

EAST BRANDYWINE TOWNSHIP BOARD OF SUPERVISORS
PM SESSION
October 20, 2022

Those in Attendance:

Kyle Scribner, Chairman
Carl K. Croft, Vice-Chairman
Jason Winters, Supervisor
Luke D. Reven, Township Manager
Matthew VanLew, Township Roadmaster
Mark Kocsi, Chief
Tom Oeste, Township Solicitor
Lisa Taraschi, Township Secretary
Nate Cline, Township Engineer

The East Brandywine Township Board of Supervisors meeting of Thursday, October 20, 2022 was called to order at 6:30 PM at the East Brandywine Township Municipal Complex.

Opening of Meeting

Vice-Chairman Croft opened the meeting by announcing that this meeting is being recorded. He then asked everyone to stand for the Pledge of Allegiance.

Public Comment on Agenda Items

There was no public comment.

Chief Kocsi informed the Board and audience that the East Brandywine Township Police Department recently completed the hiring process for three new police officers to fill vacancies left over from the past year, adding the new hires bring the Police Department up to its approved allocation of 17 full time officers. Chief Kocsi then presented the Board with a brief description of Officers Andrew DiPaolo, Gary Parsons and Rebecca Sousa backgrounds. He added the Police Department is honored to have Andrew, Gary and Rebecca become part of their Police family.

Chairman Scribner then conducted the oath of office with the three officers.

Approval of Minutes

Vice-Chairman Croft made a motion to approve the meeting minutes from the October 6th Board meeting. Supervisor Winters seconded the motion, with both members voting Aye. Motion passed 3-0.

Treasurer's Report, Authorization to Pay Bills and Approve Payroll

Vice-Chairman Croft made a motion to authorize the payment of bills. Supervisor Winters seconded the motion, with all members voting Aye. Motion passed 3-0.

Reports

Township Manager Reven present his report to the Board. A copy, verbatim et literatim, is attached to these minutes and made part of the record.

1. Official Map Act 247 Review

This Board had previously authorized Staff to forward a draft of our Official Map for Act 247 review. On October 12 I wrote to the Chester County Planning Commission requesting to withdraw the draft official map dated September 2, 2022 and associated draft ordinance form Act 247 consideration. Prior to doing so it came to my attention that the draft ordinance submitted for Chester County's consideration varied from that last reviewed by the Vision Partnership Grant Steering Committee. The project is being funded in part by a generous grant from the Chester County Planning Commission. The responsibility for this discrepancy is my own. Under the assumption that the map alone was the committee's deliverable, I solicited the legal review and revised language of the draft ordinance after the Steering Committee recommended that our Board of Supervisors adopt the map.

The Ordinance Task Force/Grant Steering Committee will consider both the revised ordinance language and any additional public comment received next week. Pending approval to do so from the Board of Supervisors, Staff will resubmit the material for Act 247 review. There are no pending grant deadlines.

2. 2023 Budget Process

The Budget Committee has now meet five times and heard 2023 budget requests from Township Departments, Township Committees, and our numerous community partners. At their meeting this morning, the Budget Committee made progress toward refining a draft budget for this Board's consideration at your November 3 meeting. No action from the Board of Supervisors will be required before you November 17 meeting at which time you will be asked to adopt a preliminary budget. Staff will be advertising an additional meeting of the Budget Committee for Thursday, October 27 at 9:00 AM.

Mr. Reven presented the Building Inspector's report to the Board.

Roadmaster VanLew presented his report to the Board. A copy, verbatim et literatim, is attached to these minutes and made part of the record.

Bondsville Mill Project

Last week and earlier this week the Road Department prepared an area for handicap parking at Bondsville Mill. On Tuesday our paving contractor paved the parking area and a trail leading to the double span bridge. This area will receive a sign, stop block and additional line striping to complete the project.

FEMA Hurricane Ida

We continue to work with FEMA for cost reimbursement for projects located within the Township. The first project was the restoration of the parking lot at Bondsville Mill. Although the project was completed in December of last year, we have not received the funding. The project was approved in April of 2022 but

according to PEMA the funds have not been transferred from FEMA.

The second project is the Road Damages. This project has been submitted to FEMA, we are waiting final approval.

The third project is the temporary repairs of Bondsville Mill Bridge. This project was completed the end of May. We have a couple of submittals to complete this application.

The next project is the repair or replacement of the Old Horseshoe Pike culvert. That road is currently closed due to damage to the culvert structure from Ida. Pennoni Associates is completing a Hydrologic and Hydronic Study H&H. The study will determine if the existing structure is large enough for future storms and should it be decided to replace the structure, the size of the structure needed. Once complete Pennoni will provide estimated costs for the replacement and repairs. If it is determined that the structure will be replaced design will proceed.

The next project is the permanent repairs to Bondsville Mill Bridge. This work will include the extension of the existing wing wall(s) and protection of the bridge footings.

The remaining work is the completion of FEMA Category Z. This category will reimburse the Township for all administration costs for the projects.

2022 Road Program

The contractor for our 2022 paving project has completed their work today. The paving included base repair and overlay of Gloucester Drive and Berkley Drive. It also included base repair and overlay of a small section of Raleigh Drive. The last project was removal of the asphalt on Township Road between Seven Springs Road and Mount Idy Mobile Home Park. Due to the condition of the Road all of the asphalt was removed and replaced with 4 ½" of base and 1 ½" overlay. I would like to thank Long's Asphalt Inc. and estimator Howard Jones for a job well done.

2022 Leaf Collection

The leaf collection for this year is scheduled for the weeks of October 31, November 14 and 28. Residents are reminded to have their leaves at curbside by Monday of those weeks. Leaves should be placed on the lawn within six feet of the road edge.

Chairman Scribner presented the Police Department report to the Board. A copy, verbatim et literatim, is attached to these minutes and made part of the record.

1. COVID UPDATE – The COVID-19 CDC and State mandates have been lifted in the Police Department. Employees in the PD will continue taking temperatures as a precaution for a while. Officers will continue wearing masks or other PPE on medical calls that require a higher level of caution.
2. Officers will be handing out glow bracelets and candy on Halloween night so be on the look-out for the Police vehicles.
3. Congratulations go out to Officer Cyle Harnish and his wife Lauren on the birth of their daughter Kendell. Everyone is doing fine.

Monthly Statistics: September 2022

Total monthly events for EB	1968
Investigations completed	188
Criminal Arrests	6
Summary Arrests	1
Warrant Arrests	3
Juvenile Petitions	0
Accidents Investigated	8
Traffic Citation issued	82
Warnings Issued	551
Patrol Miles logged	8,832

Training Completed:

Off Parsons and Off Sousa – FTO Program

Off Smith and Off Miller – Accident Reconstruction Training (two weeks)

Correspondence:

Off Rae – Thank you from Melissa Shelton

East Brandywine Township Deputy Fire Chief Ora presented the Fire Company’s report to the Board. Deputy Chief Ora advised the Fire House building will be holding their open house on October 29th from 11AM to 3PM.

Vice-Chairman Croft made a motion to accept the reports and the Planning Commission minutes. Chairman Scribner seconded the motion. With both members voting Aye, motion passed 3-0

Old Business

There was none.

New Business

Chester County Municipal Grant Program Contract Amendment #2:

Mr. Reven informed the Board that before them is the Chester County Municipal Grant Program Round 31 Contract Amendment between East Brandywine Township and Chester County. Adding this contract is associated with Bondsville Mill Park improvements for Phases 1 and 2. Mr. Reven stated the Amendment before you would extend the deadline for compliance to complete the project to April 3rd, 2023. Adding tis project was delayed by both COVID and Hurricane Ida. He respectfully asked the Board to execute this contract amendment with Chester County.

Vice-Chairman Croft made a motion to accept the Chester County Municipal Grant Program Contract Amendment #2. Supervisor Winters seconded the motion. With all members voting Aye, motion passed 3-0.

Delaware Valley Health Insurance Trust Rate Stabilization Fund Election

Mr. Reven informed the Board the information they are reviewing are the rates for next year, which are an increase of 6% in premiums paid for employees. He added there is an offer to use their rate stabilization fund to reduce the increase to 4.34%. Mr. Reven stated at this time staff is recommending that the Board authorize use of the Rate Stabilization fund. Mr. Croft inquired if there would be a penalty in using the rate stabilization fund. Mr. Reven explained because we are part of a cooperative any profit is rewarded back to the members as rate stabilization. He added it can also be banked and used the following year.

Vice-Chairman Croft made a motion that we take advantage of the Rate Stabilization. Supervisor Winters seconded the motion. With all members voting Aye, motion passed 3-0.

DCNR Grant for Comfort Station

Mr. Reven stated included in the packed is an extension for the DCNR Grant, associated with the bathrooms in the Community Park. He added we would have need to apply for reimbursement at the end of this calendar year. He stated this is an extension for an additional year. Mr. Reven respectfully asked the Board to authorize staff to seek an extension on the DCNR Grant for the bathroom in Phase 1 of the Community Park.

Vice-Chairman Croft made a motion that we request a one-year extension of the DCNR Grant for the Comfort Stations. Chairman Scribner seconded the motion. With all members voting Aye, motion passes 3-0.

Subdivision & Zoning Applications

There was none.

Ordinances & Resolutions for Consideration

Resolution 19 of 2022: Establishing a Process and Procedure by which tax payers may seek a waiver of late payment penalties.

Mr. Tom Oeste present the resolution to the Board. A copy, verbatim et literatim, is attached to these minutes and made part of the record.

RESOLUTION NO. 19 OF 2022

A RESOLUTION OF EAST BRANDYWINE TOWNSHIP ESTABLISHING THE PROCESS AND PROCEDURES BY WHICH TAXPAYERS MAY SEEK A WAIVER OF LATE PAYMENT PENALTIES FOR REAL ESTATE TAXES AS SET FORTH IN ACT 57 WHICH AMENDS THE LOCAL TAX COLLECTION LAW; REPEALING ALL OTHER INCONSISTENT RESOLUTIONS OR PARTS THEREOF; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of Supervisors of East Brandywine Township are required to and desire to implement Act 57 (P.L. 701, No. 57) amending the Local Tax Collection Law; and

WHEREAS, the Board of Supervisors of East Brandywine Township have determined to adopt and implement procedures whereby taxpayers may seek a waiver of penalties for late payment of real estate taxes in certain defined circumstances as set forth in Act 57.

NOW THEREFORE, it is hereby **RESOLVED AND ADOPTED** by the Board of Supervisors of East Brandywine Township, as follows:

1. The Tax Collector for the Township's Real Estate taxes shall waive penalties imposed for late payment of real estate taxes for a taxpayer who provides the following:
 - A. a waiver request within twelve months of a transfer of real property or mobile home/manufactured home ownership or the date of the location or relocation of mobile/manufactured home on a parcel of land not owned by the owner of the mobile home/manufactured home (not including the renewal of a lease for the same location);
 - B. an attestation that notice of the tax bill was not received;
 - C. a copy of a deed with the date of transfer; a copy of the title to a mobile home/manufactured home with the issuance date, or a copy of an executed lease for the land upon which a mobile home/manufactured home will be situated showing the date of commencement; and
 - D. payment of face value of the tax notice for the real estate tax.
2. A late payment waiver form as developed by the Department of Community and Economic Development shall be made available to taxpayers at the Township office and/or posted on the Township's website.
3. A taxpayer once granted a late penalty waiver for a specific tax year shall not be subject to additional charges for real estate taxes for such tax year and any claim or lien filed for such charge shall be deemed satisfied and marked as satisfied if previously filed by the Township.
4. The Tax Collector that accepts a waiver and tax payment in good faith in accordance with this Resolution shall not be personally liable for any amount due or arising from the real estate tax that is the subject of the waiver.
5. The terms referenced in this Resolution shall have the definitions provided in the Local Tax Collection Law, as amended, and any inconsistencies between this Resolution and the Local Tax Collection Law shall be construed in favor of the Local Tax Collection Law, as amended.
6. All resolutions or parts thereof inconsistent with this Resolution are hereby repealed to the extent of the inconsistency.

7. The provisions of this Resolution are declared to be severable. If any provision of this Resolution is declared by a court of competent jurisdiction to be invalid or unconstitutional, such determination shall have no effect on the remaining provisions of this Resolution.

8. This Resolution shall become effective immediately upon its legal adoption.

ADOPTED and **RESOLVED** this 20th day of October, 2022.

Supervisor Winters made a motion to adopt Resolution 19 of 2022. Chairman Scribner seconded the motion. With all members voting Aye, motion passed 3-0.

Resolution 20 of 2022: Final Plan Approval 21 Newman Road

Mr. Tom Oeste presented the resolution to the Board. A copy, verbatim et literatim, is attached to these minutes and made part of the record.

RESOLUTION NO. 20 of 2022

**EAST BRANDYWINE TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA**

**A RESOLUTION CONDITIONALLY APPROVING THE PRELIMINARY/FINAL LOT LINE CHANGE
PLAN FOR PARCELS 30-3-28.4 AND 30-3-28.5**

WHEREAS, Marsh Creek Homes (“Applicant”) filed a preliminary/final lot line change plan (the “Plan”) seeking to adjust the lot lines between two parcels of property located on Newman Drive which are identified as Chester County Uniform Parcel Identifier Nos. 30-3-28.4 (“Parcel 28.4”) and 30-3-28.5 (“Parcel 28.5”); and

WHEREAS, Parcel 28.4 is owned by Gregory and Jordan Robinson, has a gross lot area of 45,041 square feet, and is improved with a single family detached dwelling; and

WHEREAS, Parcel 28.5 is owned by Robert M. II and Denise E. Santoliquito, has a gross lot area of 45,302 square feet, and is improved with a single family detached dwelling; and

WHEREAS, the dwelling on Parcel 28.5 was constructed in error within the required minimum side yard setback; and

WHEREAS, in order to correct the error and provide the minimum required side yard setback for Parcel 28.5, the Application proposes adjustment of the side lot line by conveying 668.89 square feet of land from Parcel 28.4 to parcel 28.5; and conveying 668.89 square feet of land from Parcel 28.5 to Parcel 28.4, (the “Swap Parcels”) as depicted on the Plan; and

WHEREAS, if the lot line change is approved, the gross lot areas of Parcel 28.4 and Parcel 28.5 will be the same as before the conveyance of the Swap Parcels; and

WHEREAS, no further development or improvements are proposed as part of this Application;

WHEREAS, at a public meeting on September 7, 2022, the East Brandywine Township Planning Commission adopted two motions, one recommending that the Board of Supervisors approve the Plan as a preliminary plan; and a second motion recommending final plan approval; and also recommending granting of the requested waivers; and

WHEREAS, the Applicant has requested the Board of Supervisors' approval of the Plan.

NOW THEREFORE, BE IT RESOLVED, by the Board of Supervisors of East Brandywine Township, Chester County, Pennsylvania, as follows:

The Board approves the Plan titled "Lot Line Change Plan for Parcels 30-3-28.4 and 30-3-28.5" prepared by Edward B. Walsh & Associates, Inc. dated 8-8-22, consisting of one plan sheet (the "Plan"), as a preliminary and final plan, subject to compliance with the following conditions:

1. The Applicant shall provide to the Township copies of the recorded deeds conveying the Swap Parcels to and from the respective owners of Parcel 28.4 and Parcel 28.5.
2. Prior to recording the Plan, Applicant shall reimburse the Township for all costs, fees and expenses related to the review and approval of the Plan.
3. The Board grants waivers from compliance with the following Sections of the Township Subdivision and Land Development Ordinance because no new construction or land disturbance is proposed or approved:
 - a. Section 350-13 to permit a one step preliminary and final plan submission.
 - b. Section 350-24.B.1 to not require a site context map
 - c. Section 350-24.B.2 to not require the four step design process
 - d. Section 350-24.C to not require an improvement construction plan
 - e. Section 350-24.D to not require a conservation plan
 - f. Section 350-24.E to not require a stormwater management plan

RESOLVED, APPROVED AND ADOPTED this 20th day of October, 2022.

Vice-Chairman Croft made a motion to adopt Resolution 20 of 2022. Chairman Scribner seconded the motion. With all members voting Aye, motion passed 3-0.

Resolution 21 of 2022: Final Plan Approval Brandywine Walk

Mr. Brian Nagle asked the Board for their approval of the final plan for the Brandywine Walk Community. After a brief discussion Mr. Tom Oeste presented the resolution to the Board. A copy, verbatim et literatim, is attached to these minutes and made part of the record.

RESOLUTION NO. 21 of 2022

**EAST BRANDYWINE TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA**

**A RESOLUTION CONDITIONALLY APPROVING THE FINAL SUBDIVISION AND LAND
DEVELOPMENT PLAN OF BRANDYWINE WALK**

WHEREAS, the plan subject of this Resolution is titled “Final Subdivision & Land Development Plan of Brandywine Walk” prepared by DL Howell dated 04/13/2022, last revised 09/06/2022, consisting of 89 plan sheets (the “Final Plan”) and related reports and studies submitted to the Township (the Final Plan, reports and studies are hereinafter referred to as the “Application”); and

WHEREAS, the applicant for Final Plan approval is Bollinger Realty, LLC (the “Applicant”), legal owner of the property subject of the Final Plan, specifically Chester County UPI No. 30-5-3.6 comprising 126.75 acres (the “Property”); and

WHEREAS, the Application seeks approval of the Final Plan which depicts an age qualified residential community consisting of 295 residential dwelling units, club house, pool, tennis court, pickle ball court and related improvements (the “Project”); and

WHEREAS, by Decision and Order dated November 15, 2019, the Zoning Hearing Board of East Brandywine Township granted a special exception to permit encroachments into the Steep Slope Conservation District and Riparian Corridor Conservation District for the Project (the “ZHB Decision”); and

WHEREAS, by Decision and Order dated June 6, 2019, the Board of Supervisors granted conditional use approval to permit an age qualified residential development on the Property (the “Conditional Use Order”); and

WHEREAS, by Resolution No. 4 of 2020, the Board of Supervisors conditionally approved the Preliminary Land Development Plan for the Project; and

WHEREAS, at its public meeting on August 3, 2022, the East Brandywine Township Planning Commission adopted a motion recommending approval of the Final Plan, subject to compliance with conditions; and

WHEREAS, Pennoni, Township Engineer, issued a review letter dated September 30, 2022 of the Final Plan (the “Pennoni Review”), which is attached hereto and incorporated herein by reference; and

WHEREAS, Hydraterra Professionals, East Brandywine Township Municipal Authority Engineer, issued a review letter dated July 22, 2022 of the Final Plan (the “Hydraterra Review”), which is attached hereto and incorporated herein by reference; and is in the process of reviewing the latest revisions to the Final Plan; and

WHEREAS, the Applicant has requested Board approval of the Application.

NOW THEREFORE, BE IT RESOLVED, by the Board of Supervisors of East Brandywine Township, Chester County, Pennsylvania, as follows:

The Board conditionally approves the Application, subject to full and complete compliance with the following conditions and qualifications (collectively the "Decision"):

CONDITIONS AND QUALIFICATIONS OF APPROVAL

1. The springhouse on the Property depicted on Sheet 18 of the Final Plan shall be preserved and maintained in perpetuity. The springhouse shall be placed in a structurally sound condition prior to conveyance to the homeowner's association to be formed for the Project, including the installation of a wood shingle roof and securing the windows and door. The immediate environs of the springhouse depicted on Sheets 18 and 21 shall be maintained in its natural state; grading and land disturbance shall be prohibited with 50 feet of the springhouse, except adjacent to Road C where disturbance shall be prohibited within 25 feet of the springhouse. The existing trees in the area of the springhouse depicted on Sheets 18 and 21 shall be preserved and maintained, except for trees adjacent to the foundation and diseased, dying, or dead trees. Removal of trees shall be done with care to prevent damage to the springhouse foundation. The springhouse, its environs, and the trees shall be protected from damage and the intrusion of construction equipment during construction by the placement of construction fencing around the area. A note shall be added to the Final Plan confirming these requirements. The preservation and maintenance of the springhouse, its environs and the trees shall initially be the responsibility of the Applicant, and thereafter the homeowner's association to be formed for the Project. The method of preservation and maintenance shall be specified in the HOA Declaration and approved by the Township Historical Commission. The Applicant shall develop and install informational signage adjacent to the springhouse regarding the Weaver Farm and the springhouse; and develop and display in the community center a narrative about the Weaver Farm and historical photographs provided by the Historical Commission.
2. A note shall be added to the Final Plan prohibiting blocking or interfering with access to the Project by emergency vehicles during construction, including but not limited to parking of vehicles and storage of equipment and materials.
3. No signage plans have been reviewed or approved as part of the Final Plan. Any future signs to be installed on the Property shall comply with Township ordinances and obtain approvals and permits, except as may be modified by decision of the Township Zoning Hearing Board.
4. The Board acknowledges that the Final Plan complies with Section 350-50 of the Township Subdivision and Land Development Ordinance (the "SLDO"); and that no fee-in-lieu of active recreational land and facilities is required.
5. Street names shall be approved by the Township prior to recording of the Final Plan.

6. Hydraterra Professionals, East Brandywine Township Municipal Authority Engineer, shall determine whether the fence proposed in sanitary sewer easement No. 5 is permitted; and if permitted, subject to conditions, if any.

7. The Eastern White Pine, Sassafras and Sweet Birch trees proposed in the Riparian Corridor Conservation District shall be replaced with species appropriate for riparian areas.

8. All site lighting fixtures shall be consistent at 3000 K correlated color temperature, and painted black.

9. The note set forth in Paragraph 21 of the Pennoni Review regarding night lighting shall be added to the Lighting Plan.

10. If not completed by Pulte Homes of Pennsylvania by issuance of the 50th building permit for the Project, the Applicant shall apply for and once approved implement, at the intersection of Horseshoe Pike and Hopewell Road/Bondsville Road, left turn phasing for eastbound and westbound Horseshoe Pike with a southbound Bondsville Road right turn overlap (the "Intersection Phasing Work"), subject to review and approval by PENNDOT. The Intersection Phasing Work completed by Applicant shall be at its expense, but with a credit for such Intersection Phasing Work completed by Applicant being applied against the Act 209 fee due by the Applicant for the Project. The Board of Supervisors, in its sole discretion, may extend the time period for compliance with or waive this condition. If PENNDOT does not approve the Intersection Phasing Work, Applicant is relieved of this obligation, provided that Applicant will diligently pursue such PENNDOT approvals with the Township's support and cooperation and provided that, in either case, the Applicant shall not receive a credit against the Act 209 fee for the application and permitting costs to pursue the PENNDOT approval for the Intersection Phasing Work. While Applicant shall remain obligated to complete the Intersection Phasing Work, in no event shall failure of the Intersection Phasing Work being completed due to delays or denial of the PENNDOT approval or due to other circumstances outside of Applicant's control result in any delay of the Project, including but not limited to any delay in the issuance of building permits to Applicant.

11. If determined necessary after the utilization of the Reeceville Road access and if the affected property owner requests it, the Applicant shall install a landscape buffer on UPI No. 30-5-120.9 to block headlight glare.

12. The Applicant shall dedicate to the Township or PennDot a right-of-way width of 50 feet from centerline of Horseshoe Pike along the entire Horseshoe Pike frontage of the Property. The 50-foot right of way shall be depicted on the Final Plan and a note shall be added to the Final Plan.

13. Sight distance measurements shall be added for all intersections. To the extent required, the intersections shall be revised to comply with PennDOT Publication 70M.

14. The light fixture adjacent to Unit 279 shall be relocated to better illuminate the pedestrian crossing.

15. The Applicant shall revise the proposed HOA Declaration to comply with any comments of the Township Engineer and Solicitor, including those set forth on pages 8 and 9 of the Pennoni Review.

16. The Applicant and the Project shall comply with all sanitary sewer issues as set forth on page 9 of the Pennoni Review; comply with all comments and recommendations as set forth in the Hydraterra Review and any subsequent Hydraterra review letter and comments; comply with all ordinances of the Township applicable

to sanitary sewer except as may be modified by the Township; and comply with all resolutions, standards, rules, regulations and specifications of the East Brandywine Township Municipal Authority, except as may be otherwise agreed to by the Applicant, the Authority, and the Township.

17. The Applicant shall comply with Items c through m set forth on pages 9 and 10 of the Pennoni Review.

18. The Applicant shall comply with any existing comments and recommendations of emergency management agencies related to the provision of emergency services to the Project.

19. All easements and agreements, including but not limited to developers' agreement, financial security agreement and required financial security and stormwater operations and maintenance agreement necessary to complete and maintain the Project shall be prepared by the Applicant, submitted to the Township for review, and shall be satisfactory in form and substance to the Township consultants in all respects.

20. Mailboxes shall be located in one or more central areas and include sufficient off-street parking for delivery and pick-up of mail.

21. The HOA declaration and a Final Plan note shall allocate a maximum impervious coverage limit to each lot. The declaration and note shall also prohibit applications for variances or other relief to the Township Zoning Hearing Board to exceed the allotted impervious coverage limitation or permit construction outside the building and deck envelope required by Condition 22 hereinbelow.

22. The final plan shall depict a building and deck envelope for each lot. No construction of buildings and decks shall be permitted outside the approved building and deck envelope.

23. Applicant shall enter into a drainage improvement operations and maintenance agreement if any stormwater facilities are installed in the right of way of roads owned by PennDOT. This agreement shall require Applicant and its successors and assigns in title to the Property to maintain, repair and replace these stormwater facilities in perpetuity.

24. The builder and seller of the proposed residential units shall notify in writing, prior to the execution of an agreement of sale, potential buyers of the responsibilities and restrictions imposed by the HOA declaration, and the conditions of this Final Plan approval. The builder/seller shall prepare a notification document which shall be submitted to the Township for approval prior to offering any dwelling unit for sale.

25. The Board acknowledges approval of the Landscaping Plan and trails plan submitted with the Final Plan.

26. The Board acknowledges approval of the managed release concept for stormwater management, subject to any modifications required by the NPDES permit and other applicable permits.

27. The Board grants the waivers from the SLDO and the Township Stormwater Management Ordinance listed on Sheet 1 of the Final Plan.

28. To the extent that any of these conditions are determined to be invalid, the invalid condition(s) are severable and the invalidity shall not affect the validity of the remaining conditions.

29. Whether or not specific reference is made in any of the conditions of this Decision, all conditions included in this Resolution shall be complied with to the satisfaction of the Township and prior to the recording of the Final Plan with the Recorder of Deeds of Chester County.

30. This Decision and the conditions included herein are binding on Applicant, its successors and assigns in ownership of the Property, for the benefit of the Township in general and the ultimate users/property owners of the Property.

31. This Decision and the conditions hereof shall be accepted in writing by Applicant within fifteen (15) days of the date of this Resolution, failing which the Application shall be deemed denied by the Board of Supervisors as failing to comply with the provisions of the Township's Zoning Ordinance, SLDO, and Stormwater Ordinance as detailed in the Pennoni Review and the Hydraterra Review, which are attached hereto and incorporated in their entirety into this Resolution Decision by reference.

RESOLVED, APPROVED, AND ADOPTED this 20th day of October 2022.

Vice-Chairman Croft made a motion to adopt Resolution 21 of 2022. Chairman Scribner seconded the motion. With all members voting Aye, motion passed 3-0.

Public Comment on Non-Agenda Items

Mr. Brian Stefanski, 237 Ferndale Road, asked the Board for an update regarding the Traffic issues in their community.

Chairman Scribner stated that Hopewell Development was discussed at the last Board meeting. Mr. Reven informed Mr. Stefanski that the this is now in his hands, he also reiterated previously the prior Township Traffic Engineer performed a traffic study. It was determined that at that time cut through traffic, speed and the amount of traffic volume did not qualify for traffic calming measures. Mr. Stefanski was concerned that the study was done during COVID and did not provide true information as people were working from home and not really out on the roads.

The discussion continued resulting in the Board directing staff to come up with a policy to respond to any community with traffic concerns. Mr. Reven added the key components of this policy would be what constitutes a problem, and a consensus regarding a solution to the problem. Mr. Stefanski requested that he and HOA president Mike Bocelli be included on any correspondence regarding this new policy.

Notices

Chairman Scribner stated the Board did meet in executive session at the end on the Am Session on October 6th to discuss personnel matters.

Adjournment

Vice-Chairman Croft made a motion to adjourn at 7:20 PM. Supervisor Winters seconded the motion, with both members voting Aye. Motion passed 3-0.

Respectfully submitted,

Lisa Taraschi
Township Secretary