



RESOLUTION NO. 2019-07

PRELIMINARY/FINAL LAND DEVELOPMENT APPROVAL

3530 GOSHEN ROAD – MARPLE NEWTOWN SCHOOL DISTRICT

CULBERTSON ELEMENTARY SCHOOL EXPANSION

WHEREAS, the Marple Newtown School District ("Developer") has submitted Preliminary/Final Land Development plans prepared by Pennoni Associates, Inc., 1 S. Church Street, 2nd Floor, West Chester, PA 19382, sheets 1-18, dated October 18, 2018, and last revised December 7, 2018, a Post Construction Stormwater Management Report dated October 18, 2018, revised December 7, 2018 and an E&S Sediment Pollution Control Narrative dated October 18, 2018, revised January 3, 2019 (collectively the "Plan"), seeking to add building additions of approximately 13,165 square feet for cafeteria expansion and classrooms, as well as related improvements, including but not limited to, new staff and visitor parking areas, a new bus drop off loop and improvements to the parent drop off area, to the Board of Supervisors for preliminary/final approval; and

WHEREAS, the property is an approximate 10.93 acre parcel located at 3530 Goshen Road, tax map no. 30-17-148 and folio no 30-00-01078-00;

WHEREAS, the Plan was reviewed by Township Engineer who prepared review comments and recommendations in letters dated November 12, 2018 and December 20, 2018;

WHEREAS; Pennoni submitted a response to the November 12, 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 12, 2018, the Newtown Zoning Hearing Board granted variances and/or other zoning relief to the zoning code, related to Sections 172-33c1a related to the primary buffer, 172-33c2a related to paving in the front yard setback and 172-36 relating to curbing in certain parking areas;

WHEREAS, on November 29, 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 20, 2018, December 27, 2018 and January 24, 2019 meetings and with a vote of 5 to 1 recommended approval with certain waivers and conditions at its January 24, 2019 meeting; and

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

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 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;
 - (b) Section 148-21A1 and 148-22A2 related to Plan size; and
 - (c) Section 148-12 to allow submission of preliminary/final plans.
3. 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.
4. Such approval is subject to satisfactory resolution of any terms and conditions of the aforementioned Township Engineer Review Letters, Fire Marshall letter and any representations in Pennoni's response letter, which have not already been resolved.
5. Such approval is subject to the terms and conditions of the aforementioned variances granted by the Zoning Hearing Board.
6. Such approval is also subject to the terms and conditions outlined below which have been agreed to between the Developer and the Township. Should any of the terms and conditions outlined below conflict with those outlined in the letters referenced in paragraph 4 above, the terms and conditions below shall govern:
 - (a) The Developer has agreed to do the following to accommodate concerns of neighboring residents:
 - i. Provided that the owners of the property at 3535 Tyson Road give Developer a satisfactory easement without cost to Developer and the parties are able to enter into a satisfactory easement agreement with the consent of the mortgagee, Developer has agreed to, at its sole cost and expense, pipe water from its proposed rain garden in the

SW corner of its property through the easement on 3535 Tyson Road and to connect the new storm pipe to the Township's storm sewer system in Tyson Road. It is believed that Developer would have to extend the 18" Township storm sewer from the point where it currently ends at or near 3529 Tyson Road to its proposed storm pipe entering Tyson road from the easement on the 3535 Tyson Road property. Developer's obligation in this subsection is further conditioned on the approval by the Township Engineer of the proposed design and the agreement of the Township to accept dedication of the portion of the new storm sewer located within the public right-of-way of Tyson Road and the ability of Developer to obtain, without cost to Developer, any temporary construction easements that might be necessary for the work.

ii. Clean up any brush and/or debris on its property in the vicinity of the property at 207 Robbins Lane, and work with the Township Engineer to determine if any minor regrading on Developer's property in that area might reasonably be done in an effort to try to alleviate some of the existing stormwater ponding in the back yard of 207 Robbins Lane, and if so perform reasonable limited grading or fill in an attempt to try to achieve same, provided that doing so will not adversely affect Developer's project or the use of its property. It is understood that said efforts may not be successful as it is Developer's belief that the ponding is not the result of runoff from Developer's property;

(b) The developer will execute a Stormwater Management and Maintenance Agreement and contribute to the Township Stormwater Management Maintenance Fund;

(c) The developer shall obtain all necessary permits including but not limited to a Highway Occupancy Permit and a NPDES permit for stormwater discharge;

7. 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 Highway Occupancy Permit and a NPDES permit for stormwater discharge.

8. 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 11th day of February, 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

Stephen M. Nease, Manager