MOTION OF THE BOARD OF COMMISSIONERS OF CALN TOWNSHIP, CHESTER COUNTY, PENNSYLVANIA GRANTING APPROVAL OF THE FINAL SUBDIVISION AND LAND DEVELOPMENT APPLICATION OF 4102 ASSOCIATES, LLC, FOR DEVELOPMENT AT 4060 EDGE'S MILL ROAD, CHESTER COUNTY TAX PARCEL NOS. 39-1-114.1 AND 39-1-114

The Board of Commissioners of Caln Township (the "Board") renders this Motion granting final approval of the Final Subdivision and Land Development Application filed by 4102 Associates, LLC ("Applicant") for the proposed development of an undeveloped parcel located at 4060 Edge's Mill Road and consolidation with the adjacent property located at 4102 Edges Mill Road subject to certain conditions more fully set forth below.

FINDINGS OF FACT/DISCUSSION

Applicant is the owner of an approximately 6.93 acre parcel of property located north of the Downingtown Coatesville Bypass, east of Bondsville Road and south of Edge's Mill Road identified as Chester County Tax Parcel No. 39-1-114.1 ("4060 Parcel"). Applicant is also the owner of the adjacent 6.025 acre parcel to the east located at 4102 Edge's Mill Road identified as Chester County Tax Parcel No. 39-1-114 ("4102 Parcel"). Applicant seeks to develop the 4060 Property with a one-story flex space building with a footprint of 41,000 square feet (the "Building"), 57 off-street parking spaces, sidewalks, stormwater management facilities and other site improvements. Applicant also intends to consolidate the 4060 Parcel with the 4102 Parcel to create a 12.951 acre parcel and modify the existing shared driveway to the two parcels leading from Edge's Mill Road.

The Property is located in the C-2 Regional Commercial District.

The Board approved a conditional use pursuant to Section 155-28.C(13) of the Caln Township Zoning Ordinance of 2005, as amended (the "Ordinance") to allow the Building to be used for flex space in a Conditional Use Decision and Order dated December 22, 2022 (the "CU Decision").

The Board granted Preliminary Subdivision and Land Development Approval on January 11, 2024 subject to certain conditions which Applicant accepted.

Applicant submitted final subdivision and land development plans prepared by D.L. Howell & Assoc., Inc., titled, "Final Land Development Plan for the All-Fill Expansion", dated May 6, 2022, sheets 1-21 last revised May 29, 2024, sheets 22-25 last revised December 12, 2023, consisting of 25 sheets (the "Plan").

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

- ARRO letter dated October 1, 2024;
- Pennoni letter dated October 1, 2024;
- Gilmore & Associates Inc. (Caln Township Municipal Authority ("CTMA") engineer) letter dated September 19, 2024

(collectively the "Review Letters").

At the October 15, 2024 public meeting, the Township Planning Commission recommended that the Board of Commissioners grant final subdivision and land development plan approval, subject to Applicant satisfying any outstanding comments in the latest Review Letters.

DECISION

AND NOW, this 31st day of October, 2024, the Caln Township Board of Commissioners hereby GRANTS 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.

3. The Board reaffirms the grant of the following waivers from the Township SALDO and Stormwater Ordinance:

   - §137-66.E(5)(a) to not be required to locate on the Plan existing trees of 12 inches or more in caliper.

   - §135-305.A to not require infiltration and instead allow a proposed managed release basin which provides slow release of specified water quality and runoff volume because infiltration is not feasible.

   - §135-306 to not require infiltration and instead allow a proposed managed release basin which provides slow release of specified water quality and runoff volume because infiltration is not feasible.

   - §135-311.C to not require the stormwater pipes to have a minimum slope of 1%.

4. Pursuant to Section 137-44.1.A(2) of the SALDO, the Board also approves the disturbance of an area designated as "Riparian Buffer Zone 2" to allow the installation of a level spreader at the existing stormwater endwall and to connect sanitary sewer to the existing manhole.

5. 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.

6. Prior to the release of the Plan for recording, Applicant shall obtain approval from the CTMA to provide public sewer to the new flex space building and shall obtain Act 537 Sewage Facilities Planning Module approval or exemption therefrom from the Pa.DEP. 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 flex space building 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.

7. Pursuant to SALDO Section 137-31, prior to the release of the Plans for recording, Applicant shall make payment in the amount of $35,055.00 (calculated as $855.00 per 1,000 gross square feet of building space for 41,000 square feet based) as a fee in lieu of land dedicated for open space.

8. 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.

9. 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.

10. Applicant shall provide the Township with a digital file of the Plan as specified in the Township Code.

11. Applicant shall provide the Township with a copy of the recorded Plan in 11x17 format.

12. 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.

13. 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 31st day of October, 2024 by Commissioner _____, seconded by Commissioner _____, and carried by a vote of _____.

ATTESTED BY: _____
Don Vymazal
Township Secretary

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