

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

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

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 13th 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.**

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.

RESOLVED AND APPROVED this 13th 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 Goodman

Bruce A. Goodman
Printed Name of Authorized Agent

Authorized Signatory
Title

October 11, 2023
Date

ATTEST:

Donna W. Kert