

**DISCUSS: LIGHTING, SIDEWALK DESIGN**

**MOTION OF THE BOARD OF COMMISSIONERS OF CALN TOWNSHIP,  
CHESTER COUNTY, PENNSYLVANIA  
GRANTING APPROVAL OF THE PRELIMINARY/FINAL LAND DEVELOPMENT  
APPLICATION OF FARMHOUSE ENTERPRISES LLC, CHESTER COUNTY TAX  
PARCEL NO. 39-4-138.1**

The Board of Commissioners of Caln Township (the “Board”) renders this Motion granting preliminary/final approval of the Preliminary/Final Land Development Application filed by Farmhouse Enterprises, LLC (“Applicant”) for the proposed development of an undeveloped parcel located at 4000 W. Lincoln Highway subject to certain conditions more fully set forth below.

**FINDINGS OF FACT/DISCUSSION**

Applicant filed the Application on behalf of the owner of the subject property, DPP2022 Properties LLC, which is a Pennsylvania limited liability company owned by Dana Petruzzo and her husband. The property which is the subject of the Application is an approximately 2.095 acre parcel of property located on the south side of W. Lincoln Highway, east of the intersection with Bondsville Road and Lincoln Highway, identified as Chester County Tax Parcel No. 39-4-138.1 (the “Property”). Applicant seeks to develop the Property with a one-story 5,445 square foot building (the “Building”), 38 off-street parking spaces, sidewalk, stormwater management facilities and other site improvements to be used as a restaurant with drive through to be called “The Farmhouse Coffee and Espresso Bar.”

The Property is located in the TV-1 Thorndale Village District, Lincoln Highway Overlay District, Zone 1 and Carbonate Geology District.

The Board approved a conditional use pursuant to Section 155-26.C(9) of the Caln Township Zoning Ordinance of 2005, as amended (the “Ordinance”) to allow the Building to be used for the restaurant building with drive through in a Conditional Use Decision and Order dated May 25, 2023 (the “CU Decision”).

Applicant submitted preliminary land development plans prepared by Vastardis Consulting Engineers, LLC, titled, “Preliminary/Final Land Development Plans- 4000 Lincoln Highway”, dated June 30, 2023, last revised December 7, 2023, consisting of 11 sheets (the “Plan”).

The Township consultants reviewed the Plan and issued the following review letters:

- ARRO letter dated January 9, 2024;
- Pennoni letter dated January 9, 2024;

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- Gilmore & Associates Inc. (Caln Township Municipal Authority (“CTMA”) engineer) letters dated December 15, 2023 and January 3, 2024 (collectively the “Review Letters”).

At the January 22, 2023 public meeting, the Township Planning Commission recommended that the Board of Commissioners grant preliminary/final land development plan approval, subject to Applicant satisfying any outstanding comments in the latest Review Letters and ?? NEED TO COMPLETE BASED ON PC RECOMMENDATION.

### **DECISION**

AND NOW, this 25<sup>th</sup> day of January, 2024, the Caln Township Board of Commissioners hereby GRANTS preliminary/final approval of the Plan, subject to Applicant’s compliance with all of the notes and conditions therein contained, and all of the foregoing conditions:

1. The development depicted on the Plan shall comply with all relevant terms and provisions of the Ordinance, the Subdivision and Land Development Ordinance (“SALDO”), the Stormwater Ordinance and all other applicable regulations, except as otherwise modified and/or waived by the Board of Commissioners through this Decision.
2. Applicant shall comply with all terms and conditions in the CU Decision. This shall include but not be limited to the Applicant installing brick inlay in the sidewalk. **DISCUSSION.**
3. The Board grants waivers from the following sections of the Township SALDO and Stormwater Ordinance:
  - §137-9 to allow the Plan to be reviewed and approved as a preliminary/final Plan.
  - §135-306.J(2) to not require a minimum set back of at least 10 feet from all buildings and features with subgrade elements and 15 feet from property or right away lines for the infiltration BMP’s.
  - §135-311.C to not require the stormwater pipes to have a minimum slope of 1%.
4. Pursuant to Section 155-43 of the Ordinance, the Board also grants a modification of the landscaping requirement in Section 155-79.B(5) which requires a minimum 10 feet wide landscaped buffer yard along the eastern side of the Property.

4. Prior to the release of the Plan for recording, Applicant shall comply with all outstanding comments in the Review Letters to the satisfaction of the Township and CTMA staff and their consultants.
5. Prior to the release of the Plan for recording, Applicant shall obtain approval from the CTMA to provide public sewer to the restaurant and shall obtain Act 537 Sewage Facilities Planning Module approval or exemption therefrom from the Pa.DEF. Applicant shall enter a Sanitary Sewer Capacity Reservation and Extension Agreement approved by the CTMA which shall be recorded simultaneously or prior to recording of the Plan. All details concerning what sewer lines and sewer facilities Applicant shall be required to construct to provide public sewer to the restaurant shall be determined by the CTMA and noted on the Plan. Applicant shall tender to the CTMA any easements necessary to provide public sewer to the Building.
6. Applicant shall obtain a highway occupancy permit from the Pennsylvania Department of Transportation ("PennDOT") and as part of that permit process determine if PennDOT will accept the offer of additional right of way along the southern side of W. Lincoln Highway as depicted on the Plan. If PennDOT will not accept the offer of additional right of way, a note on the Plan shall be revised to reflect Applicant and its successors in title to the Property shall make a perpetual offer of dedication for the additional right of way that shall run with the Property.
7. Applicant shall prepare and execute an easement agreement granting public access to the sidewalk that it constructs along the frontage of W. Lincoln Highway as depicted on the Plan. The easement agreement shall also grant to the Township and the public the ability for a future extension of the sidewalk along the entire Property frontage along W. Lincoln Highway. The terms of the easement agreement shall be approved by the Township Solicitor and Board prior to recording of the Plan.
8. Pursuant to SALDO Section 137-31, prior to the release of the Plans for recording, Applicant shall make payment in the amount of \$4,655.48 (calculated as \$855.00 per 1,000 gross square feet of building space for 5,445 square feet based) as a fee in lieu of land dedicated for open space.
9. Prior to the release of the Plan for recording, 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 Plan being released by the Board of Commissioners for recording.

10. Prior to the release of the Plan 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 Plan. 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 subdivision, 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 subdivision of the Property. Should Applicant wish to dispute any of the above-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 provide the Township with a digital file of the Plan as specified in the Township Code.
12. Applicant shall provide the Township with a copy of the recorded Plan in 11x17 format.
13. 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.
14. 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.

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 25th day of January, 2024 by Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, and carried by a vote of \_\_\_\_\_.

ATTESTED BY:

\_\_\_\_\_  
Don Vymazal  
Township Secretary

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

Date: \_\_\_\_\_

By:

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

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