



RESOLUTION NO. 2019-19

PRELIMINARY/FINAL LAND DEVELOPMENT APPROVAL

120 MEDIA LINE ROAD – MARPLE NEWTOWN SCHOOL DISTRICT

HIGH SCHOOL ATHLETIC FIELD RENOVATIONS

WHEREAS, the Marple Newtown School District ("Developer") has submitted to the Board of Supervisors for approval Preliminary/Final Land Development plans prepared by Pennoni Associates, Inc., 1 S. Church Street, 2nd Floor, West Chester, PA 19382, sheets 1-15, dated December 30, 2016, and last revised December 7, 2018 and a Post Construction Stormwater Management Report dated June 2, 2017, (collectively the "Plan"), seeking to renovate the lower athletic fields at the high school by adding a junior varsity softball field (grass) where an unmarked grass field currently exists, adding synthetic turf to the existing varsity baseball field, which will also be a multi use field, adding synthetic turf to the existing varsity softball field, and realigning the existing grass junior varsity grass baseball field, with associated safety netting, dugouts, batting cages, bull pens, electronic scoreboards, restrooms, concession, storage, fencing, sports lighting, limited sound system and pathway improvements.

WHEREAS, the property is an approximate 36 acre parcel located at 120 Media Line Road, tax parcel id no. 30-00-01433-02;

WHEREAS, the Plan was reviewed by Township Engineer who prepared review comments and recommendations in letters dated October 18, 2018 and December 20, 2018;

WHEREAS; Pennoni submitted a response to the October 18, 2018 review letter dated December 7, 2018 along with the revised Plan;

WHEREAS, the Township Fire Marshall reviewed the Plans and made comments and recommendations in a review letter dated December 15, 2018;

WHEREAS, on or about December 14, 2018, the Newtown Zoning Hearing Board granted variances and/or other zoning relief to the zoning code, related to, *inter alia*, interpreting that the lack of a 50 foot buffer planting strip between the rear or side property line of the High School Property per code Section 172-93 is an existing non-conforming condition, granting a special exception for athletic field lighting for the varsity softball field and the varsity baseball/multipurpose use fields as depicted on the Plan, variances from Code Sections 172-129.D and 172-106.G to allow minimal exceedance of .2 footcandles at the property line where indicated on the Plan, and an interpretation that Section 172-106.H is not applicable to athletic events on school property;

WHEREAS, the zoning decision has been appealed, but no stay has been issued;

WHEREAS, the property line between the proposed fields and Dunwoody Village does not require a 50 foot buffer per Section 172-93 in any event as while the relevant fields are in a SU-1 district, Dunwoody Village is not in a residence district, but rather is in a CCRC district (formerly a SU-1 district before being recently changed);

WHEREAS, on October 18, 2018, the Delaware County Planning Department reviewed the Plans and recommended approval with suggestions;

WHEREAS, the Newtown Township Planning Commission reviewed the Plans and heard public comment at its November 29, 2018 and December 27, 2018 meetings and recommended approval with certain waivers and conditions at its December 27, 2018 meeting; and

WHEREAS, the Developer and the Township have engaged in additional discussions to clarify various conditions and requirements of Preliminary/Final Plan approval.

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

1. The Plans.
2. The following waivers and/or partial waivers which must be set forth on the final recorded plans, as follows:
 - (a) Section 104-14B(5) to forego planting requirements for accessory buildings;
 - (b) Section 143-20 and 21 for relief from infiltration requirements, to the extent consistent with the Newtown Township Stormwater management plan;
 - (c) Section 148-43.B(4) to allow the use of High Density Polyethylene Piping (HDPE) in place of RCP in the conveyance system. RCP will be used in the basin inlet/outlet structures as required by the Township Engineer;
 - (d) Section 148-21A1 and 148-22A2 related to Plan size; and
 - (e) Section 148-12 to allow submission of preliminary/final plans.
3. The tree plantings will be as shown on the Plans, however, only if the Developer and any landowner adjacent to any individual tree affected, and only upon the approval of the Township Manager and Township Engineer, tree plantings may substituted with other tree varieties to increase their buffering effect.
4. Such approval is subject to Developer obtaining an approved Sewage Planning Module for Land Development or other applicable approval or waivers, and any

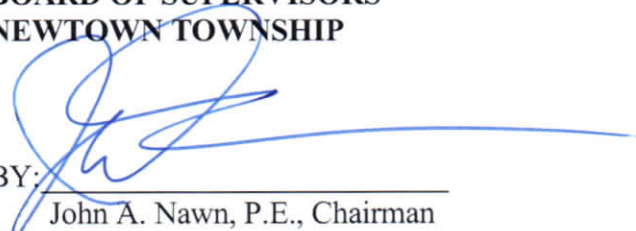
necessary approvals from the Newtown Township Municipal Authority for sanitary sewer connection, design or use.

5. Such approval is subject to satisfactory resolution of any terms and conditions of the aforementioned December 20, 2018 Township Engineer Review Letter, December 15, 2018 Fire Marshall review letter and any representations in Pennoni's response letter of December 7, 2018, which have not already been resolved.
6. Such approval is subject to the terms and conditions of the aforementioned variances granted by the Zoning Hearing Board.
7. Such approval is subject to further conditions, to which Developer has agreed as follows:
 - a) athletic field lights will not be operated after 10:30 p.m.
 - b) The developer will promptly replace any tree or other landscape planting associated with the Plan for a period of 18 months following the associated escrow release for said planting.
8. The developer will execute a Stormwater Management and Maintenance Agreement and contribute to the Township Stormwater Management Maintenance Fund;
9. 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, including but not limited to a NPDES permit, if applicable.
10. Preliminary/Final Approval is contingent upon payment of all outstanding professional fees/escrow replenishment, within 45 days of approval, except as properly challenged in accordance with the Municipalities Planning Code.


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

ATTESTED


Stephen M. Nease, Manager