

**RESOLUTION NO. 23-2023  
EAST WHITELAND TOWNSHIP  
CHESTER COUNTY, PENNSYLVANIA**

**TDM  
WEEK 2023**  
Transportation Demand Management Week

**Recognizing National TDM Week 2023**

**WHEREAS**, Transportation Demand Management (TDM) means the use of strategies to inform and encourage travelers to maximize the efficiency of a transportation system leading to improved mobility, reduced congestion, and lower vehicle emissions; and

**WHEREAS**, TDM programs and policies aim to provide all people with a mix of reliable and affordable transportation options; and

**WHEREAS**, supported with effective marketing and advanced technologies, people can make informed choices to meet each trips unique needs, while considering cost, time, and convenience; and

**WHEREAS**, with even a small reduction in the number of single occupancy vehicles on our nation's roads, commuters can see significant reductions in congestion; and

**WHEREAS**, with reduced reliance on personal vehicles, our communities will see cleaner air leading to direct improvements in public health; and

**WHEREAS**, TDM initiatives that support increased levels of walking and cycling also enhance overall quality of life; and

**WHEREAS**, with more transportation options and less traffic, people will have better and more reliable access to jobs; and

**WHEREAS**, TDM professionals and organizations can support and advance community efforts; and

**WHEREAS**, through the use of TDM strategies, our communities can make strides in decarbonizing our transportation system, which is a significant contributor to climate change.

**NOW THEREFORE, EAST WHITELAND TOWNSHIP** proclaim September 18-22, 2023, as  
**"TDM Week 2023"**

throughout East Whiteland Township and commends the efforts of local government agencies, businesses, and community members that are advancing TDM measures throughout our communities.

ATTEST:

*Donna Wikert*  
By: \_\_\_\_\_  
Donna Wikert, Township Secretary

**EAST WHITELAND TOWNSHIP BOARD  
OF SUPERVISORS**

By: *Scott Lambert*  
\_\_\_\_\_  
Scott Lambert, Chairman

**RESOLUTION 24-2023  
EAST WHITELAND TOWNSHIP  
CHESTER COUNTY, PENNSYLVANIA**

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**A RESOLUTION FOR AMENDED PRELIMINARY/FINAL LAND DEVELOPMENT  
PLAN APPROVAL FOR THE GREAT VALLEY SCHOOL DISTRICT FOR THE GVSD  
NEW 5/6 CENTER**

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**WHEREAS**, the Great Valley School District (the "Applicant") is the legal, titled owner of a 46.6152 +/- acre site located at 354 Swedesford Road in East Whiteland Township, Chester County, Pennsylvania, in the NS – Neighborhood Schools, R2 – Residential, and OS – Open Space zoning districts, more specifically identified as Chester County UPI No.'s. 42-4-55, 42-4-83, 42-4-83.1 and 42-4-83.2 (together with Chester County UPI No. 42-4-84, referenced below, the "Property");

**WHEREAS**, the Applicant proposes to combine all five of the existing lots at the Property into one consolidated lot;

**WHEREAS**, the Applicant proposes to construct a new 172,000 square foot building (including a future 6,800 square foot, two-story addition) to be used as the new KD Markley Elementary School 5<sup>th</sup> and 6<sup>th</sup> Grade Center, along with associated improvements such as parking and stormwater management facilities ( the "Original Project");

**WHEREAS**, the Applicant previously received final land development approval by Resolution 20-2022 approved by the East Whiteland Township Board of Supervisors on April 5, 2022 to construct the Original Project;

**WHEREAS**, the Applicant is adding an additional 7 acre property to the Original Project along Swedesford Road adjacent to the Original Project. The Applicant proposes to create a multi-purpose athletic field, garden area, and future trail amenities on the 7 acres property located at 348 Swedesford Road, identified as Chester County UPI No. 42-4-84 (together the Original Project and the addition of the 7 acres shall be referred to as the "Revised Project").

**WHEREAS**, the previously approved Resolution 20-2022 shall remain in effect except as modified by the instant Resolution;

**WHEREAS**, Applicant has requested review and approval of an Amended Preliminary/Final Land Development Plan entitled "Amended Preliminary/Final Land Development Plans for GVSD New 5/6 Center" prepared by T&M Associates, Inc., dated July 19, 2021, last revised February 9, 2023, and consisting of seventy-eight (78) sheets.

**NOW, THEREFORE, BE IT RESOLVED**, by the East Whiteland Township Board of Supervisors, Chester County, this 12<sup>th</sup> day of APRIL, 2023, that said application for the Amended Preliminary/Final Land Development Plan is **APPROVED WITH CONDITIONS**:

1. **Amended Preliminary/Final Land Development Plan:** The Amended Preliminary/Final Land Development Plan entitled “Amended Preliminary/Final Land Development Plans for GVSD New 5/6 Center” prepared by T&M Associates, Inc., dated July 19, 2021, last revised February 9, 2023, and consisting of seventy-eight (78) sheets (the “Final Plan for the Revised Project”).
2. **Conditions of Amended Preliminary/Final Plan Approval:** The Amended Preliminary/Final Plan as referenced in Paragraph 1 of this Resolution is hereby approved subject to the following conditions:
  - a. In the Final Plan for the Revised Project, the Applicant must address to the satisfaction of the Township the comments contained in the following letters:
    - 1) ARRO Review Letter (Dated March 1, 2023)
    - 2) McMahon Associates Review Letter (Dated February 24, 2023)
    - 3) LandConcepts Review Letter (Dated February 28, 2023)
  - b. The Applicant must obtain any necessary planning modules, permits, approvals, waivers, and/or reviews from all outside agencies, including, but not limited to, the Chester County Conservation District; Chester County Department of Health; DEP; Pennsylvania Department of Transportation; and U.S. Army Corps of Engineers.
  - c. Any outstanding Township fees related to the Revised Project, including but not limited to, all outstanding Township Engineers and Solicitor invoices, and any Township administrative costs which may be charged in connection with the Revised Project, shall be paid in full prior to the Township’s execution and recording of any Final Plan for the Revised Project.
  - d. The Applicant must complete and execute all covenants, easements, dedication agreements, maintenance agreements, and sewer agreements associated with the Revised Project, and provide all applicable necessary legal descriptions, in forms satisfactory to the Township Solicitor, prior to or contemporaneously with the recording of any Final Plan for the Revised Project. Such agreements include, but are not limited to, a Stormwater BMP and Conveyances Operation and Maintenance Agreement. Such easements include, but are not limited to, those related to existing and proposed sanitary sewer infrastructure and public access easements for the proposed multi-use trail improvements.
  - e. Prior to recording the Final Plan for the Revised Project, the Applicant shall execute an Improvements Agreement and a Financial Security Agreement to guarantee the installation of all public Improvements on a form drafted by the Township Solicitor. The amount and type of financial security posted shall be satisfactory to the Township and the Township Solicitor. If

Applicant elects to utilize a bond for the required financial security for this Revised Project, then the Township Solicitor shall have the unconditional right to review the bond and must approve the conditions and language of the bond. At a minimum, the bond shall be issued by an "A++" rated surety, or an equivalency, qualified to do business in Pennsylvania. Further, the bond shall contain language stating that the bond is to be payable upon demand, absolutely, and unconditionally, and in the event that payment is not made, that the bonding company shall be responsible for all attorneys' fees and costs that are incurred to collect on the bond, plus interest at the annual rate of twelve percent (12%), for so long as the bond remains unpaid. Additionally, the bond is required to automatically renew annually until the improvements detailed on the Final Plan are completed to the satisfaction of the Township Engineer and the final release is issued by the Township, subject to partial releases being permitted in accordance with §509(j) of the MPC, and shall include a 90-day Evergreen Clause that substantively provides:

"It is a condition of this Bond that it will be extended automatically, without amendment, for additional periods of one (1) year from the present of each future expiration date, unless at least ninety (90) days prior to the then current expiration date, East Whiteland Township is notified in writing by overnight courier, at the Township municipal address of 209 Conestoga Road, Frazer, PA 19355, that there is an election not to renew this Bond for said additional period."

- f. The Applicant shall comply with all conditions outlined in Resolution 20-2022 dated April 5, 2022 except as may be modified by this Resolution.
- g. The Applicant shall comply with the Conditional Use Decision and Order dated May 11, 2021, except as specifically shown on the Final Plan for the Revised Project with respect to tree removal and landscaping.
- h. The Applicant shall comply with the tree retention and landscaping plan titled "Landscape Plan-D" dated July 19, 2021 and last revised April 5, 2023. In addition, the Applicant shall update the corresponding plan sheets to accurately reflect to the overall tree removal and replacement calculations, as well as the overall planting schedule for all proposed landscaping, as requested by LandConcepts.
- i. Prior to recording of the Final Plan for the Revised Project, the Applicant shall include a plan note which states: "Within one year

following written notification from the Township, or at the Applicant's option anytime prior to notification from the Township, the Applicant shall design and construct, at its sole expense, the required multi-use trail and corresponding fence through the Property as shown on the Final Plan for the Revised Project. The design and construction of the multi-use trail and fence shall be in accordance with the Township Code and shall be subject to review, approval, and inspection by the Township Engineer and/or Building Code Official."

- j. The Applicant shall provide a minimum of 7-foot tall deer exclusion fence around the proposed garden area adjacent to the proposed multi-purpose grass field shown on Final Plan for the Revised Project.

3. **Waivers:** The Applicant has requested the following waivers from the East Whiteland Township Subdivision and Land Development Ordinance. Based upon the reasoning set forth in the February 9, 2023 letter from T&M Associates and the recommendations of the Township engineers and consultants, ARRO Consulting, Inc., McMahon Associates, and LandConcepts, the following waivers are **GRANTED:**

- a. A waiver from § 175-21.C(1), which requires that plans be submitted as separate preliminary and final land development plans, is appropriate as the proposed site improvements are minor additions to the Original Project.
- b. A waiver from § 175-27.H, which requires no more than five (5) feet of cut and fill to allow for seven (7) feet of fill to be placed over a limited portion of the multi-purpose grass field area in order to create a safe and level playing surface.
- c. A partial waiver from § 175-41.2.A.(2), and related subsections regarding the specific alignment, which requires that multi-use trails be installed wherever a land development abuts any pedestrian infrastructure shown on the East Whiteland Multimodal Transportation Map. The partial waiver is to allow deferral of construction of a portion of the trail and fencing until such time as required by the Township (as outlined in Condition 2.j above) and to allow for the specific alignment of the proposed trail as shown on the Plans. This waiver is granted with the understanding that appropriate notations may be required on the Final Plan for the Revised Project prior to recording.
- d. A waiver from § 175-37.G, which requires inlets to have a two-inch drop from inlet to outlet, due to grading constraints.
- e. The waivers set forth in **Resolution 20-2022** are reaffirmed except as may be modified by this Resolution.

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**In the event that the Resolution is not delivered to the Township within ten days from receipt, it shall be deemed that the Applicant does not accept these conditions, and approvals conditioned upon this acceptance are revoked, and the application shall be considered to be denied for the reasons set forth in the review letters listed in paragraph two (2).**

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**RESOLVED AND APPROVED** this 12<sup>th</sup> day of April 2023.

Attest:

**EAST WHITELAND TOWNSHIP  
BOARD OF SUPERVISORS**

*Steven C. Brown*

*Scott Lambert*

\_\_\_\_\_  
Steven Brown  
Township Manager

By:

\_\_\_\_\_  
Scott Lambert  
Chairperson

ACCEPTANCE OF CONDITIONS

I, CHARLES PETERSON, being an authorized signatory for the Applicant, do hereby acknowledge and accept, on behalf of the Applicant, approval for the Amended Final Plan issued by the East Whiteland Township Board of Supervisors and accept the conditions contained therein, as recited above.

APPLICANT:

GREAT VALLEY SCHOOL DISTRICT

Attest:

*Donna Wikert*

\_\_\_\_\_  
Donna Wikert, Township Secretary

By:

*Chuck Peterson*

\_\_\_\_\_  
Charles Peterson,  
Director of Business Affairs

Date

*9/13/23*



**RESOLUTION # 25-2023\_  
EAST WHITELAND TOWNSHIP  
CHESTER COUNTY, PENNSYLVANIA**

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**WAIVER OF LAND DEVELOPMENT  
FOR FARM BOY BBQ**

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**WHEREAS**, FARM BOY BBQ (the "Applicant") is the tenant at the property known as Atwater, located at 625 North Morehall Road, Suite 100, Malvern, PA 19355 in East Whiteland Township, which is identified as Chester County Tax Parcel Number 42-2-8.3C (the "Subject Property");

**WHEREAS**, the Subject Property consists of approximately 9.38 acres, located within the O/BP (Office /Business Park) District and is currently improved with an existing shopping center with an existing restaurant building, of which the Applicant is the tenant;

**WHEREAS**, the Applicant proposes to construct an 835 s.f. accessory structure (smoke house) on the Subject Property adjacent to the existing restaurant building to enclose two (2) 22' meat smokers (the "Project");

**WHEREAS**, at the August 23, 2023 Planning Commission Meeting, the East Whiteland Township Planning Commission reviewed the Project and recommended the request for waiver of land development;

**WHEREAS**, the Applicant has requested a waiver of the Subdivision and Land Development Ordinance process for the site plan entitled "Farm Boy BBQ" prepared by RKW Engineering Services dated August 14, 2023 (the "Plan");

**WHEREAS**, East Whiteland Township recognizes that the Project proposes a limited scope of improvements and involves the minor addition of an accessory structure, which, as such, requires only technical review by the Township consultants;

**NOW, THEREFORE, BE IT RESOLVED**, by the East Whiteland Township Board of Supervisors, Chester County, this 13<sup>th</sup> day of September, 2023, that said application to waive the processing of the Plan in strict accordance with the provisions of the Subdivision and Land Development Ordinance of East Whiteland Township is ***APPROVED WITH CONDITIONS***.

1. **CONDITIONS FOR PLAN APPROVAL**: The Plan is hereby approved subject to the following conditions:

- a) The Applicant shall comply with the recommendations in the ARRO Consulting Review Letter dated August 28, 2023.
- b) The Applicant shall comply with the recommendations in the McMahon, a Bowman Company, Review Letter dated August 31, 2023.

- c) The Applicant shall comply with the recommendations discussed at the August 23, 2023 meeting of the East Whiteland Township Planning Commission.
- d) The Applicant shall replace any existing trees and other landscaping that may be disturbed as a result of the Project. The proposed replacement plantings shall be subject to review by the Township's Landscape Architect, if deemed necessary by Township Staff.
- e) Prior to construction of the Project, the Applicant shall obtain any and all permits, including, but not limited to, stormwater management, erosion and sedimentation control, and building permits that may be required for the Project. The Project shall be subject to relevant Fire Code regulations.
- f) Any outstanding fees and costs related to the Project, including but not limited to, all outstanding Township Consultant and Solicitor invoices and Township administrative costs associated with the Project shall be paid in full prior to the issuance of any permits for the Project, including, but not limited to, a use and occupancy permit.
- g) The Applicant shall prepare an as-built plan for the Project to reflect the proposed modifications to the previously approved land development plan. The as-built shall be subject to review by the Township Engineer. If requested by the Township, the Applicant shall, at its sole expense, record the as-built plan at the County Recorder of Deeds.

2. **WAIVERS:** The Applicant has requested the following waiver from the Subdivision and Land Development Ordinance process:

- a) Due to the small size and limited scope of the proposed improvements, the Applicant's request to waive the processing of the Plan in strict accordance with the provisions of the Subdivision and Land Development Ordinance of East Whiteland Township is hereby **GRANTED.**

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**In the event that the Resolution is not delivered to the Township within ten (10) days from receipt, it shall be deemed that the Applicant does not accept these conditions, and approvals conditioned upon this acceptance are revoked, and the request shall be considered to be denied.**

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**RESOLVED AND APPROVED** this 13<sup>th</sup> day of September, 2023.

**ATTEST:**

**EAST WHITELAND TOWNSHIP  
BOARD OF SUPERVISORS**

By: Steven C. Brown  
Steven Brown, Township Manager

By: Scott Lambert  
Scott Lambert, Chairperson of  
East Whiteland Township Board of Supervisors

**ACCEPTANCE OF CONDITIONS:**

I, Paul Marshall, being the authorized agent of the Applicant, do hereby acknowledge and accept the Approval issued by the East Whiteland Township Board of Supervisors and accept the conditions contained therein as recited above.

APPLICANT: FARM BOY BBQ

By: Paul Marshall

ATTEST:

Donna W. Kert

Printed Name of Authorized Agent  
Paul Marshall


Title  
9/26/2023

Date

**JOINDER OF PROPERTY OWNER:**

I, Bruce A. Goodman, being the authorized agent of the Owner of the Subject Property, do hereby acknowledge and consent the conditions contained herein as recited above.

PROPERTY OWNER: PROVCO PINEGOOD ATWATER L.P.

By: 

Bruce A. Goodman  
Printed Name of Authorized Agent

Authorized Signatory  
Title

October 11, 2023  
Date

ATTEST:

Donna W. Kert