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Return To: Same as above

Tax Parcel Nos. 18-01-01040000

**EAST COVENTRY TOWNSHIP
CHESTER COUNTY**

RESOLUTION NO. 2020-09

**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 BARBARA A. LENHART FOR THE
PROPERTY LOCATED AT 1803 EAST CEDARVILLE
ROAD IN EAST COVENTRY TOWNSHIP, CHESTER
COUNTY, PENNSYLVANIA.**

WHEREAS, Barbara A. Lenhart (the “Applicant”) is the owner of a parcel of land containing approximately 1.683 acres situate in East Coventry Township, Chester County, Pennsylvania (the “Township”), with a street address of 1803 East Cedarville Road (the “Property”); and

WHEREAS, the Property is more particularly shown on plans prepared by C2C Design Group (hereinafter, “Applicant’s Engineer”), consisting of five (5) sheets dated November 25, 2019, last revised January 24, 2020, and a Drainage Area Map Plan consisting of one (1) sheet dated November 25, 2019, last revised January 24, 2020 (collectively, the “Plans”); 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 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. 234 enacted September 9, 2019 (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 1803 East Cedarville 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 §22-301.3.A(1)(a), which requires major subdivision classification and processing for an application involving the dedication of sanitary sewer improvements, to permit the subdivision to be classified and processed as a minor subdivision

notwithstanding the intended construction of a building sewer line and lateral for Lot 2.

b. SALDO §22-304.3.A(17), which requires the Applicant provide a wetlands survey, to permit the Applicant to not provide the required wetlands survey.

c. SALDO §22-304.3.H, which requires the Applicant provide a separate site analysis plan, to permit the Applicant to not provide the required site analysis plan.

d. SALDO §22-405.9, which requires that paving or other road widening improvements be required where lots abut an existing street of insufficient width, to permit the Applicant to not install the required improvements within that portion of the East Cedarville Road right-of-way that abuts the Property.

e. SALDO §22-406.7, which requires the installation of road widening improvements and/or escrow money for improvements where the subdivision abuts an existing street of improper cartway or right-of-way, to permit the Applicant to not install the required road widening improvements or furnish an escrow for improvements within that portion of the East Cedarville Road right-of-way that abuts the Property.

f. SALDO §22-416.1, which requires the installation of curbs wherever sidewalks are required, to permit the Applicant to not install curbs along that portion of East Cedarville Road that abuts the Property.

g. SALDO §22-418.2, which requires the construction of sidewalks on a collector street abutting a subdivision, to permit the Applicant to not construct sidewalk along that portion of East Cedarville Road that abuts the Property, on the conditions that: (i) no obstructions that would preclude providing sidewalks in the future, such as but not limited to swales, utilities, landscape walls or fences, are placed within the ultimate right-of-way along the frontage of the Property, and (ii) adequate right-of-way is dedicated to the Township to

accommodate the installation of sidewalks at a future date.

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 §9-126.1.K(4)(a), which requires infiltration practices be setback 25 feet from all residential structures, to permit the Applicant to install a pervious asphalt driveway on Lot 2 less than 25 feet from the proposed residential structure, on the condition that a full depth impervious liner be installed on all four sides of the stone under the driveway.

b. SWMO §9-126.1.K(4)(b), which requires infiltration practices be setback 25 feet from all property lines, to permit the Applicant to install a pervious asphalt driveway on Lot 2 that is 18 feet from the side property line, on the condition that a full depth impervious liner be installed on all four sides of the stone under the driveway.

c. SWMO §9-126.1.K(4)(d), which requires infiltration practices be setback one hundred feet from any well, to permit the Applicant to install a pervious asphalt driveway on Lot 2 that is less than one hundred feet from the well located on the adjacent property and the well located on the property across the street, provided the distances are satisfactory to the Township Engineer and are shown on the Plans prior to the Township releasing the Plans for recording.

d. SWMO §9-130.2, which requires the height of a storm water basin berm or earthen embankment provide a minimum freeboard of one foot, to allow the freeboard above the proposed rain garden on Lot 2 to be four inches.

C. CONDITIONS OF PRELIMINARY/FINAL PLAN APPROVAL. Approval of the Plans is hereby granted subject to the conditions set forth below. Unless otherwise stated, all conditions shall be satisfied prior to the Township releasing the Plans for recording.

1. The following revisions shall be made to the Plans:
 - a. The winter maintenance section appearing on Sheet 4 shall be modified to eliminate all references to the use of salt as a deicer, which shall be replaced with maintenance provisions in form and substance satisfactory to the Township Engineer as required by SWMO §9-126.S.
 - b. On Sheet 2 in the Pervious Pavement Typical Section detail, geotextile fabric shall be shown between the AASHTO No. 3 and AASHTO No. 57 stone layers as required by SWMO §9-126.T.4.
 - c. On Sheet 1, revise the Plan Preparer's Statement block to delete "error of closure does not exceed" and replace it with "error of closure is less than".
 - d. On Sheet 1, complete the blank in the Certificate of Ownership block to indicate a recording date of August 17, 1976.
 - e. The right-of-way area to be dedicated to the Township shall extend along the frontage of the Property from the centerline of East Cedarville Road for a total depth of 26 feet.
 - f. The Waiver Request Matrix on Sheet 1 shall be revised to (i) add SALDO §22-301.3.A(1)(a) and SWMO §9-126.1.K(4)(a), and (ii) change the reference from "2019-236 §9-130.3" to "2019-130.2".
 - g. Revise the Plans to identify the correct available sight distance for traffic exiting the Lot 2 driveway looking to the right as 310 feet and revise Note 24 on Sheet 1 to note the correct safe stopping site distance criteria for this movement. Both revisions shall be satisfactory in form and substance to the Township Traffic Engineer.
 - h. All portions of the Waiver Request Matrix shall be completed in

accordance with SALDO §22-305.3.B(1)(d). Only those waivers approved by the Board of Supervisors pursuant to this Resolution shall be included on the Plans.

i. The spot elevations located in the rear portion of the house shall be shown on the Plans in a lighter shade to alleviate confusion between the existing and the proposed grading.

j. On Sheet 1, add a Note stating that no obstructions, such as but not limited to swales, utilities, landscape walls or fences, shall be constructed, installed or placed within the ultimate right-of-way along the frontage of the Property that would preclude installing sidewalks in the future on the northern side of East Cedarville Road.

k. Revise the Plans to identify the distance from the driveway on Lot 2 to the well located on Parcel No. 18-1-104.1 and the well located on Parcel No. 18-1-97.

2. The Applicant's Engineer shall revise Worksheet 5 of the Post-Construction Stormwater Management & Erosion and Sediment Control Narrative relating to POI 1A so it is consistent with the Plans as to the type of storm water management facility being proposed.

3. The Applicant's Engineer shall modify the storm water design shown on the Plans and in the Post-Construction Stormwater Management & Erosion and Sediment Control Narrative to comply with the requirements of SWMO §9-128.1.A, which modifications shall include the following: (a) reduce the two-year post-construction peak flow rate to the one-year pre-development peak flow rate for Point of Interest (POI) 1A, which is located close to the proposed rain garden in the rear of Lot 2; (b) reduce the two-year post-construction peak flow rate to the one-year pre-development peak flow rate for POI 1B, which is located close to the southwest corner of Lot 2; and (c) satisfy the five-year post-construction rate requirement for POI 1B. The foregoing changes, together with any other changes recommended by the

Township Engineer as a result of the foregoing, shall be satisfactory in form and substance to the Township Engineer.

4. The Plans shall be revised to indicate a full depth impervious liner shall be installed on all four sides of the stone under the proposed driveway on Lot 2. Installation of the impervious liner shall be a condition of issuance of a building permit for Lot 2.

5. Unless prohibited or modified in writing by the Pennsylvania Department of Transportation, a Hidden Driveway (W11-103) sign shall be installed on the eastbound East Cedarville Road approach to the Lot 2 driveway to warn approaching traffic of the driveway as a condition of issuance of a building permit for Lot 2. The required signage and a corresponding signage detail shall be included on the Plans together with an appropriate note satisfactory to the Township Traffic Engineer.

6. The Plans shall be revised to provide a turnaround area so that vehicles exiting the driveway on Lot 2 are able to access Cedarville Road in a forward-facing direction. The turnaround area shall conform to the layout and measurements depicted on the diagram attached hereto and incorporated herein as Exhibit "B" and shall otherwise be satisfactory to the Township Traffic Engineer.

7. All required monuments and lot pins shall be set as required by SALDO §22-404 and a certification, acceptable in form and substance to the Township Engineer, shall be provided from the Professional Land Surveyor certifying that the lot pins have been set as required.

8. The Applicant's Engineer shall resolve the discrepancies between the deed to the Property vesting title in the Applicant and the courses and distances of the Property boundary depicted on the Plans based upon the survey conducted by the Applicant's Engineer on October 30, 2019, to the satisfaction of the Township Engineer and the Township Solicitor.

9. The Applicant's Engineer shall revise the Proposed Township Right-of-Way Along Northeast Side of East Cedarville Road (S.R. 1034) to provide for the dedication of land extending from the centerline of East Cedarville Road and to include both the legal and ultimate rights-of-way for a total depth of 26 feet along that portion of East Cedarville Road abutting the Property, which shall be offered for dedication to the Township in accordance with SALDO §22-305.3.B(1)(a). The legal description shall also be revised to include the name of the company responsible for its preparation, the date of preparation, and page numbering, and shall otherwise be in form and substance satisfactory to the Township Engineer. The reference to the January 24, 2020 date of the Plans, as identified in the first paragraph of the legal description, shall be updated to reflect the final revision date of the Plans once all revisions required by this resolution have been satisfactorily made. Finally, the legal description shall be signed and sealed by the Professional Land Surveyor responsible for its preparation.

10. The Closure Report shall be updated to reflect the revisions to the legal description described above and shall be signed and sealed by the Professional Land Surveyor responsible for its preparation.

11. The legal description for the Proposed Township Right-of-Way Along Northeast Side of East Cedarville Road (S.R. 1034) shall be accompanied by a plat acceptable to the Township Engineer and in recordable form. Once approved by the Township Engineer, the plat shall be provided to the Township Solicitor for attachment to the Deed of Dedication prior to recording.

12. 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 §22-305.3.B(1)(g) and SALDO §22-307.2.

13. The Plans, once revised, 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).

14. A Deed of Dedication in form and substance satisfactory to the Township Solicitor shall be executed and delivered by Barbara A. Lenhart, as grantor, to the Township, as grantee, granting and conveying fee simple title in perpetuity to the lands constituting the legal right-of-way extending from the centerline of East Cedarville Road and the ultimate right-of-way on the northeasterly side of East Cedarville Road along the frontage of the Property, as depicted on the Plans, in accordance with SALDO §§22-406.6 and 22-406.7. The Deed of Dedication shall be recorded by the Township at the Applicant’s expense immediately following the recording of the Plans.

15. A Stormwater Best Management Practices (BMPs) and Conveyances Operation and Maintenance Agreement ("BMP Agreement"), in form and substance acceptable to the Township Solicitor and the Township Engineer, shall be prepared by the Township Solicitor or the Township Engineer. The BMP Agreement shall be executed and delivered by Barbara A. Lenhart, as Grantor, to the Township, as Grantee, and shall be recorded at the Applicant’s expense in the Recorder’s Office pursuant to SWMO §§9-142.F(2) and 9-173. A copy of the recording receipt shall be provided to the Township before any work associated with Lot 2 shall commence. The Township shall be provided with a copy of the fully recorded BMP Agreement before the drainage permit for Lot 2 is closed out, and the drainage permit shall be closed out before a final certificate of occupancy is issued by the Township. The BMP Agreement shall grant and convey in perpetuity to the Township, its contractors, agents, successors and assigns, a

blanket access and maintenance easement to enter upon any portion of Lot 2 for purposes of inspecting, maintaining, repairing and replacing the stormwater management facilities, as identified on the Plans, in the event that the Applicant, its successors or assigns, fails to do so.

16. 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.

17. The Applicant shall pay to the Township a transportation impact fee in the amount of Two Thousand Eight Hundred Forty-Six and 00/100 Dollars (\$2,846.00) 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 §22A-305.

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

19. 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.

20. 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 April 8, 2020, 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.

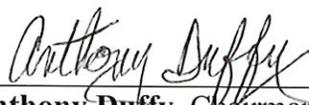
SECTION D. EFFECTIVE DATE. This Resolution shall be effective immediately upon the adoption hereof.

APPROVED at the public meeting of the East Coventry Township Board of Supervisors held on March 9, 2020.

Attest: 

David G. Kraynik, Secretary

EAST COVENTRY TOWNSHIP

By: 

Anthony Duffy, Chairman

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

APPLICANT:

Date: 3-13-2020

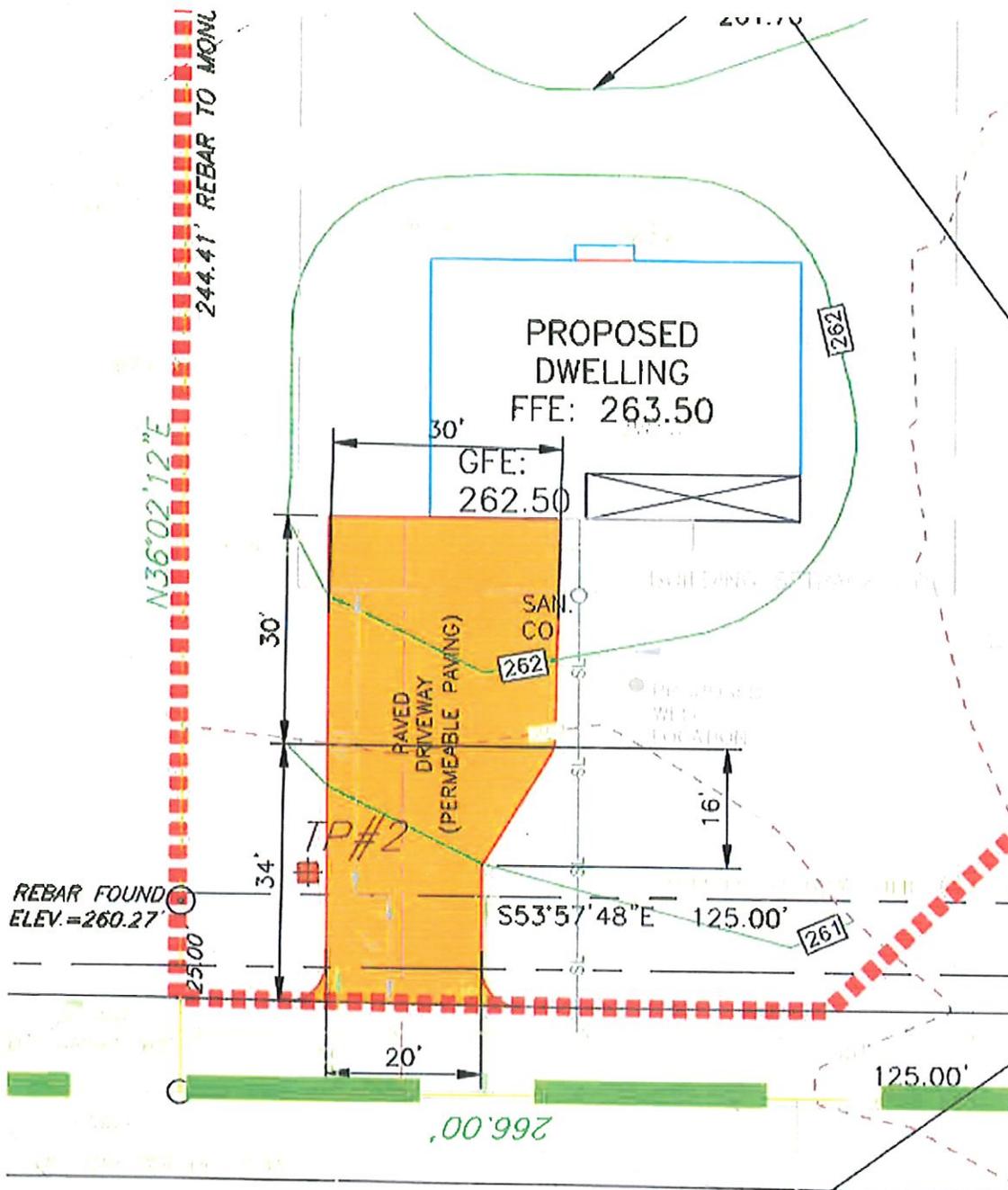
By: Barbara A. Lenhart
Barbara A. Lenhart

EXHIBIT "A"

**ENUMERATION OF THE APPROVED SUBDIVISION PLANS
FOR 1803 EAST CEDARVILLE ROAD**

Page No.	Drawing No.	Drawing Title	Original Date	Last Revised Date
1	TI-1	TITLE SHEET	11/25/2019	1/24/2020
2	PCSM-1	POST CONSTRUCTION STORMWATER MANAGEMENT PLAN	11/25/2019	1/24/2020
3	ESC-1	EROSION AND SEDIMENT CONTROL PLAN	11/25/2019	1/24/2020
4	DE-1	CONSTRUCTION NOTES AND DETAILS	11/25/2019	1/24/2020
5	CONT-1	SITE CONTEXT PLAN	11/25/2019	1/24/2020
6 (1)	DA-1	DRAINAGE AREA MAPS	11/25/2019	1/24/2020

EXHIBIT "B"
DRIVEWAY AND TURNAROUND AREA PLAN



Justin Kaplan, P.E.

Project Manager

