



RESOLUTION NO. 2019-18

MINOR AMENDMENT OF FINAL SUBDIVISION AND LAND DEVELOPMENT PLANS FOR MUIRWOOD HILL

**(A PORTION OF THE PREVIOUSLY APPROVED PROJECT KNOWN AS
“SOMERSET AND TERRAZZA II”, WHICH PORTION WAS PREVIOUSLY
PROPOSED TO BE NAMED “GRANDE AT NEWTOWN”)**

WHEREAS, this project concerns a portion of the subdivision and land development project previously approved on September 24, 2012 for developers Cornerstone Newtown Square Associates, II, and Newtown Partners II, L.P. related to plans identified as "Amended Final Land Development Plan “Somerset” and “Terrazza II”" prepared by Chester Valley Engineers, Inc. of Exton, Pennsylvania, sheets 1 through 94, dated April 6, 2012, and last revised September 20, 2012 (the "Amended Final Plan"), approved by Township Board Resolution No. 2012-20);

WHEREAS, the Amended Final Plan approved the development, as follows, of two condominium units on Delaware County Parcel Folios Nos. 30-00-01717-20, 30-00-01717-22, 30-00-01717-23, 30-00-01720-02, 30-00-01720-10, 30-00-01720-20 and 30-00-01720-30: 1) Condominium Unit 1 consisting of 137 townhouse dwellings; and 2) Condominium 2 consisting of 250 apartment dwellings;

WHEREAS, Unit 1 Developer is Newtown Square JV LLC, with an address of Reiser Delco, LP, 2911 Tiburon Boulevard East, Naples, Florida, 34109 (hereinafter “Developer”);

WHEREAS, under the approved Amended Final Plan, Condominium Unit 1 contained sloped open space on the “front lawn” on the southeast corner of Muirwood Drive and Route 252, sloping downward from the end Townhouse unit to Route 252;

WHEREAS, during construction, additional soils were moved/added to the front lawn area, such that currently, with construction and development substantially completed, a large mound or berm exists on the front lawn, rather than the previously planned downward slope;

WHEREAS, Developer submitted revised Grading, Utilities and Post-Construction Stormwater Management Plans dated October 16, 2018, revised December 11, 2018 (the “proposed minor to amend the Final Amended Plan” or “proposed amendment”) for approval of the reconfiguration of this front lawn area to allow for the berm with a swale for stormwater management;

WHEREAS, the Muirwood Hill Homeowners Association expressed opposition to the proposed amendment, desirous of more usable space at the front yard, such as a dog park, while

other Muirwood Hill residents expressed support for the proposed amendment, enjoying the buffer and privacy provided by the berm;

WHEREAS, the applicant proposed a compromise, revising the plans as of January 28, 2018 to add pedestrian access to the top of the berm and has proposed leveling off the top of the berm to increase the level area from approximately 3,000 s.f. to approximately 10,000 s.f. (at elevation 338 feet);

WHEREAS, the proposed amendments will maintain the berm for buffering and privacy and at the same time increase access and usability of the area and constitutes only a minor amendment to the Final Amended Plan;

WHEREAS, the Plans were reviewed by Township Engineer Stantec who provided comments in review letters of November 13, 2018, December 20, 2018 and February 21, 2019;

WHEREAS, the Township Planning Commission reviewed the application on December 27, 2018 and January 24, 2019 and recommended approval with conditions on January 24, 2019;

WHEREAS, the Delaware County Planning Department (DCPD) reviewed the proposed amendments and on November 15, 2018 provided a letter explaining that the proposed modifications were minor and did not require further DCPD review;

WHEREAS, at the April 8, 2019 Board of Supervisors meeting to review, upon reviewing the Plan, further revisions were suggested by the Board of Supervisors to decrease the size of the berm and reduce the grade toward SR 252;

WHEREAS, on April 19, 2019, the developer submitted a revised Plan of that same date to incorporate the Board of Supervisors suggestions.

NOW THEREFORE, BE IT RESOLVED that the Board of Supervisors of Newtown Township hereby resolves and conditionally approves:

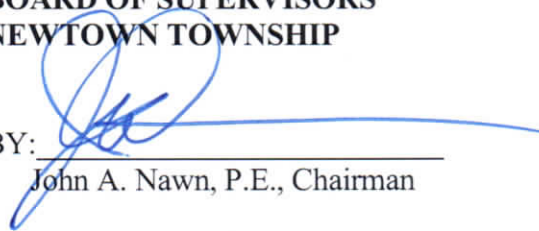
1. The minor amendments to the Amended Final Plan as further revised on April 19, 2019, subject to and conditioned upon:
 - (a) Developer will coordinate with the Township to determine which plans are to be recorded and make any necessary modifications to the plans to implement the recording of the minor amendment to the Amended Final Plan.
 - (b) Such approval is subject to the terms and conditions of the aforementioned Township Engineer Review Letters, copies of which are attached hereto and made a part hereof, including but not limited to planning and use of appropriate silt fencing and erosion control blankets and/or other erosion protection to the satisfaction and approval of the Township Engineer;

- (c) All damage to curbing, sidewalks, roadways or other infrastructure shall be repaired and any landscaping removed related to this project shall be replaced with the same or similar landscaping, the location of which shall be coordinated with the Muirwood Hill Homeowners Association;
 - (d) All reconfiguration shall be performed by removing soil and/or related material from the site and not moving it to or depositing it on other areas of the site, except that clean top soil shall be added to the disturbed areas as determined necessary by the Township Engineer for the promotion of grass and other vegetative ground cover;
 - (e) Removal of material/soil will be conducted under the supervision of the Township Engineer to ensure that it is removed safely without detriment to the neighboring properties and risk of future obstacles or sinkholes or inhibition of vegetative cover and to ensure that the remaining materials in the mound are substantially free of construction debris
 - (f) Unless expressly modified in this resolution or the approved minor amendment to Amended Final Plan, compliance with the terms and conditions of the Amended Final Plan and Resolution No. 2012-20;
 - (g) All prior financial and public improvement requirements associated with the prior final land development approvals associated with Terrazza II and Somerset, and Resolution No. 2012-20, to the extent not previously satisfied, remain conditions of the approval, unless otherwise noted.
 - (h) Developer has entered into Developer's and Financial Security Agreements with the Township. Adequate financial security shall be posted related to the work subject to this resolution and cash escrow for payment of professional fees related to this project, subject to approval by the Township Engineer and Solicitor. Should any additional agreements need to be executed in this regard, the Township Manager is authorized to execute the agreements when approved by the Township Solicitor and Engineer.
 - (i) All site work will be completed by August 15, 2019 and all planting will installed by October 20, 2019
2. Payment of all outstanding fees, deposits, and costs owed to the Township by the Developer shall be made prior to recording of the Amended Final Plan;
 3. Developer shall comply in all respects with all applicable Township Codes, ordinances and regulations, as well as any applicable County, State or Federal regulations and developer must obtain all applicable Township, State, County and Federal permits, approvals and/or waivers.

RESOLVED, this 22nd day of April, 2019, at a public meeting of the Board of Supervisors.




**BOARD OF SUPERVISORS
NEWTOWN TOWNSHIP**

BY: 

John A. Nawn, P.E., Chairman

ATTEST:



Stephen M. Nease, Township Manager