



RESOLUTION NO. 2016-24

APPROVAL OF AMENDMENT TO LAND DEVELOPMENT PLAN

3810 WEST CHESTER PIKE

(FORMER ALICE GRIMM PROPERTY)

WHEREAS, Newtown Square 11, L.P., 2040 Sandy Drive, State College PA 16803 equitable Owner and Applicant, ("Developer") has submitted plans identified as "Site Plan for Goddard School, 3810 West Chester Pike" prepared by Linn Architects of Media, Pennsylvania, sheets 1 through 10, dated February 22, 2016, last revised March 29, 2016 and Stormwater Management Report last revised March 30, 2016 (the "Amended Final Plan"), to the Board of Supervisors for approval of an amendment to the preliminary/final land development approval dated April 23, 2007 of the Land Development Plans for 3810 West Chester Pike, Inc., Kennett Square, PA, dated October 16, 2006 and last revised July 16, 2007.

WHEREAS, the 3810 West Chester Pike property ("Property") is owned by 3810 West Chester Pike, Inc.; and

WHEREAS, the Property is zoned R-3, but as a result of a 2005 zoning appeal and subsequent 2006 settlement appeal, the Property was approved for an office use.

WHEREAS, on April 23, 2007, the Board of Supervisors approved land development plans for a two story office building.

WHEREAS, the office building was never constructed, but instead, the Property Owner sought further zoning relief which resulted in a 2014 zoning appeal and a 2015 Settlement Agreement. The Settlement Agreement is attached as Exhibit A.

WHEREAS, the 2015 Settlement agreement permits the property to be used as day care facility with associated play areas and parking, with certain conditions as outlined therein, and to amend the prior approved land development plans accordingly.

WHEREAS, on March 18, 2016 and April 8, 2016 the Township Engineer prepared review letters outlining her review and recommendations regarding the proposed Amended Final Plan;

WHEREAS, on March 24, 2016 the Newtown Township recommended approval with certain conditions, including but not limited to installation of a sidewalk along Ellis Avenue and consideration of repairing and/or replacing curbing and sidewalk along West Chester Pike, and compliance with the review letters of the Township Engineer, County Planning Department and Township Fire Marshal, and compliance with the 2015 Settlement Agreement.

WHEREAS, the Township Planning Commission also approved front yard parking, with conditions, per Township Code Section 172-68.

WHEREAS, the Delaware County Planning Department issued a review letter on March 17, 2016, recommending approval with certain conditions;

WHEREAS, the Township Fire Marshall issued a review letter on February 27, 2016, finding Amended Final Plan acceptable provided that the fire main size for the sprinkler system from Ellis Avenue into the building be a minimum 6 inch pipe;

WHEREAS, the Amended Final Plan seeks waivers from various Newtown Township Ordinances; and

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

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

1. The Amended Land Development Plans.
2. The following waivers
 - (a) Section 148-43(B)(4) to allow 15” HDPE pipe rather than RCP;
 - (b) Section 148-12 – permitting filing this application with no preliminary plan, as envisioned by the 2015 Settlement Agreement;
3. Parking in the front yard set-back will be permitted as approved by the Planning Commission, provided there is compliance with Section 172-68(A).
4. Signage and lighting information will conform with all zoning requirements and any restrictions in the 2015 settlement agreement.
5. The applicant and/or property owner comply with the conditions and recommendations set forth in the March 18, 2016 and April 8, 2016 Township Engineer Review Letters, the February 18, 2016 DCPD review letter, the February 27, 2016 Township Fire Marshall Review letter.
6. To the extent that the property cannot accommodate all replacement trees as required by the Township Code and as confirmed and approved by the Township Engineer and Township Manager, Developer shall, and has agreed to, pay a \$300 fee in lieu of each waived tree.
7. Developer will replace the sidewalk along the property’s entire frontage of West Chester Pike.
8. Developer will coordinate with the neighbors regarding the removal of any existing fence on the property.

9. Developer will obtain all required sewage permits and approvals from PaDEP and the Township Municipal Authority prior to any occupancy permit being issued.
10. Developer shall enter into a Developer's and Escrow Agreement with the Township to be prepared by the Township Solicitor, and which the Township Manager may execute upon satisfaction of the Township Solicitor and Engineer.
11. Developer shall comply in all respects with all applicable Township Codes, ordinances and regulations, as well as any applicable County, State or Federal regulations.
12. Developer shall provide the required Stormwater and BMP Operations and Maintenance Plan which will be subject to the approval of the Township Engineer and shall enter into a Stormwater and BMP Operations Agreement with the Township and post the related escrow fee. The Township Manager is authorized to execute this agreement when approved by the Township Solicitor and Engineer.
13. Preliminary/Final Approval is contingent upon payment of all outstanding professional fees/escrow replenishment, except as properly challenged in accordance with the MPC.

RESOLVED, this 11th day of April, 2016, 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, Secretary