

**MOTION OF THE BOARD OF COMMISSIONERS OF CALN TOWNSHIP,  
CHESTER COUNTY, PENNSYLVANIA  
PRELIMINARY LAND DEVELOPMENT APPLICATION FOR 4109 LINCOLN  
HIGHWAY, CHESTER COUNTY TAX PARCEL NO. 39-4-115**

RE: Preliminary Subdivision and Land Development Application of H. Michael Cohen  
4109 Lincoln Highway  
Chester County Tax Parcel Number: 39-4-115

The Board of Commissioners of Caln Township (the “Board”) renders this Motion granting conditional approval of the Preliminary Subdivision and Land Development Application of H. Michael Cohen (“Applicant”) for the development of a 97-unit multifamily townhouse development on property located at 4109 Lincoln Highway, Caln Township, identified as Chester County Tax Parcel No. 39-4-115 (the “Property”). The Property consists of approximately 29-acres and is located in the TV-1 Thorndale Village Zoning District. The current use of the Property is a truck repair and parts business with existing access from Lincoln Highway.

In a Decision and Order dated February 27, 2025, Applicant obtained conditional use approval from the Board of Commissioners of Caln Township (the “Board”) pursuant to Section 155-26.C(2) of the Caln Township Zoning Ordinance of 2005, as amended (the “Ordinance”) to allow the Property to be subdivided and developed with a multifamily townhouse development with a maximum of 97 dwelling units subject to 14 conditions.

In a Decision and Order dated October 6, 2025, the Township’s Zoning Hearing Board granted a special exception in accordance with Section 155-35.D(2) of the Ordinance to allow earth disturbance/improvements within the fifty-foot wetland buffer and granted variances from: (i) Section 155-54.C(2)(4) to permit certain townhomes to be located within the required 25 foot setback from the Property boundary; (ii) Section 155-113.A. to allow a reduced clear sight triangle of 65 feet at the alley intersections with Loop Drive C, conditioned on the HOA Declaration expressly prohibiting landscape plantings within the sight triangles to prevent sight obstructions; and (iii) Section 155-138.D to not require an off-street loading space for the development.

Applicant submitted preliminary subdivision and land development plans prepared by Howell Engineering consisting of 32 sheets, dated March 14, 2025, last revised July 22, 2025 (the “Plan”).

The Township and Caln Township Municipal Authority (CTMA) consultants reviewed the Plan and issued the following review letters (collectively the “Review Letters”):

1. ARRO Consulting, Inc. letter dated September 26, 2025.
2. Pennoni Associates, Inc. letter dated November 11, 2025.

3. Gilmore & Associates, Inc. letter dated August 26, 2025.

At the November 18, 2025 public meeting, the Township Planning Commission recommended that the Board of Commissioners grant all waivers requested and conditional preliminary subdivision and land development plan approval subject to Applicant satisfying all outstanding comments in the latest Review Letters.

**DECISION**

AND NOW, this \_\_\_\_ day of December 2025, the Caln Township Board of Commissioners hereby **GRANTS** conditional preliminary approval of the Plan and the waivers identified below subject to Applicant's compliance with all of the notes and conditions therein contained, and all of the foregoing conditions.

The Board of Commissioners hereby grants waivers from the following sections of the Caln Township Subdivision and Land Development Ordinance (the "SALDO") codified in Chapter 137 of the Caln Township Code and the Caln Township Stormwater Management Ordinance, codified in Chapter 135 of the Caln Township Code (the "Stormwater Ordinance").

- Section 137-37.A to allow the minimum radius of the center line for horizontal curves on local streets to be reduced to 32 feet when 150 feet is required.
- Section 137-39.A to allow the road cartway width to be reduced to 24 feet with no right-of-way for the internal roads in the southern section of the development and for the "alleys" in the northern section.
- Section 137-43.A to allow sidewalks to be located on only one side of the proposed internal streets.
- Section 137-44.1.A to allow grading and installation of utilities, stormwater improvements, a portion of the trail extension, and improvements on G.O. Carlson Boulevard in the riparian buffer zone 2.
- Section 135-311.C to allow for the use of a storm pipe with a diameter of 8 inches and a minimum slope of 0.5%.

Applicant requested a waiver from Section 137-42 to not install curbs along Lincoln Highway but the Board voted to deny such waiver. The Board understands that Lincoln Highway is a PennDOT road and Applicant must obtain a Highway Occupancy Permit (HOP) in order to install the curbing. If PennDOT does not approve such HOP, the Board understands the curbing cannot be installed.

### **CONDITIONS OF APPROVAL**

1. The subdivision and land development depicted on the Plan shall comply with all relevant terms and provisions of the Ordinance, the SALDO, the Stormwater Ordinance and all other applicable regulations, except as otherwise modified and/or waived by the Board of Commissioners through this Motion or the Zoning Hearing Board in the October 6, 2025 Decision and Order.

2. Applicant shall comply with all outstanding comments in the Review Letters to the satisfaction of the Township and CTMA staff and their consultants.

3. Applicant shall comply with all terms in the February 27, 2025 Conditional Use Decision and Order.

4. Applicant shall comply with all terms in the October 6, 2025 Zoning Hearing Board Decision and Order.

5. Applicant shall create a homeowners association for the proposed development and prepare and record a declaration of covenants, restrictions and conditions for the homeowners association that includes all conditions and restrictions required by the Conditional Use Decision and Order, the Zoning Hearing Board Decision and Order, the Plan and the terms of this Resolution. The Declaration shall be approved by the Township prior to the release of the plan for recording.

6. 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.

7. Applicant shall obtain approval from the CTMA to provide public sewer to the proposed development. Applicant has not yet obtained Act 537 Sewage Facilities Planning Module approval or exemption therefrom from the Pennsylvania Department of Environmental Protection ("PaDEP"). Applicant has not yet reserved sewer capacity for the proposed development. Accordingly, the preliminary approval shall be deemed conditional under Act 537 until the Applicant has obtained PaDEP sewage planning approval. Prior to obtaining sewage planning approval, Applicant shall have entered into a Sanitary Sewer Capacity Reservation and Extension Agreement with CTMA. Prior to the signing and recording of the Plan, Applicant shall have fully designed any new sewer facilities to the satisfaction of CTMA and the CTMA Engineer, shall have fully satisfied the comments set forth in the Gilmore & Associates Inc. (CTMA Engineer) letter dated August 26, 2025 and shall have entered into a Financial Security Agreement with CTMA for the installation of any new sewer facilities. All details concerning what sewer lines and sewer facilities Applicant shall be required to construct to provide public sewer to the proposed

development shall be determined by the CTMA and the CTMA Engineer and noted on the Plan.

8. Applicant shall install curve warning signs at locations approved by the Township at the horizontal curve at the intersection of GO Carlson Boulevard and Park Drive. After construction of the horizontal curve at the intersection of GO Carlson Boulevard and Park Drive, the Township will complete a study in accordance with PennDOT Publication 46 – *Traffic Engineering Manual* to determine if advisory speed plaques are required to supplement the curve warning signage. If required, Applicant shall install the advisory speed plaques.

9. Prior to the signing and 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. Prior to the signing and release of the Plan, Applicant shall obtain all necessary outside agency permits to develop the Property as depicted on the Plan, including but not limited to a highway occupancy permit from PennDOT, an NPDES permit from the PaDEP and Act 537 sewage planning module approval or exemption from PaDEP.

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.

IN THE MATTER OF:  
Preliminary Subdivision and Land Development Plan Approval  
Michael Cohen  
Chester County Tax Parcel Number: 39-4-115

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 and Stormwater Ordinance referenced and described hereinabove.

A motion made at the public meeting of the Board of Commissioners on this \_\_\_\_\_ day of December 2025 by Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, and carried by a vote of \_\_\_\_ to \_\_\_\_.

ATTESTED BY: \_\_\_\_\_  
Don Vymazal, 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