



# Township of Haverford

## Resolution 2390-2024

### Preliminary / Final Land Development

Resolution for Preliminary/final Land Development Plan approval for the Haverford School District for a building addition at the Chatham Park Elementary School at 400 Allston Road, Havertown

Whereas, Act 247 of 1968, the Pennsylvania Municipalities Planning Code, empowers the Haverford Township Board of Commissioners to regulate subdivisions and land developments within the Township; and

Whereas, Haverford Township desires orderly and appropriate land use and development to protect the health, safety, and welfare of residents; and

Whereas, Haverford Township School District (“Applicant”) desires to develop the Chatham Park Elementary School located at 400 Allston Road, Havertown, PA, Delaware County, known as D.C. Folio No. 22-02-00005-00 (“Property”) to add 12,439 square feet of building additions, 2 parking lot additions, and related stormwater management infrastructure and other improvements (“Project”). The Property is zoned INS Institutional District and is located in the 8th Ward.

Whereas, the Preliminary / Final Land Development plan submitted for the Project was prepared by K&W Engineers, Harrisburg, PA, latest plan revision dated July 2, 2024 (“Plan”); and

Whereas, after multiple meetings and notices provided to the surrounding property owners, the Planning Commission of Haverford Township, at the public meeting of Thursday, July 11, 2024, voted to recommend approval of the Plan subject to the comments contained within the June 27, 2024 review letter prepared by Pennoni Associates; and

Whereas, said Plan has been submitted to the Board of Commissioners of the Township of Haverford for consideration in accordance with the Pennsylvania Municipalities Planning Code and pursuant to the Haverford Township Subdivision and Land Development Regulations, Ordinance 1960, Chapter 160, Sections 4. A and B.

Now, therefore, be it resolved by the Board of Commissioners of the Township of Haverford that the Plan is APPROVED subject to the following conditions:

A. Conditions of Plan Approval.

1. The Applicant must ensure that the Plan address any outstanding comments in the June 27, 2024 civil engineer review letter prepared by Pennoni Associates. Further, the Applicant shall comply with future review letters related to future Plan revisions made in response to prior comments to the reasonable satisfaction of the Township Engineer.

2. A subsequent recordable final plan shall be submitted for internal Township review that addresses all Township review letter requests, further Plan details and clarifications, or revisions based upon the terms of this Resolution.

3. Applicant must comply with any applicable requirements of the Delaware County Conservation District, Pennsylvania Department of Environmental Protection, Pennsylvania Department of Transportation (including, but not limited to, obtaining any necessary Highway Occupancy Permits and Signal Permits required by PennDot), United States Environmental Protection Agency, or any other necessary outside agency, and obtain any necessary planning modules, approvals, or permits from such agencies, or enter into any required agreements such agencies require, before the Plan is recorded.

4. Pursuant to Section 78-51 of the Township Code, Applicant shall pay the required contribution to the Township Stormwater BMP Operation and Maintenance Fund in the amount calculated by the Township Engineer.

5. The conditions of this Resolution must be satisfied, and all fees and costs set forth in this Resolution shall be paid, before the issuance of a building permit for the Project.

6. Applicant must complete and record all required easements and/or maintenance agreements or declarations, including, but not limited to, a stormwater management facilities operation and maintenance agreement (requiring, in part, perpetual maintenance of all stormwater management facilities installed according to the Plan by the landowner of the Property) in forms reasonably satisfactory to the Township Engineer and Township Solicitor prior to recording the Plan. Applicant will provide all necessary legal descriptions for any necessary easements.

7. Prior to recording the Plan, the Applicant shall execute a Land Development and Financial Security Agreement to guarantee the installation of all public improvements associated with the Project (“Improvements”) on a form drafted by the Township Solicitor. Financial Security shall take the form of a cash escrow held by the Township, an irrevocable standby letter of credit in a form acceptable to the Township Solicitor, or a tri-party agreement in a form acceptable to the Township Solicitor. If Applicant were to post financial security in the form of a bond, the Township Solicitor shall have the unconditional right to review the bond and must approve the conditions and language of the bond. Further, the bond shall be issued by a “AAA” rate surety, or its equivalent, qualified to do business in Pennsylvania, and shall contain language stating that the bond is to be payable upon demand, absolutely, and unconditionally, and if payment is not made, that the bonding company shall be responsible for reasonable attorneys’ fees and costs that are incurred to collect on the bond, plus interest at the annual rate of twelve (12%) percent, for so long as the bond remains unpaid. A bond or letter of credit is required to automatically renew annually until the Improvements detailed on

of twelve (12%) percent, for so long as the bond remains unpaid. A bond or letter of credit is required to automatically renew annually until the Improvements detailed on the Plans are completed, any maintenance periods have passed, and the final release is issued by the Township, subject to partial releases being permitted in accordance with Pennsylvania Municipalities Planning Code. To ensure automatic renewal, a bond or letter of credit shall include a 90-day Evergreen Clause in a form acceptable to the Township Solicitor.

8. Financial security shall be posted in the amount of 110% of the total cost of the Improvements. The Applicant agrees that the Improvements shall include, but shall not be limited to, streets, parking areas, striping, drive aisles, curbs, water mains, sanitary sewer pipes, manholes and appurtenances thereto, stormwater facilities, rain gardens and appurtenances, grading, erosion and sediment controls, public lighting, required trees, shrubs, plantings and landscape buffering, monuments, pins, sidewalks, or other public improvements designated by the Township Engineer. For a period not less than 18 months after Township Engineer approval of the Improvements, financial security shall remain posted in the amount of 15% of the total cost of the Improvements that are to be dedicated to the Township, if any.

9. All outstanding Township fees, including review and recording costs and fees, Township Engineering fees, and Township legal fees, and any other professional fees associated with the review and approval of the application and Plan shall be paid in full before the Plan is recorded, in accordance with the Pennsylvania Municipalities Planning Code.

10. Prior to recording the Plan, and in addition to the financial security posted for the Project, Applicant shall deposit with the Township or otherwise establish a reasonable sum of monies with the Township, in an amount to be reasonably determined by the Township Engineer, as to be further described in the Land Development and Financial Security Agreement, for the reimbursement of the Township's reasonable engineering, inspection, legal, and related administrative costs and expenses related to the further reviews, inspections, and development of the Project, in accordance with the Pennsylvania Municipalities Planning Code.

11. A note shall be included on the Plan listing any waivers granted by the Board of Commissioners.

12. The terms and conditions of this Resolution shall run with the land and shall apply to any assignee, transferee, or other successor in interest in the Property or the development of the Project. This Resolution or a memorandum of this Resolution may be recorded against the Property by the Township, or a subdivided portion of the Property, at the Township's sole discretion, to which the then-current landowner of the Property shall be deemed to have consented to such recording. Regardless of whether this Resolution is recorded, the Township shall have the right to enforce any violations of the conditions of this Resolution as a violation of the Township's Subdivision of Land Chapter and/or pursuant to Section 616.1 of the Pennsylvania Municipalities Planning Code.

B. Waivers. The Applicant has requested the following waivers from the Township's Subdivision of Land Chapter pursuant to a written waiver request. An indication that a waiver was granted reflects that the Township has determined that the Applicant has sufficiently established that the literal enforcement of the provision waived will exact undue hardship because of peculiar conditions pertaining to the land in question, and that the waiver is not contrary to the public interest or otherwise contrary to the purpose and intent of the Township Code, as demonstrated and explained by appearances of the Applicant before the Board at public meetings and through the waiver request letter(s) submitted. A lack of indication of the decision on the waiver after the Township has executed this Resolution shall be interpreted to mean that the waiver was granted, unless the minutes of the associated Township meeting reflect otherwise:

1. From Section 160-3.B to request a waiver to submit a final plan simultaneously with a final plan. The waiver is hereby:

Granted Denied

2. From Section 160-4.E(5)[b] to not provided the required plan details within 2,000 feet of the site due to the size of the property and limited area of development on the property. The waiver is hereby:

Granted Denied

3. From Section 160-4.E(5)[e](3) to not provide the required plan details within 200 feet of the site due to the size of the property and limited area of development on the property. The waiver is hereby:

Granted Denied

4. From Section 160-4.E(5)[e](4) to not provide the required plan details within 400 feet of the site due to the size of the property and limited area of development on the property. The waiver is hereby:

Granted Denied

5. From Section 160-4.E(7) to not notify all property owners within 200 feet of the site no less than 10 days prior to the first Planning Commission meeting for which the plan has been scheduled for review, when such notice was provided to such property owners prior to subsequent Planning Commission meetings. The waiver is hereby:

Granted Denied

6. From Section 160-4.E(8) to not provide the required notice by mailings to all property owners within 200 feet of the site prior to the first Planning Commission meeting for which the plan has been scheduled for review, when such mailings were provided to such property owners prior to subsequent Planning Commission meetings. The waiver is hereby:

Granted Denied

This Resolution shall bind the Applicant, and the Applicant's successors and assigns. This Resolution does not and shall not authorize the construction of improvements or buildings exceeding those shown on the Plan. Furthermore, this Resolution, and the

approvals/waiver and conditions contained herein, shall be rescinded automatically and deemed denied upon Applicant's failure to accept, in writing, all conditions herein imposed within ten (10) days of receipt of this Resolution, such acceptance to be evidenced by the Applicant's signature below.

Resolved this 12th day of August, 2024

Township of Haverford



By: C. Lawrence Holmes, Esq.  
President Board of Commissioners



Attest: David R. Burman,  
Township Manager/Secretary