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Return To: Same as above

UPI No. 18-5-44

**EAST COVENTRY TOWNSHIP
CHESTER COUNTY**

RESOLUTION NO. 2016- 15

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF
EAST COVENTRY TOWNSHIP, CHESTER COUNTY,
PENNSYLVANIA, GRANTING APPROVAL OF A
PRELIMINARY/FINAL LAND DEVELOPMENT PLAN
SUBMITTED BY MACKISSIC INC. FOR THE PROPERTY
LOCATED AT 1189 OLD SCHUYLKILL ROAD IN EAST
COVENTRY TOWNSHIP**

WHEREAS, Mackissic, Inc. (the “Applicant”) has submitted for approval to East Coventry Township (the “Township”) a Preliminary/Final Land Development Plan (the “Plans”) consisting of six (6) sheets prepared by Cornerstone Consulting Engineers & Architectural, Inc., dated July 27, 2016, and last revised August 22, 2016, for the property located at 1189 Old Schuylkill Road, Parker Ford, Pennsylvania (the “Property”); 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 Land Development Plan Approval for the Mackissic, Inc. Building Addition.”

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. Section 304.1.A requiring the separate submission of preliminary and final plan applications in order to permit the Applicant’s application to proceed concurrently as a preliminary/final application.

b. Section 304.3.C requiring the Applicant provide a Site Context Map in order to permit the Applicant to not provide the map.

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

d. Section 304.3.E.(6) requiring the first floor elevation be a minimum of one foot above the elevation of the final grade in order to allow the elevation to be set at 8" above finished grade on the condition that all related building code requirements shall be satisfied by the Applicant.

e. Section 304.3.F.(2) requiring a Preliminary Landscaping, Screening and Buffering Plan be provided in order to permit the Applicant to not provide a landscape plan.

f. 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 either Old Schuylkill Road or New Schuylkill Road (S.R. 724).

g. Sections 418.2 and 418.4 requiring sidewalks on all collector and commercial streets and along all streets in nonresidential land developments in order to permit the Applicant to not provide sidewalks along the site frontages of either Old Schuylkill Road or New Schuylkill Road (S.R. 724).

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

i. Section 427 requiring the Applicant provide a lighting plan in order to permit the Applicant to not provide the lighting plan.

j. Section 428.6.C requiring a specified amount of parking, loading and storage area landscaping be provided in order to permit the Applicant to not provide the required plantings.

k. 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 not provide the required plantings.

l. Section 428.8.A and Section 428.8.B requiring a specified number of street trees be provided for every 100 lineal feet of new or existing road frontage in order to permit the Applicant to not provide street trees along New Schuylkill Road (S.R. 724) on the condition that the types of trees to be provided on Old Schuylkill Road shall be satisfactory to the Township upon advice of the Township Planner.

m. 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.

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

1. Photographic proof of posting the two required notification signs shall be provided to the Township as required by SALDO §301.5.E(4). In addition, Section 108 Notices shall be prepared and published in accordance with the Pennsylvania Municipalities Planning Code, at the Applicant's expense, as authorized by the Pennsylvania Municipalities Planning Code.

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

a. Note 1 on the Boundary, Topographic and Existing Conditions Survey Plan shall be revised to indicate that the tract is also in the R-3 zoning district as required by Zoning Ordinance §803.

b. All waivers approved by the Board of Supervisors shall be included in the Waiver Request Matrix and all information required by the Waiver Request Matrix shall be completed, in form and substance satisfactory to the Township, in accordance with SALDO §305.3.B(1)(d) and §704.3.

c. The List of Variances on Sheet 2 pertaining to zoning relief shall be revised to comply with SALDO §304.3.A.(8) as follows:

(i) Item 2 shall be restated as follows: "Variance from §27-1105.A to permit the construction of the proposed addition without providing a 40' wide buffer area to abutting residential properties and without a 25' wide buffer area to abutting non-residential property, there being adequate existing buffers and screening."

(ii) Item 3 shall be restated as follows: "Variance from §27-1902.C to permit construction of the 10,000 sq. ft. addition, it being on the same lot as the existing non-conforming building and represents only an 18% increase in size, less than 50% of the existing building."

d. Item 3 in the List of Applicable Ordinances on Sheet 2 shall be revised to reference "Ordinance No. 198 (the "Stormwater Management Ordinance").

e. The signature block on Sheet 1 regarding Township Planning Commission review shall state "Reviewed by East Coventry Township Planning Commission". The references to "approved by motion of" and "accepted for recording" shall be removed.

f. General Note 36 on Sheet 2 of the Plans shall be revised to replace “should” with “shall” as required by SALDO §604.

g. Sheet 7 shall be numbered “Sheet 7 of 9”.

3. The error of closure and certification of accuracy shall be added to the Boundary, Topographic and Existing Conditions Survey Plan as required by SALDO §304.3.A(12).

4. The Applicant shall provide to the Township a copy of the January 2008 wetlands evaluation prepared by McCrea Research. The evaluation shall have been prepared in accordance with the requirements of SALDO §304.3.A(17) and shall be satisfactory in form and substance to the Township, upon advice of the Township Engineer.

5. The Applicant shall obtain Sewage Facilities Planning Module approval or an exemption therefrom from the Pennsylvania Department of Environmental Protection (“PADEP”) as required by SALDO §421.1.

6. Prior to releasing the Plans for recording, an easement agreement in form and substance satisfactory to the Township shall be executed by the owner of Parcel #18-5-43, granting to the Applicant an easement in perpetuity to maintain the gravel area on said owner's property as shown on the Plans. A legal description for the easement area shall be prepared by the Applicant for review and approval of the Township Engineer. The easement agreement shall be recorded at the Applicant's expense concurrently with the recording of the Plans.

7. The Boundary, Topographic and Existing Conditions 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 Recorder’s Office.

8. 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.

9. Prior to the Township releasing the Plans for recording, a Deed of Dedication in form and substance satisfactory to the Township shall be executed and delivered by the Applicant, as Grantor, to the Township, as Grantee, granting and conveying fee simple title in perpetuity to the lands extending from the title line in the cartway of Old Schuylkill Road to the ultimate right-of-way along the frontage of the Property on the northeasterly side of Old Schuylkill Road, as depicted on the Plans, in accordance with SALDO §406.6. The Deed of Dedication shall be recorded by the Township at the Applicant's expense concurrently with 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).

10. Prior to the Township releasing the Plans for recording, a Deed of Dedication in form and substance satisfactory to the Township shall be executed and delivered by the Applicant, as grantor, to the Township, as grantee, granting and conveying fee simple title in perpetuity to the lands extending from the title line in the cartway of New Schuylkill Road to the ultimate right-of-way along the frontage of the Property, as depicted on the Plans, in accordance with SALDO §406.6. The Deed of Dedication shall be recorded by the Township at the Applicant's expense concurrently with 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).

11. 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.

12. 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 Improvements Cost Estimate shall include, without limitation, monuments and pins, as-built plans, E&S facility maintenance, and the other items shown in ARRO's "Recommendations for Preparation of Improvements Cost Estimates For East Coventry Township" last revised February 4, 2011. 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.

13. All requirements of Chapter 9, Part 1 ("Stormwater Management") of the East Coventry Township Code of Ordinances (the "SWMO") shall be satisfied as determined by the Township Engineer and as described below:

a. The Plans shall be revised to address, in a manner satisfactory to the Township Engineer, each of the following in accordance with SWMO §121.12:

(i) The material of construction for the berm shall be called out on the drawings as ML or CL material, and the surface preparation for the berm shall be called out (i.e., removal of the vegetation) on the drawings.

(ii) Investigation of the erosion potential for the slope in excess of 40% at the end of the riprap at the end of the 12" basin discharge pipe shall be completed. Additionally, the centerline of the riprap shall be an extension of the pipe centerline for the required riprap length from the Hydraulic Engineering Circular No. 14.

b. A detailed soils evaluation shall be provided at the infiltration basin location as required by SWMO §126.I. The adjacent wetlands could cause seasonal high water tables at the location of the proposed infiltration basin, which could create a limiting zone.

c. Infiltration test results satisfactory to the Township Engineer shall be provided as required by SWMO §126.I.2. At least one test shall be performed at the elevation of the bottom of the infiltration basin.

d. The Applicant shall demonstrate to the satisfaction of the Township Engineer that there is a minimum of 24" between the bottom of the basin and a limiting zone in accordance with SWMO §126.J.(1).

e. The Applicant shall demonstrate to the satisfaction of the Township Engineer that the infiltration portion of the detention basin (below the 12" outlet pipe) will completely drain within three (3) days as required by SWMO §126.J.(3).

f. The basin shall be provided with a spillway in accordance with SWMO §130.2. An acceptable alternative is to provide permanent erosion control material along the entire downstream face of the embankment that extends to a minimum of five (5) feet beyond the toe of the embankment.

g. The statement required by SWMO §142.A.3 on Sheet 2 of the Plans shall be signed by the Applicant before the Plans are released for recording.

h. The certification required by SWMO §142.A.4 on Sheet 2 of the Plans shall be signed and sealed by the qualified licensed professional responsible for its preparation before the Plans are released for recording.

i. The credentials of the person/firm doing the infiltration testing shall be provided and the date(s) and results of the testing shall be noted on the Plans in accordance with SWMO §142.B.8.k.

j. An estimated project time schedule shall be added to the Plans as required by SWMO §142.C.(7).

14. 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.

15. The Applicant's engineer shall prepare and provide legal descriptions in form and substance satisfactory to the Township Engineer for the ultimate rights-of-way along Old Schuylkill Road and New Schuylkill Road to be offered for dedication to the Township. The legal descriptions, once approved by the Township Engineer, shall be provided to the Township Solicitor for attachment to the appropriate legal documentation prior to recording.

16. 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 deeds of dedication, all required legal descriptions, the BMP Agreement, and any other documentation required by this Resolution to be delivered prior to recording the Plans.

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

18. 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.

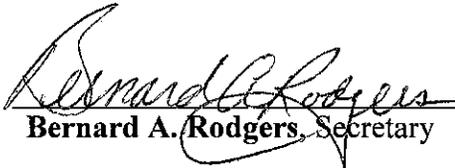
19. Under the provisions of the Pennsylvania Municipalities Planning Code, the Applicant has the right to accept or reject conditions imposed by the Board of Supervisors upon preliminary/final approval. The Applicant shall signify its acceptance of the conditions contained herein by signing a copy of 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

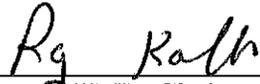
herein) shall be deemed to be automatically rescinded and revoked and the application shall be considered denied based upon the failure to fully comply with the conditions set forth in this Section C, all as authorized by Section 508 of the Pennsylvania Municipalities Planning Code.

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: 
Bernard A. Rodgers, Secretary

By: 
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 Land Development Approval.

Date: 9/29/16

APPLICANT:

ATTEST:

MACKISSIC, INC.

Cheryl A. Jones

By: Richard Dhein
Richard Dhein, President

EXHIBIT "A"

**ENUMERATION OF THE APPROVED PRELIMINARY/FINAL
LAND DEVELOPMENT PLANS FOR MACKISSIC, INC.**

Sheet Nos.	Drawing Title	Original and Last Revision Dates
1	SITE PLAN	7/27/16; 8/22/16
2	SITE PLAN NOTES	7/27/16; 8/22/16
3	EXISTING FEATURES PLAN	7/27/16; 8/22/16
4	GRADING AND STORMWATER PLAN	7/27/16; 8/22/16
5	EROSION AND SEDIMENTATION CONTROL PLAN	7/27/16; 8/22/16
6	LANDSCAPING PLAN	7/27/16; 8/22/16
7	E&S AND SITE DETAILS	7/27/16; 8/22/16
8	SITE DETAILS	7/27/16; 8/22/16
9	TRUCK TURNING PLAN	7/27/16; 8/22/16