

**SCHWENKSVILLE BOROUGH
MONTGOMERY COUNTY, PENNSYLVANIA**

RESOLUTION NO. 2020-13

**A RESOLUTION TO GRANT PRELIMINARY/FINAL LAND
DEVELOPMENT APPROVAL OF CARBONE / 131 4TH STREET**

WHEREAS, Gary Carbone (hereinafter referred to as "Applicant") has submitted a plan for Preliminary/Final Subdivision and Land Development Plan Approval to Schwenksville Borough Council and has made application for Preliminary/Final Plan Approval of a plan known as Carbone / 131 4th Street Plan. The Applicant is Gary Carbone, joint owner, together with Angelo Carbone, of an approximate 32,517 square foot tract of land located at 131 4th Street, Schwenksville Borough, Montgomery County, Pennsylvania in the R-1 Residential Zoning District of the Borough, being Tax Parcel No. 20-00-00100-006 as more fully described in the Deed recorded in the Montgomery County Recorder of Deeds Office (the "Property"); and

WHEREAS, the Applicant proposes to subdivide the Property into two lots and construct a new single family home, with stormwater management and attendant facilities on the newly created lot (the "Development"); and

WHEREAS, said plan received a recommendation for Preliminary/Final Plan Approval by the Schwenksville Borough Planning Commission at their meeting on June 25, 2020; and

WHEREAS, the Preliminary/Final Plan for the proposed Subdivision and Land Development, prepared by All County and Associates, Inc. titled, "Carbone / 131 4th Street" consisting of 8 sheets, dated January 7, 2020, with latest revisions dated June 26, 2020, a Report titled "Erosion & Sediment Control Plan Narrative Carbone - 131 4th Street" dated January 7, 2020 and a Report titled, "Stormwater Management Narrative Carbone - 131 4th Street" is now in form suitable for Preliminary/Final Plan Approval

(the "Plan(s)" or "Preliminary/Final Plan") 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/Final Plan as described above, is hereby approved, subject to the conditions set forth below.

2. **Conditions of Approval.** The approval of the Preliminary/Final 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 dated July 1, 2020.
- B. Compliance with all comments and conditions set forth in the Montgomery County Planning Commission review letter of February 26, 2020.
- C. Prior to recording the Preliminary/Final Plan, Applicant shall pay all required water and sewer connection and tapping fees to the Schwenksville Borough Authority and provide confirmation of same to the Borough.
- D. 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, Pennsylvania Department of Transportation, Schwenksville Borough Authority, and all other authorities, agencies, municipalities, and duly constituted public authorities having jurisdiction in any way over the development.

- E. Prior to recording the Preliminary/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 Plan 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.
- F. Although the maintenance of all detention basins and surface stormwater drainage easements shall be the responsibility of the Applicant, or his successor or assigns at the Property, Applicant shall, prior to the Borough executing the 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 Plan.
- G. The Applicant shall provide to the Borough for signature that number of Plans required for recording 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 recording.
- H. The Applicant shall provide a copy of the recorded Plan in an electronic format acceptable to the Borough Engineer, within seven (7) days of Plan recording.

- I. The Applicant shall make payment of all outstanding review fees and other charges due to the Borough prior to Plan recording.
- J. The Development shall be constructed in strict accordance with the content of the Plan, notes on the Plan and the terms and conditions of this Resolution.
- K. The cost of accomplishing, satisfying and meeting all of the terms and conditions and requirements of the Plan, notes to the Plan, this Resolution, and the Agreement shall be borne entirely by the Applicant, and shall be at no cost to the Borough.
- L. 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.
- M. Applicant understands that it will not be granted Borough building or grading permits until the record 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.

3. **Waivers**. Schwenksville Borough Council hereby grants the following waivers requested with respect to this Plan:

- A. Section 147-22.B.(2) of the Schwenksville Borough Subdivision and Land Development Ordinance - minimum cartway width - a 26 foot cartway width shall be provided;

- B. Section 147-39.B.(4) of the Schwenksville Borough Subdivision and Land Development Ordinance - partial waiver regarding tree replacement planting - Applicant shall provide 3 replacement/shade trees;
- C. Section 147-39.C. of the Schwenksville Borough Subdivision and Land Development Ordinance - partial waiver - Applicant shall provide 2 street trees;
- D. Section 147-39.G. of the Schwenksville Borough Subdivision and Land Development Ordinance - partial waiver - Applicant shall provide 3 shrubs;
- E. Section 147-46.1.E.(2)(h) of the Schwenksville Borough Subdivision and Land Development Ordinance - to permit the emergency spillway design flow to have 1 foot of freeboard;
- F. Section 147-46.1.E.(2)(m) of the Schwenksville Borough Subdivision and Land Development Ordinance - to permit the construction of the rain garden with a 10 foot separation distance from the proposed dwelling.

4. **Acceptance.** The conditions 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.

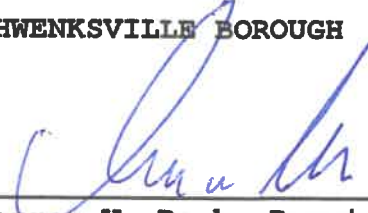
5. **Effective Date.** This Resolution shall become effective on the date upon which the Conditions are accepted by the Applicant in writing.

BE IT FURTHER RESOLVED that the Plan shall be considered to have received Preliminary/Final Approval once staff appointed by the Schwenksville Borough Council determines that any and all conditions attached to said approval have been resolved to the satisfaction of Borough staff and appropriate Borough officials have signed said Plan and submitted it for recording with the Montgomery County Recorder of Deeds. Applicant shall provide the Borough with the Preliminary/Final Plans, record plans, development agreements, easements, and other associated documentation, according to Borough procedures. 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 9th day of July, 2020 by Schwenksville Borough Council.

SCHWENKSVILLE BOROUGH

By: 
Darren W. Rash, President

Attest:


Gail Phillips, Secretary

ACCEPTANCE

The undersigned states that he 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 has reviewed the Conditions imposed by Schwenksville Borough Council in the foregoing Resolution and that he 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.

DEVELOPER/OWNER

Date: _____

Gary Carbone

Date: _____

Angelo Carbone