes a Common Facility.

10. The Applicant shall reserve in the Declaration of the Homeowner's Association for the benefit of the Township, its successors and assigns, an easement of access, ingress and egress over such portion of the area designated for detention basin maintenance easement on the Plans for the purpose of inspecting, maintaining and repairing the Storm Water Management System in the event the Association fails to maintain any portion of the Storm Water Management System, provided that the Township shall have the right, but not the obligation to undertake such

inspection, maintenance, and repair. In the event the Township undertakes any such inspection, maintenance or repair, the Township shall have right to assess the costs against the Association.

11. Applicant shall supply a copy of the Declaration of the Homeowner's Association to the Township and its Solicitor for review and approval prior to recording.

12. Access to the property from DeKalb Pike shall be subject to the approval of a Highway Occupancy Permit from the Pennsylvania Department of Transportation.

Waivers Granted:

1. § 175-18(b2)a.- Relief to permit a centerline radius of less than 150 feet, considering the private driveway nature of the application.

2. § 175-18(b3) – Relief from the design requirements of the vertical curves with an algebraic difference of 1 % or more in grade, considering the private driveway nature of the application.

3. § 175-18 (c1)a – Relief from the design requirement of sidewalks along all sides of residential streets, considering the private driveway nature of the application.

4. § 175-18(e6) – Relief to permit a centerline grade in excess of 1% for the intersection and for a centerline entering an intersection to follow a straight course for less than 100 feet considering the private driveway nature of the application.

5. § 175-19(b1)i – Relief from the design guidance for driveway embankments not to exceed a 10:1 ratio to permit an 8:1 ratio.

6. § 175-20(B)1 – Relief from requirements to utilize concrete curb along proposed roadways. The use of Belgium block has been proposed.

7. § 175-22(b7) – Relief from the design guidance for top or bottom edge of slopes to be a minimum of three (3) feet from the property line or right-of-way line of streets or alleys. Grading is proposed in some locations to encroach outside of the property and also out into right-of-way of the state routes.

8. § 175-26(c2) – Relief from the design guidance to use reinforced concrete pipe for the proposed storm sewers. High-density polyethylene (HDPE) pipe is proposed.

9. § 175-26(m)6 – Relief to permit a hydraulic grade line providing less than 1 foot of freeboard in the run between storm sewer 14 and storm sewer 18.

10. § 175-30.C(1) – Relief from the design guidance that street trees be planted five feet to fifteen feet from the ultimate right-of-way along the Johnson Highway frontage.

11. §175-35.C(1) – Relief from providing the existing features within 400' of the site.

12. §175-18.D(4) & §175-19.C(2) Requesting relief from providing a crowned cross section for project driveways.

13. §175-22.1.C(1)(a) – Relief from providing a full 25' buffer width along the Westerly property line adjoining Block 24 Unit 22.

14. §175-26.E(21)(f) – Relief from the requirement to pass the entire 100 year spillway flows to the proposed 18 degree outfall pipe to Johnson Highway.

15. §175-26.M(5) – Relief from providing 0.5% minimum pipe slope for seepage bed run (ST-25 to ST-26 and A-4 to ST-29).

16. §175-26.M(6) – Requesting relief from 1' of freeboard above the computed hydraulic grade line.

DULY PRESENTED AND ADOPTED the Board of Supervisors of East Norriton Township, Montgomery County, Pennsylvania, in public meeting held this 28th day of July 2009.

BOARD OF SUPERVISOR
EAST NORRITON TOWNSHIP

By: Lewis K McFarlane
Chairman

TOWNSHIP OF EAST NORRITON MONTGOMERY COUNTY, PA INCORPORATE MARCH 9, 1909 PENNSYLVANIA

Attest:
Secretary

The above conditions are agreed to by Marc Salamone of Philomeno and Salamone Builders for Williamstadt, this 28th day of July 2009.

Marc Salamone