

MUNICIPALITY OF NORRISTOWN
A HOME RULE MUNICIPALITY
MONTGOMERY COUNTY, PENNSYLVANIA

RESOLUTION NO. 21-19 of 2021

A RESOLUTION OF THE MUNICIPALITY OF NORRISTOWN, MONTGOMERY COUNTY, PENNSYLVANIA, GRANTING FINAL PLAN APPROVAL TO NEW CENTURY BUILDERS & DEVELOPERS, LLC FOR A 30-UNIT ROWHOME DEVELOPMENT CALLED "BENJAMIN COURT" AT 200 EAST LOGAN STREET, NORRISTOWN, PA

WHEREAS, Act 247 of 1968, The Pennsylvania Municipalities Planning Code, empowers the governing body of a municipality to regulate subdivisions and land developments within the municipality; and

WHEREAS, the Municipality of Norristown is desirous of orderly and appropriate land use and development to protect the health, safety and welfare of residents; and

WHEREAS, Applicant previously sought and obtained variances and/or other zoning relief from the Norristown Zoning Hearing Board for the Plans as evidenced by a decision and order dated April 23, 2019 and that is incorporated herein by reference; and

WHEREAS, Applicant previously sought and obtained preliminary land approval from Municipal Council by Resolution 20-07 of 2020 that included certain waivers and conditions as part of the preliminary approval, which Resolution 20-07 is incorporated herein as if set forth in full; and

WHEREAS, subsequent to the preliminary approval, New Century Builders & Developers, LLC ("Applicant") has submitted Final Land Development Plans and a Post Construction Stormwater Management & Erosion & Sediment Control Report, both prepared by Joseph M. Estock Consulting Engineers & Land Surveyors and dated September 11, 2019, last revised November 4, 2020; that propose certain improvements to property located at 200 East Logan Street, Norristown, PA that include the construction of five (5) building groups of six (6) rowhomes for a total of thirty (30) dwelling units to be known as "Benjamin Court," as well as a private access road/street to be known as "Honey Lane", parking, landscaping, lighting, stormwater management and other related improvements (hereafter referred to collectively as the "Plan"); and

WHEREAS, the Municipal Engineer, Pennoni Associates, Inc. reviewed the Plan and, based upon this review, issued a review letter dated December 23, 2020; and

WHEREAS, the Norristown Planning Commission also reviewed the Plan at its public meeting on January 12, 2021; and

WHEREAS, the Montgomery County Planning Commission previously reviewed the Plan during preliminary approval and provided a review letter dated November 4, 2019 stating general support for the proposed project but suggesting certain comments with regard to sidewalks, proposed access, cartway width, street vacation, tree replacement and stormwater management; and

WHEREAS, Applicant is requesting waivers in addition to those granted through preliminary approval under Resolution 20-07 of 2020 consistent with the needed additional waivers as identified in the Municipal Engineer's review letter dated December 23, 2020, and Applicant now desires Council consider its land development submission and its Plans for final approval pursuant to Section 508 of the Municipalities Planning Code.

NOW, THEREFORE, BE IT RESOLVED by Norristown Municipal Council, that the preliminary land development plan submitted by New Century Builders & Developers, LLC and prepared by Joseph M. Estock Consulting Engineers & Land Surveyors and dated September 11, 2019, last revised November 4, 2020 for the development of rowhomes containing thirty (30) dwelling units to be known as "Benjamin Court," with related site improvements at 200 East Logan Street is hereby **GRANTED FINAL APPROVAL** subject to Applicant's compliance with the following conditions:

1. Unless otherwise waived as set forth below, compliance with all conditions and recommendations set forth in the Pennoni *Review Letter* dated December 23, 2020 including, but not limited to, the submission of a lighting plan in accordance with Comment 3 of the Review Letter for review and approval by the Municipal Engineer for compliance.
2. Unless otherwise waived herein, compliance with all comments by the Fire Marshall, if any, relating to fire access and fire safety; and compliance with all comments by the Sewer Engineer, if any, relating to sewer issues, including obtaining the requisite number of EDUs as determined by the Sewer Authority;
3. Compliance with the Decision and Order of the Norristown Zoning Hearing Board dated April 23, 2019 including all conditions and representations made to the Zoning Hearing Board;
4. Compliance with the recommendations of the Montgomery County Planning Commission's review letter dated November 4, 2019 unless otherwise waived herein or contrary to the conditions or recommendations as set forth in the Pennoni *Review Letter* referenced above;
5. Compliance with all terms and conditions of Resolution 20-07 of 2020 that granted preliminary approval, which Resolution is incorporated herein by reference, unless otherwise waived herein or contrary to the conditions or recommendations as set forth in the Pennoni Review Letter referenced above
6. Confirmation to the satisfaction of the Municipality regarding legal boundaries and ownership of the parcel subject to development as it relates to the unopened paper streets as identified on the Plan, including Green Street and Logan Street.

7. Applicant shall provide a fee-in-lieu in the amount of _____ in accordance with the tree replacement waiver that was previously granted by Resolution 20-07 of 2020 and agreed to by Applicant.
8. Preparation and recordation of a Blanket Stormwater Drainage Easement and Stormwater Operations and Maintenance Agreement in a form acceptable to the Municipal Engineer and Municipal Solicitor;
9. Execution of a Land Development Agreement as prepared by the Municipal Solicitor;
10. Execution of a Financial Security Agreement as prepared by the Municipal Solicitor for the proposed improvements and in an amount to be approved by the Municipal Engineer;
11. Payment of all outstanding fees, including professional review fees, owed to the Municipality; and
12. Applicant acceptance of the conditions as set forth herein as referenced below.

In addition to the waivers as granted by the preliminary approval under Resolution 20-07 of 2020, which waivers are hereby restated and regranted as applicable, the following additional waivers from the Norristown Subdivision and Land Development Ordinance and Stormwater Ordinance are hereby approved or denied as indicated as follows:

1. **§282-433.2.E.** – for partial relief to allow existing plant material to fulfill plant material requirements for the filtering property line buffer provided that the landscape plan clearly show the existing plant material to remain and the proposed plant material.

APPROVED

DENIED

2. **§282-420.1.A.** – for relief to waive the requirement that the internal, single loop access street to be named “Honey Lane” be offered for dedication as such roadway is proposed to be a private street to be owned and maintained by a homeowners association as identified on the Plan.

APPROVED

DENIED

3. **§282-420.2.A.9.b.** – for relief to allow more than 10 dwelling units to be served by a private street.

APPROVED

DENIED

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4. **§282-430.1.D.** – for relief to allow nine (9) perpendicular parking spaces along the common area green space across from dwelling units 3 through 5 and units 27 through 29.

APPROVED

DENIED

5. **§282-431.D.** – for relief to allow a six-inch face of curb in order to match the existing curb face size on Arch Street.

APPROVED

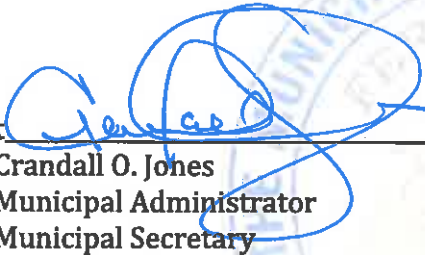
DENIED

ENACTED and ORDAINED this 16th day of February 2021


Seal:

**Municipality of Norristown
Municipal Council**

Attest


Crandall O. Jones
Municipal Administrator
Municipal Secretary

By:



Derrick Perry
Council President

