

AMENDED AND RESTATED RESOLUTION NO. 2024-12

SCHUYLKILL TOWNSHIP

CHESTER COUNTY, PENNSYLVANIA

A RESOLUTION OF THE BOARD OF SUPERVISORS OF SCHUYLKILL TOWNSHIP, CHESTER COUNTY, COMMONWEALTH OF PENNSYLVANIA, GRANTING PRELIMINARY/FINAL SUBDIVISION AND LAND DEVELOPMENT PLAN APPROVAL, SUBJECT TO CERTAIN CONDITIONS, OF THE PRELIMINARY/FINAL SUBDIVISION AND LAND DEVELOPMENT PLAN FILED BY PT PHOENIXVILLE, LLC RELATED TO SEVERAL ADJACENT TAX PARCELS LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF NORTH WHITEHORSE ROAD AND VALLEY FORGE ROAD, WHICH ARE MORE SPECIFICALLY IDENTIFIED AS UNIFORM PARCEL NUMBERS 27-6A-31, 27-6A-32, 27-6A-33 AND 27-6A-33.1.

WHEREAS, on or about January 15, 2024, PT Phoenixville, LLC (the "Developer") submitted a preliminary/final subdivision and land development plan prepared by Bohler Engineering, consisting of thirty (30) sheets, originally dated January 12, 2024, and last revised on March 13, 2024, as may be subsequently revised and titled "PRELIMINARY/FINAL LAND DEVELOPMENT PLANS FOR PT PHOENIXVILLE, LLC, PROPOSED WAWA FOOD MARKET STORE #8222," (Hereinafter the "Plan").

WHEREAS, the Plan proposes to redraw the lot lines that separate four (4) existing tax parcels, identified as Uniform Parcel Numbers 27-6A-31, 27-6A-32, 27-6A-33, and 27-6A-33.1 (collectively the "Property"), to create two (2) lots, with tax parcels 27-6A-32, 27-6A-33, and a portion of 27-6A-33.1 combining into one 1.467-acre lot (hereinafter "Lot 1") and tax parcel 27-6A-31 combining with the remainder of 27-6A-33.1 to form a second 1.028-acre lot (hereinafter "Lot 2").

WHEREAS, the Property is in the C-Commercial Zoning District of Schuylkill Township (the "Township"), where a convenience store is permitted by conditional use.

WHEREAS, the Property is improved, in part, by a dimensionally nonconforming Exxon convenience store with six (6) multi-product dispensers providing twelve (12) gasoline fueling positions.

WHEREAS, the Developer proposes to demolish the existing Exxon convenience store and construct a 6,049 square foot Wawa convenience store with five (5) multi-product dispensers providing ten (10) gasoline fueling positions and associated parking on Lot 1, as more fully shown on the Plan (the "Proposed Development").

WHEREAS, the Developer requested and received variance relief from certain sections of the Township Zoning Ordinance regulating signage, landscaping and buffering, area and bulk standards, and required setbacks to allow the Proposed Development.

WHEREAS, in a Decision and Order dated April 11, 2023, the Schuylkill Township Zoning Hearing Board (the “Zoning Board”) granted such variance relief that was necessary to allow the Proposed Development (the “ZHB Decision”).

WHEREAS, the Schuylkill Township Board of Supervisors (the “Board”) granted the Developer conditional use approval, pursuant to Sections 370-86.H(1) and 370-169 of the Schuylkill Zoning Ordinance, subject to certain conditions to allow the proposed convenience store use in accordance with a Decision and Order dated October 11, 2023 (the “Conditional Use Decision”).

WHEREAS, as a result of minor site plan changes requested by the Board of Supervisors during the conditional use review process, the Developer requested an amendment to a portion of the variance relief granted from landscaping, buffering, and setback requirements by the Zoning Hearing Board’s April 11, 2023, Order, which request was granted in a Decision and Order of the Schuylkill Township Zoning Hearing Board dated December 11, 2023 (the “Revised ZHB Decision”).

WHEREAS, the Plan was reviewed by T&M Associates, in its capacity as Township engineer, which provided its comments in a review letter dated February 15, 2024, and a subsequent review letter dated April 5, 2024 (the “Engineer Review Letters”).

WHEREAS, the Plan was reviewed by the Chester County Planning Commission, which issued its comments in a review letter dated February 9, 2024 (the “County Review Letter”).

WHEREAS, The Plan was reviewed by the Township’s traffic consultant, Albert Federico Consulting, LLC, which provided its comments in a review letter dated February 14, 2024 (the “Traffic Consultant Review Letter”).

WHEREAS, water availability for the Proposed Development was confirmed in a letter from Aqua Pennsylvania, Inc. dated April 21, 2023.

WHEREAS, sewer capacity for the Proposed Development was confirmed in a notice from the Valley Forge Sewer Authority dated April 25, 2023.

WHEREAS, the Developer prepared and provided a Historic Resource Impact Narrative in connection with the Proposed Development as required by Section 370-57 of the Zoning Ordinance.

WHEREAS, the Developer retained ECS Mid-Atlantic, LLC to prepare a Phase II Environmental Site Assessment, which was provided in a report dated March 12, 2024.

WHEREAS, a Pennsylvania Natural Diversity Inventory search of the Property was performed, and all necessary clearance letters have been received.

WHEREAS, the Schuylkill Township Planning Commission reviewed the Plan and recommended its approval subject to compliance with the review letters issued by the Township Consultants.

NOW, THEREFORE, it is hereby **RESOLVED** by the Schuylkill Township Board of Supervisors that the Developer's preliminary/final subdivision and land development plan is **GRANTED**, subject to the conditions listed below.

In addition, the Board hereby grants waivers from the following sections of the Schuylkill Township Subdivision and Land Development Ordinance and Stormwater Management Ordinance:

1. Section 310-25.C(3) of the Schuylkill Township Stormwater Management Ordinance to exempt the inlet pipe invert into a basin from the requirement that it be six (6) inches above the basin floor or lining.
2. Section 310-25.C(6)(a) of the Schuylkill Township Stormwater Management Ordinance to allow for outlet pipes with a minimum grade less than 1%.
3. Section 320-11 of the Schuylkill Township Subdivision and Land Development Ordinance (the "SALDO") to allow for concurrent preliminary and final plan review.
4. Section 320-23.C(1)(b) of the SALDO to not provide curbing on proposed Lot 2.
5. Section 320-23.G of the SALDO to allow for less than 20 feet of open space between the curb line and outside wall of a dwelling unit in residential areas.
6. Section 320-23.M of the SALDO to allow for less than a five-foot (5') radius for all curb lines in all parking areas to allow for entrance mountable curbing as required by the Pennsylvania Department of Transportation and a 0' radii around the proposed trash enclosure.
7. <Reserved>
8. Section 320-24.A(3) of the SALDO to provide a sidewalk on North Whitehorse Road and Valley Forge Road (Route 23), where it fronts on Total Rental property that is less than five (5) feet from the curb line. No waiver relief is granted for sidewalks on Valley Forge Road which fronts on the Wawa property.
9. Section 320-24.B(1) to allow for use of concrete curbs instead of granite curbs.
10. Section 320-34.D(4)(a)[2] of the SALDO to allow greater than 50' of spacing between street trees along North Whitehorse Road.

CONDITIONS OF APPROVAL

1. Prior to the release of the Plan for recording, Developer shall revise the Plan to comply with all outstanding comments in the Engineer Review Letters to the reasonable satisfaction of the Township Engineer.
2. Prior to the release of the Plan for recording, Developer shall revise the Plan to comply with all outstanding comments in the Traffic Consultant Review Letter to the reasonable satisfaction of the Township Traffic Consultant.
3. Prior to the release of the Plan for recording, Developer 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 a form and substance acceptable to the Township Solicitor.
4. Prior to the release of the Plan for recording, Developer 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 Developer disputes any of the review fees, the parties shall adhere to the procedures of the Pennsylvania Municipalities Planning Code.
5. Developer shall secure all required permits and approvals from third-party agencies, including, but not limited to, a PennDOT Highway Occupancy Permit and approvals from Pennsylvania DEP and the Chester County Conservation District.
6. Developer shall install reasonable signage on the Property, in coordination with the appropriate Township Representative that identifies the subject property as being located in Schuylkill Township.
7. Developer shall comply with all Conditions of Approval outlined in the Conditional Use Decision, the ZHB Decision and the Revised ZHB Decision.
8. Non-material changes to the Plan, as determined in the discretion of the Township Engineer, may be authorized by the Township Engineer as a field change without the further approval from the Board of Supervisors.
9. 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.
10. Sidewalk shall be required to be installed pursuant to SALDO Section 320-24.A.(1) on the Total Rental Property (Lot 2) on Route 23 on the west side of the Wawa property line.

Sidewalk installed along Valley Forge Road (Route 23) west of the Wawa property line shall be at least two (2) feet from the curb line.

11. Installation of Fire Hydrant in the area of Whitehorse Road entrance/exit and 5" Storage FDC Connection, 35 degrees down within 75 feet of the hydrant preferably at the entrance of the property if practical.

RESOLVED, this 8 day of May, 2024.

*Supersedes and Replaces Resolution 2024-12
dated April 10, 2024*

ATTEST:

SCHUYLKILL TOWNSHIP

Valentina Mitterer
Valentina Mitterer, Township Secretary



Mark Donovan, Chair

