



# COMMONWEALTH ENGINEERS, INC.

114 East Lancaster Avenue ~ Second Floor ~ Downingtown, PA 19335  
Telephone: (610) 518-9003 ~ Fax: (610) 518-9004 ~ comeng@cel-1.com

June 4, 2014

ATTN: Mike McWilliams, Fire Chief  
Westwood Fire Company  
1403 Valley Road  
Coatesville, PA 19320

**Re: Valley View Business Park Lot 8  
Proposed 115-Unit Townhouse Development  
Valley Township, Chester County, PA**

Dear Mr. McWilliams,

Pennoni Associates, Inc., the Valley Township Engineer, have requested as part of their review of the proposed subdivision and land development plans for Lot 8 of the Valley View Business Park that you verify that the proposed development meets the emergency services requirements for Valley Township.

The proposed subdivision land development consists of construction of 115 proposed townhouses and three associated roadways to be constructed at the end of existing Waverly Boulevard in the Valley View Business Park, and connected with existing Hoffman Avenue.

**Please Check The Appropriate Response:**

The Proposed Lot 8 Townhouse Development meets emergency services requirements.

The Proposed Lot 8 Townhouse Development does not meet emergency services requirements for the following reasons:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**At your earliest convenience, please return a signed, dated copy of this letter to my attention in the enclosed self-addressed stamped envelope.**

Sincerely,

Allan Zimmerman  
Commonwealth Engineers, Inc.

Mike McWilliams, Fire Chief

7/1/14  
Date





# pennsylvania

DEPARTMENT OF ENVIRONMENTAL PROTECTION

SOUTHEAST REGIONAL OFFICE

SEP 05 2012

Mr. James Reading  
All-County Partnership  
2500 East High Street  
Pottstown, PA 19464

Re: General Permit Acknowledgment  
DEP General Permit File No. GP0415121306  
Valley Township  
Chester County

Dear Mr. Reading:

This will acknowledge receipt of your General Permit Registration No. 4 (copy enclosed) and registers your use of a General Permit. You are responsible for assuring the work is done in accordance with the drawings and conditions contained in the General Permit. You may proceed with your project after making the required notifications stipulated in the General Permit and securing all other approvals that may be necessary.

Also enclosed is your Federal Clean Water Act Section 404 authorization in the form of the Pennsylvania State Programmatic General Permit (PASPGP) which expires on July 1, 2016.

Before performing any work, you are required to secure all other approvals that may be necessary under other federal, state, or local regulations and notify the Pennsylvania Fish and Boat Commission in accordance with the General Permit. Also, you are required to develop an Erosion and Sediment Control Plan and notify your county conservation district prior to performing any earthmoving activities. No earthwork may start until you receive an "adequate" review letter from the Conservation District.

SEP 05 2012

Mr. James Reading

- 2 -

If you have any questions, please call Mr. Christian M. Vlot at 484.250.5153.

Sincerely,



Christian M. Vlot  
Water Pollution Biologist 2  
Dams, Waterways, and Wetlands Section  
Waterways and Wetlands

Enclosures

cc: PA Fish & Boat Commission, Southeast Regional Office  
U.S. Army Corps of Engineers, Philadelphia District  
Mr. Zimmerman, Commonwealth Engineers  
Valley Township  
Chester County Conservation District  
Mr. Vlot  
Re 30 (GJS12WAW)248-30

PENNSYLVANIA STATE PROGRAMMATIC GENERAL PERMIT - 4

(PASPGP-4)

July 1, 2011

Please note: the full text of the PASPGP-4 may be viewed on the Baltimore District web site at <http://www.nab.usace.army.mil/Wetlands%20Permits/> or by calling the Corps at 814-235-0570

Applicant: *All County Partnership*  
State Authorization(s): *GPO 41572306*

Corps District:

Philadelphia  
U.S. Army Corps of Engineers,  
Philadelphia District  
Regulatory Branch  
Wanamaker Building  
100 Penn Square East  
Philadelphia, PA 19107-3390

Baltimore  
U.S. Army Corps of Engineers,  
Baltimore District  
Regulatory Branch  
1631 South Atherton Street  
Suite 101  
State College, PA 16801-6260

Pittsburgh  
U.S. Army Corps of Engineers,  
Pittsburgh District  
Regulatory Branch  
Federal Building, 20<sup>th</sup> floor  
1000 Liberty Avenue  
Pittsburgh, PA 15222-4186

It has been determined that your proposed project, which includes the discharge of dredged and/or fill material and/or the placement of structures into waters of the United States, including wetlands, qualifies for Federal authorization under the provisions of Section 404 of the Clean Water Act and /or Section 10 of the River and Harbor Act of 1899, under the terms and conditions of the PASPGP-4.

All activities authorized under PASPGP-4 must comply with all conditions of the authorization, including General, Procedural, and Special Conditions. Failure to comply with all the conditions of the authorization, including project special conditions, will constitute a permit violation and may be subject to criminal, civil, or administrative penalties, and /or restoration.

The authorized activity must be performed in compliance with the following General Conditions to be authorized under PASPGP-4:

General Conditions:

1. Permit Conditions: The permittee shall comply with all terms and conditions set forth in the PADEP authorization for use of this permit, including all conditions of Section 401 Water Quality Certification, and any subsequent amendment or modification to such authorization. The permittee shall conduct all work and activities in strict compliance with all approved maps, plans, profiles, and specifications used by PADEP and/or the Corps as the basis for its authorization or subsequent modification of authorization.

2. Aquatic Life Movements: No activity may substantially disrupt the movement of those species of aquatic life indigenous to the waterbody, including those species which normally migrate through the area, unless the activity's primary purpose is to impound water. Culverts placed in streams must be appropriately depressed to maintain aquatic life movement and low flow conditions.

3. Threatened and Endangered Species: If an activity is authorized under the PASPGP-4, and a Federally listed threatened or endangered species, or proposed species or critical habitat, is subsequently found to be present, all work must cease, and the Corps and USFWS (or NMFS) must be notified. The PASPGP-4 verification is suspended and will not be re-issued until consultation pursuant to Section 7 of the ESA is concluded and adverse effects to Federally listed threatened, endangered, and proposed species and critical habitat are avoided.

Furthermore, persons have an independent responsibility under Section 9 of ESA to not engage in any activity that could result in the "take" of a Federally listed species.

4. **Spawning Areas:** The permittee shall comply with all time-of-year restrictions as set forth by the PFBC or other designated agency. Discharges or structures in spawning or nursery areas shall not occur during spawning seasons, unless written approval is obtained by the PFBC or other designated agency. In addition, work in areas used for other time sensitive life span activities of fish and wildlife (such as hibernation or migration) may necessitate the use of seasonal restrictions for avoidance of adverse impacts to vulnerable species. Impacts to these areas shall be avoided or minimized to the maximum extent practicable during all other times of the year.

5. **Waterfowl Breeding and Wintering Areas:** Activities including discharges of dredged or fill material or the placement of structures in breeding and wintering areas of migratory waterfowl must be avoided to the maximum extent practicable.

6. **Shellfish Production:** No discharge of dredged or fill material and/or the placement of structures may occur in areas of concentrated shellfish production, unless the discharge is directly related to an authorized shellfish harvesting activity.

7. **Adverse Effects From Impoundments:** If the activity, including the discharge of dredged or fill material or the placement of a structure, creates an impoundment of water, the adverse effects on the aquatic system caused by the accelerated passage of water and/or the restriction of its flow, including impacts to wetlands, shall be minimized to the maximum extent practicable.

8. **Obstruction of High Flows:** To the maximum extent practicable, the activity must be designed to maintain pre-construction downstream flow conditions (i.e., location, capacity, and flow rates). Furthermore, the activity must not permanently restrict or impede the passage of normal or expected high flows (unless the primary purpose of the fill is to impound waters), and the structure or discharge of dredged and/or fill material shall be designed to withstand expected high flows.

9. **Erosion and Sediment Controls:** During construction, appropriate erosion and siltation controls must be used and maintained in effective operating condition in accordance with State regulations. All exposed soil and other fill material must be permanently stabilized.

10. **Suitable Material:** No activity, including discharges of dredged and/or fill material or the placement of structures, may consist of unsuitable material (i.e., asphalt, trash, debris, car bodies, etc.). No material discharged shall contain toxic pollutants in amounts that would violate the effluent limitation standards of § 307 of the CWA.

11. **Temporary Fill:** Temporary fill in waters and wetlands authorized by the PASPGP-4 (i.e., access roads and cofferdams) shall be properly constructed and stabilized during use to prevent erosion and accretion. Temporary fill in wetlands shall be placed on geotextile fabric laid on existing wetland grade. Whenever possible, rubber or wooden mats should be used for equipment access through wetlands to the project area. Temporary fills shall be removed, in their entirety, to an upland site, and suitably contained to prevent erosion and transport to a waterway or wetland. Temporary fill areas shall be restored to their preconstruction contours, elevations, and hydrology and revegetated with non-invasive, native species.

12. **Equipment Working in Wetlands:** Measures must be taken to minimize soil disturbance when heavy equipment is used in wetland areas. These measures include, but are not limited to, avoiding the use of such equipment, use of timber mats or geotextile fabric, and the use of low pressure tire vehicles.

13. **Installation and Maintenance:** Any structure or fill authorized shall be properly installed and maintained to ensure public safety.

14. **PASPGP-4 Verification:**

a. The PASPGP-4 expires June 30, 2016, unless suspended or revoked.

b. Activities authorized under a project specific PASPGP-4 expire June 30, 2016, unless suspended, revoked, or the PADEP authorization expires, whichever date occurs sooner. Activities authorized under the project specific PASPGP-4 that have commenced construction or are under contract to commence construction will remain authorized provided the activity is completed within 12 months of the date of the PASPGP-4's expiration, modification, or revocation; or until the expiration date of the project specific verification, whichever is sooner.

15. **One-Time Use:** A PASPGP-4 authorization is valid to construct the project, or perform the activity, one time only, except for PASPGP-4 authorizations specifically issued for reoccurring maintenance activities.

16. **Water Supply Intakes:** No activity, including discharges of dredged and/or fill material and/or the placement of structures, may occur in the proximity of a public water supply intake and adversely impact the public water supply.

17. **Cultural Resources:** For all activities verified under a PASPGP-4, upon the discovery of the presence of previously unknown Historic Properties (historic or archaeological), all work must cease and the permittee must notify the SHPO and the Corps of Engineers. The PASPGP-4 authorization is not valid until it is determined, through the Section 106 consultation process, whether the activity will have an effect on the Historic Property. The PASPGP-4 may be reverified and special conditions added if necessary, after an effects determination on the Historic Property is made. The PASPGP-4 authorization may be suspended and/or revoked in accordance with 33 CFR 325.7 for the specific activity if an adverse effect on the Historic Property cannot be avoided or mitigated.

18. **Tribal Rights:** No activity or its operation may impair reserved tribal rights, including, but not limited to, reserved water rights and treaty fishing and hunting rights.

19. **Corps Civil Works Projects:** The PASPGP-4 does not authorize any work which will interfere with an existing or proposed Corps Civil Works project (i.e., flood control projects, dams, reservoirs, and navigation projects). The permittee understands and agrees that, if future operations by the United States require removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal, relocation, or alteration.

20. **Navigation:** No activity authorized under PASPGP-4 may cause more than a minimal adverse effect on navigation. No attempt shall be made by the permittee to prevent the full and free use by the public of all navigable waters at or adjacent to the activity authorized herein. In addition, activities that require temporary causeways that prohibit continued navigational use of a waterway (i.e., temporary causeways extending greater than  $\frac{1}{4}$  the width across the waterway) shall be removed in their entirety upon completion of their use. Any safety lights and signals prescribed by the U.S. Coast Guard, through regulations or otherwise, must be installed and maintained at the permittee's expense on authorized facilities in navigable waters of the United States. The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

21. **Inspections:** The permittee shall allow a District Engineer or his authorized representative(s) to make periodic inspections at any time deemed necessary in order to ensure that the work is being performed in accordance with all the terms and conditions of the PASPGP-4. The District Engineer may also require post-construction engineering drawings (as-built plans) for completed work.

22. **PASPGP-4 Permit Compliance Self Certification Form:** A Self Certification Form, regarding the PASPGP-4 authorized work and required mitigation, will be forwarded to each permittee with the PASPGP-4 verification. Every permittee, who receives a written PASPGP-4 verification, shall submit the signed Self Certification Form upon completion of the authorized work and required mitigation. The completed form shall be returned to the appropriate Corps District.

23. **Permit Modifications:** Any proposed modification of the authorized overall project that results in a change in the authorized impact to, or use of waters of the United States, including jurisdictional wetlands, must be approved by PADEP. Corps approval is also required if the overall project had been previously reviewed by the Corps as a Category III activity, or the proposed modification causes the overall project impacts to exceed 1.0 acre of waters of the United States, including jurisdictional wetlands, or 250 linear feet of streams, rivers, other watercourses and open water areas. Project modifications that cause the overall project impacts to exceed 1.0 acre of waters of the United States, including wetlands, may not be eligible for PASPGP-4 and will be forwarded to the Corps for review.

24. **Recorded Conservation Instruments:** As per Part IV.A.26 and Part IV.B.4 and Part IV.C.8 of this permit, proposed Draft Conservation Instruments may be submitted by the applicant as part of the permit application package for review and approval. When such proposed Conservation Instruments are submitted by the applicant, verification of the recorded deed restriction, conservation easement, or deed restricted open space area shall be forwarded to the appropriate Corps District and appropriate PADEP offices, prior to the initiation of any permitted work.

25. **Property Rights:** This PASPGP-4 does not convey any property rights, either in real estate or material, or any exclusive privileges; nor does it authorize any injury to property or invasion of rights or any infringement of Federal, State, or local laws or regulations.

26. **Navigable Waters of the United States (Section 10 Waters):** In addition to the conditions referenced above, the following conditions are applicable for navigable waters of the United States eligible for the PASPGP-4. The PASPGP-4 may be used to authorize work in the following navigable waters of the United States:

- a. Codorus Creek -- from the confluence with the Susquehanna River 11.4 miles upstream to the Indian Rock Dam in York, Pennsylvania;
- b. Main Stem Susquehanna River -- from the confluence with the Chesapeake Bay upstream to Athens, Pennsylvania (approximately 4 miles south from the New York State line);
- c. West Branch of the Susquehanna River -- from the confluence with the main stem Susquehanna River upstream to the dam at Lock Haven, Pennsylvania;
- d. Chester Creek -- from the confluence with the Delaware River 2 miles upstream;
- e. Crum Creek -- from the confluence with the Delaware River 1 mile upstream to the upstream side of the dam at Eddystone;
- f. Darby Creek -- from the confluence with the Delaware River 5 miles upstream to the upstream side of 84th Street Bridge in Philadelphia;
- g. Delaware River -- from the Morrisville-Trenton Railroad Bridge in Morrisville, Pennsylvania, including the West Branch of the Delaware River, upstream to the Pennsylvania/New York border at the 42<sup>nd</sup> parallel;
- h. Lehigh River -- from the confluence with the Delaware River 72 miles upstream to the downstream side of PA Route 940 Bridge;



i. Neshaminy Creek – from the confluence with the Delaware River, including the Neshaminy State Park Harbor Project at the mouth of Neshaminy creek, 4 miles upstream to the downstream side of the Newportville Bridge;

j. Pennypack Creek – from the confluence with the Delaware River 2 miles upstream to the downstream side of Frankford Avenue Bridge in Philadelphia;

k. Ridley Creek – from the confluence with the Delaware River 1 mile upstream to the upstream side of the Baltimore and Ohio Railroad Bridge in Chester, Pennsylvania;

l. Schuylkill River – from the Fairmont Dam, 104 miles upstream to Port Carbon, Pennsylvania; and

m. Schuylkill Navigation Channel (Manayunk Canal) – along the Schuylkill River for two miles from the Flat Rock Dam to Lock Street in the Manayunk Section of Philadelphia, Pennsylvania.

27. For Aerial Transmission Lines Across Navigable Waters:

a. The following minimum clearances are required for aerial electric power transmission lines crossing navigable waters of the United States. These clearances are related to the clearances over the navigable channel provided by existing fixed bridges, or the clearances which would be required by the United States Coast Guard for new fixed bridges, in the vicinity of the proposed aerial transmission line. These clearances are based on the low point of the line under conditions producing the greatest sag, taking into consideration temperature, load, wind, length of span, and type of supports as outlined in the National Electrical Safety Code:

NOMINAL SYSTEM VOLTAGE (kV)	Minimum additional clearance (ft.) above clearance required for bridges
115 and below	20
138	22
161	24
230	26
350	30
500	35
700	42
750-765	45

i. Clearances for communication lines, stream gauging cables, ferry cables, and other aerial crossings must be a minimum of ten feet above clearances required for bridges, unless specifically authorized otherwise by the District Engineer.

ii. Corps of Engineer regulation ER 1110-2-4401 prescribes minimum vertical clearances for power communication lines over Corps lake projects. In instances where both this regulation and ER 1110-2-4401 apply, the greater minimum clearance is required.

b. Encasement: The top of the cable, encasement, or pipeline shall be located a minimum of three feet below the existing bottom elevation of the streambed and shall be backfilled with suitable heavy material to the preconstruction bottom elevation. Where the cable, encasement, or pipeline is placed in rock, a minimum depth of one foot from the lowest point in the natural contour of the streambed shall be maintained. When crossing a maintained navigation channel, the requirements are a minimum of eight feet

between the top of the cable, encasement, or pipeline and the authorized depth of the navigation channel. For maintained navigational channels, where the utility line is placed in rock, a minimum depth of two feet from the authorized depth of the navigation channel shall be maintained.

c. As-built drawings: Within 60 days of completing an activity that involves an aerial transmission line, submerged cable, or submerged pipeline across a navigable water of the United States (i.e., Section 10 waters); the permittee shall furnish the Corps and the National Oceanic and Atmospheric Administration, Nautical Data Branch, NCS26, Station 7317, 1315 East-West Highway, Silver Spring, Maryland, 20910 with professional, certified as-built drawings, to scale, with control (i.e., latitude/longitude, state plane coordinates), depicting the alignment and minimum clearance of the aerial wires above the mean high water line at the time of survey or depicting the elevations and alignment of the buried cable or pipeline across the navigable waterway.

d. Aids to Navigation: The permittee must prepare and provide for United States Coast Guard (USCG) approval, a Private Aids To Navigation Application (CG-2554). The form can be found at: [http://www.uscg.mil/forms/cg/CG\\_2554.pdf](http://www.uscg.mil/forms/cg/CG_2554.pdf). Within 30 days of the date of receipt of the USCG approval, the permittee must provide a copy to the applicable Corps District.

By Authority of the Secretary of the Army:

David E. Anderson  
Colonel, Corps of Engineers  
District Engineer, Baltimore

Philip M. Secrist, III  
Lieutenant Colonel, Corps of Engineers  
District Engineer, Philadelphia

William H. Graham  
Colonel, Corps of Engineers  
District Engineer, Pittsburgh



COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
BUREAU OF WATERSHED MANAGEMENT  
WATER OBSTRUCTION AND ENCROACHMENT

DEP USE ONLY  
SEP 05 2012  
Acknowledged Date  
GP 041572306  
GP \_\_\_\_\_  
GP \_\_\_\_\_  
PASPGP-4 Authorization Included:  
 YES  NO

GENERAL PERMIT REGISTRATION

<p>CHAPTER 105 GENERAL PERMITS PLEASE CHECK ALL THAT APPLY:</p> <p><input type="checkbox"/> GP-1 - Fish Habitat Enhancement Structures <input type="checkbox"/> GP-2 - Small Docks &amp; Boat Launching Ramps</p> <p>Please check one of the boxes below if utilizing GP-2 (See Part 1, Section C):</p> <p><input type="checkbox"/> private recreational dock <input type="checkbox"/> public access facility <input type="checkbox"/> public service facility <input type="checkbox"/> other private or commercial facility</p>				<p><input type="checkbox"/> GP-3 - Bank Rehabilitation, Bank Protection &amp; Gravel Bar Removal <input checked="" type="checkbox"/> GP-4 - Intake and Outfall Structures <input type="checkbox"/> GP-5 - Utility Line Stream Crossing <input type="checkbox"/> GP-6 - Agricultural Crossings &amp; Ramps <input type="checkbox"/> GP-7 - Minor Road Crossings <input type="checkbox"/> GP-8 - Temporary Road Crossings <input type="checkbox"/> GP-9 - Agricultural Activities <input type="checkbox"/> GP-15 - Private Residential Construction in Wetlands</p>			
<p><input type="checkbox"/> Activity Related to Oil and Gas Exploration and Production</p>							
SECTION A: APPLICANT INFORMATION							
<p>Check One: <input checked="" type="checkbox"/> New Permit <input type="checkbox"/> Transfer of Existing Permit - complete Sections A, C &amp; E and transfer form - 3930-PM-WM0016</p>							
<p>Applicant Name ALL COUNTY PARTNERSHIP</p>							
Contact Person - Last Name	First Name	MI	Telephone				
READING	JAMES		(610) 705-4006				
Mailing Address	City	State	Zip + 4				
2500 E HIGH ST	POTTSTOWN	PA	19464				
<p>Email Address</p>							
SECTION B: CONSULTANT (if different than above) <span style="float: right;">N/A</span>							
Consultant - Last Name	First Name	MI					
ZIMMERMAN	ALLAN	H					
<p>Consulting Firm COMMONWEALTH ENGINEERS, INC</p>							
Mailing Address	City	State	Zip + 4				
114 E LANCASTER AVE, 2ND FL	DOWNINGTOWN	PA	19335				
Telephone	FAX	Email					
(610) 518-9003	(610) 518-9004	AZIMMERMAN@CEE-1.COM					
SECTION C: PROJECT INFORMATION							
<p>Project Name LOT 8 VALLEY VIEW BUSINESS PARK</p>							
Site Location	City	State	Zip + 4				
250 WAGLERLY BLVD	COATESVILLE	PA	19320				
Municipality	City	Borough	Township				
VALLEY	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>				
			CHESTER				
Latitude	Longitude						
N39°58'42"	W75°52'31"						
<p>How many acres of earth disturbance will occur as a result of this project?</p> <p><input type="checkbox"/> Less than one acre <input type="checkbox"/> 1-5 acres <input checked="" type="checkbox"/> 5 acres or more</p>							

SECTION C: PROJECT INFORMATION (continued)

Detailed Written Directions to Project Site:

END OF WAVERLY BLVD IN VALLEY VIEW BUSINESS PARK

END OF HOFFMAN AVENUE

BOTH ACCESSED FROM WASHINGTON LANE, SOUTH OF SR 0030 BUSINESS

Project Description (briefly describe your project, including proposed impacts to waters and/or wetlands and PNDI Avoidance Measures (if applicable)):

CONSTRUCTION OF A 115-UNIT TOWNHOUSE DEVELOPMENT WITH A PROPOSED STORMWATER + BIORETENTION BASIN OUTFALL TO SUCKER RUN (WUC; MP). DSD + BANK WETLAND DISTURBANCE ONLY, WITH NO PNDI ISSUES.

SECTION D: COMPLIANCE REVIEW

Yes No

Is the applicant (owner and/or operator) currently in violation of any permits issued by the Department? If yes, please provide:

- 1. Permit Number: \_\_\_\_\_
- 2. Nature of the violation (if any): \_\_\_\_\_
- 3. Status of violation (i.e., schedule for compliance, etc.): \_\_\_\_\_

SECTION E: CERTIFICATION

I certify that the information provided in this permit registration is true and correct to the best of my knowledge and information.

Signature of Permittee (Person Responsible for Installation, Operation and Maintenance of Authorized Activity)

6/12/12 Date

JAMES G. READING Type or Print Name

PA Fish and Boat Commission Approval (for GP-1 only)

Signature

Date

AN ACKNOWLEDGED COPY OF THIS GENERAL PERMIT AND THE APPROVED EROSION AND SEDIMENT CONTROL PLAN MUST BE AVAILABLE AT THE PROJECT SITE DURING CONSTRUCTION.

**SECTION F. REGISTRATION CHECKLIST**

In order to register to use this General Permit, provide the following information to DEP or the delegated County Conservation District:

- I (we) have notified the Municipality and County by providing a copy of the General Permit Registration.
- Completed General Permit Registration Form.
- Completed Cumulative Impact Project Screening Form.
- Location Map. An 8 1/2" by 11" photocopy of a portion of the U.S.G.S. 7 1/2 Minute Quadrangle Map with the project site marked. Quadrangle Name: COATESVILLE / PARKERSBURG
- Sketch plan or other site drawing that provides the necessary information.
- Project cross-section drawing (where required). (General Permits 2, 3, 4, 5, 6, 7, and 8)
- Color photographs.
- PA Fish and Boat Commission approval. (General Permit 1 only)

Pennsylvania Natural Diversity Inventory (PNDI) reviews are required for all General Permits, please check the appropriate box indicating the information provided:

- Completed PNDI Project Planning and Environmental Review Form (if this form is the only information provided, additional review time will be required)
- Copy of an initialed PNDI Project Environmental Review Search Receipt showing No Known Impacts.
- Copy of an initialed PNDI Project Environmental Review Search Receipt showing Avoidance Measures which have also been incorporated into the project description.
- Copy of an initialed PNDI Project Environmental Review Search Receipt showing Potential Impacts AND documentation of appropriate agency coordination required on PNDI Receipt.

Bog Turtle Habitat screening is required for General Permits 5, 6, 7, 8, and 9 which may impact wetlands in the following counties: Adams, Berks, Bucks, Carbon (Aquashicola Creek Watershed only), Chester, Cumberland, Delaware, Lancaster, Lebanon, Lehigh, Monroe, Montgomery, Northampton, Schuylkill (Swatara Creek Watershed only) and York. Please check the appropriate box indicating the information provided:

- Completed Request for a Bog Turtle Habitat Screening Form (if this form is the only information provided, additional review time will be required)
- Copy of "No Effect" determination from the Army Corps of Engineers
- Copy of documented clearance from the US Fish and Wildlife Service.
- N/A

For activities which permanently impact wetlands:

- N/A
- A wetland delineation with completed data sheets in accordance with the 1987 Corps of Engineers Wetland Delineation Manual and the appropriate Regional Supplements to the Corps of Engineers Wetland Delineation Manual for use in Pennsylvania.
- If wetland impacts are greater than 0.05 acres, a wetland replacement plan in accordance with the Department's replacement criteria which provides wetland replacement at a one to one acre ratio equaling \_\_\_\_\_ acres.
- If wetland replacement onsite is not feasible:** A check, number \_\_\_\_\_, in the amount of \$\_\_\_\_\_ payable to the National Fish and Wildlife Foundation, N.A 1237, as compensatory mitigation for \_\_\_\_\_ acres of impact in wetlands, in accordance with the Pennsylvania Wetland Replacement Project.

**Fee Schedule:**

Deminimus impact less than or equal to .05 acre - \$ 0.00	Greater than .20 acre to .30 acre - \$2,500.00
Greater than .05 acre to .10 acre - \$ 500.00	Greater than .30 acre to .40 acre - \$5,000.00
Greater than .10 acre to .20 acre - \$1,000.00	Greater than .40 acre to .50 acre - \$7,500.00

**REGISTRATION FORM**  
(continued)

ALL COUNTY PARTNERSHIP  
Applicant Name

**SKETCH PLAN**

To ensure the sketch plan is complete, include the following on the site plan in the immediate vicinity of the project.  
(√ all that apply)

- | YES                                 | N/A                                 |  | YES                                 | N/A                                 |   |
|-------------------------------------|-------------------------------------|--|-------------------------------------|-------------------------------------|---|
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | Stream Name: <u>SUCKER RUN</u>   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | Limits of Earth Disturbance Associated with this Activity |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | Stream Limits and Flow Direction   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | Location of Property Lines Relative to the Project        |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | Floodway Limits (if known)   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | Existing Buildings, Roadways, Other Structures            |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | Chapter 93 Stream Designation:<br><u>WWF, MF</u>   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | Proposed Buildings, Roadways, Other Structures            |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | Waters Impacts with Dimensions<br>Total Length <u>17 LF</u><br>Total sq. ft. <u>0.05 SF</u><br># of impacts <u>1</u> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | Existing Utilities  |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | Wetland Impacts<br>Total sq. ft. _____<br># of impacts _____   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | Proposed Utilities  |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | Wetland Acreage Onsite _____   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | Other Waters on project site (i.e. pond, lakes)           |

Scale 1" = \_\_\_\_\_ ft.

**REGISTRATION FORM**  
(continued)

\_\_\_\_\_  
Applicant Name

**PROJECT**  
**CROSS SECTIONS AND PLAN VIEWS**

Required for General Permits 2, 3, 4, 5, 6, 7, and 8

Provide a cross section and plan view of the project (see sample drawings attached to the permits) showing the dimensions of the waterway opening, area of fill materials used, and other pertinent information necessary to accurately depict the scope of your project.

*SEE PLAN SET*

### 1. PROJECT INFORMATION

Project Name: Lot 8 Valley View Business Park

Date of review: 6/13/2012 9:48:22 AM

Project Category: Development, Residential, Subdivision containing more than 2 lots and/or 2 single-family units

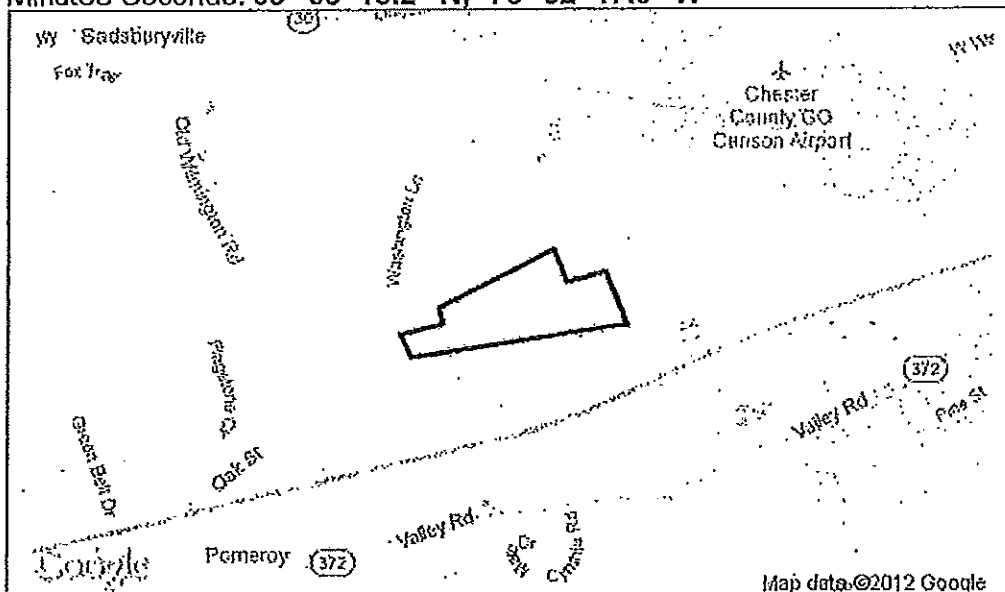
Project Area: 42.0 acres

County: Chester Township/Municipality: Sadsbury, Valley

Quadrangle Name: PARKESBURG ~ ZIP Code: 19320

Decimal Degrees: 39.971726 N, -75.879864 W

Degrees Minutes Seconds: 39° 58' 18.2" N, -75° 52' 47.5" W



### 2. SEARCH RESULTS

Agency	Results	Response
PA Game Commission	No Known Impact	No Further Review Required
PA Department of Conservation and Natural Resources	No Known Impact	No Further Review Required
PA Fish and Boat Commission	No Known Impact	No Further Review Required
U.S. Fish and Wildlife Service	No Known Impact	No Further Review Required

As summarized above, Pennsylvania Natural Diversity Inventory (PNDI) records indicate no known impacts to threatened and endangered species and/or special concern species and resources within the project area. Therefore, based on the information you provided, no further coordination is required with the jurisdictional agencies. This response does not reflect potential agency concerns regarding impacts to other ecological resources, such as wetlands.



Note that regardless of PNDI search results, projects requiring a Chapter 105 DEP Individual permit or GP 5, 6, 7, 8, 9 or 11 in certain counties (Adams, Berks, Bucks, Carbon, Chester, Cumberland, Delaware, Lancaster, Lebanon, Lehigh, Monroe, Montgomery, Northampton, Schuylkill and York) must comply with the bog turtle habitat screening requirements of the PASPGP.

### 3. AGENCY COMMENTS

Regardless of whether a DEP permit is necessary for this proposed project, any potential impacts to threatened and endangered species and/or special concern species and resources must be resolved with the appropriate jurisdictional agency. In some cases, a permit or authorization from the jurisdictional agency may be needed if adverse impacts to these species and habitats cannot be avoided.

These agency determinations and responses are valid for one year (from the date of the review), and are based on the project information that was provided, including the exact project location; the project type, description, and features; and any responses to questions that were generated during this search. If any of the following change: 1) project location, 2) project size or configuration, 3) project type, or 4) responses to the questions that were asked during the online review, the results of this review are not valid, and the review must be searched again via the PNDI Environmental Review Tool and resubmitted to the jurisdictional agencies. The PNDI tool is a primary screening tool, and a desktop review may reveal more or fewer impacts than what is listed on this PNDI receipt. The jurisdictional agencies strongly advise against conducting surveys for the species listed on the receipt prior to consultation with the agencies.

#### PA Game Commission

**RESPONSE:** No Impact is anticipated to threatened and endangered species and/or special concern species and resources.

#### PA Department of Conservation and Natural Resources

**RESPONSE:** No Impact is anticipated to threatened and endangered species and/or special concern species and resources.

#### PA Fish and Boat Commission

**RESPONSE:** No Impact is anticipated to threatened and endangered species and/or special concern species and resources.

#### U.S. Fish and Wildlife Service

**RESPONSE:** No impacts to federally listed or proposed species are anticipated. Therefore, no further consultation/coordination under the Endangered Species Act (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*) is required. Because no take of federally listed species is anticipated, none is authorized. This response does not reflect potential Fish and Wildlife Service concerns under the Fish and Wildlife Coordination Act or other authorities.

### 4. DEP INFORMATION

The Pa Department of Environmental Protection (DEP) requires that a signed copy of this receipt, along with any required documentation from jurisdictional agencies concerning resolution of potential impacts, be submitted with applications for permits requiring PNDI review. For cases where a "Potential Impact" to threatened and endangered species has been identified before the application has been submitted to DEP, the application should not be submitted until the impact has been resolved. For cases where "Potential Impact" to special

concern species and resources has been identified before the application has been submitted, the application should be submitted to DEP along with the PNDI receipt. The PNDI Receipt should also be submitted to the appropriate agency according to directions on the PNDI Receipt. DEP and the jurisdictional agency will work together to resolve the potential impact(s). See the DEP PNDI policy at <http://www.naturalheritage.state.pa.us>.

**5. ADDITIONAL INFORMATION**

The PNDI environmental review website is a preliminary screening tool. There are often delays in updating species status classifications. Because the proposed status represents the best available information regarding the conservation status of the species, state jurisdictional agency staff give the proposed statuses at least the same consideration as the current legal status. If surveys or further information reveal that a threatened and endangered and/or special concern species and resources exist in your project area, contact the appropriate jurisdictional agency/agencies immediately to identify and resolve any impacts.

For a list of species known to occur in the county where your project is located, please see the species lists by county found on the PA Natural Heritage Program (PNHP) home page (www.naturalheritage.state.pa.us). Also note that the PNDI Environmental Review Tool only contains information about species occurrences that have actually been reported to the PNHP.

**6. AGENCY CONTACT INFORMATION**

**PA Department of Conservation and Natural Resources**  
Bureau of Forestry, Ecological Services Section  
400 Market Street, PO Box 8552, Harrisburg, PA.  
17105-8552  
Fax:(717) 772-0271

**U.S. Fish and Wildlife Service**  
Endangered Species Section  
315 South Allen Street, Suite 322, State College, PA.  
16801-4851  
NO Faxes Please.

**PA Fish and Boat Commission**  
Division of Environmental Services  
450 Robinson Lane, Bellefonte, PA. 16823-7437  
NO Faxes Please

**PA Game Commission**  
Bureau of Wildlife Habitat Management  
Division of Environmental Planning and Habitat Protection  
2001 Elmerton Avenue, Harrisburg, PA. 17110-9797  
Fax:(717) 787-6957

**7. PROJECT CONTACT INFORMATION**

Name: ALAN ZIMMERMAN  
Company/Business Name: COMMONWEALTH ENGINEERS, INC  
Address: 114 E LANCASTER AVE, 2ND FL  
City, State, Zip: PAWINGTOWN, PA 19385  
Phone: (610) 512-9003 Fax: (610) 512-9004  
Email: AZIMMERMAN@CEP-1.COM

**8. CERTIFICATION**

I certify that ALL of the project information contained in this receipt (including project location, project size/configuration, project type, answers to questions) is true, accurate and complete. In addition, if the project type, location, size or configuration changes, or if the answers to any questions that were asked during this online review change, I agree to re-do the online environmental review.

[Signature]  
applicant/project proponent-signature

6/13/12  
date





May 31, 2005

New Hanover Township  
Planning Commission  
2943 N. Charlotte Street  
Gilbertsville, PA 19525

RE: Gaugler 40 Lot Residential Development - Route 663 at Miles Road  
Preliminary Plan  
N.H.T.P.C. No. 656

Dear Planning Commission Members,

We have reviewed the revised plans for the referenced project, which consist of: a) thirty nine (39) plan sheets dated December 30, 2004 with a latest revision date of May 13, 2005 and b) a Stormwater Management Report dated December 30, 2004 with a latest revision date of May 13, 2005. Bohler Engineering, Inc. prepared all plans and the report.

As a result of our review the following comments are offered for your consideration:

1. The requirement to provide park and recreation land and facilities or the payment of a fee in lieu of providing the facilities should be resolved. It is our understanding the Township had previously considered the installation of recreational facilities on the adjacent park property in lieu of requiring facilities on a separate lot in this development.
2. The curbing and sidewalk along North Charlotte Street south of Meadow Road must be extended to and match the curbing and sidewalk being installed by the YMCA property as part of their Phase II development. If there is a low point in the road along that section of road an additional inlet may be required.
3. The location of all proposed fire hydrants should be approved by the Fire Chief prior to preliminary plan approval.
4. A letter should be provided from McMahon Associates Inc. confirming that all of the issues in their letter dated January 11, 2005 have been adequately addressed.
5. A letter should be provided from the Township Planner confirming that all of the issues in their letter dated May 2, 2005 have been adequately addressed.
6. The project is located in Service Area 1 of the Act 209 Traffic Analysis and is subject to an impact fee. The fee, as calculated by McMahon Associates, Inc., is \$53,621.00.

The Planning Commission must take formal action on the following requested waivers. All waivers were discussed at the February 9, 2005 and April 13, 2005 Planning Commission meetings, with the consensus of the Planning Commission noted.

**813.5 and 821:** To allow a 32 foot cartway for all internal roads, with parking restrictions on one side of the roadways. The consensus of the Planning Commission was that the waiver was acceptable.

**813.8.C:** To allow a 60 foot wide right-of-way along Miles Road. The consensus of the Planning Commission was that the waiver was acceptable.

**829.C:** To allow buffer plantings that do not conform to the Plant Material List. The consensus of the Planning Commission was that the waiver was acceptable provided the Township Planner approves the proposed planting material.

**806.3.C(1):** To allow use of the Rational Method for the design of stormwater detention basins. The consensus of the Planning Commission was that the waiver was acceptable provided the applicant provide BMP type basins.

**806.5.G:** To allow detention embankment slopes at less than 4:1. The consensus of the Planning Commission was that the waiver was acceptable provided the basin is designed to provide storage of initial stormwater runoff volume for groundwater recharge, that the basin plantings are approved by the Township and that fencing is provided around the basin as a safety measure.

**806.5.I:** To allow basin bottom slopes to be less than two (2) percent. The consensus of the Planning Commission was that the waiver was acceptable.

**807.2.G(5):** To allow the design of storm sewer pipes along North Charlotte Street (Route 663) to be designed with slopes less than 0.5 percent. The consensus of the Planning Commission was that the waiver was acceptable provided all such pipes are located within the State right-of-way and are approved and maintained by the PaDOT.

The following issues must be addressed prior to final plan approval:

1. The improvements required for providing public sewer service to the lots should be reviewed by the Sewer Authority. A letter will be required from Gannet Fleming indicating that all of the concerns expressed in their review letter dated May 6, 2005 have been adequately addressed.
2. A certification for signature by the Sewer Authority must be included on the record plans.
3. The date that the waivers are granted by the Board of Supervisors must be referenced on the Record Plans at the waivers note.

4. The design of the storm sewer system in North Charlotte Street must be provided. The calculations must include the original seal and signature of the engineer responsible for the design. The Storm Water Management Report for the site design and Plans must also contain the original signature and seal of the professional engineer responsible for the design.
5. The North Charlotte Street improvement plans, being prepared by Boucher and James, must be submitted to and reviewed by the Township prior to application to PaDOT for the H.O.P. The plans that are approved by PaDOT for the H.O.P. must be included in the final plan package.
6. A stormwater operation and maintenance agreement must be prepared, executed and recorded with the Post Development Stormwater Management plans. An operation and maintenance escrow for the continued inspection of the detention basin and other BMP facilities may also be required. The record plans must also include a note indicating **"Plans will not be recorded and no permit shall be issued for any individual building lot or lots or site improvements until Development Agreements, including a Stormwater Management Operations and Maintenance Agreement, with New Hanover Township have been duly executed."**
7. A copy of all restrictions, covenants, etc. if any, under which lots are to be sold should be provided. Restrictions specific to any particular lot, such as the restrictions against filling in wetland areas or the removal of trees in excess of the amount noted under the resource protection standards, should also be included in the restrictions and possibly as part of individual deed restrictions. It may be possible to include these restrictions within the Home Owner's Association agreement; however, this would be subject to review by the Solicitor.
8. Written descriptions for all storm and sanitary sewer easements and the detention basin easements will be required at the time of the final plan submission.
9. A copy of the agreement with Superior Water Company for the installation of public water improvements to the site must be provided.
10. A copy of any Home Owners Agreement must be provided for review and comment.
11. Any revisions to the E&S plan made since the March 2, 2005 date of the NPDES Construction Permit and E&S approval must be provided to the MCCD for review and approval. Any changes to the NPDES Construction Permit required by plan revisions must be documented prior to final plan approval.
12. All federal and state permits required as part of this project should be obtained prior to final plan approval. Copies of all permits should be provided at the time of final plan submission. Copies of the approved PaDOT plans and E&S plans must be included in the final plan package.

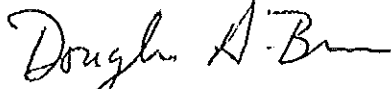
RE: Gaugler 40 Lot Residential Development  
Page - 4-

13. Sewage facility planning is to be addressed.

If you have any questions or require additional information, please contact me.

Sincerely,

**BROWN CONSULTING ENGINEERS, L.L.C.**

A handwritten signature in cursive script that reads "Douglas H. Brown".

Douglas H. Brown, P.E.

c: Robert Brant, Esq.  
Sean Garrigan, Twp. Planner  
Dave Weaver, P.E, Bohler Engineering  
Heritage Building Group







ENGINEER

CHESTER COUNTY CONSERVATION DISTRICT  
688 Unionville Road, Suite 200, Kennett Square, PA 19348  
Phone: 610-925-4920 ~ Fax: 610-925-4925  
www.chesco.org/conservation

12-28-2012

James Reading  
All County Partnership  
2510 East High Street  
Pottstown, PA 19464

Re Lot #8 - Valley View Business Park (name of activity)

# PA90201512026 (NPDES permit #)

Valley Township (local municipality)

Chester (county)

Dear Mr. Reading:

Enclosed is the above referenced permit, which authorizes the discharge of storm water from the construction activity described in the final Erosion and Sedimentation Control Plan and Notice of Intent (NOI). Please ensure that the erosion and sedimentation control plan is fully implemented and available at the construction site.

The Conservation District reviewed the Erosion and Sedimentation Control Plan to determine whether it is adequate to satisfy the requirements of the Chapter 102, Erosion Control Rules and Regulations. The Conservation District assumes no responsibility for the implementation of the plan or the proper construction and operation of the facilities contained in the plan.

Please read carefully Parts A, B and C of the permit which detail the terms and conditions of this authorization. Conservation District Staff and/or Representatives of the Department of Environmental Protection may inspect this earthmoving activity to determine compliance with applicable permit requirements, Chapter 92, 101 and 102 Rules and Regulations, and the Clean Streams Law.

Permit requirements and federal regulations at 40 C.F.R. Section 122.21(b) require "when a facility or activity is owned by one person but is operated by another person, it is the operator's duty to obtain a permit". Please be advised that once an operator has been selected for the project, the permit must either be transferred to the operator or the operator must be made a co-permittee. The enclosed form must be used to add a co-permittee.

Enclosed is a Notice of Termination (NOT) form to complete and file when construction activities have ceased and final stabilization has been achieved.

This authorization does not relieve the applicant from applying for and obtaining any and all permits or approvals from local, state or federal agencies for the construction activity described in the NOI.

If you have any questions regarding this permit, please contact Donna Leddy at (610) 925-4920 x 113.

Sincerely,

*Christian E. Strohmaier*

Christian E. Strohmaier Electronic Signature  
District Manager

Enclosure

Cc: DEP -- Water Management Section, Regional Office

*Valley Township* (municipality)  
*Commonwealth Engineers* (consultant)

Permit File

APPROVAL OF COVERAGE UNDER THE GENERAL NPDES  
PERMIT FOR STORMWATER DISCHARGES ASSOCIATED WITH  
CONSTRUCTION ACTIVITIES  
PAG-02 (2012 Amendment)

NPDES PERMIT NO: PAG-02 001512026

Project Name & Address .

Valley View Business Park  
Lot # 8  
250 Waverly Boulevard  
Crestonville, Pa 19320

Permittee Name & Address

James Reading  
All Country Partnership  
250 East High Street Suite 610  
Pottstown, PA 19464

In compliance with the provisions of the Clean Water Act, 33 U.S.C. Section 1251 *et seq.* ("the Act") and Pennsylvania's Clean Streams Law, as amended, 35 P.S. Section 691.1 *et seq.*, the Department of Environmental Protection hereby approves the Notice of Intent (NOI) submitted for coverage to discharge stormwater from an earth disturbance activity that involves equal to or greater than one acre of earth disturbance on any portion, part, or during any stage of, a larger common plan of development or sale that involves equal to or greater than one acre of earth disturbance, to the following surface water(s) of this Commonwealth:

Sucker Run

subject to the Department's enclosed PAG-02 which incorporates all effluent limitations, monitoring and reporting requirements, and other terms, conditions, criteria, and special requirements for the discharge of stormwater composed entirely of stormwater associated, in whole or in part, with construction activity, as defined in this general permit, to surface waters of this Commonwealth, including through municipal separate storm sewers and nonmunicipal separate storm sewers. Authorization to discharge is subject to the implementation of the plans and additional associated information submitted as part of the NOI.

APPROVAL TO DISCHARGE IN ACCORDANCE WITH THE TERMS AND CONDITIONS HEREIN MAY COMMENCE ON THE DATE OF THE APPROVAL OF COVERAGE, AND IS VALID FOR A PERIOD OF FIVE YEARS WHEN CONDUCTED PURSUANT TO THE TERMS AND CONDITIONS OF THE APPLICABLE PERMIT. COVERAGE MAY BE EXTENDED BY THE DEPARTMENT OR AUTHORIZED CONSERVATION DISTRICT IF A TIMELY ADMINISTRATIVELY COMPLETE AND ACCEPTABLE NOI RENEWAL IS SUBMITTED TO THE DEPARTMENT OR AUTHORIZED CONSERVATION DISTRICT AT LEAST 180 DAYS PRIOR TO DATE OF COVERAGE TERMINATION. THE PERMIT MAY BE TERMINATED PRIOR TO THE EXPIRATION DATE UPON RECEIPT AND ACKNOWLEDGEMENT OF A NOTICE OF TERMINATION FORM AND APPROVAL BY THE DEPARTMENT OR AUTHORIZED CONSERVATION DISTRICT. NO CONDITION OF THIS PERMIT SHALL RELEASE THE PERMITTEE OR CO-PERMITTEE FROM ANY RESPONSIBILITY OR REQUIREMENT UNDER PENNSYLVANIA, OR FEDERAL ENVIRONMENTAL STATUTES, REGULATIONS, OR LOCAL ORDINANCES.

COVERAGE APPROVAL DATE: 12-08-2012

COVERAGE EXPIRATION DATE: 12-08-2017

AUTHORIZED BY: Christine E. Stelmacher

TITLE: CCCD District Mgr.



CHESTER COUNTY  
CONSERVATION DISTRICT

688 Unionville Road Suite 200  
Kennett Square, PA 19348





November 2, 2012

VLTWI020

Board of Supervisors  
Valley Township  
890 West Lincoln Highway  
Coatesville, PA 19320

**Re: Preliminary Subdivision and Land Development Plan Approval  
Lot 8 Valley View Business Park, Proposed 115-Unit Townhouse Development**

Dear Supervisors:

We have reviewed the revised Preliminary Subdivision and Land Development Plan dated October 18, 2012 and supporting documents for a 115-unit townhouse development on Lot 8 of the Valley View Business Park. The submission consisted of a transmittal letter, comment response letter, 27 plan sheets, a Post-Construction Stormwater Management Plan, a Final Erosion & Sediment Control Plan all dated October 18, 2012, and the Soil Infiltration Test Results & Test Pit Evaluations dated June 8, 2012, prepared by Commonwealth Engineers, Inc., on behalf of the Applicant, All County Partnership. Lot 8 is within the R-2 Residential Zone and is 21.442 acres. The proposed townhouse cluster development received Conditional Use approval on November 1, 2011 and Conditional Preliminary Plan approval on July 17, 2012. This submission was made to obtain unconditional "clean" Preliminary Plan approval.

All outstanding comments that needed to be addressed to obtain Preliminary Plan approval have been satisfied. Therefore, we recommend an unconditional Preliminary Plan approval be granted.

The following comments remain outstanding and will need to be addressed during the Final Plan stage (outstanding comments are in regular font and new comments are in bold font).

#### Zoning

1. Once the proposed Zoning and SALDO amendments for a zero-lot-line design with respect to driveways are adopted, the plans should be revised accordingly to propose driveways parallel to lot lines instead of the currently angled configuration. This comment can be addressed at the Final Plan stage.

#### Subdivision and Land Development

2. (Previous Comment #2) §402.E.(2) – Sewage Facilities Planning approval must be obtained from PADEP prior to Final Plan approval.
3. (Previous Comment #4) §613.2– Fire hydrant locations have been revised, and the water layout has been submitted to the Westwood Fire Company for review. We find the current water distribution layout acceptable contingent upon acceptance and approval from the Westwood Fire Chief.

4. (Previous Comment #5) §615.4.A – Street lighting levels and parking lighting levels are in excess of those necessary, recommended by the IESNA and required by this ordinance. Spill on areas of residential use are in excess of that allowed by the ordinance. Specifically, the average footcandle level in the street is over double the average in the ordinance, and there is much more than 0.1 fc on the proposed townhouse lots. Illumination and spill on these areas should be reduced in accordance with the ordinance. It is recommended consideration be given to reducing wattage of lighting fixtures, employing shielded fixtures to minimize spill onto residential yards and into houses, and considering alternative lighting locations.

**The lighting plan has been revised and is being review by our electrical engineer and comments will be forthcoming to be addressed with the final plan submission.**

5. (Previous Comment #6) §615.4.B.(1) – The lighting fixtures specified on the Lighting Plan appear to be commercial grade, and, in our opinion, are not aesthetically desirable in a residential neighborhood. The Ordinance states, “Luminaires shall be of a type and design appropriate to the lighting application and shall be aesthetically acceptable to Valley Township.” Input of the Valley Township Planning Commission should be sought during the Final Plan stage.

**New lighting fixtures are being proposed on the revised Lighting Plan submission. The aesthetics of the proposed lighting fixtures shall be reviewed for acceptability by the Planning Commission.**

6. (Previous Comment #7) §615.5.A – The Applicant is advised that the Township will not be responsible for electric charges for the lighting.

**The Applicant has acknowledged they are responsible for electric charges. A note to this effect needs to be added to the plans.**

7. §615.7.A –There is a lighting fixture in conflict with the proposed driveway of Lot 5. This lighting fixture needs to be relocated.

#### Traffic Analysis

8. (Previous Comment #18) – Refer to our Preliminary Subdivision and Land Development Plan Review #1 letter, dated May 18, 2011, for comments on the updated Traffic Analysis (dated April 15, 2011). The Design Consultant has responded that a revised Traffic Analysis is pending.

#### Sanitary Sewer

9. (Previous Comment #16) – The proposed pump station footprint currently shown on the plans has been enlarged, but it is still not large enough to accommodate an access drive, control building, valve vault, and wet well. This comment can be addressed in the Final Subdivision and Land Development plans. We will defer any other pump station-related comments, including any comments on the associated retaining wall, until the Final Plan submission.

**General**

10. (Previous Comment #) – The Planning Commission indicated at their 4/10/12 meeting that a 3-phase construction plan may be acceptable, but there should be no more than two financial security accounts – one for Phases 1 & 2 and a second for Phase 3. The Applicant stated at the meeting that they will give consideration to two financial security accounts instead of three.

If you have any questions or need additional information, please call.

Sincerely,



Edward F. Rasiul, P.E., P.L.S.

Associate Vice President

**PENNONI ASSOCIATES INC.**

Township Engineer

ajd/

cc: Karen E. Chandler, Valley Township Secretary  
Victor Kelly, Jr., P.E., Commonwealth Engineers, Inc.  
Valley Township Planning Commission  
Bill Webb, Code Enforcement Officer  
James Reading, All County Partnership







PENNONI ASSOCIATES INC.  
CONSULTING ENGINEERS

September 7, 2011

VLTW1020

Board of Supervisors  
Valley Township  
890 West Lincoln Highway  
Coatesville, PA 19320

**Re: Valley View Lot 8  
Revised Traffic Analysis Review**

Dear Supervisors:

Attached is a memorandum of a review that was performed of the Revised Traffic Analysis for Valley View Lot 8 as prepared by Traffic Planning and Design, Inc. and dated August 17, 2011.

Sincerely,

Edward F. Rasiul, P.E., P.L.S.  
Project Engineer  
**PENNONI ASSOCIATES INC.**  
Township Engineer

cc: Karen E. Chandler, Valley Township Secretary  
Valley Township Planning Commission  
Alan J. Jarvis, Valley Township Solicitor (w/ traffic analysis)  
Victor Kelly, Jr., P.E., Commonwealth Engineers, Inc.  
James Reading, All County Partnership

W:\PROJECTS\VLTW\VLTW1020-Lot 8 Valley View Townhouse Development\DOCUMENTS\Reviews\Traffic Analysis\Revised Traffic Analysis Review  
090711.docx

## MEMORANDUM

TO: Ed Rasiul  
FROM: Tom Martin *TM*  
DATE: September 7, 2011  
SUBJECT: Valley View Residential – Revised Traffic Analysis

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As requested on August 18, 2011, we have completed a review of the above referenced project.

### SUBMISSION:

This submission consists of a REVISED Traffic Analysis for the Valley View Residential development in Valley Township, PA. The analysis was prepared by Traffic Planning and Design, Inc. (TPD), and is dated August 17, 2011. This analysis was revised in response to the review letter provided to the Township, dated May 18, 2011.

### TRAFFIC ANALYSIS COMMENTS:

Pennoni's May 18, 2011 traffic analysis comments appear in *italics* below, numbered as they appear in the original review letter. TPD has addressed these comments with the submission of the revised Traffic Analysis, dated August 17, 2011. Pennoni's responses to TPD's revised analysis appear in **bold**.

69. *"The volumes referenced in the conclusions do not appear to match those shown in the figures for Hoffman Avenue. The report states that 45 peak hour trips will be added to Hoffman Avenue under the PM peak hour full access scenario, whereas the figure shows 35 trips. Likewise, the entrance only trips provided in the report appear to underestimate the additional trips in comparison to the figures for both the AM and PM peak hours."*

**The volumes reflected in the revised analysis are now consistent between the report and the figures.**

70. *"The signal warrant analysis (peak hour only) for Lincoln Hwy (Business Route 30) and Washington Lane appears to be based on a posted speed limit of 35 mph for Lincoln Hwy. The original TIS used a posted speed limit of 55 mph in the signal warrant analysis. In addition, the Traffic Signal Design Study prepared for this intersection, dated September 7, 2007, identifies 85<sup>th</sup> percentile speeds of 51 mph and 49 mph for the Eastbound and Westbound approaches respectively of Lincoln Highway. The correct*

*posted speed or 85<sup>th</sup> percentile speed of the roadway should be used in evaluating signal warrants."*

The revised analysis includes an updated signal warrant analysis which is based on the 85<sup>th</sup> percentile roadway speeds.

71. *The signal warrant analysis indicates that the peak hour warrant is marginally satisfied (using a posted speed of 35mph). Updated traffic data should be collected and the 4 hour volume and 8 hour volume warrants should be analyzed to determine if either of these warrants are met.*

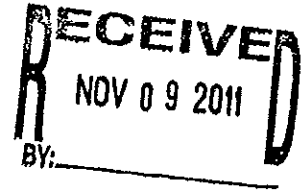
The revised analysis includes an updated signal warrant analysis. The signal warrant analysis is based on updated traffic counts (May 2011) and includes an evaluation of the 4 hour and 8 hour volume warrants. We concur with the findings as presented in the revised analysis. We recommend that the intersection of Route 30 and Washington Lane be studied within 6 months of build out of the proposed townhomes or the build out of any significant portion of additional industrial space on lots 1-7. In addition, when signal warrants are revisited, it may be pertinent to consider warrants based on a single lane approach of Washington Lane if warrants are not satisfied with a two lane approach.

72. Discussion only. No response necessary.

In summary, Pennoni finds that all previous traffic analysis comments from our May 18, 2011 review letter have been adequately addressed and we concur with the findings as presented in the revised analysis. Regarding the intersection of Route 30 and Washington Lane, we recommend the intersection be re-evaluated for traffic signal warrants within 6 months of full build out of the townhomes or the build out of any significant portion of additional industrial space on lots 1-7. Future signal warrant analysis studies at this location should also evaluate Washington Lane as a single lane approach if warrants are not satisfied for a two lane approach.

Cc: Philip Horsey  
Mike Ellis  
Cory Greene





ALAN J. JARVIS, ESQUIRE  
HIGHLANDS CORPORATE CENTER  
495 HIGHLANDS BOULEVARD, SUITE 109  
COATESVILLE, PA 19320  
610-384-1151  
610-380-1392/Fax  
Alan.jarvislaw@comcast.net

November 7, 2011

William F. Colby, Jr., Esquire  
Barley Snyder, LLC  
50 North Fifth Street, Second Floor  
P. O. Box 942  
Reading, PA 19603-0942

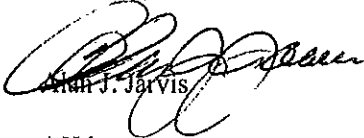
**Re: Application of All County Partnership  
Conditional Use Approval**

Dear Bill:

I am taking this opportunity to enclose for you a copy of the Decision that was entered by the Valley Township Board of Supervisors last Tuesday evening, November 1, 2011. Please note that Conditional Use Approval for development of Lot 8 as a cluster development was approved subject to the three conditions previously discussed. By copy of this letter, I am returning to Karen E. Chandler the Exhibits that were introduced at the hearings.

The Board of Supervisors will look forward to seeing you and your clients again for Land Development Approval.

Sincerely,



Alan J. Jarvis

AJJ:kp  
Enclosure

cc Karen E. Chandler, Township Secretary

**Alan J. Jarvis, Solicitor**  
Highlands Corporate Center  
495 Highlands Boulevard, Suite 109  
Coatesville, PA 19320  
610-384-1151  
610-380-1392/Fax

Attorney I.D. No. 16134  
Board of Supervisors of Valley Township

---

**IN RE: APPLICATION OF : BEFORE THE BOARD OF SUPERVISORS**  
**ALL COUNTY PARTNERSHIP : VALLEY TOWNSHIP, CHESTER COUNTY, PA**  
**: CONDITIONAL USE APPLICATION**  
**: NO. 2011-01**

**DECISION**

**I. STATEMENT OF THE CASE**

This matter is before the Board of Supervisors of Valley Township, (“Township”), Chester County, Pennsylvania, by reason of an Application for Conditional Use Hearing filed by the Applicant, All County Partnership, (“All County”), on July 22, 2011. All County requests the Township’s approval for the cluster development of Lot 8 of the Valley View Business Park with 115 townhouses, pursuant to Valley Township Zoning Ordinance (hereinafter ‘V.T.Z.O.’), Sections 203.4.D and 413. The parcel, which is owned by All County, consists of 21.309 gross acres, or 21.011 net acres, entirely within the Township’s R-2 Residential Zone, south of Hoffman Avenue and east of Washington Lane.

The Application was originally scheduled for a hearing at 6:30 p.m. on Thursday, September 1, 2011. Notice of the hearing was advertised in the Daily Local News on Thursday, August 11, 2011, and again on Thursday, August 18, 2011, as required by Section 908(1) of the Municipalities Planning Code and Zoning Ordinance (V.T.Z.O.), Section 604. The property was posted by Township Zoning Officer William E. Webb on August 25, 2011, as required by the Municipalities Planning Code, 53 P.S. 10908(1), and V.T.Z.O., Section 604.1.A. Finally, the Hearing Notice was mailed by the Township’s Solicitor to the owners of adjacent properties, All

County's Solicitor, All County's Engineer, the Township's Secretary, the Township's Engineer, the Township's Zoning Officer, and the Chester County Court Reporter, as required by V.T.Z.O., Section 604.1.A.

It was subsequently learned that All County's Attorney would be unavailable for a Hearing on September 1, 2011. Upon receipt of a letter from All County's Attorney waiving the statutory requirement that the Hearing commence within sixty (60) days of the filing of the Application with the Township, it was agreed that a Hearing would be held at 6:30 p.m. on September 1, 2011. The sole purpose of that Hearing, however, would be to continue the Hearing to a time and date certain, on or before October 5, 2011, when all parties and their Counsel would be present.

The Hearing was opened at 6:30 p.m. on Thursday, September 1, 2011. Those present were Supervisors Chairperson, Patrice L. Proctor, appointed by the Board of Supervisors as Hearing Examiner for that evening, Alan J. Jarvis, Township Solicitor, and William H. Handy, Court Reporter. At that time it was announced that the Hearing would be continued until 6:30 a.m. on Monday, September 12, 2011.

The continued Hearing commenced at 6:40 p.m. on Monday, September 12, 2011, at the Valley Township Municipal Building. Those in attendance included Ms. Proctor, Valley Township Supervisors Walter P. Johnson, Yolanda R. Beattie, and Arlen W. Yoder, Township Engineer, Edward Rasiul, Township Solicitor, Alan J. Jarvis, James Reading of All County Partnership, Gary McEwen of Berks Construction, Victor Kelly, owner of Commonwealth Engineers, Inc., the project engineer, Eric Ostimchuck of Traffic Planning Design, All County's traffic engineer, Ray Ott of Ray Ott and Associates, a professional planner, William F. Colby, Jr., Attorney for All County, and Mark A. Hagerty, Court Reporter. The proceedings from the evening were transcribed so that those Supervisors who were unable to remain for the entire Hearing (Mr. Johnson) or unable to attend that Hearing (Supervisor Christopher Lehenky) could nevertheless participate in the decision on the Application.



Prior to the Board's receiving testimony, the following were marked as the Township's Exhibits:

<u>Exhibit</u>	<u>Description</u>
T-1	Valley Township Zoning Ordinance of 1990 (V.T.Z.O.), as amended including Valley Township Zoning Map.
T-2	Application of All County Partnership for Conditional Use for development of Lot 8, Valley Business Park as a cluster development for 115 townhouse lots.
T-3	Copy of Hearing Notice mailed to adjoining property owners in Valley Township, per list provided by All County's Engineer, as well as All County's Engineer, the Township Engineer, Township Secretary, Township Zoning Officer, and Court Reporter, scheduling Hearing for 6:30 p.m., Thursday, September 1, 2011.
T-4	Proof of publication of Hearing Notice in Daily Local News on August 11 and 18, 2011.
T-5	E-mail dated August 25, 2011, from Valley Township Zoning Officer, William E. Webb, showing postings of Hearing Notice at six (6) different locations on subject property.
T-6	Letter dated August 10, 2011, from All County's Attorney, William F. Colby, Jr., to Valley Township Solicitor, Alan J. Jarvis, granting to Township an extension for commencement of Conditional Use Hearing until October 5, 2011.

The first witness to offer testimony in support of the Application was James Reading. He identified himself, Larry Hendrickson, and Berks Construction Company as being the partners in All County Partnership, the owner of Lot 8, Valley View, which is in the R-2 Residential Zone. He testified as to the location of the property. He also testified that he had been involved in

numerous (19) similar projects over a ten (10) year period, the majority of which have been in Chester County.

The second witness testifying on behalf of All County was Gary McEwen, Director of Land Development and Acquisition for Berks Construction Company. He testified that his company has been involved in 20 to 25 projects in the last five (5) to six (6) years. He further testified concerning the two types of townhouse units planned for Lot 8. The first is a twenty-four foot (24') wide two-story unit with basement, the Monterey. A rendering of the unit appears as Exhibit "A-1," with the floor plans on Exhibit "A-3." The second unit proposed is a twenty-two foot (22') wide three story unit with no basement, the Lyndon. A rendering of this unit appears as Exhibit "A-2," with the floor plans on Exhibit "A-4." He further identified Exhibits "A-5," the Open Space Management Narrative, and "A-6," a draft Chart of Maintenance Responsibilities. Mr. McEwen testified to an estimated absorption rate of two and one-half to three units per month, and offered considerable testimony concerning Exhibit "A-6."

The third witness called in support of the Application was Victor Kelly, who identified himself as being the "owner" of Commonwealth Engineers, Inc. He testified that he has over twenty (20) years as a professional engineer, that he has served as an engineer for All County Partnership for ten (10) years, and that his firm is the engineer for this project. In referring to Applicant's Exhibit "A-7," the Existing Conditions Plan, Mr. Kelly identified the surrounding uses as being industrially-zoned (north), single-family use (west), vacant (south), and residential (east). Applicant's Exhibit "A-8," the "Lot 8 Townhouse Layout Plan," according to Mr. Kelly, shows the proposed development of the property with 115 townhouse units, perpendicular parking, and open space. Although Mr. Kelly described the plan as fully complying with the requirements for the use under V.T.Z.O., Section 413, it was noted by Mr. Rasiul that it was predicated on the approval of eleven (11) different waivers under the Township's Subdivision and Land Development Ordinance (SALDO). It was further noted that the plans failed to address any of the Township's lighting requirements under the SALDO. During Mr. Kelly's

testimony, Applicant's Exhibit "A-9," a letter dated August 8, 2011, from Township Secretary, Karen E. Chandler, agreeing that the Township would provide water and sewer services for the development, was also introduced.

Mr. Kelly also offered testimony concerning Applicant's Exhibit "A-10" (the By-Right Townhouse Sketch Plan), "A-11" (Plan showing "Approximate Acreage of Preserved Woodland = 2.813 AC"), and "A-12" (Valley View Lot 8 Recreation Area Plan). Mr. Rasiul noted that while the Recreation Plan provided for a recreation area (tot lot) of 0.481 acre, SALDO Section 402.E(5) required 0.021 acres per dwelling unit, for a total requirement of 2.415 acres. Mr. Kelly then testified that he had spoken with Westwood Fire Chief McWilliams, who said that he was of the opinion that the proposed development could be provided with fire protection by the company. Lastly, Mr. Kelly testified that he believed the proposed cluster development to be superior to the By-Right development of Lot 8 with townhouses. The Township's Solicitor reminded Mr. Kelly of the requirement of V.T.Z.O., Section 413.K, that the reasons for the cluster development being superior to the By-Right use must be in writing.

The fourth witness called was Eric Ostimchuck of Traffic Planning and Design, Inc., who offered Applicant's Exhibit "A-13," the revised traffic analyses, which took into account previous comments of Pennoni Associates, Inc., the Township's engineer. There were no questions of the witness beyond his identification of the written report.

The fifth and final witness for the evening was Ray Ott of Ray Ott & Associates, a professional planner. He offered his opinion that, given the location of Lot 8, the demographics of the area, and the anticipated pricing of the units, there would be minimal impact upon the resources of the Coatesville Area School District, an estimated twenty-one additional school age children, or the Township's emergency services.

All exhibits were admitted, and the Hearing was then continued until 5:30 p.m. on Monday, October 3, 2011, so that All County's Engineer could determine if the Township's recreation area requirements could be satisfied by changes to All County's plans.

The Hearing reopened at 5:30 p.m. on Monday, October 3, 2011, with all Valley Township Supervisors in attendance, as well as Mr. Rasiul, Mr. Jarvis, Township Solicitor, Mr. Reading, Mr. Colby, Mr. Kelly, and William H. Handy, Court Reporter. Mr. Kelly was recalled as a witness, primarily to offer testimony concerning changes to the development's proposed open space and recreation areas. All County's Exhibit "A-16" was identified by the witness as the "Recreation Area & Townhouse Layout Plan," showing revisions to the open space areas and the inclusion of a playground area, gazebo, and a basketball court, as well as play and picnic areas. Exhibit "A-17" is the budget for recreational improvements (\$62,338.49), offered to justify the reduction of the required recreation from 2.415 acres. The revised plan shows 2.8 acres of woodland and 1.7 acres of recreation area for total open space of 4.5 acres, down from the open space requirement of 6.303 acres. SALDO Section 402.E(5)(a) requires a development recreation area of 0.21 acres per dwelling unit, or, in the case of Lot 8, a total development recreation area of 2.415 acres. Section 402.E(5)(F), however, permits a reduction of up to 50% of the area requirement by providing recreation equipment having a monetary value equal to area reduction. The question thus presented to the Board of Supervisors is whether the 0.7 acre reduction in the recreation area in the R-2 Residential Zone has a value more than, or less than, the value of the proposed recreation improvements (\$62,338.49). Mr. Reading offered testimony that he believed the property to have a value of \$22,400.00 per acre. However, the Board of Supervisors having been informed of the commissioning by All County of an appraisal report preferred to hold open the records of the Hearing for the receipt of the report. The report was received by the Township and its Solicitor on October 11, 2011. The report, prepared by John P. DiRomualdo and marked as All County Exhibit "A-19," provided an estimated value for an acre of the property to be \$23,000.00, well under All County's costs for recreation improvements. [It should further be noted that during Mr. Kelly's testimony he also produced the documentation, marked as Exhibit "A-18," showing why improvement of Lot 8 as a cluster development was superior to its by right development.]

## II. FINDINGS OF FACT

- A. All County Partnership is a partnership consisting of Larry Hendrickson, James Reading, and Berks Construction Company.
- B. All County is the owner and proposed developer of Lot 8 of the Valley View Business Park.
- C. Lot 8 of the Valley View Business Park consists of 21.442 acres entirely in the R-2 Residential Zone of Valley Township.
- D. On July 22, 2011, All County submitted a Conditional Use Application requesting approval for the cluster development of Lot 8 with 115 townhouse units, pursuant to V.T.Z.O., Sections 203.4.C and 413.
- E. A Conditional Use Hearing on the Application was scheduled for September 1, 2011, and public notice was given of that Hearing, as well as mailing of the Hearing Notice to adjacent property owners and required persons. The Hearing Notice was also published, as required, in the Daily Local News.
- F. The Hearing was opened at 6:30 P.M., on Thursday, September 1, 2011, only to be continued at All County's request due to the unavailability of counsel, who at that time also waived the requirement of V.T.Z.O. 705.5.B and 604.1.C, that the hearing commence within sixty (60) days of the filing of the application.
- G. The hearing opened at 6:40 P.M., September 12, 2011. All County called as its first witness James Reading of All County Partnership, who testified concerning the identity of the partners and the location of the parcel to be developed. The second witness, Gary McEwen, of Berks Construction Company, one of the partners, identified the two (2) types of units and offered testimony concerning their respective floor plans. The third witness was Victor Kelly, of Commonwealth Engineering, Inc., who offered testimony concerning an Existing Conditions Plan and a Lot 8 Townhouse Layout Plan. During his testimony it

was noted by Township Engineer, Edward F. Rasiul, that the Townhouse Layout Plan would require eleven (11) waivers under the Township SALDO, that the witness was incorrect in his assumption that the Lighting Ordinance, a part of the SALDO, would not apply, and that the plan lacked compliance with the amount of recreation area that the development would require under SALDO. The fourth witness was Eric Ostimchuck, a traffic engineer with Traffic Planning and Design, Inc., whose report was admitted into evidence without objection, having been previously reviewed by Mr. Rasiul. The evening's fifth witness was Ray Ott, of Ray Ott Associates, a planner who offered an opinion, *inter alia*, that the development would have little impact on public services, including the Coatesville Area School District. The hearing was continued until October 3, 2011, so that Mr. Kelly might review his Townhouse Layout Plan to see if the recreational area could be brought into compliance with Township requirements.

- H. The hearing reopened at 5:30 P.M. on October 3, 2011, at which time Mr. Kelly testified concerning a new Recreation Area & Townhouse Layout Plan, showing compliance with Open Space requirements, and recreation area of 1.7 acres. The recreation area was less than the required 2.415 acres, due to All County's offering of \$62,338.49 of recreation improvements, as is permitted under SALDO, Section 402.E(5)(F). Mr. Reading offered an opinion as to the value of an acre of R-2 Zone unimproved ground; however, the Board of Supervisors decided to leave open the record to receive All County's appraisal, which had been ordered from John P. DiRomualdo, Inc. That report was received on October 11, 2011, and showed the value of an acre of unimproved ground in the R-2 Zone to be \$23,000.00.

### III. CONCLUSIONS OF LAW

- A. All County is the owner of Lot 8 of the Valley View Business Park and has standing to fill the Conditional Use Application that is presently before the Board of Supervisors. Exhibit "T-2."
- B. Cluster development is permitted as a conditional use in the R-2 Residential Zone, V.T.Z.O., Sections 203.4.C and 413.
- C. All County has submitted a Conditional Use Application that complies with V.T.Z.O., Section 413.A, B, C, D, E, F, I, and K, where applicable.
- D. All County's application also complies with V.T.Z.O., Section 705.1 (A, B, C, and D), and 705.2 (A, B, C, D, F, and G).
- E. V.T.Z.O., Section 413.J, requires that the proposed cluster development comply with Part 6 of the Valley Township Subdivision and Land Development Ordinance (SALDO). Although a land development plan has been submitted by All County, its review by Township Engineer Edward F. Rasiul, Penmoni Associates, Inc., suggests that as many as eleven (11) waivers of the SALDO may be required, a number of which involve Article 6. Any conditional use approval by the Board of Supervisors must itself be conditioned upon All County's receiving its waivers from Part 6, or, alternatively its submission of an amended land development plan showing compliance with any Part 6 SALDO waiver requests that are denied by the Board of Supervisors.
- F. V.T.Z.O., Section 705.4, provides that if a site plan is submitted in support of a conditional use application, on approval of the conditional use by the Township binds the use in accordance with the plan. Any change to the property's use after a conditional use approval not reflected on the originally approved site plan would therefore necessitate a new conditional use approval.

- G. V.T.Z.O., Section 705.3, authorizes the Board of Supervisors to attach conditions to a conditional use approval that protect the public welfare and the purposes listed in Section 705.2. Those conditions may be “more restrictive than those established for other uses in the same zone.”

IV. ORDER


AND NOW, this 1st day of November, 2011, upon consideration of the record of this matter, including the exhibits and testimony received, the Application of All County Partnership for conditional use approval for the development of Lot 8, Valley View, as a cluster development is hereby approved, subject to the following conditions:

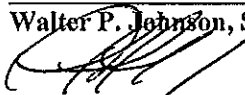
- (1) All County’s Exhibit “A-16,” the “Recreation Area & Townhouse Layout Plan,” is received as a site plan as provided in V.T.Z.O., Section 705.4. The use of Lot 8, Valley View, is bound in accordance with this plan. Any departure from the use of Lot 8 not reflected in the plan shall require another conditional use approval.
- (2) The approval is conditioned upon the receipt by All County of all waivers required in accordance with the Township’s SALDO.



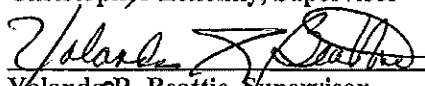
- (3) All County shall complete all proposed recreation improvements as shown on its Exhibit "A-16," on or before a building permit is issued for the townhouse unit representing the fiftieth (50%) percent of approved units. [e.g. In the event that land development approval is secured for one hundred fifteen (115) townhouse units, the recreation improvements must be completed prior to the issuance of the fifty-eighth (58<sup>th</sup>) building permit.]

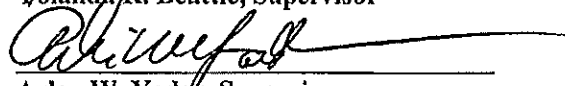
**VALLEY TOWNSHIP BOARD OF SUPERVISORS**

By:   
Patrice Proctor, Chairman

  
Walter P. Johnson, Supervisor

  
Christopher Lehenky, Supervisor

  
Yolanda R. Beattie, Supervisor

  
Arlen W. Yoder, Supervisor