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Return To: Same as above

UPI Nos. 18-1-55; 18-1-56.3

**EAST COVENTRY TOWNSHIP
CHESTER COUNTY**

RESOLUTION NO. 2016- 14

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF
EAST COVENTRY TOWNSHIP, CHESTER COUNTY,
PENNSYLVANIA, GRANTING APPROVAL OF A
PRELIMINARY/FINAL SUBDIVISION (LOT LINE
ADJUSTMENT) AND LAND DEVELOPMENT PLAN
SUBMITTED BY RAZOR-SHARP GRINDING FOR THE
PROPERTIES LOCATED AT 1702 NEW SCHUYLKILL
ROAD (S.R. 724) AND 237 OLD SCHUYLKILL ROAD IN
EAST COVENTRY TOWNSHIP**

WHEREAS, Razor-Sharp Grinding (the “Applicant”) has submitted for approval to East Coventry Township (the “Township”) a Preliminary/Final Subdivision (Lot Line Adjustment) and Land Development Plan (the “Plans”) consisting of six (6) sheets prepared by Bercek and Smith Engineering, Inc., dated July 15, 2016, and last revised August 22, 2016; and

WHEREAS, a schedule of the individual sheets, drawing title and final revision date for each sheet comprising the Plans is attached hereto as Exhibit “A” and incorporated herein by reference; and

WHEREAS, the Plans have been reviewed by the Chester County Planning Commission, the Township Planning Commission, the Township Engineer, the Township

Planner, the Township Traffic Engineer, the Township Solicitor and other Township advisors, and have been found acceptable, subject as herein below provided.

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED by the Board of Supervisors of East Coventry Township, Chester County, Pennsylvania, as follows:

SECTION A. AUTHORITY; SHORT TITLE; DEFINITIONS.

1. This Resolution is adopted pursuant to and in accordance with the Subdivision and Land Development Ordinance of 2011 (Ordinance No. 179) enacted August 8, 2011, as amended through Ordinance No. 205, enacted December 14, 2015 (collectively, the "SALDO"), as set forth in Chapter 22 (Subdivision and Land Development) of the Code of Ordinances of the Township of East Coventry.

2. This Resolution shall be known and may be cited as the "Resolution for Preliminary/Final Subdivision and Land Development Plan Approval for the Razor-Sharp Grinding Building Expansion."

3. Except as may be otherwise provided herein and/or if the context clearly indicates otherwise, all words and phrases appearing in this Resolution, which also appear in the SALDO, shall have the same meanings in this Resolution as in the SALDO.

SECTION B. WAIVERS.

1. The Board of Supervisors waived strict compliance with the following provision of the SALDO, on and subject to the terms and conditions set forth in this Resolution, at its August 8, 2016 meeting:

a. Section 304.1.A requiring preliminary plans and final plans be submitted separately for major subdivisions and land developments in order to permit the concurrent submission of preliminary/final plans.

2. The Board of Supervisors hereby waives strict compliance with the following provisions of the SALDO, on and subject to the terms and conditions set forth in this Resolution:

a. Section 304.3.D requiring a Preliminary Resource Impact and Conservation Plan be provided in order to permit the Applicant to not prepare the plan.

b. Section 304.3.F.(2) requiring a Preliminary Landscaping, Screening and Buffering Plan be provided in order to permit the Applicant to prepare a landscape plan that does not include a landscape screen or buffer on the condition that street trees and plantings be provided substantially in accordance with the draft landscape plan prepared by James D. Dauphinee, RLA, ASLA, dated July 15, 2016, with such changes thereto as may be recommended by Natural Lands Trust, Township Planner.

c. Section 306.3.D.(6) requiring an Environmental Impact Study be submitted in order to permit the Applicant to not prepare the study.

d. Section 402.2.C requiring the planting of two (2) new trees of not less than 2½” caliper for each existing tree of 8” DBH or greater to be removed, to be planted on the lot and not as street trees, on the condition that twenty (20) shade replacement trees be provided substantially in accordance with the draft landscape plan prepared by James D. Dauphinee, RLA, ASLA, dated July 15, 2016, with such changes thereto as may be recommended by the Township Planner.

e. Section 404.1.A requiring the placement of permanent concrete monuments in order to require concrete monuments be installed at the right-of-way lines of New Schuylkill Road (S.R. 724) and Old Schuylkill Road frontages only and to allow 5/8” rebar (lot pins) to be set at all other property corners.

f. Section 404.2.C requiring markers be placed in concrete sleeves in order to allow 5/8” iron rebar pins to be set at property corners without concrete sleeves.

g. Section 405.9 requiring the installation of additional paving or other street improvements where the site abuts an existing street in order to permit the Applicant to not provide paving or other street improvements along Lot #1 for Old Schuylkill Road.

h. Section 406.7 requiring the installation of road widening improvements where the site abuts an existing street of improper cartway or right-of-way width in order to permit the Applicant to not install improvements along the frontage of Lot #1 for Old Schuylkill Road and along the frontage of Lot #2 for New Schuylkill Road (S.R. 724).

i. Section 416.1 requiring curbs be installed where sidewalks are required in order to permit the Applicant to not provide curbs on New Schuylkill Road (S.R. 724).

j. Section 416.1 requiring curbs be installed where sidewalks are required in order to permit the Applicant to not provide curbs on Old Schuylkill Road until such time as a building permit application is made for Lot #1, with curb construction being fully completed prior to issuance of the Use and Occupancy Certificate for Lot #1, and with the location and materials of construction for the curbs meeting the then-current standards and requirements of the Township.

k. Section 418.2 requiring sidewalks on all collector and commercial streets and Section 418.4 requiring sidewalks along all streets in nonresidential land developments in order to permit the Applicant (a) to not provide sidewalks along the frontage of Lot #2 on New Schuylkill Road (S.R. 724), and (b) to not provide sidewalks along the frontage of Lot #1 on Old Schuylkill Road until such time as a building permit application is made for Lot #1, with sidewalk construction being fully completed prior to issuance of the Use and Occupancy

Certificate for Lot #1, and with the location and materials of construction for the sidewalk meeting the then-current standards and requirements of the Township.

l. Section 427 requiring outdoor lighting facilities be provided in accordance with a lighting plan in order to permit the Applicant to not provide outdoor lighting for the entire site, except that one outdoor lighting fixture shall be provided over each end of the addition (two total), and further on the condition that (a) any installed lighting fixtures shall be “full cutoff” in accordance with all applicable code requirements, (b) no lighting shall cast measurable levels beyond the property lines of Lot #2, and (c) no lighting will be visible from New Schuylkill Road (S.R. 724).

m. Section 428.6.A requiring a landscape screen be provided along the outer perimeter of parking, loading and storage areas in order to permit the Applicant to only provide shrubs and no trees along the proposed loading area on the condition that the plantings be provided substantially in accordance with the draft landscape plan prepared by James D. Dauphinee, RLA, ASLA, dated July 15, 2016, with such changes thereto as may be recommended by the Township Planner.

n. Section 428.6.C requiring a specified number of trees and shrubs be planted around parking, loading and storage areas in order to permit the Applicant to only provide shrubs and no trees along the proposed loading area on the condition that the plantings be provided substantially in accordance with the draft landscape plan prepared by James D. Dauphinee, RLA, ASLA, dated July 15, 2016, with such changes thereto as may be recommended by the Township Planner.

o. Section 428.7.A requiring a landscape screen be provided along all property boundaries that abut incompatible land uses in order to permit the Applicant to not provide the required landscape screen.

p. Section 428.7.B requiring a specified number of trees and shrubs be planted for each 1,000 square feet of gross building area in order to permit the Applicant to provide less than the required number of plantings on the condition that the trees and plantings be provided substantially in accordance with the draft landscape plan prepared by James D. Dauphinee, RLA, ASLA, dated July 15, 2016, with such changes thereto as may be recommended by the Township Planner.

q. Section 428.8.A requiring street trees be provided within all land developments with existing or proposed roads in order to permit the Applicant to only provide two (2) street trees along New Schuylkill Road (S.R. 724) in the locations shown on the draft landscape plan prepared by James D. Dauphinee, RLA, ASLA, dated July 15, 2016, and to not provide any street trees along Old Schuylkill Road, on the condition that street trees be planted along Old Schuylkill Road at such time as a building permit application is made for Lot #1, with tree plantings being fully completed prior to issuance of the Use and Occupancy Certificate for Lot #1, and with the location, size and species of street trees meeting the then-current standards and requirements of the Township.

r. Section 428.9 requiring landscape plantings for each 100 lineal feet of existing tract boundary in order to permit the Applicant to not provide any additional landscape plantings.

s. Section 428.11.A requiring a landscape screen be provided between different land uses per Zoning Ordinance §1309 in order to permit the Applicant to not provide the landscape screen.

SECTION C. CONDITIONS OF PRELIMINARY/FINAL PLAN APPROVAL. Approval of the Plans is hereby granted subject to the following conditions:

1. The Applicant shall pay all costs and expenses, including reasonable attorneys' fees of the Township Solicitor, for the preparation and publishing of the Section 108 Notices authorized by the Pennsylvania Municipalities Planning Code.

2. The following revisions shall be made to the Plans:

a. The following shall be added to "Applicable Ordinances" section on Sheet 01 of the Plans in accordance with SALDO §304.3.A(8): "Technical Specifications for Construction of Sanitary Sewers and Appurtenances, revised March 10, 2008, adopted April 14, 2008 via Ordinance No. 144."

b. The Waiver Request Matrix appearing on Sheet 01 shall be completed and updated to include all waivers approved by the Board of Supervisors. All portions of the Waiver Request Matrix shall be completed in accordance with SALDO §305.3.B(1)(d) and §704.3.

c. The following notes shall be added to Sheet 01 of the Plans:

(i) Sidewalks shall be installed along the frontage of Lot #1 on Old Schuylkill Road as such time as a building permit application is made for Lot #1, with sidewalk construction being fully completed prior to issuance of the Use and Occupancy Certificate for Lot #1, and with the location and materials of construction for the sidewalk meeting the then-current standards and requirements of the Township.

(ii) Curbs shall be installed on Old Schuylkill Road at such time as a building permit application is made for Lot #1, with curb construction being fully completed prior to issuance of the Use and Occupancy Certificate for Lot #1, and with the location and materials of construction for the curbs meeting the then-current standards and requirements of the Township.

(iii) Street trees shall be planted along Old Schuylkill Road at such time as a building permit application is made for Lot #1, with tree plantings being fully completed prior to issuance of the Use and Occupancy Certificate for Lot #1, and with the location, size and species of street trees meeting the then-current standards and requirements of the Township.

d. The Landscaping Table containing SALDO requirements, calculations and site constraints on Sheet 07 of the Plans shall be corrected, as appropriate, and incorporated into the Waiver Request Matrix appearing on Sheet 01 of the Plans to the extent not already incorporated therein.

e. General Landscape Note No. 9 on Sheet 07 shall be restated as follows: "All plantings shall be guaranteed and maintained in a healthy and/or sound condition for at least eighteen (18) months from the date of final installation of the required improvements or shall be replaced."

3. The Applicant shall guarantee the replacement of any dead or diseased trees, shrubs and other plantings installed by the Applicant for a period of eighteen (18) months following the date of final installation and shall post financial security with the Township to assure performance of its replacement obligations in accordance with SALDO §309.

4. The boundary survey shall be signed and sealed by the Professional Land Surveyor registered in the Commonwealth of Pennsylvania responsible for its preparation to satisfy the requirements of SALDO §304.3.A(3) and §305.3.B(1)(g) prior to recording the Plans at the Office of the Chester County Recorder of Deeds (the “Recorder’s Office”).

5. All signature blocks and certifications on the Plans shall be fully executed and notarized, as appropriate, prior to the recording of the Plans at the Applicant’s expense at the Recorder’s Office in accordance with SALDO §305.3.B(1)(g) and SALDO §307.2.

6. A special warranty deed (the “Deed”) granting and conveying fee simple title to Lot A, as shown on the Plans, shall be fully executed and delivered by Dennis E. and Eileen M. Reider, as Grantors, to Dennis E. and Eileen M. Reider, as Grantees. The Deed, which shall be prepared by the Applicant and reviewed and approved by the Township Solicitor, shall be recorded at the Recorder’s Office at the Applicant’s expense on the same date as and immediately following the recording of the Plans. A legal description for Lot A shall be prepared for review and approval of the Township Engineer and attached to or incorporated into the Deed.

7. A Deed of Consolidation shall be executed and delivered by Dennis E. and Eileen M. Reider consolidating Lot A with Lot #2 as shown on the Plans. The Deed of Consolidation shall be acceptable in form and substance to the Township Solicitor and recorded at the Recorder’s Office at the Applicant’s expense on the same date as and immediately following the recording of the Plans and the Deed.

8. Prior to releasing the Plans for recording, a Deed of Dedication shall be executed and delivered by Dennis E. and Eileen M. Reider, as Grantors, to the Township, as Grantee, granting and conveying fee simple title in perpetuity to the lands extending from the title line in

the center of Old Schuylkill Road to the ultimate right-of-way along the frontage of the property on the easterly side of Old Schuylkill Road. The Deed of Dedication shall be acceptable in form and substance to the Township Solicitor and recorded in the Recorder's Office at the Applicant's expense on the same date as and immediately following the recording of the Plans. Title insurance from a reputable title insurance company shall be provided at the Applicant's expense as required by SALDO §305.2.E(3).

9. A Land Development Agreement, including financial security provisions, and a Memorandum of Land Development Agreement, each in form and substance acceptable to the Township Solicitor, shall be prepared by the Township Solicitor and executed by the Applicant before the Board of Supervisors signs the final plans and releases same for recording in accordance with SALDO §309.

10. The Applicant shall submit an improvements cost estimate to the Township for review and approval by the Township Engineer in accordance with SALDO §310.6. The Applicant shall post financial security, as described in the Land Development Agreement, with the Township to cover the cost of construction of all improvements in accordance with SALDO §310 and §601.1.

11. A Stormwater Best Management Practices (BMPs) and Conveyances Operation and Maintenance Agreement ("BMP Agreement") pursuant to SWMO §142.F(2) and §173 shall be fully executed by the Applicant and recorded at the Applicant's expense at the Recorder's Office as part of the Drainage Permit Application process, which shall occur concurrently with the building permit application process. A copy of the recording receipt shall be provided to the Township before any work associated with the Drainage Permit may commence. The Township shall be provided with a copy of the fully recorded BMP Agreement before the Drainage Permit

will be closed out, and the Drainage Permit must be closed out before the Certificate of Occupancy can be issued. The Township Engineer's office will provide the BMP Agreement to the Applicant during the Drainage Permit Application review process.

12. The Applicant has represented to the Township that no new employees will be added at the site and no increase in traffic will be generated by the proposed expansion. If the Applicant expands its work force in the future, the Township, by and through its traffic consultant, may monitor traffic flow during peak hours and may require that the Applicant pay an appropriate traffic impact fee for deposit into the Township Traffic Impact Fee Fund pursuant to East Coventry Township Transportation Impact Fee Ordinance §305. The Township may require that the Applicant establish a separate cash escrow to cover traffic monitoring costs in an amount to be determined pursuant to SALDO §703.

13. Prior to the Township releasing the Plans for recording, the Applicant shall pay and/or reimburse the Township for all fees, charges and costs of the Township, the Township Engineer, the Township Planner, the Township Traffic Engineer, the Township Solicitor and other Township consultants, relating to the preparation and/or review of the Land Development Agreement, the Deed, the deed of consolidation, the deed of dedication, all required legal descriptions, and any other documentation required by this Resolution to be delivered prior to recording the Plans.

14. All recording costs and applicable taxes and fees, if any, shall be paid by the Applicant.

15. Consistent with Section 509(b) of the Pennsylvania Municipalities Planning Code (as amended), the completion of all conditions, the payment of all applicable fees and the funding of all escrows must be accomplished within ninety (90) days of the date of this

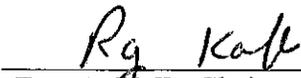
Resolution unless a written extension is granted by the Township. Until the conditions have been satisfied, the applicable fees have been paid and the escrows fully funded, the Plans shall not be signed nor recorded. In the event that the conditions have not been satisfied, the fees have not been paid and the escrows have not been funded within ninety (90) days of the date of this Resolution, or any written extension thereof, this contingent subdivision approval shall expire and be deemed to have been revoked.

16. Under the provisions of the Pennsylvania Municipalities Planning Code, the Applicant has the right to accept or reject conditions imposed by the Board of Supervisors upon preliminary/final approval. The Applicant shall signify its acceptance of the conditions contained herein by signing a copy of this Resolution and returning it to the Township within thirty (30) days of the date of this Resolution. In the event execution of this Resolution is not delivered to the Township office by 12:00 p.m. on October 12, 2016, or if the Township receives written notice of an appeal or rejection of any of the conditions set forth herein within thirty (30) days from the date of this Resolution, this approval and the waivers granted in Section B of this Resolution (which waivers are granted contingent upon the acceptance of the conditions set forth herein) shall be deemed to be automatically rescinded and revoked and the application shall be considered denied based upon the failure to fully comply with the conditions set forth in this Section C, all as authorized by Section 508 of the Pennsylvania Municipalities Planning Code.

SECTION D. EFFECTIVE DATE. This Resolution shall be effective immediately upon the adoption hereof.

APPROVED at the public meeting of the East Coventry Township Board of Supervisors held on September 12, 2016.

EAST COVENTRY TOWNSHIP

Attest:  By: 
Bernard A. Rodgers, Secretary Ray A. Kolb, Chairman

By signing below, the Applicant accepts and consents to all of the terms and conditions of approval contained in the foregoing Resolution Granting Preliminary/Final Subdivision and Land Development Approval.

APPLICANT:

D E R ENTERPRISES CORP.,
d/b/a RAZOR-SHARP GRINDING

ATTEST

Sherry L. Kacs

Date: 9-27-16.

By: *Russell Favinger*
Russell Favinger, President

EXHIBIT "A"

**ENUMERATION OF THE APPROVED PRELIMINARY/FINAL
SUBDIVISION AND LAND DEVELOPMENT PLANS FOR
RAZOR-SHARP GRINDING**

Sheet Nos.	Drawing Title	Original and Last Revision Dates
01	TITLE PLAN	7/15/16; 8/22/16
02	RECORD SUBDIVISION/LOT LINE ADJUSTMENT PLAN	7/15/16; 8/22/16
03	COMPREHENSIVE STORMWATER MANAGEMENT, CONSTRUCTION IMPROVEMENTS, O&M PLAN	7/15/16; 8/22/16
04	EXISTING RESOURCES AND SITE ANALYSIS PLAN & SITE CONTEXT MAP	7/15/16; 8/22/16
05	CONSERVATION, SOIL EROSION AND SEDIMENT CONTROL PLAN & LIGHTING PLAN	7/15/16; 8/22/16
06	LANDSCAPE, SCREENING & BUFFERING PLAN	7/15/16; 8/22/16
07	LANDSCAPING NOTES & DETAILS PLAN	7/15/16; 8/22/16
08	NOTES & DETAILS PLAN	7/15/16; 8/22/16