

RESOLUTION 9-2019
MOTION OF THE BOARD OF SUPERVISORS OF WEST GOSHEN TOWNSHIP,
CHESTER COUNTY, PENNSYLVANIA

**IN THE MATTER OF: AMENDED FINAL SUBDIVISION AND LAND DEVELOPMENT
APPLICATION FOR THE WOODLANDS AT GREYSTONE**

BACKGROUND:

WHEREAS, RLD Greystone, LLC (“Applicant”) is the legal owner of approximately 162 acres of real property in West Goshen Township, which is identified as UPI No. 52-3-183.2, and the equitable owner of approximately 269 acres of real property in West Goshen Township (with the exception of approximately 35 acres used as a Country House Estate and owned by Jerrehian, LLC), which is identified as UPI Nos. 52-3-183 and 52-3-183.1, totaling approximately 433 acres (collectively the “Property”); and

WHEREAS, on February 4, 2009, the Board of Supervisors of West Goshen Township (the “Board”) granted conditional use approval to Applicant’s predecessors in title pursuant to Sections 84-14.5.C(1), 84-14.5.D(1) and 84-14.5.E(1) of the West Goshen Township Revised Zoning Ordinance of 1990, (the “Zoning Ordinance”), as amended in Ordinance No. 09-2008 on December 10, 2008, pursuant to the terms and conditions set forth in a written Decision and Order (the “CU Order”); and

WHEREAS, on September 12, 2012, the Board granted Preliminary Subdivision and Land Development Plan approval to Applicant’s predecessors in title to subdivide and develop the Property using the flexible design development option of the R-3B District (“Preliminary Plan Approval”); and

WHEREAS, on October 9, 2013, the Board approved modifications to Conditions 16, 22 and 27 of the CU Order and added two new conditions (the "Amended CU Order"); and

WHEREAS, on December 14, 2016, the Board granted Final Subdivision and Land Development Plan approval to Applicant's predecessors in title to subdivide and develop the Property using the flexible design development option of the R-3B District for a total of 598 residential lots ("Final Plan Approval"); and

WHEREAS, on February 11, 2019, Applicant submitted an amended final subdivision and land development application (the "Application") with accompanying subdivision and land development plans that propose to subdivide the Property into 589 residential lots with the following unit mix: 48 townhouses, 110 semi-detached dwelling units (twins) and 431 single-family detached dwellings, to remove 9 previously approved single-family detached dwellings and to replace those dwellings with one parcel to be developed with a clubhouse facility for the active adult community ("Development"); and

WHEREAS, the amended final subdivision and land development plans that Applicant submitted with the Application were titled, "Amended Final Subdivision Plans for the Woodlands at Greystone (Active Adult Clubhouse)", prepared by Horizon Engineering Associates, LLC, consisting of 252 sheets, dated August 4, 2009, last revised April 15, 2019 (the "Plans"); and

WHEREAS, Applicant has obtained all necessary governmental permits necessary to subdivide and develop the Property in accordance with the CU Order as amended by the Amended CU Order, the Preliminary Plan Approval and the Final Plan Approval. Such permits include, but are not limited to, the following:

- A. Pennsylvania Department of Environmental Protection Planning Module dated February 4, 2014.
- B. Chester County Conservation District Letter of Adequacy dated August 2, 2013.
- C. Pennsylvania Department of Environmental Protection NPDES Permit dated August 21, 2013.
- D. Pennsylvania Department of Environmental Protection General Permits Acknowledgement dated October 19, 2015.
- E. U.S. Army Corps of Engineers State Programmatic General Permit dated December 16, 2015.
- F. Memorandum of Agreement among Jerrehian, Pennsylvania Historical and Museum Commission and U.S. Army Corps of Engineers dated July 2014.
- G. Pennsylvania Department of Environmental Protection Dam Authorization Letters dated March 1, 2016 for Woodlands Dam A and Woodlands Dam B.
- H. Pennsylvania Department of Environmental Protection Dam Permit for Sharpless Lake Dam dated May 20, 2016.
- I. Pennsylvania Department of Transportation Highway Occupancy Permit for Phase I dated October 7, 2016.
- J. Pennsylvania Department of Transportation Highway Occupancy Permit for Phase II dated October 4, 2016.
- K. Pennsylvania Department of Transportation Highway Occupancy Permit for S.R. 2018 Utility Crossing dated March 26, 2014.
- L. Pennsylvania Department of Transportation Highway Occupancy Permit for S.R. 2011 Utility Crossing dated April 14, 2014.
- M. Pennsylvania Department of Transportation Low Volume Driveway Permit for the parking lot dated May 5, 2016.
- N. Pennsylvania Department of Transportation Minimum Use Driveway Permit for the emergency access dated October 7, 2014.
- O. Pennsylvania Department of Environmental Protection Water Quality Management Part 2 Permit dated January 26, 2015.

P. Pennsylvania Department of Natural Resources Clearance and Approval of Restoration and Management Plan for serpentine barrens dated November 10, 2014.

Q. PNDI Clearance dated January 8, 2015; and

WHEREAS, the Plans contemplate the recording of the Plans in Phases; and

WHEREAS, Applicant has commenced construction of the Development and intends to post financial security for the improvements remaining to be constructed in Phase 1 and record the Phase 1 portion of the Plans upon satisfaction of the Conditions of this Motion of Approval pertaining to Phase 1; and

WHEREAS, on April 2, 2019, the Planning Commission unanimously recommended to the Board that it approve the Application subject to compliance with outstanding Township reviews; and

WHEREAS, the Plans as reviewed and recommended by the Planning Commission were last revised March 26, 2019 and a non-substantive revision was made to the signature blocks on Sheets 1 and 2 of the Plans, resulting in a new last revision date of April 15, 2019.

NOW THEREFORE, this 23rd day of April, 2019, the Board hereby grants amended final subdivision and land development approval of the Plans, as revised with the latest revision date of April 15, 2019, subject to Applicant's compliance with all of the notes and conditions contained thereon and the following:

1. All conditions of the CU Order, the Amended CU Order, the Preliminary Plan Approval and the Final Plan Approval (hereinafter collectively referred to as the "Development Approvals") unless previously modified or modified through this Amended Final Subdivision and Land Development Approval shall remain in full force and effect.

2. If there is an inconsistency in this Motion and the CU Order as amended by the Amended CU Order, the terms of this Motion shall control. If there is an inconsistency in the terms of this Motion and the Preliminary Plan Approval or the Final Plan Approval, the terms in this Motion shall govern; provided however that if Applicant has not satisfied or complied with a condition in the Preliminary Plan Approval as amended by the Final Plan Approval or the Final Plan Approval which is not inconsistent with this Motion, such condition shall remain in full force and effect even if it is not specifically stated herein.

3. The subdivision and development of the Property shall strictly comply with all terms of the Zoning Ordinance, SALDO and all other applicable regulations of the West Goshen Township Code, except as previously waived by the Board in the Preliminary Plan Approval as set forth in the Recital above.

4. Prior to recordation of any phase of the Plans, the Township shall approve the Development Documents, which shall include the following:

- Declaration of Covenants, Restrictions and Easements for the Adult Community in accordance with Condition 5 of the CU Order as modified by Conditions 4 and 8 of the Preliminary Plan Approval and as provided in Condition 3 of the Final Plan Approval.
- Declaration of Covenants, Restrictions and Easements for the residential communities which consist of all single family detached dwelling units which are not part of the Adult Community in accordance with Condition 10 of the CU Order as modified by Conditions 5 and 8 of the Preliminary Plan Approval and as provided in Condition 3 of the Final Plan Approval.
- Declaration of Restrictive Covenants for the 162 acres of Township Open Space to be dedicated to the Township in accordance with Condition 28 of the CU Order as modified by Conditions 7 and 8 in the Preliminary Plan Approval and

Condition 1 of the Amended CU Order and as provided in Condition 3 of the Final Plan Approval.

- If necessary to allow Applicant or its successors and assigns to complete the improvements in the Township Open Space after it is dedicated to the Township, temporary construction easements to allow such development.
- Deed restrictions for the open space that will be conveyed to a condominium association and/or homeowners association to prohibit any further subdivision or development of the open space which will be conveyed to these respective associations as required by Condition 30 of the CU Order, Condition 9 of the Preliminary Plan Approval and Condition 3 of the Final Plan Approval.
- Deed for the open space which will be conveyed to a condominium or homeowners association to be used for public open space and recreation land pursuant to Condition 35 of the CU Order, Condition 11 of the Preliminary Plan Approval and Condition 3 of the Final Plan Approval.
- A disclosure statement to be provided to prospective buyers within the Adult Community for lots which are within 500 feet of the Country House Estate pursuant to Condition 64 of the CU Order, Condition 14 of the Preliminary Plan Approval and Condition 3 of the Final Plan Approval.
- Land Development Agreement for each phase of development.
- Financial Security Agreement for each phase of development.
- Deed of Dedication for roads to be dedicated to the Township for each phase of development.
- An amendment to the Stormwater Operation and Maintenance Agreements to include the Post Construction Stormwater Management Plan sheets from the Plans.

5. This Motion shall be added to a plan sheet and such plan sheet shall be recorded with the following other sheets of the Plans: 00 through 28, 249 and 250.

6. Applicant shall prepare legal descriptions for all roads, additional right of way, open space and sewer easements and any other public or quasi public property

dedicated on the Plans and such legal descriptions for each phase must be submitted to and approved by the Township Engineer prior to the posting of financial security for said phase.

7. The following shall be completed for each phase of construction or development and submitted to the West Goshen Sewer Authority and its engineer and solicitor for review and approval prior to the posting of financial security for said phase:

A. Plats and legal descriptions for all sewer rights-of-way through the development; and

B. Deeds of Dedication for all sewer facilities and sewer easements for any sewer facilities that will be located on private property.

8. The Development Approvals contemplated that the Development could be constructed in two Phases. The Development may be constructed in more than two Phases; however, the milestones for completion of construction of improvements as set forth in the conditions of approval in the Development Approvals based on the number of certificates of occupancy issued still apply.

9. The Applicant also intends to record the Plans in phases and to post financial security for improvements remaining to be constructed at the time of recording of Plans for said Phase. A Land Development Agreement and Financial Security Agreement shall be required for each phase of construction. The estimate of probable cost for public or quasi-public improvements remaining to be constructed at the time of recording shall be reviewed and approved by the Township Engineer for each phase of the Development. Applicant shall post 110% of the estimated cost to complete such improvements prior to release of the Plans for recording.

10. Prior to issuance of a building permit for each unit, Applicant shall pay the Township an impact fee of Two Thousand Five Hundred and 00/110 Dollars (\$2,500.00) per unit. If Applicant builds 589 units as represented, regardless of types of unit, the total impact fee that it shall pay the Township shall be One Million Four Hundred Seventy-Two Thousand Five Hundred and 00/100 Dollars (\$1,472,500.00).

11. Applicant shall reimburse the Township for all outstanding engineering, administrative, legal and other review fees associated with the Application and the Amended Final Plan Approval.

12. Through this Motion, the Board authorizes the Chair of the Board of Supervisors to execute as needed, the Development Documents identified and enumerated in Paragraph 3 of this Motion following review by the Township Solicitor.

This Motion of Approval is binding on West Goshen Township and the Applicant, its heirs, successors and assigns for any portion of the Property.

Approved this 23rd day of April, 2019.

ATTEST:

**BOARD OF SUPERVISORS
WEST GOSHEN TOWNSHIP**

Casey LaLonde, Secretary

BY:

Robin Stuntebeck, Chair

Hugh J. Purnell, Jr., Vice-Chair

Mary R. LaSota, Esq., Member

Edward G. Meakim, Jr., Member

Christopher Pielli, Esq., Member