

**BEFORE THE ZONING HEARING BOARD OF
EAST WHITELAND TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA**

**CONSTITUTION DRIVE PARTNERS, L.P.
9 MALIN ROAD DEVELOPMENT, LLC
East Whiteland Township
January 23, 2017**

APPLICANTS' EXHIBITS

- A-1 East Whiteland Township Zoning Hearing Board Application and Cover Letter dated October 31, 2016, Steep Slope Exhibit for 9 Malin Road Development, LLC – Existing Conditions prepared by InLand Design, LLC dated December 7, 2015 and Steep Slope Exhibit for 9 Malin Road Development, LLC – Proposed Development prepared by InLand Design, LLC dated December 7, 2015
- A-2 Letter dated January 6, 2017 from Louis J. Colagreco, Jr., Esquire to Scott Greenly re: Amendment to Zoning Hearing Board Application
- A-3 East Whiteland Township Zoning Ordinance, as amended (*incorporated by reference*)
- A-4 Affidavit of Mailing dated November 28, 2016
- A-5 Affidavit of Mailing dated January 23, 2017
- A-6 Notice published in Daily Local News on January 10, 2017 and January 16, 2017
- A-7 Redacted Real Estate Sales Contract dated March 17, 2014 between 10 Malin Road Associates, LP and 9 Malin Road Development LLC
- A-8 Deed between Central and Western Chester County Industrial Development Authority and Constitution Drive Partners, L.P. dated February 21, 2005 and recorded March 24, 2005 at Book 6443, Page 1567 in the Office of the Chester County Recorder of Deeds
- A-9 Rendered Site Plan prepared by InLand Design, LLC dated November 28, 2016
- A-10 Revised Steep Slope Exhibit for 9 Malin Road Development, LLC – Existing Conditions prepared by InLand Design, LLC dated December 7, 2015
- A-11 Revised Steep Slope Exhibit for 9 Malin Road Development, LLC – Proposed Development with Limits of Disturbance prepared by InLand Design, LLC dated December 7, 2015
- A-12 Steep Slope Impact Narrative and Report for Malin Road Development prepared by InLand Design, LLC dated October 31, 2016

A-13 Grading and Utility Plan 'A' Depicting Retaining Wall prepared by InLand Design, LLC
dated January 30, 2015



LOUIS J. COLAGRECO, JR.
lou@rrhc.com
Extension: 203



October 31, 2016

VIA EMAIL & HAND DELIVERY

Scott Greenly, Director of Planning & Development
East Whiteland Township
209 Conestoga Road
Frazer, PA 19355-1699

**Re: Constitution Drive Partners, L.P. – Bishop Tube
Zoning Hearing Board Application**

Dear Scott:

As you know, this firm represents Constitution Drive Partners, L.P. in connection with the development of the former Bishop Tube property. Constitution Drive Partners, L.P. owns the property located at 1 South Malin Road, which is identified as Tax Parcel No. 42-4-321.2. This parcel is located in the RRD Residential Revitalization District, along with those parcels identified as Tax Parcel Nos. 42-4-321 and 42-4-321.1 (collectively, the "Property"), which are owned by 10 Malin Road Associates and are being developed by 9 Malin Road Development, LLC.

The proposed development of the Property includes single-family attached dwellings and townhouses in rows of more than six units. However, a portion of the Property is encumbered by areas of steep slope and very steep slope. Accordingly, variance relief is required from Section 200-57.C.(6) of the East Whiteland Township Zoning Ordinance to permit disturbance of certain areas of steep slope in connection with the proposed development.

Enclosed for filing in connection with the Zoning Hearing Board Application ("Application") are the following materials:

1. Eight (8) copies of the East Whiteland Township Zoning Hearing Board Application form;
2. Eight (8) copies of a Steep Slope Exhibit for 9 Malin Road Development, LLC prepared by InLand Design, LLC;
3. Eight (8) copies of the Steep Slope Impact Narrative and Report for Malin Road Development prepared by InLand Design, LLC dated October 31, 2016, which includes the required photographs;
4. Eight (8) copies of the Deed between Central and Western Chester County Industrial Development Authority and Constitution Drive Partners, L.P. dated February 21, 2005 and recorded March 24, 2005 at Book 6443, Page 1567 in the Office of the Chester County Recorder of Deeds; and

Scott Greenly, Director of Planning & Development
East Whiteland Township
October 31, 2016
Page 2

5. A check in the amount of \$500.00 made payable to East Whiteland Township, the required application fee.

Evidence of standing of 9 Malin Road Development, LLC will be presented at the hearing. We request that the enclosed Application be forwarded to the Zoning Hearing Board for the scheduling of a hearing. It is my understanding that the Application will be placed on the Zoning Hearing Board's November 28th agenda. We will provide the required notification to property owners in advance of the hearing. Further, it is my understanding that the Township will handle advertisement and posting of the Property at the appropriate time.

As always, please feel free to contact me with questions. Thank you for your attention to this matter.

Very truly yours,



LOUIS J. COLAGRECO, JR.

LJC, JR./krm
Enclosures

cc: Joseph Leis, Zoning Officer (w/encls. – via e-mail)
Guy Wolfington, Jr. (w/encls. – via e-mail)
Jerry O'Connor (w/encls. – via email)
Bo Erixson (w/encls. – via e-mail)
Charles A. Dobson, P.E. (w/encls. – via e-mail)
Kaitlin R. Miceli, Esquire (w/encls. – via e-mail)

EAST WHITELAND TOWNSHIP ZONING HEARING BOARD

APPLICATION FOR:

- SPECIAL EXCEPTION
- VARIANCE
- APPEAL FROM INTERPRETATION OR RULING OF THE ZONING OFFICER
- VALIDITY CHALLENGE
- OTHER (SPECIFY BASIS)

(Submit 8 copies of application and 8 copies of plans)

Date: October 31, 2016

1. Applicant's name and address: 9 Malin Road Development, LLC, 110 N. Phoenixville Pike, Suite 100, Malvern, PA 19355 and Constitution Drive Partners, L.P., 2701 Renaissance Boulevard, 4th Floor, King of Prussia, PA 19406
2. Who owns the real estate on which the proposed exception or variance is being requested? 10 Malin Road Associates, 208 E. Market Street, West Chester, PA 19382 (9 South Malin Road & 10 South Malin Road); Constitution Drive Partners, L.P., 2701 Renaissance Boulevard, 4th Floor, King of Prussia, PA 19406 (1 South Malin Road)
3. Please give a brief description, state location of the real estate, and Tax Parcel Number on which the proposed special exception, variance or other relief is being requested:
(a) Address: 9 South Malin Road, 10 South Malin Road & 1 South Malin Road
(b) Tax Parcel No: 42-4-321, 42-4-321.1 & 42-4-321.2
(c) Location and Description: Former Bishop Tube property - located south of the intersection of Lancaster Avenue and South Malin Road
4. What is the present zoning classification of the real estate involved? RRD Residential Revitalization District
5. What buildings or other structures are now on the property? Deteriorated industrial buildings
6. What use is now being made of the property? Brownfield site - previously used as an industrial facility
7. Indicate by number the section(s) of the Zoning Ordinance under which you feel the special exception, variance or other relief requested may be allowed, and state your reasons why it should be granted: See accompanying Narrative

8. What additions to or improvements in the property do you intend to make under this application? Please describe below as completely as possible:

See accompanying Narrative

9. Have you attached a plan and/or other graphic material? If so, please identify:

Steep Slope Exhibit for 9 Malin Road Development, LLC prepared by InLand

Design

Filing fee deposit of \$1,000.00 to be submitted with application for all commercial/Industrial appeals. Filing fee deposit of \$500.00 for all residential appeals.
Eight sets of site plans to be submitted with application.

By:


Louis J. Colagreco, Jr., Esquire, Attorney for Applicant

Signature of Applicant or
Authorized Representative

Date of Contact for Applicant: Bo Erixson (9 Malin Road Development, LLC) - 610-296-8175
Guy Wolfington, Jr. (Constitution Drive Partners, L.P.) - 610-337-5577

Phone Number: _____

Email Address: BErixson@bbhomes.us; GWolfington@oneillproperties.com

Name of Engineer, Architect or Planner (if applicable) Charles Dobson, P.E., InLand Design

Name of Attorney (if applicable) Louis J. Colagreco, Jr., Riley Riper Hollin & Colagreco

Attorney's email address: lou@rrhc.com

Note: All communications will be by email transmittal, unless you elect by regular mail:
I prefer communications by:

Email

Regular Mail

EAST WHITELAND TOWNSHIP ZONING HEARING BOARD APPLICATION
NARRATIVE
9 MALIN ROAD DEVELOPMENT, LLC/CONSTITUTION DRIVE PARTNERS, L.P.

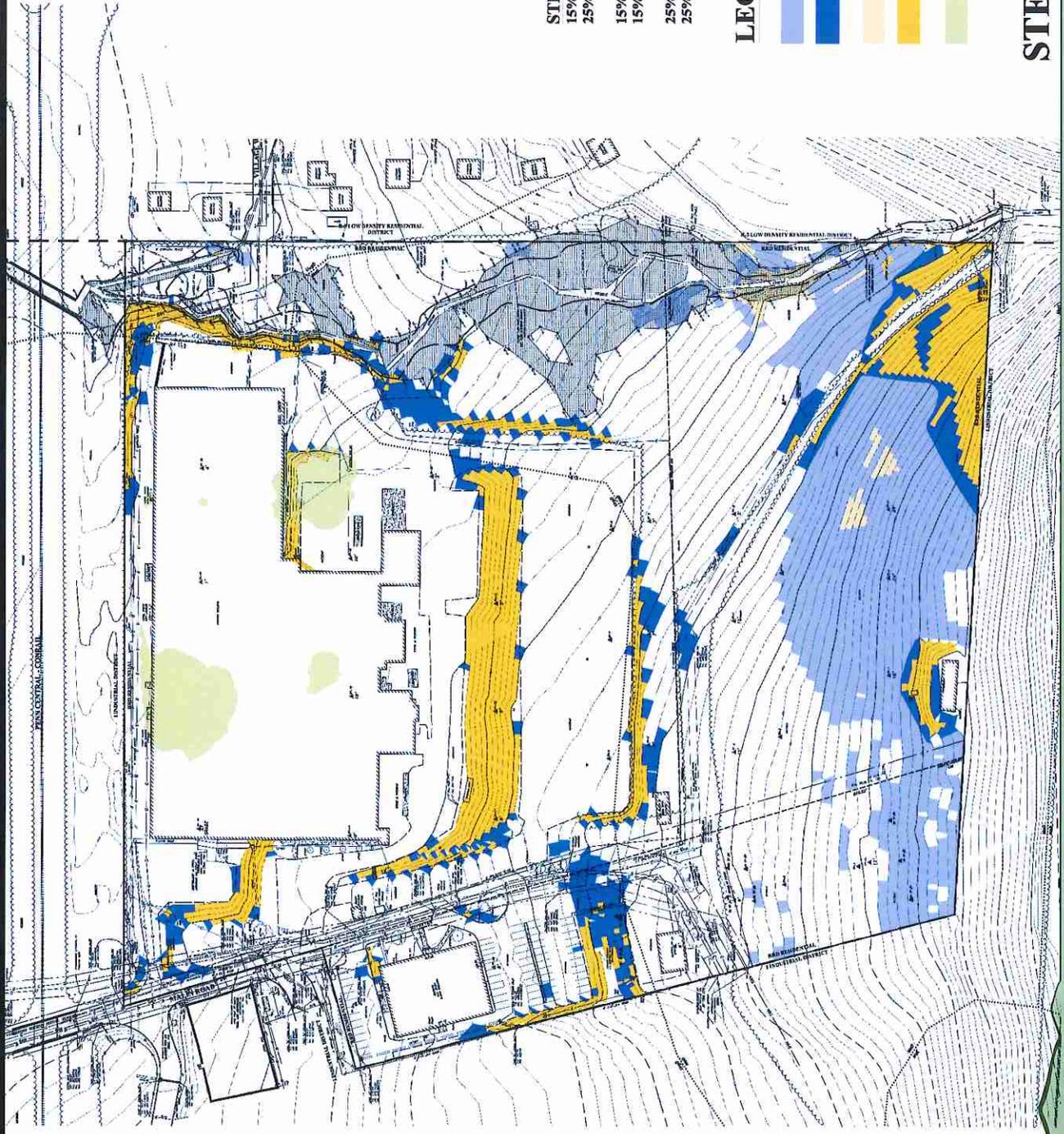
9 Malin Road Development, LLC and Constitution Drive Partners, L.P. (collectively, "Applicant") are proposing the development of the property located at 9 South Malin Road, 10 South Malin Road and 1 South Malin Road in East Whiteland Township, Chester County, Pennsylvania, which are identified as Tax Parcel Nos. 42-4-321, 42-4-321.1 and 42-4-321.2, respectively ("Property"). The Property is the former Bishop Tube property and is currently a brownfield site that is improved with dilapidated industrial buildings. The Applicant proposes remediating and redeveloping the Property with a residential community consisting of single-family attached dwellings and townhouses in rows of more than six units. The Property is located in the RRD Residential Revitalization District of East Whiteland Township.

The Property is encumbered by areas of steep slope, which include areas of both steep slope and very steep slope that are both natural and man-made. However, a significant portion of the areas of steep slope on the Property are man-made steep slopes associated with Bishop Tube's former use of the Property. In connection with the proposed development, Applicant requests the following variance relief from the East Whiteland Township Zoning Ordinance:

Variance from Section 200-57.C.(6) of the Zoning Ordinance to permit single-family attached dwellings and townhouses in rows of more than six units, associated driveways and grading required in connection with the foregoing to be located in areas of both steep slope and very steep slope.

The proposed encroachment in areas of steep slope is depicted on the accompanying Steep Slope Exhibit for 9 Malin Road Development, LLC prepared by InLand Design.

Due to the fact that a large portion of the Property is encumbered by areas of steep slope, the proposed development cannot be constructed without disturbing those areas. In addition, the steep slope areas have been found to have good soil distribution, which is needed for the proposed redevelopment and remediation of the Property. The Applicant will present testimony at the hearing to demonstrate compliance with the requirements of Sections 200-57.G and 200-57.H of the Zoning Ordinance.



STEEP SLOPES CALCULATIONS:
 15% TO 25% 165,499 S.F.
 25% AND UP 88,561 S.F.

15% TO 25% (NATURAL) 118,770 S.F. (71.8%)
 15% TO 25% (MAN MADE) 46,729 S.F. (28.2%)

25% AND UP (NATURAL) 7,185 S.F. (8.1%)
 25% AND UP (MAN MADE) 81,561 S.F. (91.1%)

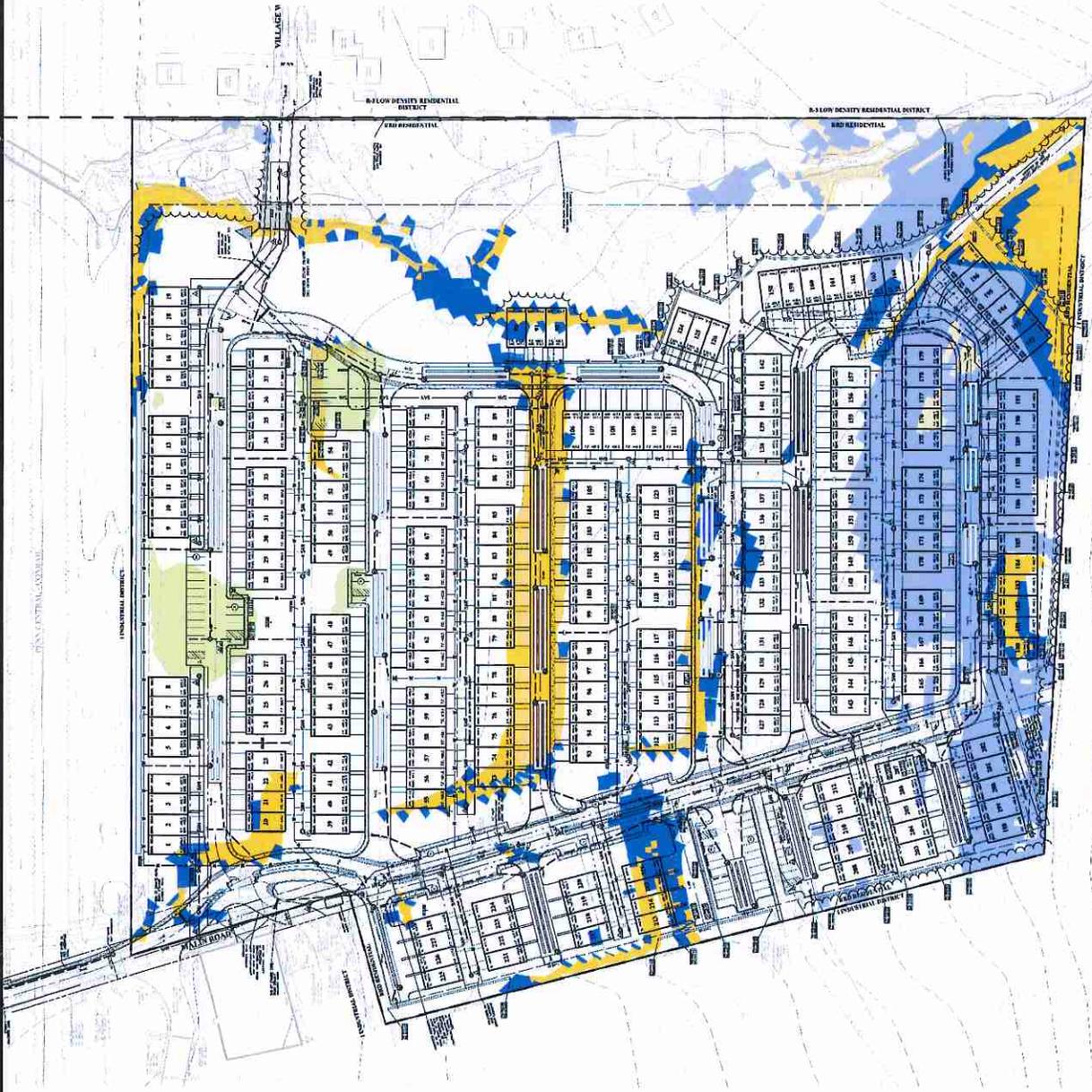
LEGEND

- SLOPES: 15% - 25%
- SLOPES: 15% - 25% (MAN MADE)
- SLOPES: 25% - UP
- SLOPES: 25% - UP (MAN MADE)
- CONTAMINATION AREA

STEEP SLOPE EXHIBIT

9 MALIN ROAD, DEVELOPMENT, LLC
 EAST WHITELAND TOWNSHIP • CHESTER COUNTY • PENNSYLVANIA

INLAND DESIGN
 Civil Engineers, Surveyors & Land Development Consultants
 16 Hertz Blvd.,
 West Chester, PA 19382
 Phone: (610) 947-2929
 Fax: (610) 947-2846
 info@inlanddesign.net
 www.inlanddesign.net



STEEP SLOPES CALCULATIONS:
 15% TO 25% 165,499 S.F.
 25% AND UP 88,561 S.F.

15% TO 25% (NATURAL) 118,770 S.F. (71.8%)
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LEGEND

- SLOPES: 15% - 25%
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- SLOPES: 25% - UP
- SLOPES: 25% - UP (MAN MADE)
- CONTAMINATION AREA

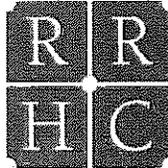
STEEP SLOPE EXHIBIT

9 MALIN ROAD, DEVELOPMENT, LLC
 EAST WHITELAND TOWNSHIP • CHESTER COUNTY • PENNSYLVANIA

INLAND DESIGN
 Civil Engineers, Surveyors & Land Development Consultants
 16 Hargett Blvd.
 West Chester, PA 19382
 Phone: (610) 547-2929
 Fax: (610) 547-2946
 info@inlanddesign.net
 www.inlanddesign.net



LOUIS J. COLAGRECO, JR.
lou@rrhc.com
Extension: 203



RILEY RIPER HOLLIN & COLAGRECO
ATTORNEYS January 6, 2017

VIA ELECTRONIC DELIVERY

Scott Greenly, Director of Planning & Development
East Whiteland Township
209 Conestoga Road
Frazer, PA 19355

Re: Bishop Tube – Amendment to Zoning Hearing Board Application

Dear Scott:

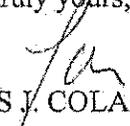
As you know, this firm represents Constitution Drive Partners, L.P. in connection with the development of the former Bishop Tube Property. Our office filed a Zoning Hearing Board Application on October 31, 2016 (“Application”) requesting variance relief from Section 200-57.C.(6) of the East Whiteland Township Zoning Ordinance to permit disturbance of certain areas of steep slope in connection with the proposed development.

At this time, we are requesting that the Application be amended to include variance relief from Section 200-93.B of the Zoning Ordinance to permit the proposed retaining walls to exceed the permitted six (6) feet in height (“Amended Application”). In connection with the proposed remediation and development, significant grading will be undertaken, thereby necessitating the installation of retaining walls in the areas depicted on the Steep Slope Exhibit for 9 Malin Road Development, LLC prepared by InLand Design, LLC, which was submitted in connection with the Application. In order to serve their intended function, the retaining walls will need to exceed six (6) feet in height in certain areas.

It is my understanding that this matter is on the Zoning Hearing Board’s January 23rd agenda for a hearing. We request that notice of the Amended Application be published in the Daily Local News in advance of the hearing and the Property be posted.

If you have any questions, please feel free to give me a call.

Very truly yours,


LOUIS J. COLAGRECO, JR.

LJC, Jr./krm

cc: Frone Crawford, Esquire (via e-mail)
Joseph Leis, Zoning Officer (via e-mail)
Guy Wolfington, Jr. (via e-mail)
Jerry O’Connor (via email)
Bo Erixson (via e-mail)
Charles A. Dobson, P.E. (via e-mail)
Kaitlin R. Miceli, Esquire (via e-mail)

701048.1

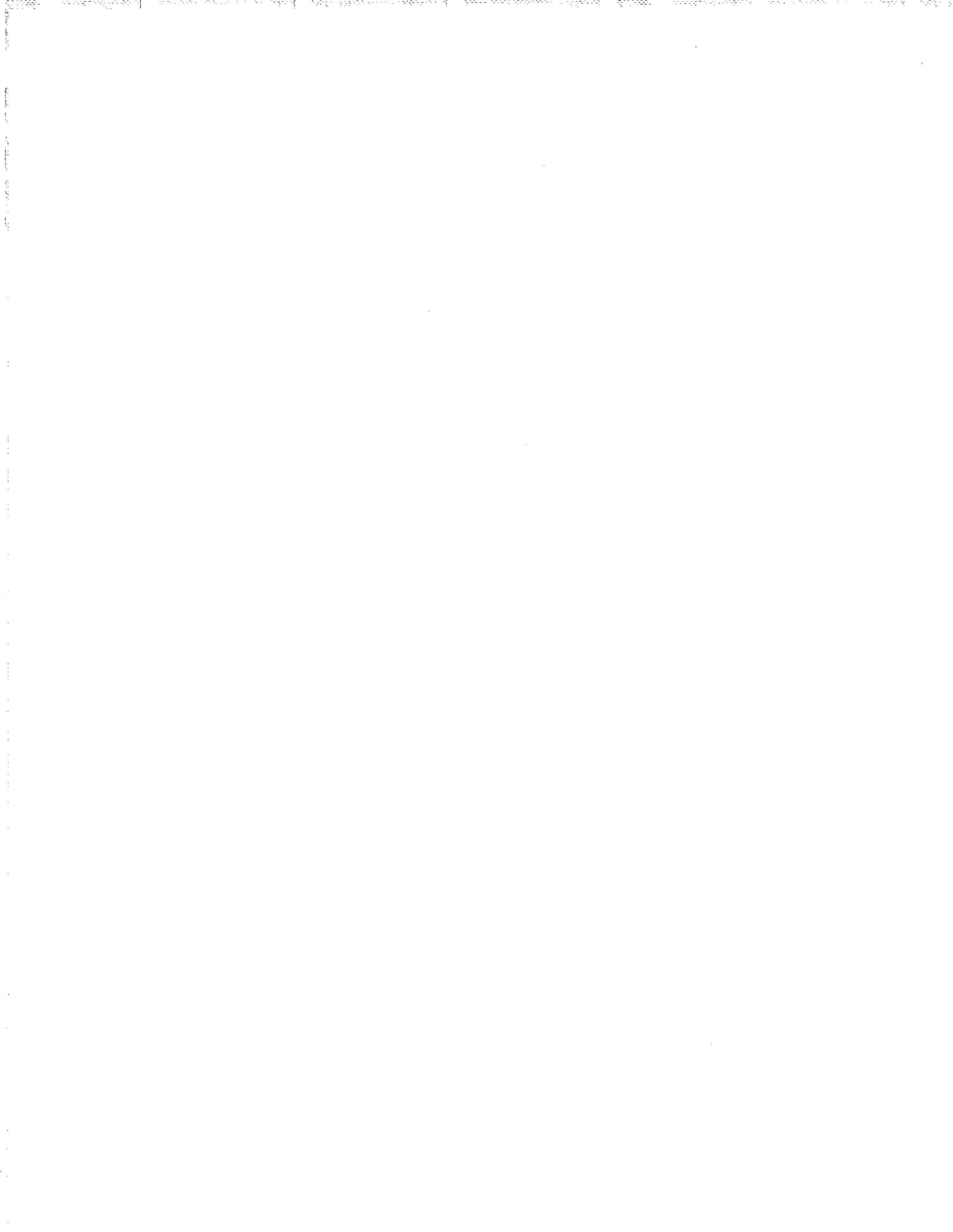
PO Box 1245 717 Constitution Drive, Suite 201

rrhc.com

Exton, PA 19341

Phone 610.458.4200

Fax 610.458.4243



**RE: EAST WHITELAND TOWNSHIP
ZONING HEARING BOARD**

APPEAL NO.: 2016-24

APPLICATION OF CONSTITUTION DRIVE PARTNERS, L.P. AND 9 MALIN ROAD DEVELOPMENT, LLC

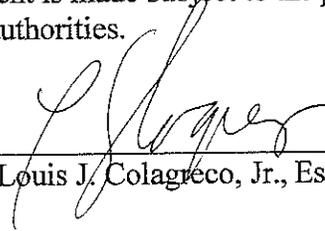
I, Louis J. Colagrecó, Jr., hereby confirm to the East Whiteland Township Zoning Hearing Board that on November 14, 2016, I provided written notice of this hearing by regular first class mail to the owners of properties contiguous to and directly across the street from the properties which are the subject of this application (UPI Nos. 42-4-321, 42-4-321.1 and 42-4-321.2), being the following:

Parcel No.	Name	Address
42-4-294-E	National Railroad Passenger Corp.	2955 Market Street, 5 th Floor Southwest Box 25 Philadelphia, PA 19104
42-4-294.1	Robert L. Holsclaw	117 Spring Road Malvern, PA 19355
42-4-295 42-4-295.1	Buckeye Terminals, LLC	c/o Buckeye Pipe Line Co. Property Tax P.O. Box 56169 Houston, TX 77256
42-4-320-E	Friends Fiduciary Corp.	1520 Race Street Philadelphia, PA 19102
42-4-334-E	Pennsylvania Lines, LLC	c/o Norfolk Southern Railway Co. 110 Franklin Road SE Roanoke, VA 24042
42-4Q-1	Jeffrey S. Jones	97 Village Way Malvern, PA 19355
42-4Q-96	Lewis H. Hitchcock Delores M. Hitchcock	92 Village Way Malvern, PA 19355
42-4Q-97	Amy R. Hauptly Jason Baily	76 Fahnestock Road Malvern, PA 19355
42-4Q-98	Gary Page	74 Fahnestock Road Malvern, PA 19355
42-4Q-99 42-4Q-100	Betty J. Cloud	72 Fahnestock Road Malvern, PA 19355
42-4Q-101	Vincent T. Buettner Carole T. Buettner	70 Fahnestock Road Malvern, PA 19355

Copies of the letters mailed to the property owners listed above are appended hereto as Exhibit "A". A copy of the tax map is appended hereto as Exhibit "B".

The undersigned understands that this statement is made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsifications to authorities.

Date: November 28, 2016



Louis J. Colagreco, Jr., Esquire

SWORN AND SUBSCRIBED

Before me this 28th day of November, 2016.



Notary Public

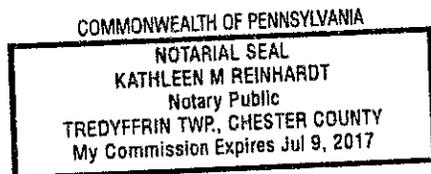


EXHIBIT "A"

LOUIS J. COLAGRECO, JR.
lou@rrhc.com
Extension 203



RILEY RIPER HOLLIN & COLAGRECO
ATTORNEYS AT LAW

November 14, 2016

via First Class Mail

National Railroad Passenger Corp.
2955 Market Street, 5th Floor
Southwest Box 25
Philadelphia, PA 19104

**Re: 9 Malin Road Development, LLC/Constitution Drive Partners, L.P.
East Whiteland Township Zoning Hearing Board Application
Your Parcel No.: 42-4-294-E**

Dear Property Owner:

This letter is written to advise you that 9 Malin Road Development, LLC and Constitution Drive Partners, L.P. (collectively, "Applicant") have submitted a Zoning Hearing Board Application ("Application") to the East Whiteland Township Zoning Hearing Board seeking variance relief to permit single-family attached dwellings and townhouses in rows of more than six units, associated driveways and grading required in connection with the foregoing to be located in areas of both steep slope and very steep slope at the property located at 9 South Malin Road, 10 South Malin Road and 1 South Malin Road (collectively, "Property"). The Property is further identified as Tax Parcel Nos. 42-4-321, 42-4-321.1 and 42-4-321.2, respectively. The enclosed legal advertisement further describes the Application.

A public hearing on the Application has been scheduled for the East Whiteland Township Zoning Hearing Board on Monday, November 28, 2016 at 7:15 p.m. at the East Whiteland Township Municipal Building, located at 209 Conestoga Road, Frazer, PA 19355. Full opportunity to be heard will be given to any citizen and all parties with legal standing interested in attending the hearing. A copy of the Application is available for public inspection during normal business hours at the Township Building.

Very truly yours,

Louis J. Colagreco, Jr.

LOUIS J. COLAGRECO, JR.

LJC, JR./krm
Enclosure

LOUIS J. COLAGRECO, JR.
lou@rrhc.com
Extension 203



RILEY RIPER HOLLIN & COLAGRECO
ATTORNEYS AT LAW

November 14, 2016

via First Class Mail

Robert L. Holsclaw
117 Spring Road
Malvern, PA 19355

**Re: 9 Malin Road Development, LLC/Constitution Drive Partners, L.P.
East Whiteland Township Zoning Hearing Board Application
Your Parcel No.: 42-4-294.1**

Dear Property Owner:

This letter is written to advise you that 9 Malin Road Development, LLC and Constitution Drive Partners, L.P. (collectively, "Applicant") have submitted a Zoning Hearing Board Application ("Application") to the East Whiteland Township Zoning Hearing Board seeking variance relief to permit single-family attached dwellings and townhouses in rows of more than six units, associated driveways and grading required in connection with the foregoing to be located in areas of both steep slope and very steep slope at the property located at 9 South Malin Road, 10 South Malin Road and 1 South Malin Road (collectively, "Property"). The Property is further identified as Tax Parcel Nos. 42-4-321, 42-4-321.1 and 42-4-321.2, respectively. The enclosed legal advertisement further describes the Application.

A public hearing on the Application has been scheduled for the East Whiteland Township Zoning Hearing Board on Monday, November 28, 2016 at 7:15 p.m. at the East Whiteland Township Municipal Building, located at 209 Conestoga Road, Frazer, PA 19355. Full opportunity to be heard will be given to any citizen and all parties with legal standing interested in attending the hearing. A copy of the Application is available for public inspection during normal business hours at the Township Building.

Very truly yours,

Louis J. Colagreco, Jr.

LOUIS J. COLAGRECO, JR.

LJC, JR./krm
Enclosure

LOUIS J. COLAGRECO, JR.
lou@rrhc.com
Extension 203



RILEY RIPER HOLLIN & COLAGRECO
ATTORNEYS AT LAW

November 14, 2016

via First Class Mail
Buckeye Terminals, LLC
c/o Buckeye Pipe Line Co.
Property Tax
P.O. Box 56169
Houston, TX 77256

**Re: 9 Malin Road Development, LLC/Constitution Drive Partners, L.P.
East Whiteland Township Zoning Hearing Board Application
Your Parcel No.: 42-4-295 and 42-4-295.1**

Dear Property Owner:

This letter is written to advise you that 9 Malin Road Development, LLC and Constitution Drive Partners, L.P. (collectively, "Applicant") have submitted a Zoning Hearing Board Application ("Application") to the East Whiteland Township Zoning Hearing Board seeking variance relief to permit single-family attached dwellings and townhouses in rows of more than six units, associated driveways and grading required in connection with the foregoing to be located in areas of both steep slope and very steep slope at the property located at 9 South Malin Road, 10 South Malin Road and 1 South Malin Road (collectively, "Property"). The Property is further identified as Tax Parcel Nos. 42-4-321, 42-4-321.1 and 42-4-321.2, respectively. The enclosed legal advertisement further describes the Application.

A public hearing on the Application has been scheduled for the East Whiteland Township Zoning Hearing Board on Monday, November 28, 2016 at 7:15 p.m. at the East Whiteland Township Municipal Building, located at 209 Conestoga Road, Frazer, PA 19355. Full opportunity to be heard will be given to any citizen and all parties with legal standing interested in attending the hearing. A copy of the Application is available for public inspection during normal business hours at the Township Building.

Very truly yours,

Louis J. Colagreco, Jr.

LOUIS J. COLAGRECO, JR.

LJC, JR./krm
Enclosure

LOUIS J. COLAGRECO, JR.
lou@rrhc.com
Extension 203



RILEY RIPER HOLLIN & COLAGRECO
ATTORNEYS AT LAW

November 14, 2016

via First Class Mail

Friends Fiduciary Corp.
1520 Race Street
Philadelphia, PA 19102

**Re: 9 Malin Road Development, LLC/Constitution Drive Partners, L.P.
East Whiteland Township Zoning Hearing Board Application
Your Parcel No.: 42-4-320-E**

Dear Property Owner:

This letter is written to advise you that 9 Malin Road Development, LLC and Constitution Drive Partners, L.P. (collectively, "Applicant") have submitted a Zoning Hearing Board Application ("Application") to the East Whiteland Township Zoning Hearing Board seeking variance relief to permit single-family attached dwellings and townhouses in rows of more than six units, associated driveways and grading required in connection with the foregoing to be located in areas of both steep slope and very steep slope at the property located at 9 South Malin Road, 10 South Malin Road and 1 South Malin Road (collectively, "Property"). The Property is further identified as Tax Parcel Nos. 42-4-321, 42-4-321.1 and 42-4-321.2, respectively. The enclosed legal advertisement further describes the Application.

A public hearing on the Application has been scheduled for the East Whiteland Township Zoning Hearing Board on Monday, November 28, 2016 at 7:15 p.m. at the East Whiteland Township Municipal Building, located at 209 Conestoga Road, Frazer, PA 19355. Full opportunity to be heard will be given to any citizen and all parties with legal standing interested in attending the hearing. A copy of the Application is available for public inspection during normal business hours at the Township Building.

Very truly yours,

Louis J. Colagreco, Jr.

LOUIS J. COLAGRECO, JR.

LJC, JR./krm
Enclosure

LOUIS J. COLAGRECO, JR.
lou@rrhc.com
Extension 203



RILEY RIPER HOLLIN & COLAGRECO
ATTORNEYS AT LAW

November 14, 2016

via First Class Mail

Pennsylvania Lines, LLC
c/o Norfolk Southern Railway Co.
110 Franklin Road SE
Roanoke, VA 24042

**Re: 9 Malin Road Development, LLC/Constitution Drive Partners, L.P.
East Whiteland Township Zoning Hearing Board Application
Your Parcel No.: 42-4-334-E**

Dear Property Owner:

This letter is written to advise you that 9 Malin Road Development, LLC and Constitution Drive Partners, L.P. (collectively, "Applicant") have submitted a Zoning Hearing Board Application ("Application") to the East Whiteland Township Zoning Hearing Board seeking variance relief to permit single-family attached dwellings and townhouses in rows of more than six units, associated driveways and grading required in connection with the foregoing to be located in areas of both steep slope and very steep slope at the property located at 9 South Malin Road, 10 South Malin Road and 1 South Malin Road (collectively, "Property"). The Property is further identified as Tax Parcel Nos. 42-4-321, 42-4-321.1 and 42-4-321.2, respectively. The enclosed legal advertisement further describes the Application.

A public hearing on the Application has been scheduled for the East Whiteland Township Zoning Hearing Board on Monday, November 28, 2016 at 7:15 p.m. at the East Whiteland Township Municipal Building, located at 209 Conestoga Road, Frazer, PA 19355. Full opportunity to be heard will be given to any citizen and all parties with legal standing interested in attending the hearing. A copy of the Application is available for public inspection during normal business hours at the Township Building.

Very truly yours,

Louis J. Colagreco, Jr.

LOUIS J. COLAGRECO, JR.

LJC, JR./krm
Enclosure

LOUIS J. COLAGRECO, JR.
lou@rrhc.com
Extension 203



RILEY RIPER HOLLIN & COLAGRECO
ATTORNEYS AT LAW

November 14, 2016

via First Class Mail

Jeffrey S. Jones
97 Village Way
Malvern, PA 19355

**Re: 9 Malin Road Development, LLC/Constitution Drive Partners, L.P.
East Whiteland Township Zoning Hearing Board Application
Your Parcel No.: 42-4Q-1**

Dear Property Owner:

This letter is written to advise you that 9 Malin Road Development, LLC and Constitution Drive Partners, L.P. (collectively, "Applicant") have submitted a Zoning Hearing Board Application ("Application") to the East Whiteland Township Zoning Hearing Board seeking variance relief to permit single-family attached dwellings and townhouses in rows of more than six units, associated driveways and grading required in connection with the foregoing to be located in areas of both steep slope and very steep slope at the property located at 9 South Malin Road, 10 South Malin Road and 1 South Malin Road (collectively, "Property"). The Property is further identified as Tax Parcel Nos. 42-4-321, 42-4-321.1 and 42-4-321.2, respectively. The enclosed legal advertisement further describes the Application.

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Very truly yours,

Louis J. Colagreco, Jr.

LOUIS J. COLAGRECO, JR.

LJC, JR./krm
Enclosure

LOUIS J. COLAGRECO, JR.
lou@rrhc.com
Extension 203



RILEY RIPER HOLLIN & COLAGRECO
ATTORNEYS AT LAW

November 14, 2016

via First Class Mail

Lewis H. Hitchcock
Delores M. Hitchcock
92 Village Way
Malvern, PA 19355

**Re: 9 Malin Road Development, LLC/Constitution Drive Partners, L.P.
East Whiteland Township Zoning Hearing Board Application
Your Parcel No.: 42-4Q-96**

Dear Property Owner:

This letter is written to advise you that 9 Malin Road Development, LLC and Constitution Drive Partners, L.P. (collectively, "Applicant") have submitted a Zoning Hearing Board Application ("Application") to the East Whiteland Township Zoning Hearing Board seeking variance relief to permit single-family attached dwellings and townhouses in rows of more than six units, associated driveways and grading required in connection with the foregoing to be located in areas of both steep slope and very steep slope at the property located at 9 South Malin Road, 10 South Malin Road and 1 South Malin Road (collectively, "Property"). The Property is further identified as Tax Parcel Nos. 42-4-321, 42-4-321.1 and 42-4-321.2, respectively. The enclosed legal advertisement further describes the Application.

A public hearing on the Application has been scheduled for the East Whiteland Township Zoning Hearing Board on Monday, November 28, 2016 at 7:15 p.m. at the East Whiteland Township Municipal Building, located at 209 Conestoga Road, Frazer, PA 19355. Full opportunity to be heard will be given to any citizen and all parties with legal standing interested in attending the hearing. A copy of the Application is available for public inspection during normal business hours at the Township Building.

Very truly yours,

Louis J. Colagreco, Jr.

LOUIS J. COLAGRECO, JR.

LJC, JR./krm
Enclosure

LOUIS J. COLAGRECO, JR.
lou@rrhc.com
Extension 203



RILEY RIPER HOLLIN & COLAGRECO
ATTORNEYS AT LAW

November 14, 2016

via First Class Mail

Amy R. Hauptly
Jason Baily
76 Fahnestock Road
Malvern, PA 19355

**Re: 9 Malin Road Development, LLC/Constitution Drive Partners, L.P.
East Whiteland Township Zoning Hearing Board Application
Your Parcel No.: 42-4Q-97**

Dear Property Owner:

This letter is written to advise you that 9 Malin Road Development, LLC and Constitution Drive Partners, L.P. (collectively, "Applicant") have submitted a Zoning Hearing Board Application ("Application") to the East Whiteland Township Zoning Hearing Board seeking variance relief to permit single-family attached dwellings and townhouses in rows of more than six units, associated driveways and grading required in connection with the foregoing to be located in areas of both steep slope and very steep slope at the property located at 9 South Malin Road, 10 South Malin Road and 1 South Malin Road (collectively, "Property"). The Property is further identified as Tax Parcel Nos. 42-4-321, 42-4-321.1 and 42-4-321.2, respectively. The enclosed legal advertisement further describes the Application.

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Louis J. Colagreco, Jr.

LOUIS J. COLAGRECO, JR.

LJC, JR./krm
Enclosure

LOUIS J. COLAGRECO, JR.
lou@rrhc.com
Extension 203



RILEY RIPER HOLLIN & COLAGRECO
ATTORNEYS AT LAW

November 14, 2016

via First Class Mail

Gary Page
74 Fahnestock Road
Malvern, PA 19355

**Re: 9 Malin Road Development, LLC/Constitution Drive Partners, L.P.
East Whiteland Township Zoning Hearing Board Application
Your Parcel No.: 42-4Q-98**

Dear Property Owner:

This letter is written to advise you that 9 Malin Road Development, LLC and Constitution Drive Partners, L.P. (collectively, "Applicant") have submitted a Zoning Hearing Board Application ("Application") to the East Whiteland Township Zoning Hearing Board seeking variance relief to permit single-family attached dwellings and townhouses in rows of more than six units, associated driveways and grading required in connection with the foregoing to be located in areas of both steep slope and very steep slope at the property located at 9 South Malin Road, 10 South Malin Road and 1 South Malin Road (collectively, "Property"). The Property is further identified as Tax Parcel Nos. 42-4-321, 42-4-321.1 and 42-4-321.2, respectively. The enclosed legal advertisement further describes the Application.

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Very truly yours,

Louis J. Colagreco, Jr.

LOUIS J. COLAGRECO, JR.

LJC, JR./krm
Enclosure

LOUIS J. COLAGRECO, JR.
lou@rrhc.com
Extension 203



RILEY RIPER HOLLIN & COLAGRECO
ATTORNEYS AT LAW

November 14, 2016

via First Class Mail

Betty J. Cloud
72 Fahnestock Road
Malvern, PA 19355

**Re: 9 Malin Road Development, LLC/Constitution Drive Partners, L.P.
East Whiteland Township Zoning Hearing Board Application
Your Parcel No.: 42-4Q-99 and 42-4Q-100**

Dear Property Owner:

This letter is written to advise you that 9 Malin Road Development, LLC and Constitution Drive Partners, L.P. (collectively, "Applicant") have submitted a Zoning Hearing Board Application ("Application") to the East Whiteland Township Zoning Hearing Board seeking variance relief to permit single-family attached dwellings and townhouses in rows of more than six units, associated driveways and grading required in connection with the foregoing to be located in areas of both steep slope and very steep slope at the property located at 9 South Malin Road, 10 South Malin Road and 1 South Malin Road (collectively, "Property"). The Property is further identified as Tax Parcel Nos. 42-4-321, 42-4-321.1 and 42-4-321.2, respectively. The enclosed legal advertisement further describes the Application.

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Louis J. Colagreco, Jr.

LOUIS J. COLAGRECO, JR.

LJC, JR./krm
Enclosure

LOUIS J. COLAGRECO, JR.
lou@rrhc.com
Extension 203



RILEY RIPER HOLLIN & COLAGRECO
ATTORNEYS AT LAW

November 14, 2016

via First Class Mail

Vincent T. Buettner
Carole T. Buettner
70 Fahnestock Road
Malvern, PA 19355

**Re: 9 Malin Road Development, LLC/Constitution Drive Partners, L.P.
East Whiteland Township Zoning Hearing Board Application
Your Parcel No.: 42-4Q-101**

Dear Property Owner:

This letter is written to advise you that 9 Malin Road Development, LLC and Constitution Drive Partners, L.P. (collectively, "Applicant") have submitted a Zoning Hearing Board Application ("Application") to the East Whiteland Township Zoning Hearing Board seeking variance relief to permit single-family attached dwellings and townhouses in rows of more than six units, associated driveways and grading required in connection with the foregoing to be located in areas of both steep slope and very steep slope at the property located at 9 South Malin Road, 10 South Malin Road and 1 South Malin Road (collectively, "Property"). The Property is further identified as Tax Parcel Nos. 42-4-321, 42-4-321.1 and 42-4-321.2, respectively. The enclosed legal advertisement further describes the Application.

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Very truly yours,

Louis J. Colagreco, Jr.

LOUIS J. COLAGRECO, JR.

LJC, JR./krm
Enclosure

NOTICE IS HEREBY GIVEN that the East Whiteland Township Zoning Hearing Board will hold a public meeting at 7:15 p.m. on Monday, November 28, 2016 at the East Whiteland Township Municipal Building, 209 Conestoga Road, Frazer, Pennsylvania, to consider the following applications:

Appeal No. 2016-23 Application of Janssen Biotech, Inc. (successor to Centocor, Inc.) for a variance from Section 200-36.C of the Township Zoning Ordinance (incorporating Attachment 7, Table of Development Standards for Mixed Use Districts) in order to add additional impervious coverage to the lot (up to 65.76%, rather than the permitted 60%), and to locate a portion of the accessory structure a distance of 32 feet from the rear property line, where a 35-foot setback is required. The Applicant proposes to install a generator on a new concrete pad to be constructed on its property located at 260 Great Valley Parkway (tax parcel 42-4-15.14) in an O/BP Zoning District.

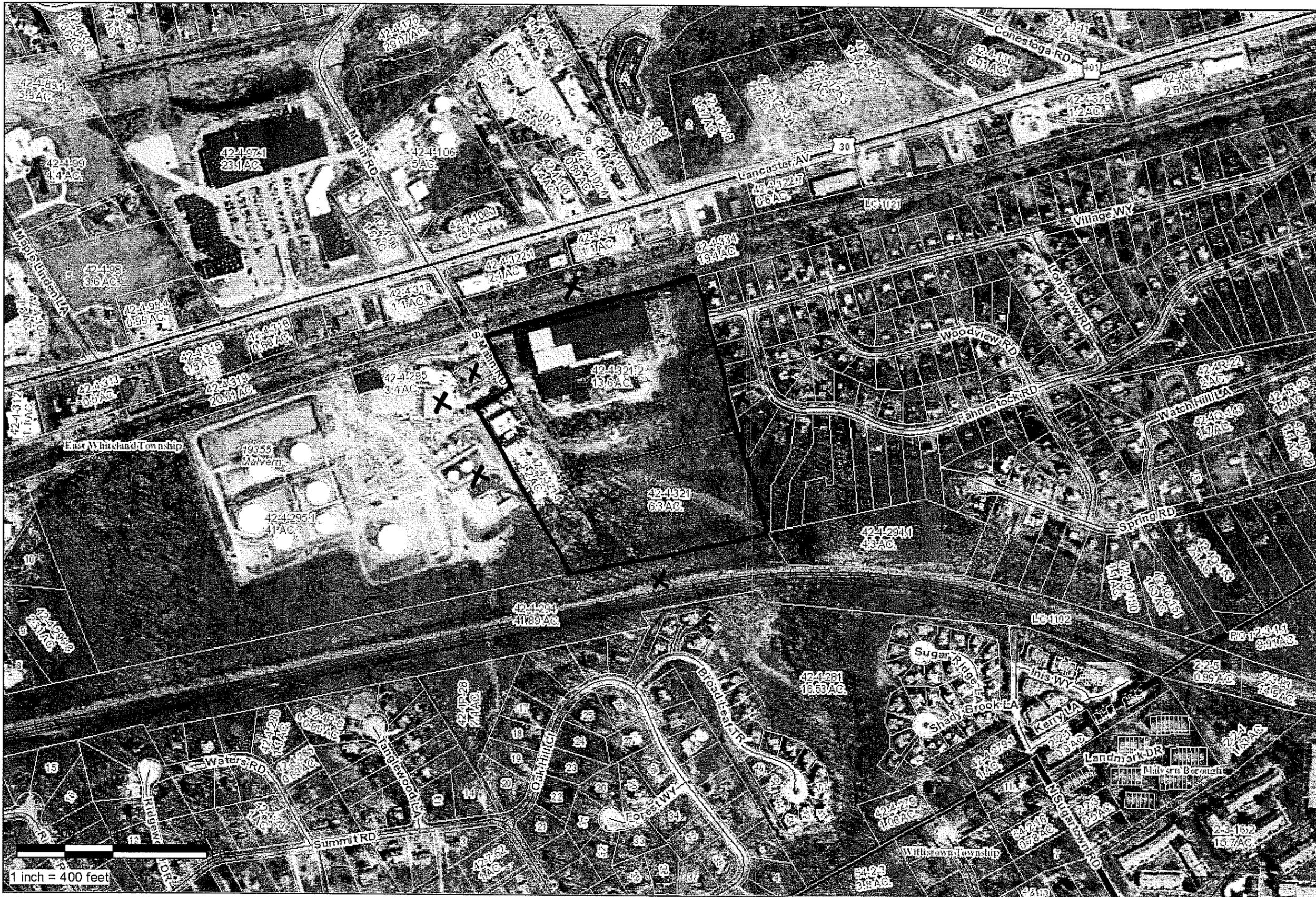
Appeal No. 2016-24 Application of Constitution Drive Partners, LP and 9 Malin Road Development, LLC for a variance from Section 200-57.C(6) of the Zoning Ordinance to permit single family attached dwellings and townhouses in rows of more than six units, with associated driveways and grading to be located in both steep slope and very steep slope areas of the property formerly the site of the Bishop Tube complex (which is currently a brownfield site improved with dilapidated industrial buildings), located at 9 South Malin Road, 10 South Malin Road, and 1 South Malin Road (tax parcels 42-4-321, 42-4-321.1 and 42-4-321.2). The property is located in an RRD (Residential Revitalization District) Zoning District.

The Board will conduct a hearing on each Appeal. In addition, the Board will conduct such other business as may come before it.

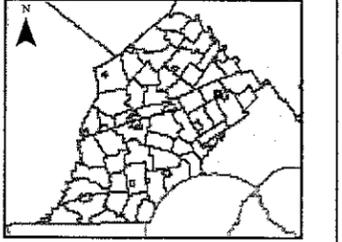
Anyone with a disability requiring a special accommodation to attend the meeting should notify Joseph T. Leis, Zoning Officer, at 610-648-0600 x268. The Township will make every effort to provide a reasonable accommodation.

Fronefield Crawford, Jr., Esquire
Zoning Hearing Board Solicitor

EXHIBIT "B"



COUNTY OF CHESTER
PENNSYLVANIA



Find UPI Information

PARID: 4204 032 10000
 UPE 42-4-321
 Owner1: 10 MALIN ROAD ASSOCIATES
 Owner2:
 Mail Address 1: ATTN JIM LEES SWOPE
 LEES COMM R E LLC
 Mail Address 2: 208 E MARKET ST
 Mail Address 3: WEST CHESTER PA
 ZIP Code: 19382
 Deed Book: 5172
 Deed Page: 2046
 Deed Recorded Date: 1/16/2002
 Legal Desc 1: SES & REAR OF S MALIN RD Legal
 Desc 2: 6.3 AC
 Acres: 6.3
 LUC: V-10
 Lot Assessment: \$ 65,190
 Property Assessment: \$ 0
 Total Assessment: \$ 65,190
 Assessment Date: 12/18/2015
 Property Address: 9 S MALIN RD
 Municipality: EAST WHITELAND
 School District: Great Valley

Map Created:
 Friday, November 18, 2016



County of Chester

Limitations of Liability and Use:
 County of Chester, Pennsylvania makes no claims to the completeness, accuracy, or content of any data contained herein, and makes no representation of any kind, including, but not limited to, the warranties of merchantability or fitness for a particular use, nor are any such warranties to be implied or inferred with respect to the information or data furnished herein. For information on data sources visit the GIS Services page listed at www.chesco.org/gis.

**RE: EAST WHITELAND TOWNSHIP
ZONING HEARING BOARD**

APPEAL NO.: 2016-24

APPLICATION OF CONSTITUTION DRIVE PARTNERS, L.P. AND 9 MALIN ROAD
DEVELOPMENT, LLC

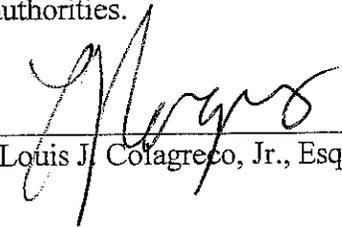
I, Louis J. Colagrecó, Jr., hereby confirm to the East Whiteland Township Zoning Hearing Board that on January 10, 2017, I provided written notice of this hearing by regular first class mail to the owners of properties contiguous to and directly across the street from the properties which are the subject of this application (UPI Nos. 42-4-321, 42-4-321.1 and 42-4-321.2), being the following:

Parcel No.	Name	Address
42-4-294-E	National Railroad Passenger Corp.	2955 Market Street, 5 th Floor Southwest Box 25 Philadelphia, PA 19104
42-4-294.1	Robert L. Holsclaw	117 Spring Road Malvern, PA 19355
42-4-295 42-4-295.1	Buckeye Terminals, LLC	c/o Buckeye Pipe Line Co. Property Tax P.O. Box 56169 Houston, TX 77256
42-4-320-E	Friends Fiduciary Corp.	1520 Race Street Philadelphia, PA 19102
42-4-334-E	Pennsylvania Lines, LLC	c/o Norfolk Southern Railway Co. 110 Franklin Road SE Roanoke, VA 24042
42-4Q-1	Jeffrey S. Jones	97 Village Way Malvern, PA 19355
42-4Q-96	Lewis H. Hitchcock Delores M. Hitchcock	92 Village Way Malvern, PA 19355
42-4Q-97	Joy Atwell	78 Fahnestock Road Malvern, PA 19355
42-4Q-98	Amy R. Hauptly Jason D. Baily	76 Fahnestock Road Malvern, PA 19355
42-4Q-99	Gary Page	74 Fahnestock Road Malvern, PA 19355
42-4Q-100	Betty J. Cloud	72 Fahnestock Road Malvern, PA 19355
42-4Q-101	Vincent T. Buettner Carole T. Buettner	70 Fahnestock Road Malvern, PA 19355

Copies of the letters mailed to the property owners listed above are appended hereto as Exhibit "A". A copy of the tax map is appended hereto as Exhibit "B".

The undersigned understands that this statement is made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsifications to authorities.

Date: January 23, 2017



Louis J. Colagreco, Jr., Esquire

SWORN AND SUBSCRIBED

Before me this 23rd day of January, 2017.



Notary Public

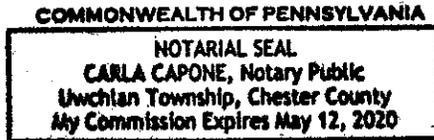


EXHIBIT "A"

LOUIS J. COLAGRECO, JR.
lou@rhc.com
Extension 203



RILEY RIPER HOLLIN & COLAGRECO
ATTORNEYS AT LAW

January 10, 2017

via First Class Mail

National Railroad Passenger Corp.
2955 Market Street, 5th Floor
Southwest Box 25
Philadelphia, PA 19104

**Re: 9 Malin Road Development, LLC/Constitution Drive Partners, L.P.
East Whiteland Township Zoning Hearing Board Application
Your Parcel No.: 42-4-294-E**

Dear Property Owner:

This letter is written to advise you that 9 Malin Road Development, LLC and Constitution Drive Partners, L.P. (collectively, "Applicant") have submitted an amended Zoning Hearing Board Application ("Application") to the East Whiteland Township Zoning Hearing Board seeking (i) variance relief to permit single-family attached dwellings and townhouses in rows of more than six units, associated driveways and grading required in connection with the foregoing to be located in areas of both steep slope and very steep slope at the property located at 9 South Malin Road, 10 South Malin Road and 1 South Malin Road (collectively, "Property"); and (ii) variance relief to permit the proposed retaining walls to exceed the permitted six feet in height. The Property is further identified as Tax Parcel Nos. 42-4-321, 42-4-321.1 and 42-4-321.2. The enclosed legal advertisement further describes the Application.

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Very truly yours,

Louis J. Colagreco, Jr.

LOUIS J. COLAGRECO, JR.

LJC, JR./krm
Enclosure

LOUIS J. COLAGRECO, JR.
lou@rrhc.com
Extension 203



RILEY RIPER HOLLIN & COLAGRECO
ATTORNEYS AT LAW

January 10, 2017

via First Class Mail

Robert L. Holsclaw
117 Spring Road
Malvern, PA 19355

**Re: 9 Malin Road Development, LLC/Constitution Drive Partners, L.P.
East Whiteland Township Zoning Hearing Board Application
Your Parcel No.: 42-4-294.1**

Dear Property Owner:

This letter is written to advise you that 9 Malin Road Development, LLC and Constitution Drive Partners, L.P. (collectively, "Applicant") have submitted an amended Zoning Hearing Board Application ("Application") to the East Whiteland Township Zoning Hearing Board seeking (i) variance relief to permit single-family attached dwellings and townhouses in rows of more than six units, associated driveways and grading required in connection with the foregoing to be located in areas of both steep slope and very steep slope at the property located at 9 South Malin Road, 10 South Malin Road and 1 South Malin Road (collectively, "Property"); and (ii) variance relief to permit the proposed retaining walls to exceed the permitted six feet in height. The Property is further identified as Tax Parcel Nos. 42-4-321, 42-4-321.1 and 42-4-321.2. The enclosed legal advertisement further describes the Application.

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Very truly yours,

Louis J. Colagreco, Jr.

LOUIS J. COLAGRECO, JR.

LJC, JR./krm
Enclosure

LOUIS J. COLAGRECO, JR.
lou@rrhc.com
Extension 203



RILEY RIPER HOLLIN & COLAGRECO
ATTORNEYS AT LAW

January 10, 2017

via First Class Mail

Buckeye Terminals, LLC
c/o Buckeye Pipe Line Co.
Property Tax
P.O. Box 56169
Houston, TX 77256

**Re: 9 Malin Road Development, LLC/Constitution Drive Partners, L.P.
East Whiteland Township Zoning Hearing Board Application
Your Parcel No.: 42-4-295 and 42-4-295.1**

Dear Property Owner:

This letter is written to advise you that 9 Malin Road Development, LLC and Constitution Drive Partners, L.P. (collectively, "Applicant") have submitted an amended Zoning Hearing Board Application ("Application") to the East Whiteland Township Zoning Hearing Board seeking (i) variance relief to permit single-family attached dwellings and townhouses in rows of more than six units, associated driveways and grading required in connection with the foregoing to be located in areas of both steep slope and very steep slope at the property located at 9 South Malin Road, 10 South Malin Road and 1 South Malin Road (collectively, "Property"); and (ii) variance relief to permit the proposed retaining walls to exceed the permitted six feet in height. The Property is further identified as Tax Parcel Nos. 42-4-321, 42-4-321.1 and 42-4-321.2. The enclosed legal advertisement further describes the Application.

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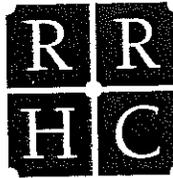
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LOUIS J. COLAGRECO, JR.

LJC, JR./krm
Enclosure

LOUIS J. COLAGRECO, JR.
lou@rrhc.com
Extension 203



RILEY RIPER HOLLIN & COLAGRECO
ATTORNEYS AT LAW

January 10, 2017

via First Class Mail

Friends Fiduciary Corp.
1520 Race Street
Philadelphia, PA 19102

**Re: 9 Malin Road Development, LLC/Constitution Drive Partners, L.P.
East Whiteland Township Zoning Hearing Board Application
Your Parcel No.: 42-4-320-E**

Dear Property Owner:

This letter is written to advise you that 9 Malin Road Development, LLC and Constitution Drive Partners, L.P. (collectively, "Applicant") have submitted an amended Zoning Hearing Board Application ("Application") to the East Whiteland Township Zoning Hearing Board seeking (i) variance relief to permit single-family attached dwellings and townhouses in rows of more than six units, associated driveways and grading required in connection with the foregoing to be located in areas of both steep slope and very steep slope at the property located at 9 South Malin Road, 10 South Malin Road and 1 South Malin Road (collectively, "Property"); and (ii) variance relief to permit the proposed retaining walls to exceed the permitted six feet in height. The Property is further identified as Tax Parcel Nos. 42-4-321, 42-4-321.1 and 42-4-321.2. The enclosed legal advertisement further describes the Application.

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Louis J. Colagreco, Jr.

LOUIS J. COLAGRECO, JR.

LJC, JR./krm
Enclosure

LOUIS J. COLAGRECO, JR.
lou@rrhc.com
Extension 203



RILEY RIPER HOLLIN & COLAGRECO
ATTORNEYS AT LAW

January 10, 2017

via First Class Mail

Pennsylvania Lines, LLC
c/o Norfolk Southern Railway Co.
110 Franklin Road SE
Roanoke, VA 24042

**Re: 9 Malin Road Development, LLC/Constitution Drive Partners, L.P.
East Whiteland Township Zoning Hearing Board Application
Your Parcel No.: 42-4-334-E**

Dear Property Owner:

This letter is written to advise you that 9 Malin Road Development, LLC and Constitution Drive Partners, L.P. (collectively, "Applicant") have submitted an amended Zoning Hearing Board Application ("Application") to the East Whiteland Township Zoning Hearing Board seeking (i) variance relief to permit single-family attached dwellings and townhouses in rows of more than six units, associated driveways and grading required in connection with the foregoing to be located in areas of both steep slope and very steep slope at the property located at 9 South Malin Road, 10 South Malin Road and 1 South Malin Road (collectively, "Property"); and (ii) variance relief to permit the proposed retaining walls to exceed the permitted six feet in height. The Property is further identified as Tax Parcel Nos. 42-4-321, 42-4-321.1 and 42-4-321.2. The enclosed legal advertisement further describes the Application.

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LOUIS J. COLAGRECO, JR.

LJC, JR./krm
Enclosure

LOUIS J. COLAGRECO, JR.
lou@rrhc.com
Extension 203



RILEY RIPER HOLLIN & COLAGRECO
ATTORNEYS AT LAW

January 10, 2017

via First Class Mail

Jeffrey S. Jones
97 Village Way
Malvern, PA 19355

**Re: 9 Malin Road Development, LLC/Constitution Drive Partners, L.P.
East Whiteland Township Zoning Hearing Board Application
Your Parcel No.: 42-4Q-1**

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LOUIS J. COLAGRECO, JR.

LJC, JR./krm
Enclosure

LOUIS J. COLAGRECO, JR.
lou@rrhc.com
Extension 203



RILEY RIPER HOLLIN & COLAGRECO
ATTORNEYS AT LAW

January 10, 2017

via First Class Mail

Lewis H. Hitchcock
Delores M. Hitchcock
92 Village Way
Malvern, PA 19355

**Re: 9 Malin Road Development, LLC/Constitution Drive Partners, L.P.
East Whiteland Township Zoning Hearing Board Application
Your Parcel No.: 42-4Q-96**

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LOUIS J. COLAGRECO, JR.
lou@rrhc.com
Extension 203



RILEY RIPER HOLLIN & COLAGRECO
ATTORNEYS AT LAW

January 10, 2017

via First Class Mail

Joy Atwell
78 Fahnestock Road
Malvern, PA 19355

**Re: 9 Malin Road Development, LLC/Constitution Drive Partners, L.P.
East Whiteland Township Zoning Hearing Board Application
Your Parcel No.: 42-4Q-97**

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LOUIS J. COLAGRECO, JR.
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Extension 203



RILEY RIPER HOLLIN & COLAGRECO
ATTORNEYS AT LAW

January 10, 2017

via First Class Mail

Amy R. Hauptly
Jason D. Baily
76 Fahnestock Road
Malvern, PA 19355

**Re: 9 Malin Road Development, LLC/Constitution Drive Partners, L.P.
East Whiteland Township Zoning Hearing Board Application
Your Parcel No.: 42-4Q-98**

Dear Property Owner:

This letter is written to advise you that 9 Malin Road Development, LLC and Constitution Drive Partners, L.P. (collectively, "Applicant") have submitted an amended Zoning Hearing Board Application ("Application") to the East Whiteland Township Zoning Hearing Board seeking (i) variance relief to permit single-family attached dwellings and townhouses in rows of more than six units, associated driveways and grading required in connection with the foregoing to be located in areas of both steep slope and very steep slope at the property located at 9 South Malin Road, 10 South Malin Road and 1 South Malin Road (collectively, "Property"); and (ii) variance relief to permit the proposed retaining walls to exceed the permitted six feet in height. The Property is further identified as Tax Parcel Nos. 42-4-321, 42-4-321.1 and 42-4-321.2. The enclosed legal advertisement further describes the Application.

A continued public hearing on the Application has been scheduled for the East Whiteland Township Zoning Hearing Board on Monday, January 23, 2017 at 7:15 p.m. at the East Whiteland Township Municipal Building, located at 209 Conestoga Road, Frazer, PA 19355. Full opportunity to be heard will be given to any citizen and all parties with legal standing interested in attending the hearing. A copy of the Application is available for public inspection during normal business hours at the Township Building.

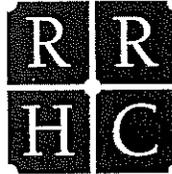
Very truly yours,

Louis J. Colagreco, Jr.

LOUIS J. COLAGRECO, JR.

LJC, JR./krm
Enclosure

LOUIS J. COLAGRECO, JR.
lou@rrhc.com
Extension 203



RILEY RIPER HOLLIN & COLAGRECO
ATTORNEYS AT LAW

January 10, 2017

via First Class Mail

Gary Page
74 Fahnestock Road
Malvern, PA 19355

**Re: 9 Malin Road Development, LLC/Constitution Drive Partners, L.P.
East Whiteland Township Zoning Hearing Board Application
Your Parcel No.: 42-4Q-99**

Dear Property Owner:

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Very truly yours,

Louis J. Colagreco, Jr.

LOUIS J. COLAGRECO, JR.

LJC, JR./krm
Enclosure

LOUIS J. COLAGRECO, JR.
lou@rrhc.com
Extension 203



RILEY RIPER HOLLIN & COLAGRECO
ATTORNEYS AT LAW

January 10, 2017

via First Class Mail

Betty J. Cloud
72 Fahnestock Road
Malvern, PA 19355

**Re: 9 Malin Road Development, LLC/Constitution Drive Partners, L.P.
East Whiteland Township Zoning Hearing Board Application
Your Parcel No.: 42-4Q-100**

Dear Property Owner:

This letter is written to advise you that 9 Malin Road Development, LLC and Constitution Drive Partners, L.P. (collectively, "Applicant") have submitted an amended Zoning Hearing Board Application ("Application") to the East Whiteland Township Zoning Hearing Board seeking (i) variance relief to permit single-family attached dwellings and townhouses in rows of more than six units, associated driveways and grading required in connection with the foregoing to be located in areas of both steep slope and very steep slope at the property located at 9 South Malin Road, 10 South Malin Road and 1 South Malin Road (collectively, "Property"); and (ii) variance relief to permit the proposed retaining walls to exceed the permitted six feet in height. The Property is further identified as Tax Parcel Nos. 42-4-321, 42-4-321.1 and 42-4-321.2. The enclosed legal advertisement further describes the Application.

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Very truly yours,

Louis J. Colagreco, Jr.

LOUIS J. COLAGRECO, JR.

LJC, JR./krm
Enclosure

LOUIS J. COLAGRECO, JR.
lou@rrhc.com
Extension 203



RILEY RIPER HOLLIN & COLAGRECO
ATTORNEYS AT LAW

January 10, 2017

via First Class Mail

Vincent T. Buettner
Carole T. Buettner
70 Fahnestock Road
Malvern, PA 19355

**Re: 9 Malin Road Development, LLC/Constitution Drive Partners, L.P.
East Whiteland Township Zoning Hearing Board Application
Your Parcel No.: 42-4Q-101**

Dear Property Owner:

This letter is written to advise you that 9 Malin Road Development, LLC and Constitution Drive Partners, L.P. (collectively, "Applicant") have submitted an amended Zoning Hearing Board Application ("Application") to the East Whiteland Township Zoning Hearing Board seeking (i) variance relief to permit single-family attached dwellings and townhouses in rows of more than six units, associated driveways and grading required in connection with the foregoing to be located in areas of both steep slope and very steep slope at the property located at 9 South Malin Road, 10 South Malin Road and 1 South Malin Road (collectively, "Property"); and (ii) variance relief to permit the proposed retaining walls to exceed the permitted six feet in height. The Property is further identified as Tax Parcel Nos. 42-4-321, 42-4-321.1 and 42-4-321.2. The enclosed legal advertisement further describes the Application.

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Very truly yours,

Louis J. Colagreco, Jr.

LOUIS J. COLAGRECO, JR.

LJC, JR./krm
Enclosure

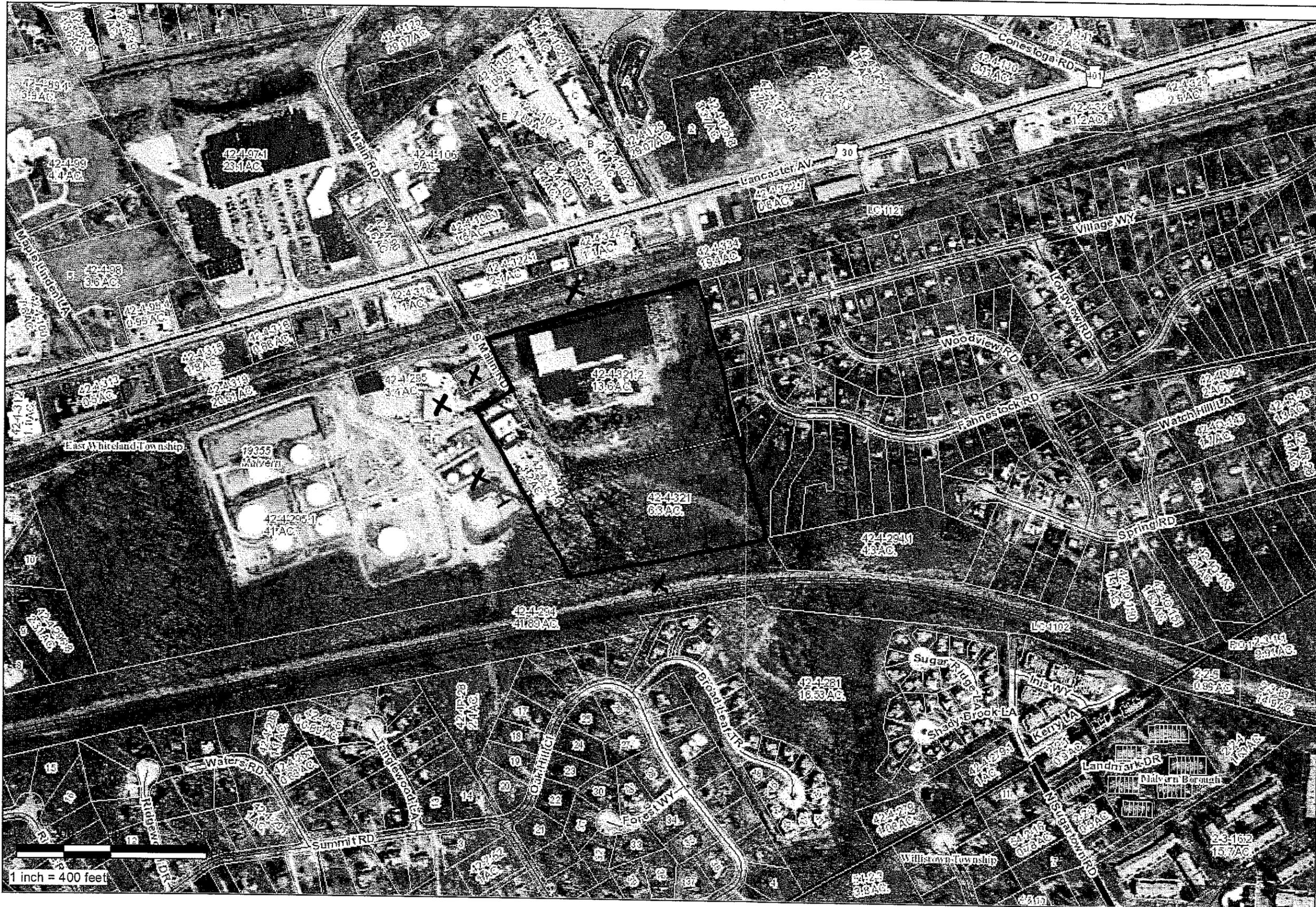
LEGAL NOTICES

NOTICE IS HEREBY GIVEN that the East Whiteland Township Zoning Hearing Board conduct a continued public hearing at 7:15 p.m. on Monday, January 23, 2017, at the East Whiteland Township Municipal Building, 209 Conestoga Road, Frazer, Pennsylvania, to consider Appeal No. 2016-24 Application of Constitution Drive Partners, L.P. and 9 Malin Road Development, LLC (collectively, "Applicant") for a variance from Section 200-57.C.(6) of the East Whiteland Township Zoning Ordinance to permit single-family attached dwellings and townhouses in rows of more than six units, with associated driveways and grading to be located in both steep slope and very steep slope areas of the property formerly the site of the Bishop Tube complex (which is currently a brownfield site improved with dilapidated industrial buildings), located at 9 South Malin Road, 10 South Malin Road, and 1 South Malin Road (Tax Parcels 42-4-321, 42-4-321.1 and 42-4-321.2) (collectively, "Property"). The Property is located in an RRD (Residential Revitalization District) Zoning District. The public hearing was opened at the Zoning Hearing Board's November 28, 2016 meeting. The Applicant has subsequently amended its Application to request a variance from Section 200-93.B of the Zoning Ordinance to permit the proposed retaining walls to exceed the permitted six (6) feet in height. On the above date, the Zoning Hearing Board will continue the public hearing and may render a decision on Appeal No. 2016-24. Anyone with a disability requiring a special accommodation to attend should notify Joseph T. Leis, Zoning Officer, at 610-648-0600 x 268. The Township will make every effort to provide a reasonable accommodation. Riley Riper Hollin & Colagreco Attorney for Constitution Drive Partners, L.P. DL- Jan 10, 16-1a

Appeared in: *Daily Local News* on Tuesday, 01/10/2017

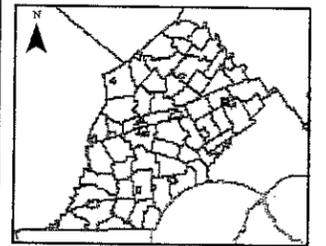
[Back](#)

EXHIBIT "B"



1 inch = 400 feet

COUNTY OF CHESTER
PENNSYLVANIA



Find UPI Information

PARID: 4204 032 10000
 UPE 42-4-321
 Owner1: 10 MALIN ROAD ASSOCIATES
 Owner2:
 Mail Address 1: ATTN JIM LEES SWOPE
 LEES COMM R E LLC
 Mail Address 2: 208 E MARKET ST
 Mail Address 3: WEST CHESTER PA
 ZIP Code: 19382
 Deed Book: 5172
 Deed Page: 2046
 Deed Recorded Date: 1/16/2002
 Legal Desc 1: SES & REAR OF S MALIN RD
 Legal Desc 2: 6.3 AC
 Acres: 6.3
 LUC: V-10
 Lot Assessment: \$ 65,190
 Property Assessment: \$ 0
 Total Assessment: \$ 65,190
 Assessment Date: 12/18/2015
 Property Address: 9 S MALIN RD
 Municipality: EAST WHITELAND
 School District: Great Valley

Map Created:
Friday, November 18, 2016



County of Chester

Limitations of Liability and Use:
 County of Chester, Pennsylvania makes no claims to the completeness, accuracy, or content of any data contained herein, and makes no representation of any kind, including, but not limited to, the warranties of merchantability or fitness for a particular use, nor are any such warranties to be implied or inferred with respect to the information or data furnished herein. For information on data sources visit the GIS Services page listed at www.chesco.org/gis.

LEGAL NOTICES

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Appeared in: **Daily Local News** on Tuesday, 01/10/2017

[Back](#)

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Appeared in: **Daily Local News** on Monday, 01/16/2017

[Back](#)



REAL ESTATE SALES CONTRACT

9 & 10 Malin Rd. Malvern Pa. 19355

THIS REAL ESTATE SALES CONTRACT ("Contract"), made this 17th day of March, 2014 (the "Effective Date"), by and between 10 Malin Road Associates, LP ("Seller"), and 9 Malin Road Development LLC a Pennsylvania limited liability company ("Purchaser").

RECITALS:

Recital 1. Seller is the owner of fee simple title of 9.5 acres for sale in East Whiteland, Chester County with tax parcel numbers of **4204 03210000 & 4204 03210100**, as shown on Exhibit "A" referred to herein as the "Property".

Recital 2. Purchaser desires to purchase, and Seller is willing to sell, the Property, subject to the terms and conditions set forth in this Contract.

NOW, THEREFORE, in consideration of the mutual covenants of Seller and Purchaser and for other good and valuable consideration, the receipt and sufficiency of which Seller acknowledges, Seller and Purchaser agree as follows:

1. **REAL ESTATE SALES CONTRACT:** Seller agrees to sell and convey to Purchaser and Purchaser agrees to purchase from Seller the Property, in fee simple absolute, under the terms and conditions set forth below.

2. **PURCHASE PRICE:**

3. **PAYMENT OF PURCHASE PRICE:**

Seller's Initials JS
Purchaser's Initials JB

Seller's Initials JS
Purchaser's Initials JS

7. TITLE: (a) Title to the Property at Closing shall be good and marketable and free and clear of all liens, encumbrances and exceptions, except for the Permitted Title Exceptions (defined in Paragraph 7(b)) and the leases described in Exhibit "B" hereto (the "Leases"), and shall be insurable, as aforesaid, at regular, standard rates by a reputable national title insurer licensed to do business in Pennsylvania.

(b)

Seller's Initials JK
Purchaser's Initials STB

regulation, order or decree to which Seller is subject or any agreement or other instrument to which Seller is a party or by which it is bound.

9. COVENANTS OF SELLER: Seller covenants with Purchaser that from the Effective Date through the Closing Date:

7

387785.3

Seller's Initials JS
Purchaser's Initials JS

to Seller. In that event, all Deposits shall be promptly returned to Purchaser and thereafter the parties shall be relieved of all liability under this Contract, except such obligations which by their express terms survive the termination of this Contract.

13. ADJUSTMENTS AT CLOSING:

14. CLOSING COSTS:

Seller's Initials
Purchaser's Initials

18. SPECIAL WARRANTY DEED: Seller agrees to execute the usual form of special warranty deed customarily used in southeastern Pennsylvania.

20. DELIVERY OF POSSESSION: Seller shall give possession of the Property to Purchaser at Closing.

21.

22. MISCELLANEOUS:

11

Seller's Initials JK
Purchaser's Initials JTB

other manner than by an agreement in writing signed by all the parties or their respective successors in interest. This Contract may be executed in several counterparts, each of which shall be an original, but all of which shall constitute one and the same instrument. The Recitals set forth on page one are incorporated in and made a part of this Contract.

(d) Neither this Contract nor any memorandum hereof shall be recorded in the office for Recorder of Deeds or any other office or place of public record. If Purchaser violates this prohibition, Seller, at its option, may treat such recording as a default by the Purchaser, and Seller may recover the costs, including legal fees, of removing such recordation as a matter of record in addition to, and not in limitation of, any other remedy available to Seller as result of such breach.

(e) If any terms, covenants or condition of this Contract or its application to any person or circumstances shall be invalid or unenforceable, the remainder of this Contract, or the application of such term or provision to persons or circumstances other than those to which it help invalid or unenforceable, shall not be affected, unless the result would frustrate the purpose of this Contract.

(f) All questions with respect to the construction of this Contract, shall be determined in accordance with the laws of the State of Pennsylvania, without regard to conflicts of laws principles.

(g) If any date upon which action is required under this Contract shall be a Saturday, Sunday or legal holiday, the date for such action shall be extended to the first regular business day after such date which is not a Saturday, Sunday or legal holiday.

(h) All of the covenants, conditions and obligations contained in this Contract shall be binding upon and inure to the benefit of the respective heirs, legal representatives, successors and assigns of Seller and Purchaser.

(i) All times provided for herein are and shall be of the essence of this Contract, and each extension of any such time or times (which extensions shall not be valid unless in writing and executed by both Seller and Purchaser) shall continue to be of the essence of this Contract.

(j) The submission of a draft of this Contract by one party to another is not intended by either party to be an offer to enter into a legally binding contract with respect to the purchase and sale of the Property. The parties shall be legally bound with respect to the purchase and sale of the Property pursuant to the terms of this Contract only if and when Seller and Purchaser have signed and delivered to each other fully executed counterparts of this Contract. Unless and until this Contract is fully executed and delivered to Seller, either party may unilaterally terminate negotiations at any time and for any reason (or no reason), without liability or obligation of any nature or kind to the other.

Seller's Initials
Purchaser's Initials

THE EXTENT DEEMED NECESSARY BY PURCHASER IN ORDER TO ENABLE PURCHASER TO EVALUATE THE PURCHASE OF THE PROPERTY. PURCHASER HEREBY FURTHER ACKNOWLEDGES AND AGREES THAT, EXCEPT FOR THE REPRESENTATIONS AND WARRANTIES EXPRESSLY SET FORTH IN THIS CONTRACT, PURCHASER IS RELYING SOLELY UPON THE INSPECTION, EXAMINATION, AND EVALUATION OF THE PHYSICAL CONDITION OF THE PROPERTY BY PURCHASER AND THAT PURCHASER IS PURCHASING, AND AT CLOSING WILL ACCEPT, THE PROPERTY ON AN "AS IS," "WHERE IS" AND "WITH ALL FAULTS" BASIS, WITHOUT REPRESENTATIONS, WARRANTIES AND COVENANTS, EXPRESS OR IMPLIED, OF ANY KIND OR NATURE; EXCEPT FOR THE REPRESENTATIONS AND WARRANTIES SET FORTH IN THIS CONTRACT.

IN WITNESS WHEREOF, the parties have signed, sealed and delivered these presents as their own free act and deed.

SELLER:

10 MALIN ROAD ASSOCIATES, LP
By: Malin Road Property Management, LLC,
its general partner

By: James S. Lees Jr.
Name: James S. Lees, Authorized Member
Date: 3/17/14

PURCHASER:

9 MALIN ROAD DEVELOPMENT LLC

By: [Signature]
Name: John W. Benson
Title: Managing Member
Date: 3/17/14

Seller's Initials JSL
Purchaser's Initials JWB



RETURN TO
Montco Abstract

THIS **DEED**, made this 21 day of February, 2005.

BETWEEN, CENTRAL AND WESTERN CHESTER COUNTY INDUSTRIAL DEVELOPMENT AUTHORITY, a body politic and corporate, organized and existing under and by virtue of the laws of Pennsylvania, (hereinafter called the "Grantor"), of the one part, and CONSTITUTION DRIVE PARTNERS, L.P., Pennsylvania limited partnership (hereinafter called the "Grantee"), of the other part.

WITNESSETH, That in consideration of ONE (\$1.00) Dollar, in hand paid, the receipt whereof is hereby acknowledged, the said Grantor does hereby grant and convey unto the said Grantee, its successors and assigns:

UPI No. 42-4-321.2 ✓

ALL THAT CERTAIN lot or piece of ground with the building and improvements thereon erected, SITUATE in the Township of East Whiteland, County of Chester and Commonwealth of Pennsylvania, described in accordance with a Subdivision Plan of land of Matthey Bishop Co., made by Yerkes Engineering Co., Consulting Engineers and Surveyors of West Chester, Pennsylvania, dated February 26, 1969 as follows, to wit:

BEGINNING at a point formed by the intersection of the center line of Malin Road and the Southerly right of way line of the Pennsylvania Railroad Co. (Trenton Cut-Off) 200 feet wide; thence extending from said beginning point and along said Southerly right of way line of the Pennsylvania Railroad Co. (Trenton Cut-Off) 200 feet wide; North 83 degrees 46 minutes East 964.72 feet to a point; thence extending South 6 degrees 14 minutes East crossing the head of Village Way and along the lands of various owners in the General Warren Village Development, 682.73 feet to a point; thence extending South 82 degrees 2 minutes West along the Northerly line of Tract #2 as shown on said plan, 754.66 feet to a point; thence extending North 22 degrees 42 minutes West partly along the center line of an existing right of way and partly along the center line of Malin Road aforesaid; 573.49 feet to a point; thence extending North 23 degrees 19 minutes 40 seconds West still along the center line of Malin Road 162.78 feet to the first mentioned point and place of beginning.

BEING Tract #1 as shown on said plan.

TOGETHER with the right, liberty and privilege to use in common with Matthey Bishop, Inc., its successors and assigns, the water reservoir presently located in the Southwest corner of lands of Matthey Bishop, Inc. identified as parcel No. 2 on the aforesaid plan prepared by Yerkes Engineering Co. dated February 26, 1969, together with the right to use the pipes running across parcel No. 2 connecting the water reservoir to improvements constructed upon the premises described above and conveyed to Bishop Tube Co., TOGETHER with the right to enter upon said lands of Matthey Bishop, Inc. to maintain and repair the water reservoir and pipes which shall be the sole responsibility of Bishop Tube Co.

This Document Recorded
03/24/2005 State RTT: 7,000.00
02:36PM Local RTT: 7,000.00
Doc Code: DEE, Chester County, Recorder of Deeds Office

Doc Id: 10516922
Receipt #: 213953
Rec Fee: 50.50

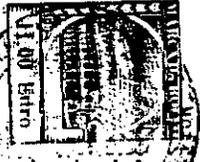


MONTCO ABSTRACT CO INC

03/24/2005 02:36P

10516922
Page: 1 of 8
B-6443 P-1567

S/2
MM
30.00
25.00
01/2



BEING the same premises which Whittaker Corporation, a California corporation by deed dated January 7, 1974 and recorded in Chester County at Deed Book Q42, page 192, granted and conveyed unto Central and Western Chester County Industrial Development Authority, a body corporate and politic organized under the laws of the Commonwealth of Pennsylvania, in fee.

AND the said Central and Western Chester County Industrial Development Authority entered into an Installment Sale Agreement with Christiana Metals Corporation, a PA Corporation, dated January 7, 1974.

AND the said Grantor does hereby covenant to and with the said Grantee that, it, the said Grantor, its successors, and assigns,

SHALL AND WILL BY THESE PRESENTS, Warrant and forever defend the herein above described premises, with the hereditaments and appurtenances, unto the said Grantee, its successors and assigns, against the said Grantor and against every other person lawfully claiming or who shall hereafter claim the same or any part thereof, by, from or under it, them or any of them.

IN WITNESS WHEREOF, the said Grantor has caused these presents to be duly executed, the day and year first above written.

CENTRAL AND WESTERN
CHESTER COUNTY INDUSTRIAL
DEVELOPMENT AUTHORITY

ATTEST:

By: Spencer J. Anderson [Signature]
Chairman/Member (Asst.) Secretary

Christiana Metals Corporation joins in this deed to release any right, title and interest in the aforesaid property.

CHRISTIANA METALS CORPORATION

ATTEST:

[Signature]
Name: VITALIANO BOKORCO
Title: _____

* The address of the above-named Grantee is:
700 South Henderson Road, Ste. 225
King of Prussia, PA 19406

On behalf of the Grantee

{000057562}



[Handwritten mark]

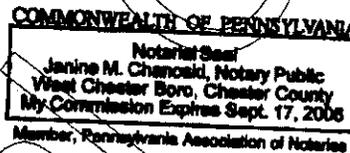
10516922
Page 2 of 6
B-6443 P-1567
03/24/2005 03:38P
MORTGAGE ABSTRACT CO. INC

COMMONWEALTH OF PENNSYLVANIA :
: SS
COUNTY OF CHESTER :

On this 21st day of February, 2005, before me, the undersigned officer/member, personally appeared SPENCER J. ANDRESS, who acknowledged himself to be the Chairman of the CENTRAL AND WESTERN CHESTER COUNTY INDUSTRIAL DEVELOPMENT AUTHORITY, a body politic existing under the laws of the Commonwealth of Pennsylvania, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument and that he, being authorized to do so, executed the foregoing instrument for the purposes therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

Janine M. Chancoid
Notary Public



10516922
Page 3 of 5
B-6443 P-1567

Unofficial

2044 J.

The undersigned Dr. Antonio Gallavresi, Notary Public resident in Milan, registered at the notary public roll of Milan, hereby states that Mr Vitaliano Barromeo, born in Milan on 22 June 1960, domiciled for his duty in Milan, via Santa Sofia 27, manager, in the presence of the witnesses Miss GIUSEPPINA DADDA born in Codogno on 28 august 1969, resident in Codogno via Grande n. 31, employee; Miss ORNELLA PIZZOCRI born in Milan on 10 august 1968, resident in Zelo Buon Persico Largo Don Orione n. 1, employee, r- having the legal requirements, of whose personal identity I am certain, has signed this deed being authorized to do so, executed the foregoing instrument for the purposes therein contained, in my presence and in the presence of the undersigned witnesses.

Milan, Via Pietro Mascagni n. 30, this day, 21 february 2005

[Handwritten signature]



10516922
Page 4 of 5
B-6443 P-1567



MORTCO ABSTRACT CO. INC.

du 5 ottobre 1981)

ALLA

del pubblico

[Handwritten signature]
[Handwritten signature]

[Handwritten signature]

relato

il 24 FEB. 2005

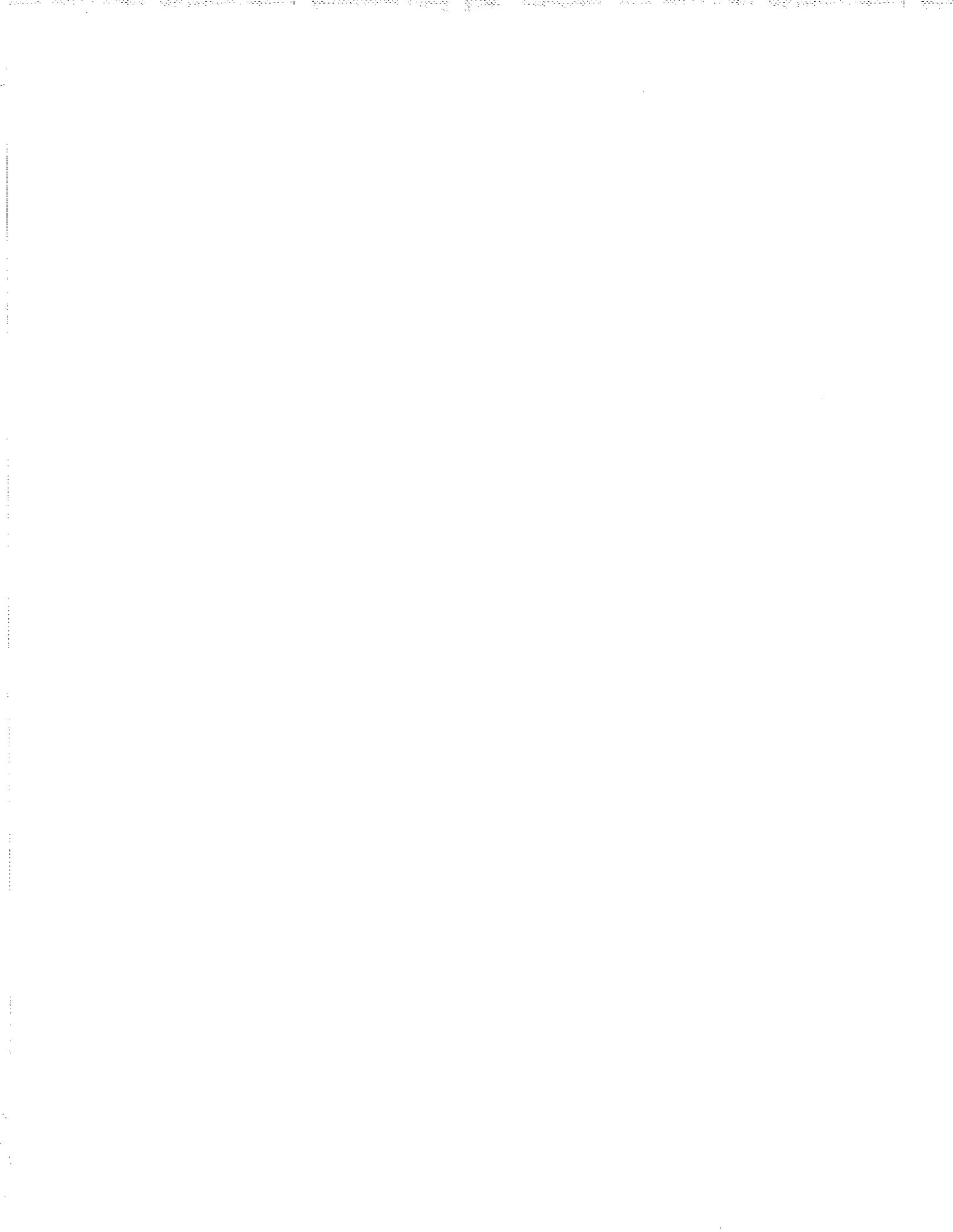
pubblico ministero

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Ministero della Giustizia
Ufficio del Pubblico Ministero

Official Copy





PENN CENTRAL - CONRAIL



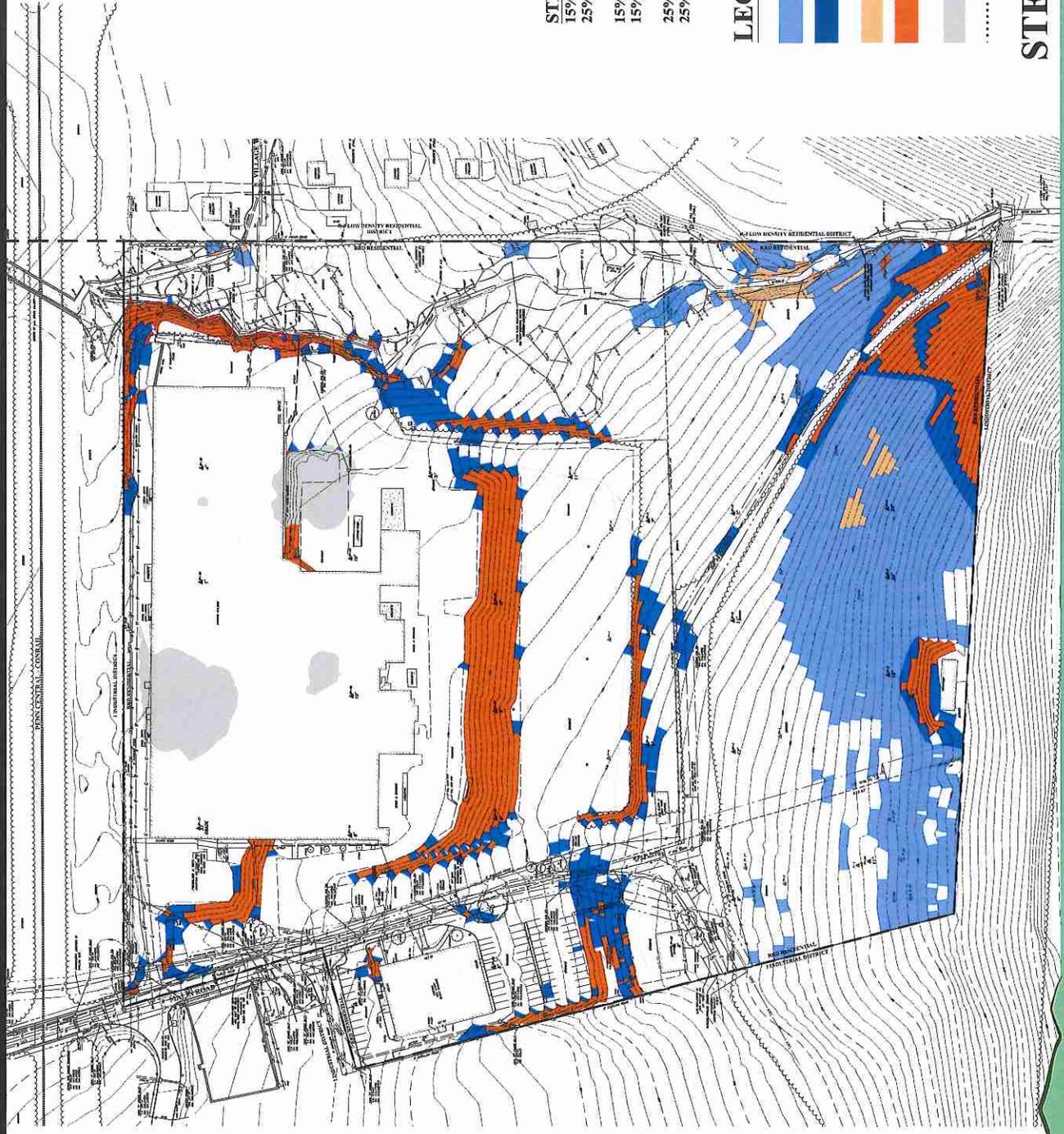
PENN CENTRAL - AMTRAK

MALIN ROAD, DEVELOPMENT, LLC

EAST WHITELAND TOWNSHIP • CHESTER COUNTY • PENNSYLVANIA

INLAND DESIGN
 Civil Engineers, Surveyors & Land Development Consultants
 16 Hargray Blvd.
 West Chester, PA 19382
 www.inlanddesign.net
 Phone: (484) 847-3928
 Fax: (484) 847-2946
 info@inlanddesign.net





STEEP SLOPES CALCULATIONS:
 15% TO 25% 165,499 S.F.
 25% AND UP 88,561 S.F.

15% TO 25% (NATURAL) 118,770 S.F. (71.8%)
 15% TO 25% (MAN MADE) 46,729 S.F. (28.2%)

25% AND UP (NATURAL) 7,185 S.F. (8.1%)
 25% AND UP (MAN MADE) 81,561 S.F. (91.1%)

LEGEND

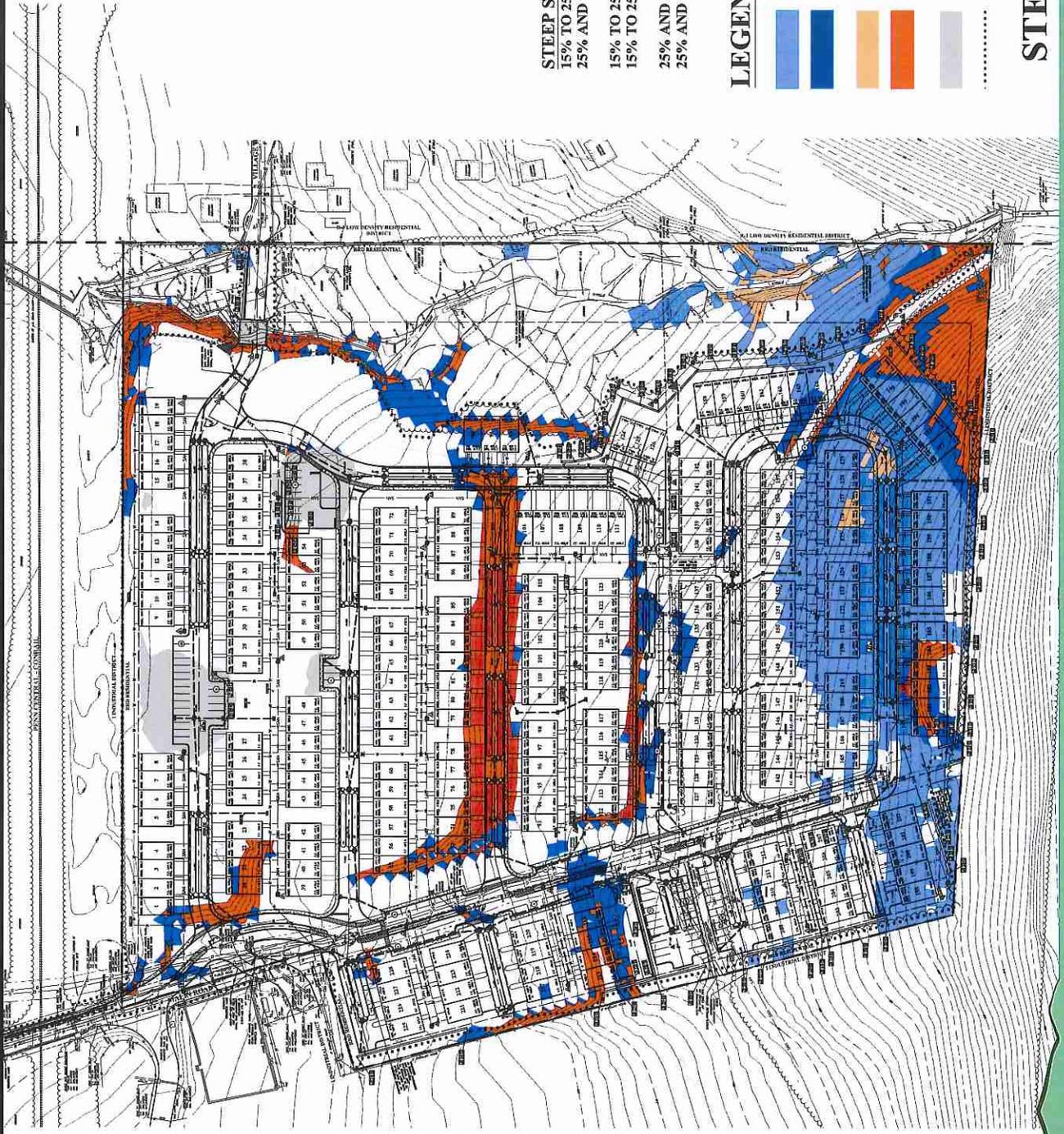
- SLOPES: 15% - 25%
- SLOPES: 15% - 25% (MAN MADE)
- SLOPES: 25% - UP
- SLOPES: 25% - UP (MAN MADE)
- CONTAMINATION AREA
- LIMIT OF DISTURBANCE

STEEP SLOPE EXHIBIT

9 MALIN ROAD, DEVELOPMENT, LLC
 EAST WHITELAND TOWNSHIP • CHESTER COUNTY • PENNSYLVANIA

INLAND DESIGN
 Civil Engineers, Surveyors & Land Development Consultants
 1610 W. 10th St., Suite 100
 West Chester, PA 19382
 www.inlanddesign.net
 Tel: (610) 945-2929
 Fax: (610) 945-2946
 info@inlanddesign.net





STEP SLOPES CALCULATIONS:
 15% TO 25% 165,499 S.F.
 25% AND UP 88,561 S.F.

15% TO 25% (NATURAL) 118,770 S.F. (71.8%)
 15% TO 25% (MAN MADE) 46,729 S.F. (28.2%)

25% AND UP (NATURAL) 7,185 S.F. (8.1%)
 25% AND UP (MAN MADE) 81,561 S.F. (91.1%)

LEGEND

- SLOPES: 15% - 25%
- SLOPES: 15% - 25% (MAN MADE)
- SLOPES: 25% - UP
- SLOPES: 25% - UP (MAN MADE)
- CONTAMINATION AREA
- LIMIT OF DISTURBANCE

STEEP SLOPE EXHIBIT

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INLAND DESIGN

Civil Engineers, Surveyors & Land Development Consultants

Steep Slope Impact Narrative and Report

For

Malin Road Development

East Whiteland Township, Chester County, PA

October 31, 2016

Prepared on Behalf of: 9 Malin Road Development, LLC
 110 North Phoenixville Pike
 Malvern, PA 19355

and

Constitution Drive Partners, L.P.
2701 Renaissance Blvd
King of Prussia, PA 19406

Prepared By: InLand Design, LLC
 16 Hagerty Boulevard
 West Chester, PA 19382

InL and Design

Table of Contents

Section 1

Introduction

Existing Conditions Narrative

Proposed Improvements Narrative (Z.O. Section 200-57.I(3)(a))

Sediment and Erosion Control Narrative (Z.O. Section 200-57.I(3)(b))

Engineering and Conservation Techniques (Z.O. Section 200-57.I(3)(c))

Section 2

Steep Slope Photos.

SECTION 1

Introduction

This narrative has been prepared as required by Section 200-57.I(3) of the East Whiteland Township Zoning Ordinance. The purpose of this report is to provide information on the existing steep slopes on the property (15% to 25% and 25% and over) and provide detail on the proposed improvements within the steep slope areas.

Existing Conditions

The site is located within the RRD – Residential Revitalization District of East Whiteland Township. Located on the southern side of Lincoln Highway (SR – 0030) at the location of the end of Malin Road. The site is bounded to the north and south by existing railroad lines, to the east by an existing residential neighborhood and to the west by an existing petroleum products storage and distribution facility. A tributary to Little Valley Creek flows along the eastern edge of the property. The property was once home to the Bishop Tube industrial complex and still contains the existing buildings and parking areas. These existing improvements occupy the northern half of the property. The remainder of the property is covered with a mixture of woodlands and meadow. The site is moderately sloping in and around the existing improvements and moderately to steeply sloping on the remainder of the property. Based on the location and configuration of the existing building and parking areas, all of the slopes located in and around these features are man-made. Additionally, some of the steep slope areas along the southern side of the site also appear to be man-made as the result of the installation of a large stone culvert and regrading related to the construction of the railroad along the southern property boundary. Please refer to the existing conditions plan shown in Appendix 1 of this report.

Proposed Improvements Narrative (Z.O. Section 200-57.I(3)(a))

The improvements proposed within the steep slope areas as part of this project include single family attached dwellings and townhouses in rows of more than 6 units, associated driveways and grading required in association with the foregoing. The site will be serviced by public water and public sewer. Building foundations will be a combination of concrete footings and concrete slabs and will be installed by excavation of the foundation area and placement of poured in place concrete. Final stabilization of the disturbed slope areas will be achieved by a combination of retaining walls and landscaping including the placement of ground cover vegetation, shrubs and trees.

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Sediment and Erosion Control Narrative (Z.O. Section 200-57.I(3)(b))

Sediment and Erosion Control measures will be employed during construction to reduce the potential for erosion and sediment transport. These measures include the use of compost filter socks, diversion swales, sediment traps, temporary stabilization of exposed areas, use of erosion control blanket on slopes and detailed construction staging. The project will be constructed in stages which will help to limit the amount of disturbed area. Retaining wall will be used to limit the amount of slope remaining after construction is complete. The erosion control measures proposed for this project will also be subject to the review and approval of East Whiteland Township, Chester County Conservation District and PADEP.

Engineering and Conservation Techniques (Z.O. Section 200-57.I(3)(c))

In order to alleviate the potential for adverse environmental impacts, construction within the steep slope will be completed in limited areas. This will allow the contractor to reduce the amount of time the steep slope areas are exposed to the elements. The contractor will also implement temporary stabilization of these areas should they need to be exposed for more than a few days. The erosion control measures referenced above will also be used to mitigate any adverse impacts. Retaining walls and erosion control blanket (used with permanent seeding) will also be used to limit the amount of steep slopes resulting from the proposed construction.

SECTION 2

Steep Slope Photos

Photos of the existing steep slope areas have been provided as required by Section 200-57 I.(2).



Photo #1 – Photo of southern property line looking west from the location of the existing sanitary sewer easement near the southeast corner of the site.

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Photo #2 – Photo of slope areas along southern property line looking south toward the existing railroad line.



Photo #3 – Photo of existing slopes taken from existing sanitary sewer easement at the center of the property looking west.

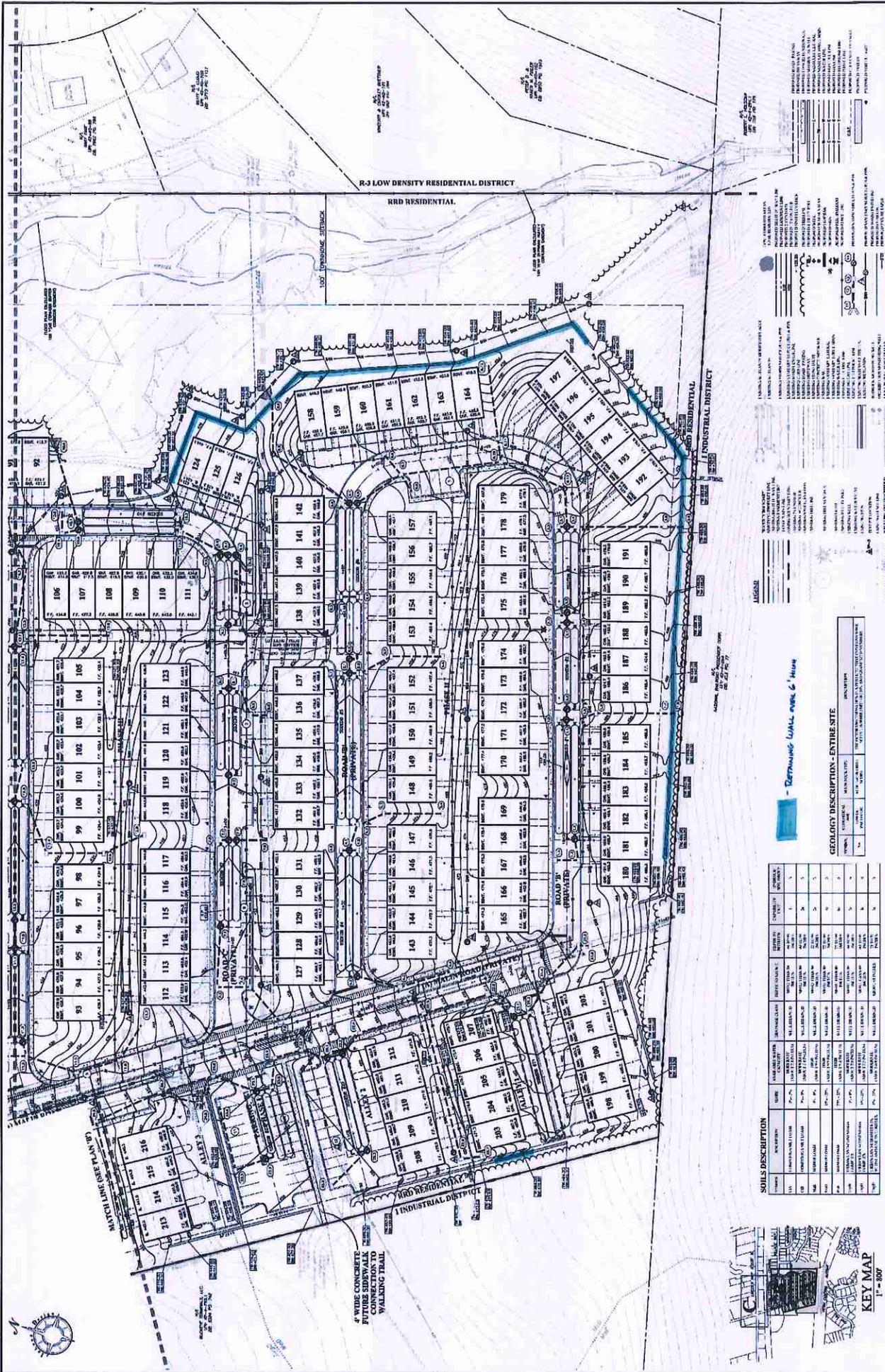


Photo #4 – Photo of slope areas taken from southern portion of the property along the railroad line looking northeast.



Photo #5 – Photo of slope areas along southern property line near the existing stone culvert at the southeast corner of the property.





LEGEND

	100' DRAINAGE SETBACK
	100' SETBACK
	100' SIDE SETBACK
	100' FRONT SETBACK
	100' REAR SETBACK
	100' CORNER SETBACK
	100' SIDE SETBACK
	100' FRONT SETBACK
	100' REAR SETBACK
	100' CORNER SETBACK

SOILS DESCRIPTION

SOILS	DESCRIPTION	AREA (SQ. FT.)	PERCENT
1	CLAYEY SAND	1,200,000	15.00
2	SANDY CLAY	1,800,000	22.50
3	CLAYEY SILT	2,400,000	30.00
4	SILT CLAY	3,000,000	37.50
5	CLAY	3,600,000	45.00

GEOTECHNICAL DATA

NO.	DEPTH (FT.)	WATER CONTENT (%)	LIQUID LIMIT (%)	PLASTICITY INDEX (%)	UNSATURATED SWELLING (%)
1	0-1	25.0	45.0	20.0	0.5
2	1-2	28.0	48.0	20.0	0.5
3	2-3	30.0	50.0	20.0	0.5
4	3-4	32.0	52.0	20.0	0.5
5	4-5	35.0	55.0	20.0	0.5

ROADWAY DATA

ROADWAY	WIDTH (FT.)	GRADING	CONCRETE
ROAD 201	20	GRAVEL	NO
ALLEY 2	10	GRAVEL	NO

UTILITY DATA

UTILITY	DEPTH (FT.)	CONCRETE
WATER	48"	NO
SEWER	48"	NO
ELECTRIC	24"	NO
TELEPHONE	24"	NO

CONSTRUCTION DATA

ITEM	DESCRIPTION	QUANTITY	UNIT
1	GRAVEL	1,200,000	CU. YD.
2	CONCRETE	1,200	CU. YD.
3	REINFORCING	1,200	LINEAL FT.

KEY MAP

SHEET
11
OF 43

GRADING & UTILITY PLAN 'A'
FOR
MALIN ROAD DEVELOPMENT
MALIN ROAD, MALVERN, PA 19355
EAST WHITELAND TOWNSHIP - CHESTER COUNTY - PENNSYLVANIA

PRELIMINARY
LAND DEVELOPMENT PLAN

10383

SCALE: 1" = 40'

DATE: 08/12/11

PROJECT NO.: 10383

CLIENT: MALIN ROAD DEVELOPMENT

DESIGNER: INLAND DESIGN

1" = 800'

DATE: 08/12/11

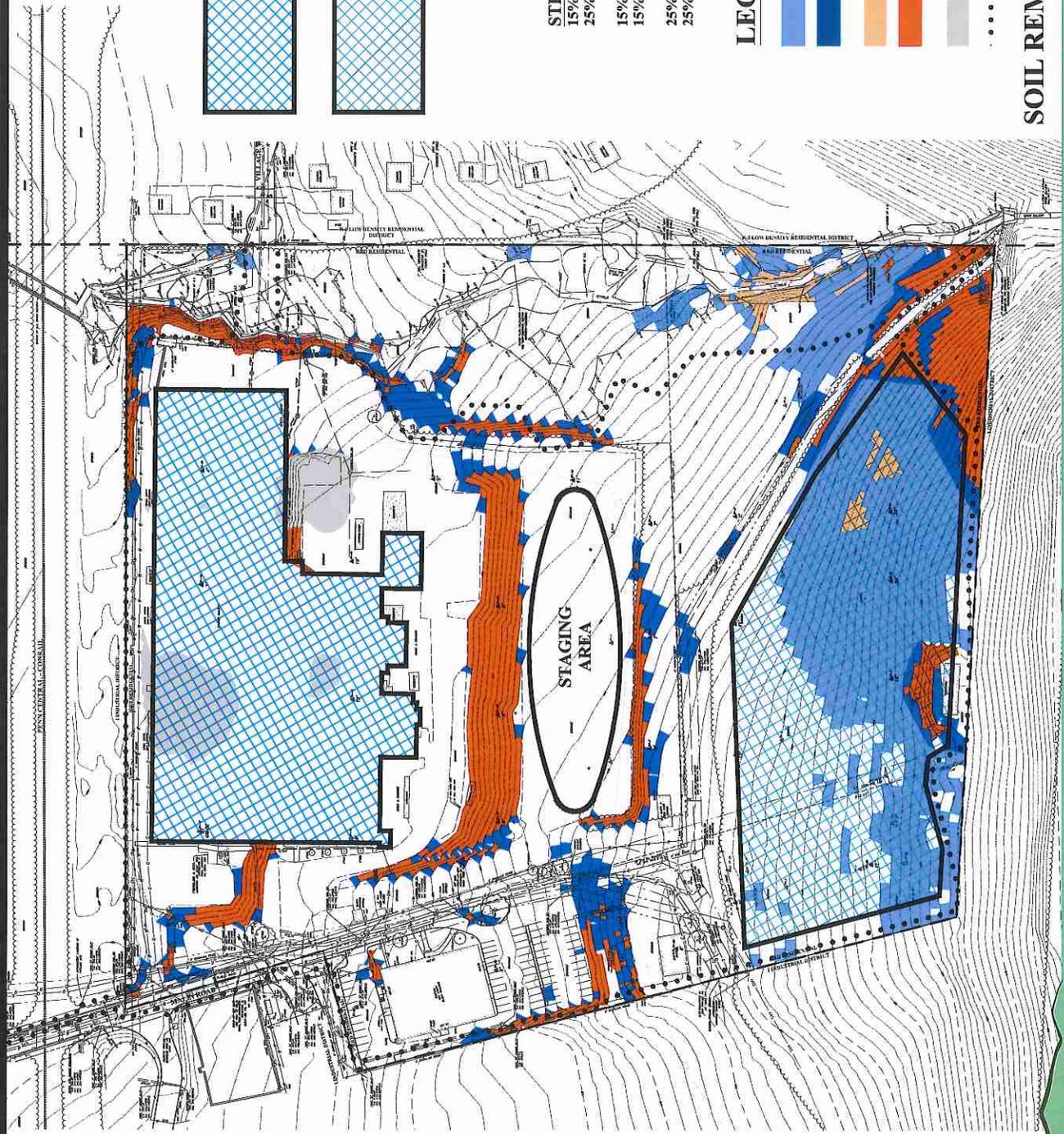
**BEFORE THE ZONING HEARING BOARD OF
EAST WHITELAND TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA**

**CONSTITUTION DRIVE PARTNERS, L.P.
9 MALIN ROAD DEVELOPMENT, LLC
East Whiteland Township
February 27, 2017**

APPLICANTS' EXHIBITS

- A-14 Soil Remediation Area Exhibit prepared by InLand Design, LLC dated February 27, 2017
- A-15 Constitution Drive Partners Proposed Variance Conditions of Approval
- A-16 Development Plan





EXISTING BUILDING AND SLAB
AREA TO BE REMOVED



APPROXIMATE BORROW AREA
OF SOILS TO BE USED TO
REPLACE CONTAMINATED
SOILS & BUILDING SLAB AREA
TO BE REMOVED



STEEP SLOPES CALCULATIONS:

15% TO 25% 25% AND UP	165,499 S.F. 88,561 S.F.	15% TO 25% (NATURAL) 15% TO 25% (MAN MADE)	118,770 S.F. (71.8%) 46,729 S.F. (38.2%)
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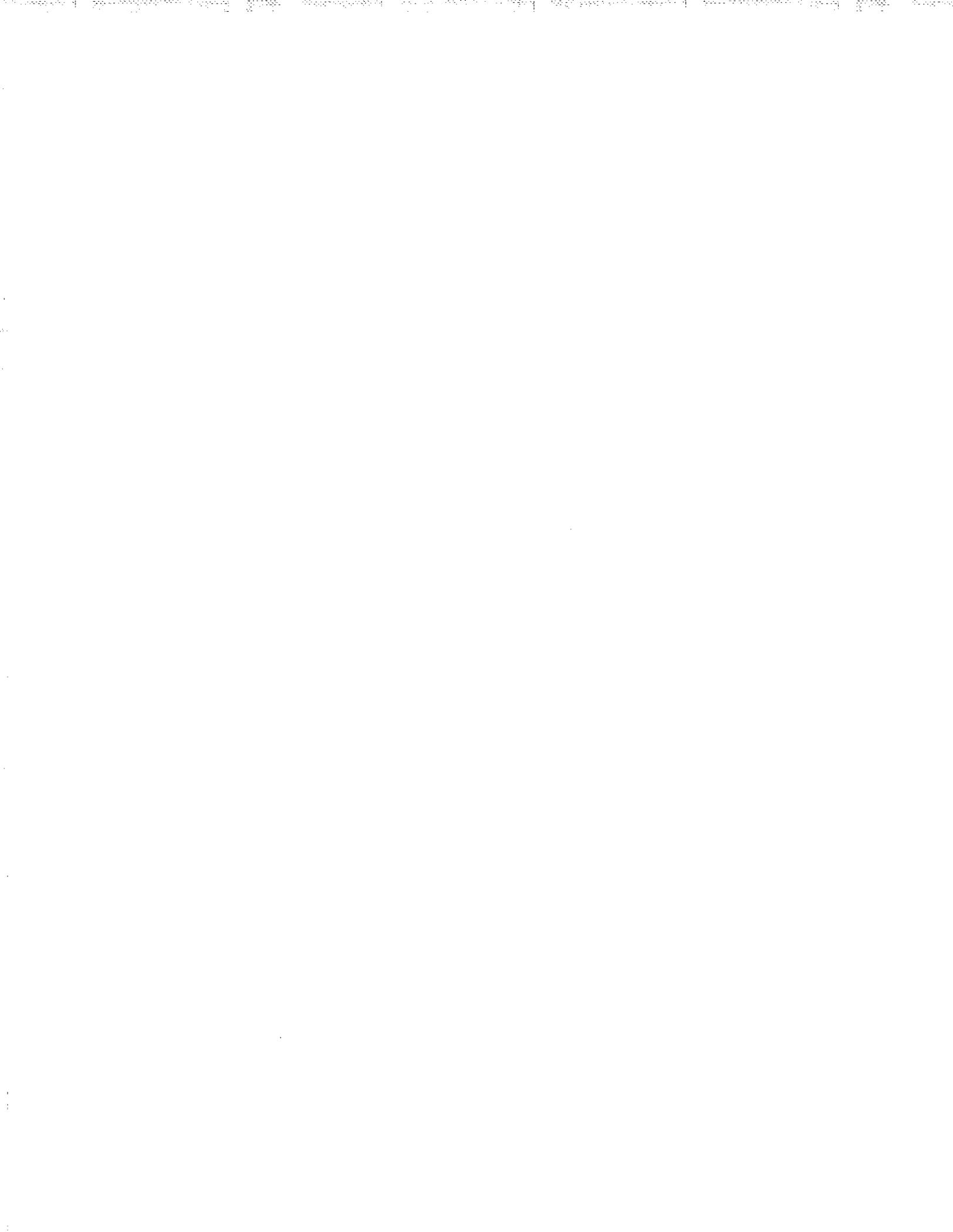
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SOIL REMEDIATION AREA EXHIBIT

9 MALIN ROAD, DEVELOPMENT, LLC
EAST WHITELAND TOWNSHIP • CHESTER COUNTY • PENNSYLVANIA

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Phone: (610) 967-2928
Info@inlanddesign.net



**CONSTITUTION DRIVE PARTNERS
FORMER BISHOP TUBE SITE
EAST WHITELAND TOWNSHIP**

PROPOSED VARIANCE CONDITIONS OF APPROVAL

1. The Developer shall deposit Twenty Thousand Dollars (\$20,000.00) in an escrow account to be established by the Township, the purpose of which is to fund the Township's retention of an environmental professional, the selection of whom will be at the Township's sole discretion, to provide the Township with guidance on the environmental issues applicable to the Bishop Tube Site, including remediation of the Bishop Tube Site and the redevelopment of the Bishop Tube Site. If the escrow account should fall below Five Thousand Dollars (\$5,000.00) at any time, Developer shall replenish fund to Ten Thousand Dollars (\$10,000.00) upon such occurrence or occurrences.
2. At the time of creation of the Homeowners Association (HOA), the Developer shall make a one time, nonrefundable deposit of \$20,000 into an escrow account to be solely controlled by the HOA, which funds may only be used by the HOA to inspect and/or repair any vapor mitigation systems required to be installed and operated in residential units at the Property.
3. The Developer agrees to implement the remedial scope of work developed by Environmental Standards (as may be amended) and approved by the Pennsylvania Department of Environmental Protection (DEP), including remediating all unsaturated soils with any concentrations of TCE above Act 2 residential standards in the three (3) identified soil "hot spot" areas of concern, and securing approval from DEP for the unsaturated soils in these three (3) "hot spot" areas of concern to the satisfaction of DEP, in addition to meeting all requirements of Developer set forth in the March 17, 2005 Consent Order and Agreement, as amended or may be amended, between DEP and Constitution Drive Partners, L.P., and in any Remediation Scope of Work developed by or on behalf of Constitution Drive Partners, L.P. for the Bishop Tube Site, and approved by DEP.
4. No earth disturbance, construction or redevelopment activities (other than building demolition activities) to occur at the three (3) soil "hot spot" areas of concern, until completion of the necessary soil excavation required at the three (3) soil "hot spot" areas in accordance with the DEP approved Remediation Scope of Work, as may be amended.
5. In addition to securing DEP approval for the unsaturated soils in the three (3) soil "hot spot" areas of concern, the Developer shall obtain written confirmation from DEP that soil hot spot remediation was completed in accordance with DEP approved Remediation Scope of Work, as may be amended.

6. Installation of vapor mitigation systems on any residential structures (i) located within 100 feet of groundwater with volatile organic contaminant (VOC) concentrations in excess of Act 2 residential statewide health standards, or (ii) that may be required pursuant to DEP's new vapor guidance. Vapor mitigation systems shall be designed and certified by Applicant's professional engineer, and to be reviewed and approved by the Township's special environmental engineer, with the review costs paid for by Applicant. The Developer's professional engineer will also certify that the vapor mitigation systems were installed properly.
7. The Developer shall obtain a stormwater construction NPDES permit from DEP/ Chester County Conservation District.
8. There shall be reasonable future access granted to DEP and the PRPs to monitor groundwater wells, and to implement any future groundwater remedy that may be selected by DEP.
9. Utilities at the site shall be designed and installed by Developer to prevent the potential for vapor mitigation into residential structures, as well as the migration of contaminated groundwater into the utilities.
10. There shall be recordation of an environmental covenant pursuant to the Uniform Environmental Covenants Act (UECA), requiring residents to operate and maintain their vapor mitigation systems in perpetuity. The requirement to operate and maintain the systems will also be contained within the HOA documents. The recorded UECA covenant shall also require that no subsurface disturbance (other than building construction and utility installation and maintenance activities) will take place within the portion of the site where vapor mitigation systems would be required on residential structures.
11. The Developer agrees to comply with all of the provisions of the East Whiteland Township Zoning Code, specifically Section 200-25.1, entitled RRD Residential Revitalization District, unless relief is granted by the Zoning Hearing Board.
12. The Developer must remediate the soils in the three (3) soil hot spot areas identified by DEP. The remediation must be to the residential statewide health standard for soil and address the related vapor mitigation issue through pathway elimination. Developer shall submit a Report for DEP approval demonstrating remediation of the unsaturated soils in these three hot spot areas of concern as set forth herein. Said Report shall conform to the requirements of 25 Pa.Code 250.411 (Final Report) to the satisfaction of DEP.
13. Until the remediation of the three (3) soil hot spot areas is fully completed, which shall include post-excavation samples and approval of the remediation by DEP, Developer shall not start the construction of any residential units or appurtenances thereto on the Bishop Tube property. The only permitted activity during this time shall be the installation of temporary roads to support the remediation process.

14. Developer shall submit a demolition plan to the Township and DEP prior to the demolition of any structures on the Bishop Tube property.





DEVELOPMENT PLAN

INLAND DESIGN

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West Chester, PA 19382 Fax: (484) 947-2946
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9 MALIN ROAD, DEVELOPMENT, LLC

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