

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

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

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 5th and 6th 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 12th 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.

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).

RESOLVED AND APPROVED this 12th 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

9/13/23

Date