



Taylor Wiseman & Taylor

ENGINEERS | SURVEYORS | SCIENTISTS

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October 10, 2018

06476

RE: Malin Road Development
1 Malin Road
East Whiteland Township
Revised Preliminary Land Development

Zachary Barner
Director of Planning & Development
East Whiteland Township
209 Conestoga Road
Frazer, PA 19355

Mr. Barner,

On behalf of our client, Constitution Drive Partners, LP, enclosed please find the following information in connection with the above referenced project:

- *Revised Preliminary Land Development Plans, Malin Road Development*, 24 sheets, prepared by Taylor Wiseman & Taylor, Drawing No. 018-06476-LD, dated September 22, 2018 – 5 Sets
- *Post-Construction Stormwater Management Report*, prepared by Taylor Wiseman & Taylor, dated October 8, 2018 – 3 Copies
- Previously submitted items include the Environmental Impact Assessment, Traffic Impact Assessment, etc.

The revised plans have been prepared in response to the East Whiteland Township Zoning Hearing Board Appeal No. 2016-24, dated April 25, 2017 and review comments from the Township Engineer dated February 9, 2017. The following variances were previously granted by the Zoning Hearing Board, subject to the attached Proposed Variance Conditions of Approval (Appendix B):

- Variance from Section 200-57.C(6) to allow townhouses (including rows of up to seven (7) within a single building), roads, driveways and utilities to be constructed within and upon steep and very steep slopes and within and upon manmade steep and very steep slopes as depicted on the previously submitted Exhibits A-11 and A-18
- Variance from Section 200-93.B to allow a retaining wall to be constructed with a height limit of 9-feet.

The following Design Waivers are being requested on the revised plans:

- Design Waiver from Section 175-32F(1) that requires roadways to have a maximum grade of 7%. The maximum centerline grade for Malin Road is 10%, based on existing topography and the existing grade of Malin Road.



- Design Waiver from Section 175-35 that requires all streets to be constructed with upright concrete curb. Granite block curb is proposed throughout the private streets within the development. Malin Road will be constructed with concrete curbing.
- Design Waivers from Section 175-38.C & 175-38.G which requires all lots to front on a public street. Unless the Township accepts dedication of the proposed streets (which we were previously told it did not want) the proposed roadways within the development are private, therefore these lots will front a private street.
- Design Waiver from Section 170-301.L that requires diagonal storm sewer crossings to be minimized. Some diagonal storm drain crossings are proposed to eliminate storm inlets in front of driveways.
- Design Waiver from Section 175.31.A that requires a minimum street width of 32-feet. The proposed streets are 26-feet wide, which is wide enough to accommodate the East Whiteland Township fire trucks.

The scope of the project has been greatly reduced from what was previously under consideration. The revised plans depict a total of 93 Townhomes on Tax Parcel 42-4-321.2. The other two (2) adjacent parcels of land have been eliminated from the proposed development.

With this filing, our client grants the Township a 90-day extension of time to render a decision on the revised preliminary plan.

Should you have any questions or require additional information, feel free to contact me. Thank you.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Mark M. Thompson', is written over the typed name below.

Mark M. Thompson, PE
Project Manager

cc: Guy Wolfington; Constitution Drive Partners, LP
Lou Colagreco, Esq.; Riley Riper Hollin & Colagreco

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.
15. The Township Board of Supervisors retains the right to add additional reasonable conditions and safeguards related to the applicable Subdivision and Land Development Plan and Application in accordance with the Township's Subdivision and Land Development Ordinance and other applicable ordinances.