

**SCHWENKSVILLE BOROUGH  
MONTGOMERY COUNTY, PENNSYLVANIA**

**RESOLUTION NO. 2017-05**

**A RESOLUTION TO GRANT PRELIMINARY APPROVAL FOR  
CENTENNIAL APARTMENTS LAND DEVELOPMENT PLANS**

**WHEREAS**, Hoff Properties, LLC, ("Applicant") has submitted a Plan for Preliminary Land Development to Schwenksville Borough and has made application for Preliminary Plan Approval of the Plan known as Centennial Apartments. The Applicant is the owner of the property located along Centennial Street consisting of approximately 2.68 acres in the GA Garden Apartment District, said parcel being tax parcel no. 20-00-00057-103, as more fully described in a Deed recorded in the Montgomery County Recorder of Deeds Office; and,

**WHEREAS**, the Applicant proposes to develop the site with 2 apartment buildings consisting of 14 dwelling units each, a parking lot, pavilion and underground stormwater infiltration and detention facilities; and

**WHEREAS**, the Plan received a recommendation for Preliminary Plan Approval by the Schwenksville Planning Commission at their meeting on December 2, 2016; and

**WHEREAS**, the Preliminary Plan of Land Development was prepared by Richard C. Mast Associates, PC consisting of 20 sheets dated June 24, 2016 and last revised October 26, 2016, known as Centennial Apartments ("Preliminary Plan");

**WHEREAS**, variances were granted by the Schwenksville Borough Zoning Hearing Board from Section 176-24.A, Section 176-24.E and Section 176-95.4 of the Schwenksville Borough Zoning Ordinance; and

**WHEREAS**, the Preliminary Plan is now in a form suitable for Preliminary Plan Approval by Schwenksville Borough Council, subject to certain conditions.

**NOW, THEREFORE, IN CONSIDERATION OF THE FOREGOING,**

**IT IS HEREBY RESOLVED** by Schwenksville Borough Council, as follows:

1. **Approval of Plan.** The Preliminary Plan proposed by Richard C. Mast Associates, PC as described above is hereby granted Preliminary Approval, subject to the conditions set forth below.

2. **Conditions of Approval.** The approval of the Preliminary Plan is subject to strict compliance with the following conditions:
- A. Compliance with all comments and conditions set forth in the Gilmore & Associates, Inc. letter of November 28, 2016.
  - B. Compliance with all comments and conditions set forth in the Ebert Engineering, Inc. letter of December 1, 2016.
  - C. Compliance with all comments and conditions set forth in the Montgomery County Planning Commission review letter of November 25, 2016.
  - D. Compliance with all conditions set forth in the Opinion and Order of the Schwenksville Borough Zoning Hearing Board entered on June 23, 2014.
  - E. Compliance with all conditions set forth in the Conditional Use Decision of Schwenksville Borough Council following a Hearing scheduled for January 12, 2017, once said Decision is issued;
  - F. Procurement and installation of three ornamental street lights along Centennial Street in addition to lights proposed on the Plan, last revised October 28, 2016;
  - G. The approval and/or receipt of permits required from any and all outside agencies, including but not limited to, Montgomery County Conservation District, Pennsylvania Department of Environmental Protection, and all other authorities, agencies, municipalities, and duly constituted public authorities having jurisdiction in any way over the development.
  - H. Prior to recording the Final Plan, Applicant shall enter into a Land Development and Financial Security Agreement ("Agreement") with the Borough. The Agreement shall be in a form satisfactory to the Borough Solicitor, and the Applicant shall obligate itself to complete all of the improvements shown on the Plans in accordance with applicable Borough criteria and specifications, as well as to secure the completion of the public improvements by posting satisfactory financial security as required by the Pennsylvania Municipalities Planning Code.
  - I. Execution of a Sewer Service Agreement in form satisfactory to the Schwenksville Borough Authority Solicitor, which shall be recorded at the time of recording of the Final Plan.

- J. Following approval of the Final Plan, the Applicant shall provide to the Borough for signature that number of Final Plans required for recordation and filing with the various Departments of Montgomery County, plus an additional three (3) Plans to be retained by the Borough, and the Applicant shall have all Plans recorded, and the Applicant return the three (3) Plans to the Borough within seven (7) days of Plan recordation.
- K. The Applicant shall provide a copy of the recorded Final Plan in an electronic format acceptable to the Borough Engineer, within seven (7) days of Plan recordation.
- L. The Applicant shall make payment of all outstanding review fees and other charges due to the Borough prior to Final Plan recordation.
- M. The Development shall be constructed in strict accordance with the content of the Final Plan, notes on the Plan and the terms and conditions of this Resolution and the Resolution of Final Plan Approval.
- N. The cost of accomplishing, satisfying and meeting all of the terms and conditions and requirements of the Plans, notes to the Plans, this Resolution, the Final Approval Resolution, and any required agreements shall be borne entirely by the Applicant, and shall be at no cost to the Borough.
- O. Applicant shall provide the Borough Manager and the Borough Engineer with at least seventy-two (72) hour notice prior to the initiation of any grading or ground clearing, whether for the construction of public improvements or in connection with any portion of the Development.
- P. Applicant understands that it will not be granted Borough building or grading permits until the Final Plan, financial security, and all appropriate development and financial security agreements, easements, and other required legal documents are approved by the Borough and recorded with the Montgomery County Recorder of Deeds and all appropriate approvals and/or permits from Borough or other agencies for the above mentioned project are received. Any work performed on this project without the proper permits, approvals, and agreements in place will be stopped.
- Q. Although the maintenance of all detention basins, surface stormwater drainage easements and Forest Lane culvert shall

be the responsibility of the Applicant, or its successor or assigns at the Property, Applicant shall, prior to the Borough executing the Final Plan, execute a declaration to reserve easements in favor of the Borough so that the drainage facilities may be maintained by the Borough, at the Borough's sole discretion, with all expenses being charged to the Applicant, in the event said maintenance responsibilities are not fulfilled by the Applicant after the Borough provides reasonable notice to the Applicant to do so. The declaration shall be satisfactory to the Borough Solicitor and shall be recorded simultaneously with the Final Plan.

R. Prior to recording of the Final Plan, Applicant shall purchase such number of requisite EDUs as determined by the Schwenksville Borough Authority Engineer.

3. **Waivers.** Unless stated otherwise in this Resolution, this Preliminary Plan Approval shall not constitute the granting of any additional waivers or deferrals except as set forth herein. All additional requested waivers and deferrals will be considered at the time of Final Plan Approval. If the Final Plan is not compliant with the Zoning or Subdivision and Land Development Ordinance of the Borough, then this approval does not grant permission for said noncompliance because at the time of Final Plan Approval, the Borough will either permit the noncompliance by additional waivers or will deny the additional waiver request and, possibly, deny the Final Plan.

Schwenksville Borough Council hereby grants the following waivers requested with respect to this Plan:

- A. §147-22.B of the Schwenksville Borough Subdivision and Land Development Ordinance - requiring a 30 foot wide cartway along Centennial Street and Forest Lane;
- B. §147-31.B(4) of the Schwenksville Borough Subdivision and Land Development Ordinance - parking shall not be located closer than 20 feet to buildings; 15 feet will be provided between buildings;
- C. § 147-31.C(3) of the Schwenksville Borough Subdivision and Land Development Ordinance - Parking and Driveways - a raised planting island shall be provided for every 20 cars; partial waiver for the 23 spaces on the northerly side of the access drive;
- D. §147-32.B of the Schwenksville Borough Subdivision and Land Development Ordinance - minimum driveway size is 26 feet

for driveways serving 50 or more vehicles; 24 feet shall be provided;;

- E. §147-39.B, 147-39.B(4), 147-41.C, and 147-41.D of the Schwenksville Borough Subdivision and Land Development Ordinance - which requires tree replacement for removed trees;
- F. §147-39.C(3) of the Schwenksville Borough Subdivision and Land Development Ordinance - Street Trees - to permit 12 street trees along Centennial Street and 3 of the street trees along Forest Lane to be planted within 5 feet of the proposed ultimate right-of-way; .
- G. §147-39.D(2) of the Schwenksville Borough Subdivision and Land Development Ordinance - Buffering Plantings - as partial waiver to permit existing trees and vegetation as well as trees and shrubs proposed to satisfy other landscaping requirements to satisfy the 15 foot wide site perimeter planting buffer requirements; and
- H. §147-39.E(2) of the Schwenksville Borough Subdivision and Land Development Ordinance - Parking Lot Landscaping - one planting island required for every 15 parking spaces and it shall contain a canopy tree and shrubs and ground vegetation.


- 4. **Acceptance.** The Conditions of Approval set forth in paragraph 2 above shall be accepted by the Applicant, in writing, within ten (10) days from the date of receipt of this Resolution.
- 5. **Effective Date.** This Resolution shall become effective on the date upon which the Conditions are accepted by the Applicant in writing.

**BE IT FURTHER RESOLVED** that the Plan shall be considered to have received Preliminary Plan Approval once staff appointed by Schwenksville Borough Council determines that any and all conditions attached to said approval have been resolved to the satisfaction of Borough staff. This approval **DOES NOT** represent nor constitute Final Plan Approval. Any changes to the approved site Plan will require the submission of an amended site Plan for land development review by all Borough review parties.

RESOLVED and ENACTED this 12 day of January, 2017 by Schwenksville Borough Council.

FOR SCHWENKSVILLE BOROUGH

By:

  
Darren Rash, President  
Borough Council

Attest:

  
Gail Phillips, Secretary

**ACCEPTANCE**


The undersigned states that he/she is authorized to execute this Acceptance on behalf of the Applicant and owner of the property which is the subject matter of this Resolution, that he/she has reviewed the Conditions imposed by Borough Council in the foregoing Resolution and that he/she accepts the Conditions on behalf of the Applicant and the owner and agrees to be bound thereto. This Acceptance is made subject to the penalties of 18 Pa. C.S.A. Section 4904 relating to unsworn falsifications to authorities.

HOFF PROPERTIES, LLC

Date:

2/8/17

By:

  
Kyle K. Hoff, president  
(PRINT NAME AND TITLE)