

**TOWNSHIP OF WEST BRADFORD
CHESTER COUNTY, PENNSYLVANIA
RESOLUTION NO 24-04**

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF WEST BRADFORD, COUNTY OF CHESTER, COMMONWEALTH OF PENNSYLVANIA, GRANTING PRELIMINARY/FINAL LAND DEVELOPMENT PLAN APPROVAL, SUBJECT TO CERTAIN CONDITIONS, FOR THE PRELIMINARY/FINAL LAND DEVELOPMENT PLAN FILED BY THE DOWNINGTOWN AREA SCHOOL DISTRICT FOR ADDITIONS AND SITE IMPROVEMENTS AT THE WEST BRADFORD ELEMENTARY SCHOOL LOCATED AT 1475 BROAD RUN ROAD, CHESTER COUNTY TAX PARCEL NO. 50-4-19.6.

WHEREAS, on or about August 25, 2023, the Downingtown Area School District (the "Applicant") submitted a preliminary/final land development plan dated July 18, 2023, consisting of twelve (20) sheets titled "PRELIMINARY/FINAL LAND DEVELOPMENT PLAN OF WEST BRADFORD ELEMENTARY SCHOOL" prepared by Howell Engineering, Inc. (the "Plan");

WHEREAS, the Plan proposes an expansion of the existing West Bradford Elementary School building that will total 16,010 square feet and the installation of a new driveway onto Broad Run Road and other exterior and interior improvements (the "Improvements") on property owned by Downingtown Area Joint Elementary School Authority identified as Chester County Tax Parcel No. 50-4-19.6, located at 1475 Broad Run Road, Downingtown in the R-1 Residential Zoning District (the "Property");

WHEREAS, the Plan was reviewed by West Bradford Township Engineer, JMR Engineering, LLC, who issued the latest review letter dated January 12, 2024 (the "Engineer Review Letter");

WHEREAS, the Plan was reviewed by West Bradford Township Traffic Consultant, Albert Frederico Consulting, LLC, who issued the latest review letter dated January 11, 2024 (the "Traffic Consultant Review Letter");

WHEREAS, on December 8, 2023, Applicant filed an application with the West Bradford Township Zoning Hearing Board seeking a special exception pursuant to Section 450-60.2.D(2)(b) of the West Bradford Township Zoning Ordinance to build a new driveway and related improvements in an area classified as riparian buffer;

WHEREAS, on December 27, 2023, Applicant amended the zoning application to also seek a variance from Section 450-60.2.E(3)(a) of the West Bradford Township Zoning Ordinance to provide buffer restoration and plantings at a density less than 200 trees per acre;

WHEREAS, the Zoning Hearing Board granted the Applicant's request for a special exception and variance at a public hearing held on February 7, 2024;

WHEREAS, at their January 22, 2024 meeting, the West Bradford Township Planning Commission recommended the Board approve the Plan subject to several conditions;

NOW, THEREFORE, it is hereby **RESOLVED** by the West Bradford Township Board of Supervisors that preliminary/final land development approval is **GRANTED** for the Plan, subject to the conditions listed below.

In addition, the Board of Supervisors hereby grants the following waivers from the sections of the West Bradford Township Subdivision and Land Development Ordinance, the West Bradford Township Driveway Ordinance and the West Bradford Township Stormwater Management Ordinance as specified below:

1. Section 385-22.A –to allow the Plan to be submitted in 30"x 42" format.
2. Section 385-38.A –a partial waiver to not require Applicant to provide required cartway width along the entire Property frontage.
3. Section 385-70.A(1) and (2) –to not require Applicant to install a completely planted visual barrier or landscape screen upon the Property. Sufficient landscaping and buffering exist and for safety purposes, the school should not be fully screened from the roadway or buffered from adjacent Township parkland.
4. Section 166-7.I –to allow Applicant's proposed driveway to enter onto a collector street given that Broad Run Road is classified as a minor collector street.
5. Section 373-25.D(12) –to not require Applicant to install pipes with a minimum size of 18 inches as required by this Section.

CONDITIONS OF APPROVAL

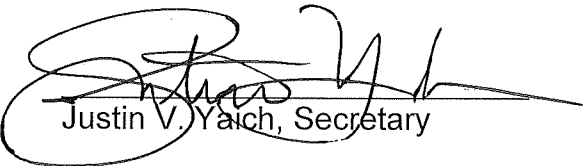
1. Prior to the release of the Plan for recording, Applicant shall comply with all outstanding comments in the Engineer Review Letter to the satisfaction of the Township and Township Engineer.
2. Prior to the release of the Plan for recording, Applicant shall comply with all outstanding comments in the Township Traffic Consultant Review Letter to the satisfaction of the Township and Traffic Consultant.

3. Applicant shall prepare, execute and record a revised easement agreement that memorializes the easements that were granted in the Cross Easement Agreement between Applicant and the Township recorded in Book 4745, page 1765 and such amendment shall include a grant of easement to Parcel 50-4-19.7. The revised easement agreement shall be reviewed and approved by the Township Solicitor.
4. Applicant shall provide a public "natural trail" consisting of a six (6) foot wide mowed path as more particularly shown on the Plan, and shall prepare, execute and record an easement agreement with West Bradford Township, allowing for public use of the trail.
5. Applicant shall provide West Bradford Township a twenty (20) foot wide easement for potential future installation by the Township of a public trail that runs east to west on the southern portion of the Property connecting the proposed trail on Broad Run Road to the existing trail along the eastern portion of the Property from Beacon Hill Park.
6. The Township Traffic Consultant and Fire Marshal shall confirm that driveways and drive aisles have adequate turning radius for fire trucks.
7. Applicant shall cooperate in good faith with the Township if and when the Township designs and constructs a stream bank stabilization project along Broad Run Road at the south end of the Property. This cooperation may include reasonable access to the Property in the area of the stream bank project and the grant of easements in order to complete the stream bank restoration.
8. Applicant shall pay a traffic impact fee of One Thousand Eight Hundred Six Dollars (\$1,806.00) prior to issuance of building permit.
9. Prior to the release of the Plan for recording, Applicant shall execute a Stormwater Management Best Management Practices Operations and Maintenance Agreement, 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.
10. Prior to the release of the Plan for recording, Applicant shall reimburse the Township for all outstanding reasonable engineering, administrative, legal, and other review fees associated with the Township's review of the Plan. If Applicant disputes any of the review fees, the parties shall adhere to the procedures in Section 10503 of the MPC.
11. Applicant shall adhere to any conditions imposed by the Zoning Hearing Board in its written decision and order and the relief granted shall be listed on the Plan.
12. Applicant shall stagger the proposed sycamore trees along Broad Run Road.

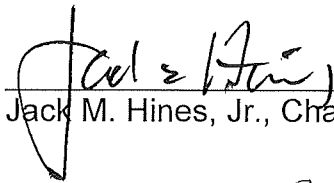
13. If after construction of the proposed new driveway which is approved on the Plan, traffic circulation on Broad Run Road creates a dangerous condition (as determined by the Township Traffic Consultant), the Township shall send written notice to the Applicant and Applicant shall thereafter diligently pursue a solution to mitigate the traffic congestion and dangerous traffic condition.
14. In association with the waivers granted from the landscaping requirements of SALDO Section 385-70.A(1) and (2), the Applicant has agreed to submit a lump sum payment of \$20,530.00 to the Township which amount will be utilized in the future to add plantings and vegetative buffer to riparian buffer areas in the general vicinity of the Property at the sole discretion and direction of the Township. The Township reserves the right to locate such plantings in Broad Run Park if determined to be a more environmentally useful and sustainable location for such landscaping.
15. To the extent that any of the above conditions are determined to be invalid, the invalid condition(s) are severable and the invalidity shall not affect the validity of the remaining conditions imposed.

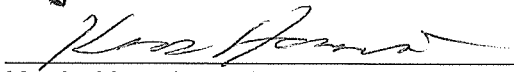
RESOLVED this 13 day of February 2024.

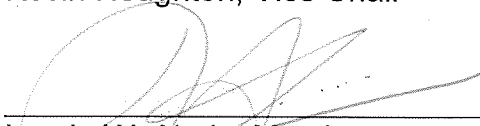
ATTEST:


Justin V. Yaich, Secretary

**WEST BRADFORD TOWNSHIP
BOARD OF SUPERVISORS**


Jack M. Hines, Jr., Chair


Kevin Houghton, Vice Chair


Laurie W. Abele, Member