

2020-40



# pennsylvania

OFFICE OF OPEN RECORDS

## STANDARD RIGHT-TO-KNOW REQUEST FORM

DATE REQUESTED: 06/22/2020

REQUEST SUBMITTED BY:  E-MAIL  U.S. MAIL  FAX  IN-PERSON

REQUEST SUBMITTED TO (Agency name & address): Planning Department

NAME OF REQUESTER : Marvin Lee

STREET ADDRESS: 800 East Main Street

CITY/STATE/COUNTY/ZIP(Required): Jefferson Valley/NY/10535

TELEPHONE (Optional): \_\_\_\_\_ EMAIL (optional): \_\_\_\_\_

RECORDS REQUESTED: *\*Provide as much specific detail as possible so the agency can identify the information.*

**Please use additional sheets if necessary**

Project Title: Christian Faith Fellowship  
Address: 156 Wallace Ave.

Final plan application status (approved/pending): approved *January 30, 2020*  
Owner's Name, Company & Contact Info (phone/email): ✓  
Architect's Name, Company & Contact Info (phone/email): N/A  
Engineer's Name, Company & Contact Info (phone/email): ✓

- DO YOU WANT COPIES?  YES  NO
- DO YOU WANT TO INSPECT THE RECORDS?  YES  NO
- DO YOU WANT CERTIFIED COPIES OF RECORDS?  YES  NO
- DO YOU WANT TO BE NOTIFIED IN ADVANCE IF THE COST EXCEEDS \$100?  YES  NO

**\*\* PLEASE NOTE: RETAIN A COPY OF THIS REQUEST FOR YOUR FILES \*\***  
**\*\* IT IS A REQUIRED DOCUMENT IF YOU WOULD NEED TO FILE AN APPEAL \*\***

### FOR AGENCY USE ONLY

*Assistant*  
OPEN-RECORDS OFFICER: Denise Miller

I have provided notice to appropriate third parties and given them an opportunity to object to this request

DATE RECEIVED BY THE AGENCY: June 22, 2020

AGENCY FIVE (5) BUSINESS DAY RESPONSE DUE: June 29, 2020

*\*\*Public bodies may fill anonymous verbal or written requests. If the requestor wishes to pursue the relief and remedies provided for in this Act, the request must be in writing. (Section 702.) Written requests need not include an explanation why information is sought or the intended use of the information unless otherwise required by law. (Section 703.)*

*Date Completed 6/22/2020 pm*



253 Municipal Dr, PO Box 72149, Thorndale, PA 19372  
 Phone: 610-384-0600 | Fax: 610-384-0617  
 www.calntownship.org

RECEIVED  
 APR 30 2019

**SUBDIVISION / LAND DEVELOPMENT PLAN APPLICATION** CODES DEPARTMENT  
 CALN TOWNSHIP

PROJECT NAME (TO BE COMPLETED BY TOWNSHIP): \_\_\_\_\_

NAME OF APPLICANT: Christian Faith Fellowship - Pastor Ricky Wilson

DATE OF APPLICATION: 4/9/19 SUBMISSION # \_\_\_\_\_

LOCATION OF PROPERTY: 2313 Kings Highway

TAX PARCEL ID NUMBER: 39-3-20.2 ZONING DISTRICT: R-2

SKETCH PLAN (8)       FINAL PLAN (8)

PRELIMINARY PLAN (8)       OTHER

**IN ADDITION: (1) 11X17 PLAN AND A CD OR FLASH DRIVE CONTAINING ALL PLANS IS REQUIRED.**

APPLICANT'S NAME: Pastor Ricky Wilson - Christian Faith Fellowship

MAILING ADDRESS: P.O. Box 181, Downingtown, PA 19335

PHONE NUMBER: 610-620-3596 FAX NUMBER: \_\_\_\_\_

E-MAIL ADDRESS: rickywilsonthm@msn.com

OWNER OF RECORD: Same as Applicant

MAILING ADDRESS: \_\_\_\_\_

PHONE NUMBER: \_\_\_\_\_ FAX NUMBER: \_\_\_\_\_

E-MAIL ADDRESS: \_\_\_\_\_

PROJECT ATTORNEY: John A. Jaros, Esquire - Riley Riper Hollin & Colagreco

MAILING ADDRESS: 717 Constitution Drive, Suite 201, P.O. Box 1265, Exton, PA 19341-1265

PHONE NUMBER: 610-458-4400 FAX NUMBER: 610-458-4441

E-MAIL ADDRESS: johnj@rrhc.com

PROJECT ENGINEER Christopher M. Daily, P.E. - D.L. Howell & Associates, Inc.

MAILING ADDRESS: 1250 Wrights Lane, West Chester, PA 19380

PHONE NUMBER: 610-918-9002 FAX NUMBER: \_\_\_\_\_

E-MAIL ADDRESS: cdaily@dlhowell.com

**MOTION OF THE BOARD OF COMMISSIONERS OF CALN TOWNSHIP  
CHESTER COUNTY, PENNSYLVANIA  
FINAL LAND DEVELOPMENT APPLICATION**

RE: Christian Faith Fellowship-Phase I  
Chester County Tax Parcel Number: 39-3-20.2  
Final Land Development Plan Application

The Board of Commissioners of Caln Township (the "Board") renders this Motion granting final land development approval for the final land development plans filed by Christian Faith Fellowship (the "Applicant"), subject to certain conditions more fully set forth below.

**FINDINGS OF FACT/DISCUSSION**

Applicant is the owner of a tract of property containing approximately 22.9 acres located on the north side of Kings Highway (SR 340), south of the Route 30 Bypass and east of Reeceville Road, identified as Chester County Tax Parcel No. 39-3-20.2 (the "Property"). The Property is located in the R-2 Residential Zoning District of Caln Township. Applicant seeks to develop the Property with a 15,567 square foot church, parking lot and infiltration basin (the "Development").

On June 3, 2004, Applicant was granted a special exception under Section 155-26.C of the Caln Township Zoning Ordinance to use the Property for a church. Applicant previously submitted preliminary plans prepared by D.L. Howell & Associates, Inc., dated April 19, 2004, last revised April 8, 2005 consisting of 21 sheets (the "Original Plans"). Applicant filed an appeal from the Board's approval of the Original Plans which appeal was decided by the Chester County Court of Common Pleas in an Order dated October 4, 2005 (the "Court Order").

Applicant sought the Board's approval to amend the terms of preliminary plan approval for the Original Plans and on December 3, 2018, the Board voted to amend the approval for the Original Plans to amend condition 9 to not require the church to connect into a public water supply for phase 1 of the development which is limited to a church building with an area not to exceed 20,000 square feet. The Board agreed that if Applicant or its successors and assigns expand the church building beyond 20,000 square feet in area, then it must connect to a public water supply system for both domestic and fire protection. The Board agreed that all other terms of the motion for preliminary plan approval, as modified by the Court Order would remain in full force and effect.

Subsequent to the Board's vote to amend the terms of the preliminary plan approval for the Original Plans, Applicant resubmitted a new set of preliminary plans seeking approval to build phase 1 of the Development which is a 15,567 square foot building and 261 parking spaces in accordance with preliminary/final land development plans titled "Preliminary/Final Land Development Plan of Christian Faith Fellowship", prepared by D.L. Howell & Associates, Inc., dated April 30, 2019, consisting of 21 sheets

IN THE MATTER OF:  
Christian Faith Fellowship – Phase 1  
Final Land Development Approval  
2313 Kings Hwy/, Coatesville, PA 19320  
Chester County Tax Parcel No.: 39-3-20.2

(the "Revised Plans"). Applicant and the Township agreed that the Revised Plans would be reviewed against the Ordinances in effect as of the date Applicant filed the Revised Plans.

On August 29, 2019, the Board granted preliminary plan approval for the Revised Plans. The Board also granted waivers from the following sections of the Caln Code:

- (i) Section 135– 311.J(3) of the Stormwater Management Ordinance which requires a 2% minimum slope along the bottom of a stormwater basin. Applicant proposes the basin bottom to be flat;
- (ii) Section 137–42.A of the SALDO which requires curbing along Kings Highway and Reeceville Road;
- (iii) Section 137–43 of SALDO which requires sidewalks along Kings Highway and Reeceville Road provided that Applicant pay a fee in lieu of sidewalks in the amount of \$18,984.32.
- (iv) Section 137-67.A of the SALDO which requires that a traffic study be conducted if the proposed traffic from the development exceeds 100 trips per day. The Board agreed that Applicant could defer the completion of the traffic study until it builds phase 2 of the church development.

On October 8, 2019, Applicant filed final land development plans with a last revision date of October 3, 2019 (the "Final Plans"). The Township consultants reviewed the Final Plans and issued the following review letters:

- Gilmore & Associates, Inc. letter dated October 21, 2019; and
- ARRO letter dated December 12, 2019.

The above letters are collectively referred to as the "Latest Township Review Letters".

On January 21, 2020, the Planning Commission recommended that the Board grant approval of the Final Plans subject to compliance with the Latest Review Letters and a condition that if the layout of the proposed Church and parking lot changes as a result of revisions necessary to obtain outside agency permits, Applicant would have to resubmit the Final Plans to the Township and seek approval of such modifications.

**DECISION**

AND NOW, this 30 day of January, 2020, the Caln Township Board of Commissioners hereby GRANTS final land development approval for the Final Plans, subject to Applicant's compliance with all of the notes and conditions therein contained, and all of the foregoing conditions:

1. The Property and the Development shall comply with all relevant terms and provisions of the Zoning Ordinance, the SALDO, the Stormwater Ordinance, the Driveway Ordinance and all other applicable regulations, except as otherwise modified and/or waived by the Board of Commissioners through the Decision granting preliminary plan approval dated August 29, 2019, this Decision or by variance granted by the Caln Township Zoning Hearing Board.
2. Applicant shall comply with the Latest Township Review Letters listed above to the satisfaction of the Township staff and their consultants.
3. Applicant shall obtain approval from the Caln Township Municipal Authority ("CTMA") to provide public sewer to the Development and shall enter into a Sanitary Sewer Capacity Reservation and Improvements Agreement in a form acceptable to the CTMA which shall be recorded simultaneously or prior to recording of the final plans. All details concerning what sewer lines and sewer facilities that Applicant shall be required to construct to provide public sewer to the Development shall be determined by the CTMA and noted on the Plans. Applicant shall offer for dedication to the CTMA all sewer lines and facilities that the CTMA requires.
4. If Applicant develops phase 2 of the Development and expands the area of the church greater than 20,000 square feet, it must connect to a public water supply system for both domestic and fire protection. Such connection shall comply with all relevant ordinances, laws and regulations at the time of such proposed connection.
5. Applicant shall comply with the conditions of approval as set forth in the Zoning Hearing Board Decision dated June 3, 2004.

IN THE MATTER OF:  
Christian Faith Fellowship – Phase 1  
Final Land Development Approval  
2313 Kings Hwy, Coatesville, PA 19320  
Chester County Tax Parcel No.: 39-3-20.2

6. Consistent with the Decision dated August 29, 2019 granting approval of the preliminary plans, if Applicant or its successors or assigns develops phase 2 of the Development and expands the area of the church greater than 20,000 square feet, it must conduct a traffic study and submit such study to the Township and make the traffic improvements suggested by such study to mitigate the impact of the phase 2 development.
7. Applicant shall pay a fee in lieu of sidewalk in the amount of \$18,984.32 which is calculated as 593.26 linear feet of sidewalk X \$32.00 per linear foot.
8. If the layout of the proposed Church and parking lot as depicted on the Final Plans changes as a result of revisions necessary to obtain outside agency permits, Applicant shall resubmit the Final Plans to the Township and seek approval of such modifications.
9. Applicant shall execute a Development Agreement and Financial Security Agreement, and post financial security in an amount approved by the Township engineer and in form and substance acceptable to the Township, the Township Engineer and the Township Solicitor prior to the Plans being released by the Board of Commissioners for recording.
10. Prior to the release of the final plans for recording, Applicant shall reimburse the Township for all outstanding reasonable engineering, administrative, legal and other review fees associated with the Township's review of the plans for Applicant's land development for the Property. If Applicant disputes any of the review fees, the parties shall adhere to the procedures in Section 10503 of the MPC. If the Township incurs engineering, administrative, legal and other consultant fees associated with the inspection of the improvements associated with Applicant's land development, it shall, within thirty (30) days of receipt of any subsequent invoices from the Township or its professional consultants, remit payment to the Township for all reasonable engineering, administrative, legal and inspection fees associated with Applicant's land development for the Subject Property. Should Applicant wish to dispute any of the above-

IN THE MATTER OF:  
Christian Faith Fellowship – Phase 1  
Final Land Development Approval  
2313 Kings Hwy/, Coatesville, PA 19320  
Chester County Tax Parcel No.: 39-3-20.2

referenced inspection fees, the parties shall adhere to the procedures in Section 10510(g) of the MPC. Any balance not paid within such thirty (30) day period shall bear interest at the rate of one and one-half percent (1-1/2%) per month.

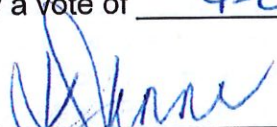
11. Applicant shall secure all regulatory permits as applicable necessary to develop the Property consistent with the Final Plans, including but not limited to the Pennsylvania Department of Environmental Protection ("DEP") Planning Module approval, NPDES permit issued by the DEP, letter of adequacy for the erosion and sedimentation control issued by the Chester County Conservation District, Highway Occupancy Permit from the Pennsylvania Department of Transportation ("PennDOT"), and approval from FEMA for disturbance in the areas of floodplain, if any.
12. Applicant shall provide the Township with a digital file of the Plans as specified in the Township Code.
13. Applicant shall record every sheet in the Plans with the Chester County Recorder of Deeds. This effort will be coordinated by the Township. Five (5) copies of the recorded Plans shall be retained by the Township with a minimum of two (2) sets containing original signatures and recordation stamps.
14. Applicant shall provide the Township with a copy of the recorded Plans in 11x17 format.
15. To the extent that any of the above conditions are determined to be invalid, the invalid condition(s) are severable and the invalidity shall not affect the validity of the remaining conditions imposed.
16. This decision and conditions contained herein are binding on Applicant, its successors and assigns, for the benefit of the Township in general and the ultimate users/property owners of the subject Property.

IN THE MATTER OF:  
Christian Faith Fellowship – Phase 1  
Final Land Development Approval  
2313 Kings Hwy/, Coatesville, PA 19320  
Chester County Tax Parcel No.: 39-3-20.2

This Decision shall be accepted in writing by Applicant within fifteen (15) days of receipt thereof, failing which the application shall be deemed denied by the Board of Commissioners as failing to comply with the provisions of the Caln Township SALDO referenced and described hereinabove.

A motion made at the public meeting of the Board of Commissioners on this <sup>30</sup> day of January 2020 was approved by a vote of 4-0.

ATTESTED BY:

  
\_\_\_\_\_  
Kristen Denne  
Township Secretary

By counter-signature below, Applicant agrees to and accepts each of the conditions to the grant of its application for final subdivision and land development application set forth above.

Date: 2/12/20

By:

  
\_\_\_\_\_  
Authorized Agent for Applicant

  
\_\_\_\_\_  
Printed Name