



RESOLUTION NO. 2019-08

WAIVER OF SUBDIVISION AND LAND DEVELOPMENT APPROVAL FOR MEMARK, INC – IT INFRASTRUCTURE HOUSING

WHEREAS, Melmark, Inc. has submitted Plans a 1 page building addition plan and 1 page grading plan, dated February 7, 2019, prepared by Nave Newell, related to the construction of a 20'X30' one story structure to house its IT infrastructure, in connection with its planned main house renovation/rebuild. Melmark asks that the Township provide a waiver of the requirements of the Newtown Township Subdivision and Land Development Ordinance, Chapter 148 of the Newtown Township Code associated with these additions.

WHEREAS, Melmark consists of approximately 65 acres at 2600 Wayland Road, Tax Map 30, Block 13, Units 1 and 2 and Tax Map 30, Block 21 Unit 1.

WHEREAS, Melmark intends to rebuild its main building and the project requires that its IT Infrastructure be housed in a separate building of approximately 20' X 30';

WHEREAS, the Township Engineer Stantec reviewed this request and recommends approval, subject to compliance with its review letter of February 14, 2019;

WHEREAS, this small structure will not significantly impact Melmark's existing impervious coverage;

WHEREAS, the proposed additions are not associated with the addition of any students, residents or employees and do not affect traffic circulation or the overall operations of Melmark;

WHEREAS, the Newtown Township Subdivision and Land Development Ordinance ("SALDO") was prepared in accordance with the Pennsylvania Municipalities Planning Code (53 P.S. § 10101 et seq., Act 247 of 1968, as amended) and the Newtown Township Comprehensive Plan for various purposes, including, but not limited to, assuring that development occurs only on sites suitable for building purposes and human occupancy; assuring that development of the Township is orderly, efficient, integrated and harmonious with the environment; eliminating or minimizing adverse effects or damage to the environment and biosphere; securing equitable handling of all subdivision and land development plans by providing uniform procedures and standards; and creating conditions favorable to the health, safety and general welfare of the citizens of Newtown Township; and

WHEREAS, the SALDO defines Development to include any man-made change to real estate, including but not limited to buildings or other structures, the placement of paving, and grading; and

WHEREAS, the SALDO defines Land Development to include, but not be limited to, the improvement of one lot or two or more contiguous lots, tracts or parcels of land for a single nonresidential building regardless of the number of occupants or tenants; and

WHEREAS, the proposed additions are so de minimus that complying with the SALDO would be a hardship; and

WHEREAS, at section § 148-60, Modifications; relief from hardship, the SALDO provides that the Board may grant a modification of the provisions of the SALDO in such a manner that substantial justice may be done and the public interest secured; provided, however, that such modification shall not be granted if it would have the effect of nullifying the intent and purpose of the SALDO or adversely affecting any other property; and in granting modifications, the Board may impose such conditions as will, in its judgment, secure substantially the objectives of the standards and requirements so modified.

NOW THEREFORE, BE IT RESOLVED that the Board of Supervisors of Newtown Township hereby resolves that the Melmark request for a waiver from subdivision and land development requirements is approved subject to the following conditions:

1. Comply with the comments, requests and suggestions of the Township Engineer's review letter of February 14, 2019;
2. Obtain all applicable permits necessary for the construction of the proposed improvements
3. Comply with the design and construction specifications provided by the SALDO and other applicable chapters of the Township Code
4. When any future land development and/or stormwater plans are submitted to the Township, the aforementioned additions subject to this waiver will be included in the Plans and any relevant calculations.

RESOLVED, this 25th day of February, 2019, at a public meeting of the Board of Supervisors of the Township of Newtown.



**BOARD OF SUPERVISORS
TOWNSHIP OF NEWTOWN**

BY: _____

John A. Nawn, P.E., Chairman

ATTESTED


Stephen M. Nease, Township Manager/Secretary