

LOWER PROVIDENCE TOWNSHIP
RESOLUTION FOR AMENDED FINAL
LAND DEVELOPMENT PLAN APPROVAL

RESOLUTION NO. 2024-12

WHEREAS, Michael Radatti (hereinafter referred to as “Applicant”) has submitted an application for Preliminary and Final Subdivision approval of a plan to divide an existing parcel of approximately 1.3 acres into two lots, for property located at 3868 Germantown Pike, Norristown, Lower Providence Township, further identified as Montgomery County Tax Map Parcel Number 43-00-05275-00-1 (hereinafter referred to as the “Property”), as set forth in a one (1) sheet Plan, prepared by OTM, LLC Surveying, Land Planning and Design Services, dated October 26, 2023 (hereinafter collectively referred to as “Plans”); and

WHEREAS, the Property consists of approximately 1.3 acres and is zoned within the EVC – Evansburg Village Commercial District; and

WHEREAS, the Plans propose to divide the property into two lots, with Lot 1 containing the existing west apartment building on 0.73 acres and Lot 2 containing the existing east apartment building on 0.59 acres, and the existing shared driveway serving both apartment buildings with an easement for access and utilities provided that includes the entirety of the driveway on both proposed lots, as further depicted on the Plans; and

WHEREAS, the Township Engineer has issued a review letter dated November 28, 2023 and the Township Traffic Engineer has issued a review letter dated December 11, 2023 (collectively, “Engineering Review Letters”); and

WHEREAS, the Township Chief of Police has issued review comments dated May 1,

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2023; and

WHEREAS, the Montgomery County Planning Commission issued a review letter dated December 21, 2023; and

WHEREAS, the Lower Providence Township Zoning Hearing Board issued a written decision on July 28, 2023 granting relief related to maximum impervious coverage and minimum lot width for one of the proposed lots.

WHEREAS, the Board of Supervisors of Lower Providence Township (hereinafter referred to as "Board") is prepared to grant conditional approval of Applicant's Preliminary and Final Subdivision Application, subject to certain conditions.

NOW, THEREFORE, BE IT HEREBY RESOLVED, by the Board of Supervisors of Lower Providence Township this 1st day of February, 2024, that said application for Preliminary and Final Subdivision Plan Approval is GRANTED, subject to the following conditions:

1. **Plans:** The Board grants approval subject to the conditions described herein, to the Plans prepared by prepared by OTM, LLC Surveying, Land Planning and Design Services, dated October 26, 2023.
2. **Zoning Ordinance.**
 - a. Applicant was granted zoning relief related to maximum impervious coverage and minimum lot width for one of the proposed lots, as set forth in the July 28, 2023 written decision of the Lower Providence Township Zoning Hearing Board. Applicant shall comply with all conditions of approval, including but not limited to the following:
 - i. Construction placement shall be as per the plans introduced into

evidence in the Zoning Hearing Board proceedings as Exhibit A-3;

- ii. Strict compliance with the testimony and evidence presented at the Zoning Hearing Board hearing and the information set forth in the Zoning Hearing Board application; and
- iii. Compliance with all other applicable Township ordinances.

3. **Required Permits and Outside Agency Approvals.** The Applicant or successors or assigns shall provide evidence of securing the following permits or approvals where needed:

- a. Sanitary Sewer Permits from the Lower Providence Township Sewer Authority.
- b. Approved DEP Land Planning Module/Waiver.
- c. Receipt of Montgomery County Conservation District Adequacy Letter.
- d. NPDES Permit for Construction Activity.
- e. Approval of PA American Water.
- f. PennDOT Highway Occupancy Permit and/or Montgomery County Roads & Bridge Highway Occupancy Permit, if required.
- g. Building permits, construction permits, road opening permits, electrical permits, grading permits from Lower Providence Township, as applicable.
- h. Shop drawings for all materials associated with water, sanitary sewer and/or storm sewer utilities shall be submitted, reviewed and approved by the Township Engineer prior to commencement of construction.

4. **Conditions of Subdivision Approval.** Subdivision Plan Approval is GRANTED subject to the following conditions:

- a. Applicant shall comply with the provisions of the review letter of the Township Engineer, Woodrow & Associates, dated November 28, 2023 (or the latest revision thereof) unless otherwise modified herein, to the satisfaction of the Township.
- b. Applicant shall comply with the provisions of the review letter of the Township Traffic Engineer, McMahon, dated December 11, 2023 to the satisfaction of the Township.
- c. Applicant shall comply with the provisions of the review letter of the Montgomery County Planning Commission dated December 21, (or the latest revision thereof) to the satisfaction of the Township.
- d. RESERVED
- e. All outstanding Township fees associated with the review and approval of the foresaid plan shall be paid in full prior to the recording of the final plan.
- f. Prior to plan recording, the Applicant shall verify that there are no existing easements, deed restrictions or covenants that would affect the proposed development.
- g. Applicant agrees to submit a final plan to Lower Providence Township and the Lower Providence Township Engineer for review and approval prior to recording. This plan shall indicate compliance with all conditions set forth in this Resolution and all Engineer review comments including those contained in the Woodrow &

Associates and McMahon Associates, Inc., Engineering Review Letters (or the latest revision thereof).

- h. Prior to recording of the final plan, the Applicant shall provide the following executed agreements for recording in a form acceptable to the Township Solicitor, each of which shall be recorded concurrently with the final record plans:
 - i. Land Development Agreement. Applicant shall enter into a Land Development Agreement with the Township.
 - ii. Escrow Agreement. Applicant shall enter into an Escrow Agreement and shall post adequate securities in order to construct public improvements, as determined by the Township Engineer.
 - iii. Stormwater Operation and Maintenance Agreement. Applicant shall enter into a Stormwater Operations and Maintenance Agreement, in a form acceptable to the Township Solicitor, which provides ongoing maintenance obligations for the Stormwater Management BMPs for the lot owners or Home Owners' Association, as applicable. Facilities, areas or structures used as Stormwater Management BMPs shall be enumerated as permanent real estate appurtenances and encumbered by the Applicant as deed restrictions or conservation easements that run with the land. The ownership and maintenance of these Stormwater Management BMPs shall be the responsibility of the individual Lot Owners and their heirs, successors or assigns.

- iv. Easement Agreements. Applicant shall provide all required Easement Agreements, including the required cross access/shared parking agreement.
- i. The Applicant shall, within ninety (90) days from the date of Subdivision Approval, if requested by Applicant and approved by the Board of Supervisors, submit final Mylars and papers to the Township for signature and recording at the Montgomery County Recorder of Deeds. There shall be one (1) electronic and five (5) papers submitted. Following release and recording of the record plan, the Applicant shall notify the Township Manager and the Township Solicitor in writing of the plan book, page number and date of recording by the Montgomery County Recorder of Deeds.
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- p. RESERVED
- q. RESERVED
- r. RESERVED
- s. All administrative, legal and engineering expenses owed to the Township for plan review and/or planning services shall be paid in full by the Applicant prior to

release of signed record plans.

- t. The Applicant shall comply in all respects with the rules, regulations and requirements of all governmental agencies and/or bodies having jurisdiction with respect to this Application and shall assume all costs, expense and responsibility in connection therewith, without any liability whatsoever on the part of the Township.

5. **Waivers.**

- a. The Board of Supervisors has granted the following waivers from the Lower Providence Township Subdivision and Land Development Ordinance (hereinafter "SALDO").
- b. Section 123-31.B(2) – requiring that Germantown Pike be widened to a width of 52 feet. The Applicant has requested a waiver from this section of the Ordinance due to the existing site conditions. Given the current site conditions which provides width averages of 31 feet (15.5 feet from centerline) along the frontage of the Property and the scope of the project, the Board has GRANTED this waiver from the SALDO.
- c. Section 123-32 – requiring installation of curbing and storm sewers. The Applicant has requested a waiver from this section of the Ordinance due to the existing site conditions. In the alternative, the Applicant has requested a partial waiver from this section of the Ordinance, deferring the requirement to install the required curbing and storm sewers until such time as the Township deems same necessary. Based upon the scope of the project and the existing site

conditions, the Board has GRANTED this waiver from the SALDO, in part only.

The Board has deferred compliance with the provisions of this section of the SALDO until such time as the Township deems the provision of curbs and storm sewers necessary, at which time same will be installed by the then-current owner(s) of the Property, at no cost to the Township. A note shall be added to the Plan accordingly.

- d. Section 123-33 – requiring the installation of sidewalks. Applicant has requested a waiver from this section of the Ordinance due to the existing site conditions. In the alternative, the Applicant has requested a partial waiver from this section of the Ordinance, deferring the requirement to install the required sidewalks until such time as the Township deems same necessary. Based upon the scope of the project and the existing site conditions, the Board has GRANTED this waiver from the SALDO, in part only. The Board has deferred compliance with the provisions of this section of the SALDO until such time as the Township deems the provision of sidewalks necessary, at which time same will be installed by the then-current owner(s) of the Property, at no cost to the Township. A note shall be added to the Plan accordingly.
- e. Section 123-36.B(1) – requiring a minimum of 200 feet separation between driveways. Applicant has requested a waiver of this section of the Ordinance for the existing egress driveway located on proposed Lot 2, which is located approximately 45 feet from the driveway located on the neighboring Maris property (to the East). Given the existing site conditions and the scope of the

project, the Board has GRANTED this waiver from the SALDO.

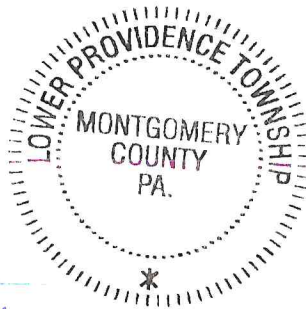
- f. Section 123-37.L – requiring a parking lot landscaping plan. Applicant has requested a waiver of this section of the Ordinance due to the scope of the project. Due to the scope of the project, the Board has GRANTED this waiver from the SALDO.
- g. Section 123-50 – requiring a landscaping plan. Applicant has requested a waiver from this section of the Ordinance due to the existing buffering from adjoining properties with existing landscaping. Due to the existing site conditions, the Board has GRANTED this waiver from the SALDO.
- h. Section 123-55 – requiring the submission of a lighting plan. Applicant has requested a waiver from this section of the Ordinance due to the scope of the project. Due to the scope of the project, the Board has GRANTED this waiver from the SALDO.
- i. The waivers set forth herein and the approvals granted herein are subject to the following conditions of approval:
 - i. Applicant shall bring the property into compliance with all applicable Township ordinances, except as set forth herein.
 - ii. If an electric permit is required, the Applicant shall consider installation of a 240vac / 50A circuit near a parking spot to support the later addition of a Level 2 EV charger.

BE IT FURTHER RESOLVED by the Board of Supervisors of Lower Providence Township that this amended final plan approval is further conditioned upon acceptance of the

conditions contained herein by the Applicant and signifying acceptance thereof by signing a copy of this Resolution. In the event that the execution of this Resolution is not delivered to the Township within ten (10) days from receipt, it shall be deemed that the Applicant does not accept these conditions and approvals conditioned upon his or her acceptance are hereby revoked, and the aforementioned Applicant's plan is considered to be denied for the reasons set forth above.

RESOLVED and **APPROVED** this 1st day of February, 2024.

ATTEST:



BOARD OF SUPERVISORS OF LOWER
PROVIDENCE TOWNSHIP

E.J. Mentry
E.J. Mentry, Secretary

By :

Dr. Janine Darby
Dr. Janine Darby, Chairperson

ACCEPTANCE OF CONDITIONS:

Michael Radatti, the Applicant and owner of Parcel No. 43-00-05275-00-1 located at 3150 Ridge Pike, Lower Providence Township, does hereby acknowledge and accept Subdivision Plan Approval issued by the Board of Supervisors of Lower Providence Township and accept the conditions contained herein as recited above.

Witness:

Applicant: Michael Radatti

Name: _____

Title: _____

Date: _____

Date: _____

