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Return To: Same as above

Tax Parcel Nos. 17-04-00610000; 18-01-00420000; and 18-01-00430000

**EAST COVENTRY TOWNSHIP  
CHESTER COUNTY**

**RESOLUTION NO. 2018-08**

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF  
EAST COVENTRY TOWNSHIP, CHESTER COUNTY,  
PENNSYLVANIA GRANTING APPROVAL OF A  
PRELIMINARY/FINAL MINOR SUBDIVISION PLAN  
SUBMITTED BY DAVID J. ECKHART FOR THE  
PROPERTY LOCATED AT 886 VAUGHN ROAD IN EAST  
COVENTRY TOWNSHIP AND NORTH COVENTRY  
TOWNSHIP, CHESTER COUNTY, PENNSYLVANIA.**

**WHEREAS**, David J. Eckhart (the “Applicant”) and Mary D. Loughead are the owners of a tract of land containing approximately 29.95 acres, which is primarily situate in East Coventry Township, Chester County, Pennsylvania (the “Township”), with frontage on Vaughn Road (the “Subdivision”); and

**WHEREAS**, a portion of the Subdivision containing approximately 1.6 acres is situate in North Coventry Township (“North Coventry”); and

**WHEREAS**, the Subdivision is more particularly shown on plans prepared by Bursich Associates, Inc. (hereinafter, “Bursich”), being plans consisting of four (4) sheets dated November 1, 2017, with Sheet 1 last revised February 13, 2018 (the “Plans”); and

**WHEREAS**, a schedule of the individual sheets, drawing title and original dates 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 North Coventry, 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. 215 enacted August 14, 2017 (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 Minor Subdivision Approval for 886 Vaughn Road.”

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 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. SALDO §404.1.A, which requires that permanent concrete monuments be accurately placed along the right-of-way line of all existing streets abutting the exterior boundary of the property being subdivided, to permit the Applicant to not install the required concrete monuments along the right-of-way line of Vaughn Road located within the Township that abuts the exterior boundary of Lot 1.

b. SALDO §405.9, which requires that paving or other street improvements be required where lots abut an existing street, to permit the Applicant to not install the required improvements within that portion of the Vaughn Road right-of-way within the Township that abuts Lot 1.

c. SALDO §406.7, which requires the installation of improvements and/or an escrow where the subdivision abuts an existing street of improper cartway or right-of-way, to permit the Applicant to not install the required improvements or furnish an escrow for improvements within that portion of the Vaughn Road right-of-way within the Township that abuts Lot 1.

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

1. The following revisions shall be made to the Plans prior to recording:

a. The column for Lot 2 in the Net Buildable Tract Calculation East Coventry Twp. on Sheet 1 shall be revised to identify all deductions from gross lot area to arrive at net lot area as defined in ZO §27-202 and as required by SALDO §304.3.A(9).

b. The signature block for the East Coventry Township Board of Supervisors on Sheet 1 shall be revised to state: "Approved by the East Coventry Township Board of Supervisors on the \_\_\_ day of \_\_\_\_\_, 20\_\_" as required by SALDO §307.2.

c. The Owner Certification block shall be revised to state: "We do hereby certify that we are . . ."

d. The right-of-way area to be dedicated to the Township, as shown on the enlarged portion of Sheet 2, shall be shaded on the Plans for easier identification.

e. General Note 22 on Sheet 1 shall be revised to indicate that the existing gravity sewer line into which Lot 2 is proposed to connect is located on Vaughn Road and is owned and operated by North Coventry Municipal Authority. In addition, the easement for this sewer connection across Lot 1 shall be clearly shown and labeled on Sheet 2 of the Plans.

f. General Note 27 on Sheet 1 shall be amended and restated in its entirety, as follows:

Further subdivision of Lot 1 or Lot 2 shall not occur without the prior approval of East Coventry Township pursuant to a major subdivision application per East Coventry Township Subdivision and Land Development Ordinance Section 22-301.3.A. and a Declaration of Deed Restriction containing this language shall be recorded immediately following the recording of the record plans.

g. The Waiver Request Matrix on Sheet 2 shall be revised to add SALDO §404.1.A. All portions of the Waiver Request Matrix shall be completed in accordance with SALDO §305.3.B(1)(d). Only those waivers approved by the Board of Supervisors pursuant to this Resolution shall be included on the Plans.

2. The Applicant has obtained approval of the Plans by the Board of Supervisors of North Coventry, with conditions, as required by SALDO §22-304.3.E.(13). All conditions to

approval imposed by North Coventry that impact the Township shall be acceptable in form and substance to the Township, upon advice of the Township's consultants. In addition, any and all conditions required by North Coventry to be satisfied prior to recording the Plans shall be satisfied prior to the Township releasing the Plans for recording.

3. The Property contains three (3) separate tax parcels. The Plans shall be revised to show all lot lines for each tax parcel identified on the Plans in order to identify the boundaries of each tax parcel.

4. All signature blocks and certifications on the Plans shall be fully executed and notarized, as appropriate, prior to the Township releasing the Plans for recording at the Applicant's expense at the Office of the Chester County Recorder of Deeds (the "Recorder's Office") in accordance with SALDO §305.3.B(1)(g) and SALDO §307.2.

5. The Plans, once revised, shall be signed and sealed by the Professional Land Surveyor and/or Professional Engineer responsible for their preparation prior to the Township releasing the Plans for recording.

6. Markers (lot pins) shall be accurately placed at all lot corners, at the intersection of all lines forming angles and at changes in direction of lines in the boundary (perimeter) of each lot within the Subdivision as required by SALDO §404.2.A. All required lot pins shall be set prior to recording and the Plans shall include a certification, acceptable in form and substance to the Township Engineer, from the Professional Land Surveyor that the lot pins have been set as required prior to releasing the Plans for recording.

7. Prior to the issuance of a building permit from the Township for the Lot 2 principal use, the Applicant shall obtain an approved sewage facilities planning module or exemption therefrom from PADEP as required by SALDO §421.1.

8. Prior to the issuance of a building permit from the Township for the Lot 2 principal use, the Applicant shall obtain the following permits, authorizations and approvals: (i) zoning approval from the Township Zoning Officer; (ii) a Drainage Permit (covering soil erosion control and post-construction stormwater management) from the Township Engineer; (iii) an NPDES permit for stormwater discharges from PADEP (if Earth Disturbance is 1 acre or more); (iv) an approved sewage facilities planning module or exemption therefrom from PADEP; (v) a well permit from Chester County Health Department; (vi) a Rural Residence Permit for the on-lot sewage disposal system from Chester County Health Department; and (vii) any and all other federal, state and local permits, authorizations and approvals that may be necessary. No building permit application for an accessory use shall be made to the Township until the principal use building permit is issued by the Township.

9. Prior to the Township releasing the Plans for recording, the Applicant shall provide a copy of all research materials and reports obtained by the Applicant, as referenced in General Note 25 on Sheet 1 of the Plans, relating to threatened and endangered species under the Natural Resources Pennsylvania Natural Heritage Program, which shall be satisfactory in form and substance to the Township upon advice of the Township Engineer.

10. Prior to the issuance of a building permit for construction on Lot 2, the Applicant shall provide a sanitary sewer easement agreement in form and substance satisfactory to the Township Solicitor, which shall have been recorded by the Applicant, pursuant to which the owner of Lot 1 grants an easement in perpetuity to the owner of Lot 2, its heirs, successors and assigns, to connect with and tap into the sanitary sewer facilities located on Lot 1. In addition, the Applicant's engineer shall prepare and provide a legal description and accompanying plot

plan, in form and substance satisfactory to the Township Engineer, for attachment to the sanitary sewer easement agreement.

11. Prior to the issuance of a building permit for construction on Lot 2, the Applicant shall secure appropriate approvals from North Coventry and the North Coventry Municipal Authority ("NCMA") to permit the sanitary sewer line constructed on Lot 2 and servicing the dwelling constructed thereon to be connected to North Coventry's sanitary sewer line and transported to the waste treatment facility operated by NCMA. Appropriate approvals shall be in the form of an amendment to the inter-municipal Agreement among NCMA, NCT and the Township dated January 27, 2004, or a separate extra-territorial connection agreement satisfactory in form and substance to the Township Solicitor and the solicitors for NCMA and North Coventry.

12. The Applicant's engineer shall prepare and provide a legal description and accompanying plot plan or plat, in form and substance satisfactory to the Township Engineer, for the ultimate right-of-way along Vaughn Road to be offered for dedication to the Township in accordance with SALDO §305.3.B(1)(a). The legal description and plot plan or plat, once approved by the Township Engineer, shall be provided to the Township Solicitor for attachment to the Deed of Dedication prior to recording.

13. From and after the date the Plans are released for recording, the Applicant, members of his family, invitees and guests, shall permanently discontinue the use of the moto-track on Lot 1 and Lot 2.

14. Prior to the issuance of a building permit for construction on Lot 2, the developer/owner of Lot 2 shall submit for review and approval by the Township Planner as part of the building permit application for Lot 2, a landscape plan identifying those existing trees of

eight inch DBH or greater to be destroyed during construction and the location of replacement trees at a rate of two trees not less than 2½ inch caliper to be planted on Lot 2 and not as street trees for each existing tree removed. New trees shall be as listed in SALDO Appendix 22-B, Attachment 2, and shall be acceptable to the Township Planner.

15. Prior to the Township releasing the Plans for recording, a Deed of Dedication in form and substance satisfactory to the Township Solicitor shall be executed and delivered by David J. Eckhart and Mary D. Loughead, as grantors, to the Township, as grantee, granting and conveying fee simple title in perpetuity to the lands constituting the ultimate right-of-way on the easterly side of Vaughn Road along the northerly frontage of the Subdivision, as depicted on the Plans, in accordance with SALDO §§406.6 and 406.7. The Deed of Dedication shall be recorded by the Township at the Applicant's expense immediately following the recording of the Plans.

16. Prior to the issuance of a building permit for construction on Lot 2, a Simplified Approach Stormwater Best Management Practices Operation, Maintenance and Inspection Plan and Agreement ("BMP Agreement"), in form and substance acceptable to the Township Solicitor, shall be executed and delivered by David J. Eckhart and Mary D. Loughead, as Grantors, to the Township, as Grantee, and shall be recorded at the Applicant's expense in the Recorder's Office pursuant to SWMO §§142.F(2) and 173 and SWMO Appendix A-3. A copy of the recording receipt shall be provided to the Township before any work associated with Lot 2 shall commence.

17. 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 Plans, the legal

descriptions, the Deed of Dedication, and any other documentation required by this Resolution to be delivered prior to recording the Plans.

18. The Applicant shall pay to the Township a transportation impact fee in the amount of Four Hundred Ninety-Four and 00/100 Dollars (\$494.00) prior to the issuance of any building permit for Lot 2, which shall be payable to East Coventry Township for deposit into the Township Traffic Impact Fee Fund, pursuant to the East Coventry Township Transportation Impact Fee Ordinance §305.

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

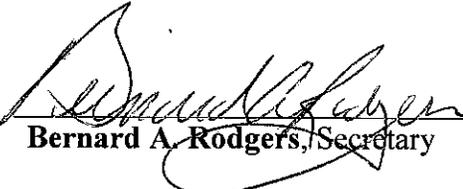
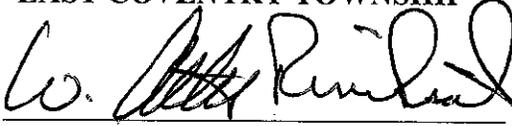
20. Consistent with Section 509(b) of the Pennsylvania Municipalities Planning Code (as amended), the completion of all conditions and the payment of all applicable fees must be accomplished within ninety (90) days of the date of this Resolution unless a written extension is granted by the Township. Until the conditions have been satisfied and the applicable fees have been paid, the Plans shall not be signed nor recorded. In the event that the conditions have not been satisfied and the fees have not been paid 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.

21. 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 June 14, 2018, 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 May 14th, 2018.

Attest:  By:   
**Bernard A. Rodgers, Secretary** **W. Atlee Rinehart, 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 Minor Subdivision Approval.

APPLICANT:

Date: June 7, 2018

By:   
David J. Eckhart

Date: June 7, 2018

By:   
Mary D. Loughhead

**EXHIBIT "A"**

**ENUMERATION OF THE APPROVED SUBDIVISION PLANS  
FOR 886 VAUGHN ROAD**

<b>Page No.</b>	<b>Drawing No.</b>	<b>Drawing Title</b>	<b>Original Date</b>	<b>Last Revised Date</b>
1	TP137259	TITLE PLAN	11/1/2017	2/13/2018
2	MS137259	MINOR SUBDIVISION PLAN	11/1/2017	
3	SC137259	SITE CONTEXT PLAN	11/1/2017	
4	EF137259	EXISTING FEATURES PLAN	11/1/2017	