

EAST COVENTRY TOWNSHIP

BOARD OF SUPERVISORS

CHESTER COUNTY, COMMONWEALTH OF PENNSYLVANIA

RESOLUTION NO. 2024-16

A RESOLUTION AMENDING THE APPROVAL OF A PRELIMINARY/FINAL SUBDIVISION AND LAND DEVELOPMENT PLAN SUBMITTED BY MCH DEVELOPMENT, L.L.C. FOR THE PROPERTY LOCATED AT 527 BETHEL CHURCH ROAD.

WHEREAS, MCH Development, L.L.C. (the “Applicant”) is the owner of a parcel of land containing approximately 17.8 acres, located at 527 Bethel Church Road, East Coventry Township, Chester County, Pennsylvania (the “Township”), and more particularly identified as Chester County Uniform Parcel Identifier No. 18-5-175 (the “Property”); and

WHEREAS, pursuant to Resolution No. 2022-20, the Applicant was granted conditional final subdivision and land development approval for a six (6) lot subdivision of the Property in order to preserve the existing detached single-family dwelling on Lot 1 and the development of detached single family dwelling units on Lots 2 through 6 to be created as a Pennsylvania planned community, with paved driveways, a paved roadway, concrete sidewalks, stormwater management facilities, and related improvements on the Property (the “Original Development”); and

WHEREAS, the Applicant submitted a revised application and amended plan that depicts the same six (6) lot subdivision, paved driveways, paved roadway, concrete sidewalks, stormwater management facilities, and related improvements as the Original Development, but without the creation of a planned community (the “Revised Development”); and

WHEREAS, Applicant intends to complete the Revised Development as more particularly shown on the following plans prepared by Edward B. Walsh & Associates, Inc. (hereinafter,

“Applicant’s Engineer”), consisting of sixteen (16) sheets, dated October 19, 2021, last revised February 12, 2024 (the “Plans”); and

WHEREAS, the Original Development shall be superseded by the Revised Development, and the approval provided by this Resolution shall supersede approval provided in Resolution 2022-20; and

WHEREAS, a schedule of the individual sheets, drawing title and original/revised 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 the Chester County Planning Commission, the Township Planning Commission, the Township Engineer, the Township Planner, the Township Traffic Engineer, the Township Zoning Officer, the Township Solicitor and other Township advisors, and have been found acceptable subject as herein below provided; and

WHEREAS, at this time, the Applicant desires to obtain final land development major revision approval of the Plans in accordance with Section 508 of the Pennsylvania Municipalities Planning Code.

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 Stormwater Management Ordinance (Ordinance No. 198) enacted December 9, 2013, as amended through Ordinance No. 236 enacted October 14, 2019 (collectively, the “SWMO”), as set forth in Chapter 9, Part 1 (Stormwater Management) of the Code of Ordinances of the Township of East Coventry.

2. 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. 251 enacted November 8, 2021 (collectively, the “SALDO”), as set forth in Chapter 22 (Subdivision and Land Development) of the Code of Ordinances of the Township of East Coventry.

3. This Resolution shall be known and may be cited as the “Resolution Amending Preliminary/Final Subdivision and Land Development Approval for 527 Bethel Church Road.”

4. 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. No additional waivers from the provisions of the SALDO are being requested by the Applicant or granted by the East Coventry Township Board of Supervisors at this time; however, the following SALDO waivers were previously granted by Resolution 2022-20, and remain applicable:

a. SALDO §22-304.1.A, which requires the separate submission of preliminary and final plan applications, to permit the Application to proceed concurrently as a preliminary/final application, provided that the Plans be revised to remove the waiver requested from SALDO §22-305.1., and add the correct citation of SALDO §22-304.1.

b. SALDO §22-406.7., which requires that subdivisions abutting existing streets with improper cartway widths provide for the widening of such streets to the correct width or that an escrow be established in order to do so in the future, to permit the Applicant to not widen Bethel Church Road right-of-way half width or establish an escrow for the same, provided that: (i) this waiver be effective only upon a determination by the Pennsylvania Department of

Transportation that the widening of Bethel Church Road is unnecessary; (ii) the waiver request letter is updated to reflect this waiver request; and (iii) the waiver matrix on the Plans are updated to request a waiver from SALDO §22-406.7.

c. SALDO §22-411.1, which requires that a single access street shall not be approved wherever a through street is feasible as determined by the Board of Supervisors upon recommendation of the Planning Commission, in order to allow a single access street.

d. SALDO §22-411.8, which requires that single access streets shall have a minimum length of 500 feet, to allow Applicant to permanently design the single access street at 305 feet to the center of the proposed cul-de-sac.

e. SALDO §22-411.5.B, which requires that for single access streets, emergency access drives shall be designed in accordance with the most current version of the Standard Public Improvement Specifications or designed to the satisfaction of the Board of Supervisors, to allow the Development to not have emergency access drive for a single access street, provided that: (i) the single-access street has a width of no less than thirty (30) feet; and (ii) the Applicant receives the written approval of the Township Fire Marshall consenting to the same.

f. SALDO §22-411.13, which requires a turnaround right-of-way of a cul-de-sac street to be placed adjacent to the tract boundary and a minimum right-of-way width along the boundary line, to allow the Applicant to not provide for the cul-de-sac right-of-way to be adjacent to the tract boundary.

g. SALDO §22-418.1, which requires all major subdivisions and land developments to have either sidewalks or pedestrian ways acceptable to the Township, to allow for the Applicant to not provide a sidewalk along the proposed street, provided that a paved trail is constructed along Bethel Church Road in lieu of a sidewalk. As it was previously anticipated

that the paved trail would be inspected, maintained, repaired and replaced by a formed association, this waiver is now conditioned upon a declaration of maintenance responsibility by the abutting lot owners.

h. SALDO §22-427.1., which requires outdoor lighting facilities for all off-street parking lots, off street loading areas, and driveways providing ingress and egress thereto, and along all road and pedestrian ways in all major subdivisions and land developments, to allow the Applicant to not provide lighting along the proposed road.

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

a. SWMO §142.1.B.(18)(c)5), which requires a minimum twenty (20) foot wide easement border around all BMPs and Conveyances, to allow the Applicant to provide a blanket easement over the entire property for the BMPs and Conveyances, provided that: (i) waiver request letter is updated to reflect this waiver request; (ii) the waiver matrix on the Plans are updated to request a waiver from SWMO §9-142.1.B.(18)(c)5); and (iii) the stormwater basin areas and twenty (20) foot setback areas continue to be excluded from the Net Lot Area.

C. **CONDITIONS OF PRELIMINARY/FINAL PLAN APPROVAL.** The East Coventry Board of Supervisors hereby grants final approval of the revision of the subdivision and land development shown on the Plans described herein, subject, however, to the following conditions:

1. The Applicant shall resolve to the satisfaction of the Township, any and all conditions contained in Section B prior to the Township releasing the final Plans for recording, unless a different timeline is provided in Section B of this Resolution.

2. Prior to the Township releasing the Plans for recording, the Plans submitted to the

Township shall contain the following revisions thereto:

- a. Revise the Waiver Request Matrix on Sheet 1 in accordance with SALDO §§22-305.3.B.(1)(d) and 22-704.5 to include the: (i) approved waivers; (ii) dates of recommendation and approval; and (iii) condition(s) of approval (if any).
- b. In accordance with SALDO §22-304.3.A.(8), the Plans shall include the dates of enactment and latest amendment of applicable Township Ordinances.
- c. In accordance with SALDO §22-305.3.B.(1)(b), the Plans shall be revised to depict the intersection permit number for where the proposed new street meets the state road (Bethel Church Road).
- d. In accordance with SALDO §22-305.3.B.(1)(c), the Certification of Ownership shall be revised to acknowledge offers of dedication.
- e. In accordance with SALDO §22-305.3.B.(1)(e), the Plans shall be revised to depict the street name and street numbering of each lot.
- f. In accordance with SALDO §22-306.1.E.(6)(b), the Plans shall be revised to include the proposed ownership and financial responsibility by the individual homeowners for the maintenance of the permanent stormwater management control facilities.
- g. In accordance with SALDO §§22-309.D.(2) and 22-605, the Township is not responsible for maintaining any undedicated street, and therefore a note shall be added to the plans indicating the Developer shall be responsible for the maintenance of the cul-de-sac unless and until the Township accepts the offer of dedication thereof.
- h. In accordance with SWMO §9-142.1.B.(18)(a), the Post-Construction Stormwater Management Facilities Notes on Sheet 11 of the Plans shall be revised to clarify that the individual homeowners are responsible for ongoing inspection, operation, maintenance, repair

and replacement of the BMPs or conveyances after completion of construction thereof. A note should be added to the Plans that the stormwater management facilities and BMPs located outside of the proposed road ultimate right-of-way be the responsibility of the owner(s) of the lot(s) on which the facility resides.

i. In accordance with SWMO §9-110.4, a note should be added to the Plans stating that an application for drainage permit shall be submitted for each individual lot prior to or concurrent with an application for building permit.

j. A note should be added to the Plans that the stormwater management facilities and BMPs located outside of the proposed road ultimate right-of-way shall be the responsibility of the owner(s) of the lot(s) on which the facility resides.

k. A note should be added to the Plans stating that BMP #1 must be constructed (initially constructed as a sediment trap per the construction sequence) before building permits are issued for any of the other lots.

l. A note should be added to the Plans noting the maintenance responsibilities of the proposed pedestrian trail.

m. In accordance with SALDO §§22-304.3.A.(3) and 22-305.3.B.(1)(g), the boundary survey shall be signed by a Professional Land Surveyor prior to recording of the Plans.

n. To the satisfaction of the Township, all revisions required by the Township Engineer Review Letter dated September 29, 2022, prepared by Carroll Engineering Corp.

o. To the satisfaction of the Township, all revisions required by the Township Traffic Engineer Review Letter dated October 7, 2022, prepared by McMahon Associates, Inc.

p. To the satisfaction of the Township, all revisions required by the Township Planner Review Letter dated October 6, 2022, prepared by Natural Lands Trust.

q. To the satisfaction of the Township, all revisions required by the Township Zoning Officer Review Letter dated October 7, 2022, prepared by Barry Isett & Associates, Inc.

3. Prior to the recording of the Final Plans, the Applicant shall provide a copy of the NPDES storm water permit for the Development issued by Pennsylvania Department of Environmental Protection (“PADEP”) to the Township for review and approval by the Township Engineer in accordance with SALDO §22-306.1 and SWMO §§ 9-121.3.B, 9-122.1.A, 9-123.1.A(1) & (2), and 9-142.G.

4. In accordance with SALDO §§22-305.3.B.1, 22-305.3.B.(1)(a) and 22-305.3.B.(1)(c), the Applicant shall provide to the Township either: (i) a written legal opinion from its attorney that the Applicant has the right to install the improvements depicted on the Plans over the depicted AT&T easement area; or (ii) a written consent letter from the current beneficiary of the easement that such improvements are permitted (i.e. AT&T or its successor in interest).

5. The Applicant shall execute a Declaration of Public Trail Maintenance Agreement among the Township and the Applicant, its successors and assigns (the “Trail Declaration”), in form and substance satisfactory to the Board of Supervisors upon recommendation of the Township Engineer and the Township Solicitor. The Trail Declaration shall address the maintenance, repair and replacement of the trails and trail areas by Applicant, its successors and assigns, including without limitation the resultant lot owners. The Trail Declaration shall be recorded by the Township at the Applicant’s expense immediately following the recording of the Plans, and in all cases prior to the close out of the Development.

6. The Applicant shall execute a Declaration of Drainage Easement and Joint Maintenance Agreement providing drainage easements for the benefit of the lot owners and the Township over the individual lots and providing for the joint maintenance by the Applicant, its

successors and assigns, including without limitation future lot owners, of the on-lot stormwater management facilities, including without limitation those facilities located on Lots 2, 3 and 4.

7. An irrevocable easement from the Applicant, its successors and assigns, shall be granted in favor of the Township authorizing the Township to access and enter upon all or any portion of the Property located in the Township to inspect, repair, replace and maintain the storm water management BMP facilities located on that portion of the Property in the Township in the event the Applicant and/or landowners fail to do so, to seek reimbursement from the Applicant and/or landowners for all costs and expenses incurred, and to file and maintain a lien against the Property until such costs and expenses are paid in full.

8. An irrevocable easement from the Applicant, its successors and assigns, shall be granted in favor of the Township, Pennsylvania American Water Company and other utility providers to enter upon and have rights of access to all or any portion of the Property located in the Township to inspect, repair, replace and maintain the utility improvements located on that portion of the Property located in the Township.

9. All signature blocks and certifications on the Plans shall be fully executed and notarized, as appropriate, prior to the Township releasing the final plans for recording at the Applicant's expense at the Office of the Chester County Recorder of Deeds in accordance with SALDO §22-305.3.B(1)(g) and SALDO §22-307.2.

10. All sheets of the final plans shall be signed and sealed by the Professional Land Surveyor and/or Professional Engineer responsible for their preparation as required by SALDO §§ 22-304.3.A(25) and 22-305.3.B(1)(g).

11. Prior to the Township releasing the Plans for recording, the Applicants shall satisfy to the satisfaction of the Township all comments contained in the Township Engineer Review

Letter dated June 3, 2024, prepared by Carroll Engineering Corp.

12. Prior to the Township releasing the Plans for recording, the Applicants shall satisfy to the satisfaction of the Township all comments contained in the Township Traffic Engineer Review Letter dated May 6, 2024, prepared by Bowman.

13. Prior to the Township releasing the Plans for recording, the Applicants shall satisfy to the satisfaction of the Township all comments contained in the Township Planner Review Letter dated May 3, 2024, prepared by Natural Lands.

14. Prior to the Township releasing the Plans for recording, the Applicants shall enter into 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 in accordance with SALDO §22-309.

15. The Applicant shall submit an improvements cost estimate to the Township for review and approval by the Township Engineer in accordance with SALDO §22-310.6.

16. The Applicant shall post financial security, as described in the Land Development Agreement, with the Township in accordance with SALDO §22-310 and SWMO §9-108.

17. A Stormwater Best Management Practices (BMPs) and Conveyances Operation and Maintenance Agreement ("BMP Agreement") pursuant to SWMO §9-142.F(2) and §9-173 shall be executed by the Applicant and recorded in the Office of the Chester County Recorder of Deeds. A copy of the recording receipt shall be provided to the Township prior to the commencement of any work associated with the Property. The BMP Agreement shall be prepared by the Township Solicitor or the Township Engineer at the Applicant's expense after receipt by the Township of an application for drainage permit.

18. In accordance with SALDO §22-605, a deed of dedication shall be executed by the Applicant, as grantor, to the Township, as grantee, granting and conveying fee simple title in perpetuity to the lands, road widening improvements, and stormwater improvements constructed thereon constituting the access street into the Property, as depicted on the Plans. The deed of dedication shall be satisfactory to the Township Solicitor and shall be recorded at the Applicant's expense upon acceptance of dedication by the Board of Supervisors following satisfactory completion of all road widening and stormwater improvements and final inspection and issuance of a certificate of completion by the Township Engineer. A policy of title insurance satisfactory in form and substance to the Township Solicitor shall be provided in accordance with SALDO §22-305.2.E.(3).

19. 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 Zoning Officer, the Township Solicitor and other Township consultants, relating to the preparation and/or review of the Plans, the legal descriptions and plats, the Land Development Agreement, the Deed of Dedication, the BMP Agreement, and any other documentation required by this Resolution to be delivered prior to recording the final plans.

20. Prior to the issuance of a building permit, the Applicant shall pay to the Township a transportation impact fee in the amount of Ten Thousand Two Hundred Fifty-Four and 00/100 Dollars (\$10,254.00) prior to the issuance of any building permit for the Development, which shall be payable to East Coventry Township for deposit into the Township Traffic Impact Fee Fund pursuant to §22A-305 of the East Coventry Township Transportation Impact Fee Ordinance. This calculation of the transportation impact fee is based on six (6) new weekday afternoon peak hour trips at One Thousand Seven Hundred Nine and 00/100 Dollars (\$1,709.00) per trip.

21. Prior to the release of the Plans for recording, the Applicant shall provide to the Township a written sewage facilities planning module approval or exemption from the Pennsylvania Department of Environmental Protection for the Development, in accordance with SALDO §22-421.1.

22. Prior to the release of the Plans for recording, the Applicant shall provide to the Township a fee-in-lieu of open space in an amount equal to the total fair market value of the land otherwise required to be dedicated in accordance with SALDO §22-426. The open space to be otherwise required to be dedicated would be 0.444 acres. The Applicant shall provide the Township with a summary appraisal acceptable to the Township supporting the amount of the offered fee-in-lieu.

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

24. 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. If 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 automatically expire and be deemed to have been revoked.

25. 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 timely delivered to the Township , 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.

[Signatures Continued on Next Page]

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 this 8th day of July, 2024.

EAST COVENTRY TOWNSHIP

Attest:  By: 
Eugene C. Briggs, Secretary **Ray Kolb, Chairman**

By signing below, the Applicant accepts and consents to all the terms and conditions of approval contained in the foregoing Resolution Amending Preliminary/Final Subdivision and Land Development Approval for 527 Bethel Church Road.

APPLICANT:

MCH Development, L.L.C., a Pennsylvania Limited Liability Company

Date: 7/11/24

By: 
Name: CECIL WAGNER
Title: Member

EXHIBIT "A"

ENUMERATION OF THE PLANS

Sheet No.	Out of	Sheet Title	Original Date	Last Revised Date
1	of 16	Preliminary/Final Title Plan	10.19.21	2.12.24
2	of 16	Preliminary/Final Title Plan Notes Sheet	10.19.21	2.12.24
3	of 16	Preliminary/Final Existing Conditions Plan	10.19.21	2.12.24
4	of 16	Preliminary/Final Resource Impact and Conservation Plan	10.19.21	2.12.24
5	of 16	Site Context Map	10.19.21	2.12.24
6	of 16	Preliminary/Final Four Step Design Process Plan	10.19.21	2.12.24
7	of 16	Preliminary/Final Four Step Design Process Plan	10.19.21	2.12.24
8	of 16	Preliminary/Final Construction Improvement Plan	10.19.21	2.12.24
9	of 16	Preliminary/Final Resource Impact and Conservation Plan/Erosion and Sedimentation Control Plan	10.19.21	2.12.24
10	of 16	Preliminary/Final Erosion and Sedimentation Control Details	10.19.21	2.12.24
11	of 16	Preliminary/Final Post Construction Stormwater Management Plan	10.19.21	2.12.24
12	of 16	Preliminary/Final Detail Sheet	10.19.21	2.12.24
13	of 16	Preliminary/Final Detail Sheet	10.19.21	2.12.24
14	of 16	Preliminary/Final Profile Sheet	10.19.21	2.12.24
15	of 16	Preliminary/Final Landscape Plan	10.19.21	2.12.24
16	of 16	Preliminary/Final Landscape Plan	10.19.21	2.12.24