

**UPPER DARBY TOWNSHIP
DELAWARE COUNTY, PENNSYLVANIA**

RESOLUTION NO. 03-23

A RESOLUTION GRANTING CONDITIONAL PRELIMINARY AND FINAL LAND DEVELOPMENT APPROVAL FOR APPLICANT, WASTE MANAGEMENT OF PENNSYLVANIA, INC. FOR A NEW CNG FUELING STATION WITH OFF-STREET PARKING MODIFICATIONS AND A LOT CONSOLIDATION.

WHEREAS, Waste Management of Pennsylvania, Inc.(“Applicant”) submitted a land development application for a new CNG Fueling Station with off-street parking modifications and a Lot Consolidation. On the applicant’s behalf, H. Gilroy Damon Associates, Inc., 1343 Chester Pike Sharon Hill, PA 19079. G.D has requested a waiver of Upper Darby Township’s Subdivision and Land Development Ordinance (the “Waiver Request”); and

WHEREAS, Applicant has submitted the following in support of a proposed improvements: Land Development Plan for Waste Management of Pennsylvania, Inc. as prepared by H. Gilroy Damon Associates, Inc. with their principal place of business located at 1343 Chester Pike Sharon Hill, PA 19079, dated 10/31/2022, Last Revised, 12/13/2022 , consisting of six (6) sheets; and Landscape and Lighting Plans as prepared by T. Mitchell Engineers and Associates with their principal place of business located at 14256 Doolittle Drive, San Leandro, CA 94577, Landscape Plans dated 12/15/21, Revised 12/15/22 consisting of two (2) sheets and Lighting Plans, dated 4/4/2022 consisting of one (1) sheet; and

WHEREAS, Applicant proposes to add a new fueling station and off street parking with improvements that will include the removal of an existing outdoor waste transfer station and an existing building in addition to adding additional landscaping. (the “Property”);

WHEREAS, the Delaware County Planning Department has reviewed the Plan and, pursuant to its review letter dated June 20, 2022, Subdivision and Land Development Plan Approval with consideration given to staff comments; and

WHEREAS, the Upper Darby Planning Commission has reviewed the Plan and, pursuant to its letter dated November 23, 2022, recommended approval of the plan and various requested waivers subject to review comments; and

WHEREAS, the Applicant now desires Council to conditionally approve the Final Plan pursuant to Section 508 of the Municipalities Planning Code;

NOW, THEREFORE, BE IT RESOLVED, by the Upper Darby Township Council that Preliminary and Final Land Development for the Project is approved subject to the satisfaction of the following conditions:

1. Prior to Recording, Applicant must address to the satisfaction of the Township Engineer the comments and conditions contained in the January 10, 2023 MG Engineering review letter.
2. Prior to Recording, Applicant must address to the satisfaction of the Township Engineer the comments and conditions contained in the November 29, 2022 Albert Federico Consulting, LLC review letter. (Traffic Engineering Review)

3. Prior to Recording, Applicant shall comply with all applicable comments contained in the June 20, 2022 Delaware County Planning Department review letter to the satisfaction of the Township Engineer;
4. Prior to Recording, Applicant shall comply with all applicable comments contained in the November 23, 2022 Upper Darby Planning Commission Recommendation Letter;
5. Prior to the issuance of building permits, Applicant must obtain any necessary approvals and reviews from the Township Engineer, Delaware County Planning Department, Pennsylvania DEP, PENNDOT or any other necessary outside agency, and obtain any necessary planning modules, approvals, or permits;
6. Prior to the issuance of building permits, Applicant must complete all required easements and/or maintenance agreements or declarations, including, but not limited to, a stormwater management facilities operation and maintenance agreement, in forms satisfactory to the Township Engineer and Township Solicitor prior to recording the Plan. Applicant will provide all necessary legal descriptions for any necessary easements;
7. A revised, recordable plan shall ultimately be submitted for Township administrative review and approval that addresses all requests for further plan details, additions, corrections, and clarifications set forth in the abovementioned review letters;
8. Prior to the issuance of building permits, Applicant shall execute a Land Development Agreement and Financial Security Agreement drafted by the Township Solicitor and post financial security in the form of a letter of credit or cash escrow to guarantee the installation of the Project's public improvements in amounts recommended by the Township Engineer;
9. All outstanding Township fees, Township's engineering fees, and Township's legal fees, and any other professional fees associated with the review and approval of the application and Plans shall be paid in full before the Plan is recorded in accordance with Section 510 of the Pennsylvania Municipalities Planning Code.
10. As depicted on the plans, the applicant is required, as part of the Land Development to widen a certain section of roadway frontage that would utilized for future improvements within the public R.O.W.
11. Except as modified herein, Applicant shall comply with all other applicable Township ordinances, County, State and Federal rules, regulations, ordinances and statutes, and obtain all applicable permits and approvals. Applicant shall obtain a building permit prior to construction and shall ensure that all proposed improvements comply with Pennsylvania Act 45, the Uniform Construction Code, including but not limited to the Accessibility provisions.

12. Applicant shall enter into a development and financial security agreement and post financial security for the project, in an amount determined to be required by the Township Engineer and Solicitor in the form of cash escrow or a letter of credit, to be prepared by the Township Solicitor and executed prior to the issuance of any building permits and start of construction.

13. The following waivers are hereby granted from the Delaware County Subdivision and Land Development Ordinance:

- a. Section 300(I) of the Subdivision and Land Development Ordinance; a waiver from the requirements of the Ordinance to request the Township Council to consider Preliminary and Final at the same time.

APPROVED

DENIED

- b. Section 702.A.29 To not require a planning module for subdivision and/or land development because no new sewer connections are anticipated or proposed.

APPROVED

DENIED

- c. 806.C.2, 806.C.5, 806.C.6 and 806.C.7 - To allow fully developed parking areas on the east and north of existing buildings to be exempt as no changes have been proposed. However, newly proposed parking area will be in compliance.

APPROVED

DENIED

14. Applicant shall pay all Township fees and costs, including but not limited to legal, engineering and administrative fees, for all Township reviews associated with the Project (the "Review Fees") and, at the Township's request, shall establish an escrow account to guarantee payment of the Review Fees; and Applicant shall further satisfy any and all existing municipal liens against the Property and shall address any and all outstanding code violations at the Property, if any, prior to receipt of any permits or recordings.

15. Applicant shall provide the Township Chief Administrative Officer and Township Engineer at least 72 hours' notice prior to the initiation of any construction, demolition, grading or ground clearing so that the Township may determine that the foregoing conditions have been met by the Applicant and that all necessary erosion and sedimentation controls have been correctly installed, if needed.

16. Applicant agrees to add all mutually agreeable conditions to the final plans.


17. This Conditional Approval of Land Development Application does not and shall not authorize the construction of improvements or buildings exceeding those shown on the Plans. Furthermore, this Conditional Approval of Land Development Application shall be rescinded automatically upon Applicants or Applicant's agent's failure to accept, in writing, all conditions herein imposed within seven (7) days of receipt of this Resolution, such acceptance to be evidenced by Applicants or Applicant's agent's signature below.

18. By accepting this Resolution, Applicant is signifying acceptance of the conditions contained herein.

DULY PRESENTED AND ADOPTED by the Council of Upper Darby Township, Delaware County, Pennsylvania, in a public meeting held this 1st day of March, 2023.

UPPER DARBY TOWNSHIP

ADOPTED and RESOLVED this 1st day of March, 2023

BY: 
BRIAN K. BURKE
President of Council

ATTEST: 
MICHELLE BILLUPS
Secretary of Council

Resolution No. 03-23 is hereby approved this 1st day of March, 2023

BY: 
BARBARANN KEFFER
Mayor

ATTEST: 
ALEXIS CICCCHITTI
Chief Municipal Clerk

In the event that the executed Resolution is not delivered to the Township within seven (7) days of receipt, it shall be deemed that the Applicant does not accept these conditions, and approvals conditioned upon its acceptance are revoked, and the application is considered denied for the reasons set forth above.

ACCEPTED BY:
Waste Management of PA

By: _____

Name: _____

Title: _____

Date: _____