

Planning Commission  
Radnor Township  
Wayne, Delaware County, Pennsylvania

Tuesday  
September 3, 2013  
7:00 P.M.

Agenda

1. Minutes of the Meetings of August 5, 2013
2. 13-CU-06 – Conditional Use Approval for 115 Strafford LLC – Submitted 8/2/13
3. 13-CU-05 - Conditional Use Approval of a Density Modification Development for 311.54 acres of Ardrossan Farm – Submitted 7/31/13
4. 13-CU-08 - Conditional Use Approval of a Density Modification Development for 27.65 acres of Ardrossan Farm – Submitted 8/6/13

Old Business

New Business

Public Participation

*Next Regular Planning Commission Meeting      Monday October 7, 2013      7 PM*

George W. Broseman, Esquire      Attorney for Applicant  
Identification No. 62649  
Union Meeting Corporate Center  
910 Harvest Drive  
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Blue Bell, PA 19422  
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**BEFORE THE BOARD OF COMMISSIONERS  
OF RADNOR TOWNSHIP, DELAWARE COUNTY, PENNSYLVANIA**

*In the Matter of:*

115 Strafford Avenue, LLC

*Premises:*

115 Strafford Avenue  
Wayne, PA 19087

**CONDITIONAL USE APPLICATION**

115 Strafford Avenue, LLC, through its attorney George W. Broseman, hereby files this Conditional Use application seeking approval to redevelop the property at 115 Strafford Avenue in Wayne under the Township's Density Modification Development ordinance (Article XIX of Chapter 280 (Zoning) of the Code) and in support thereof states as follows:

1.     **Name and Address of Applicant.** Applicant is 115 Strafford Avenue, LLC ("Applicant"). Applicant is the equitable owner of the Property by virtue of an Agreement of Sale with the record owner of the Property, Luthra 4, LLC. A copy of a redacted Agreement of Sale evidencing Applicant's interest in the Property is attached as **Exhibit "A"**. A copy of the deed to the Property is attached as **Exhibit "B"**.

2.     **Description of Property.**

A.     **Physical Features & Use**

The real estate affected by this application is located at 115 Strafford Avenue and consists of 2.13 acres (+/-) ("Property"). The Property is irregularly shaped, very long and

narrow, and is improved with a vacant, boarded-up, dilapidated building approved for restaurant/bar use, a 72-car parking lot for the restaurant/bar and related improvements. There is close to one acre of impervious surfaces on the Property with no stormwater management controls. These improvements are located on the portions of the Property closest to Strafford Avenue, with the rear portion of the Property generally undeveloped. The Property is enclosed with temporary chain link fencing, and is in poor condition.

**B. Zoning**

According to the Radnor Township Code (“Code”), the Property is primarily zoned R-4 Residence District (“**R-4 District**”)<sup>1</sup>. The R 4 District permits single-family detached dwellings on 7,000 s.f lots (*i.e. 6.2 units per acre*) and as an alternative “Density Modification Development” by Conditional Use. *Code § 280-29.B(1)*. Density Modification Development permits less density in the R-4 District (*5.5 units per acre*) than conventional development, but provides for flexibility in building type and setbacks to promote the provision of open space in new development. Density Modification Development requires open space and buffers adjacent to other residentially zoned properties. Conventional development in the R-4 District provides for minimal building setbacks (*e.g. only three (3) feet for accessory structures*) and requires no open space or buffer areas.

**C. Surrounding Land Uses & Zoning**

The Property is one property removed from the Township’s main commercial arterial – Lancaster Avenue (*a.k.a. U.S. Route 30*) and is surrounded on three sides by commercial uses. In particular, the Property is bounded to the west by a large shopping center that includes the Lancaster Farmer’s Market and a mix of other commercial uses; to the south by a car rental

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<sup>1</sup> A small portion of the Property closest to Lancaster Avenue is located in the CO Commercial-Office District (“**CO District**”).

agency, and a bank with drive through facilities; and to the north by a large, multi-tenant office complex known as the Strafford office buildings. The Property is isolated as the only residentially zoned land on Strafford Avenue between Lancaster Avenue and Eagle Road.

To the east, the Property abuts the rear of three dwellings that front on Farm Road and/or Windsor Avenue. These dwellings and the neighborhood of which they are a part are also zoned R-4 District. When the area was originally platted for development it was envisioned that the Property would connect with the neighborhood to the east through the extension of Windsor Avenue along the north side of the Property to Strafford Avenue. The Windsor Avenue extension was never constructed.

#### **D. Use of Property**

Recently, ownership of the Property has changed hands several times and there have been repeated failed efforts to reopen the restaurant/bar and to convert the use of the Existing Building to other commercial purposes. For example, the Zoning Hearing Board approved a spa use which never opened after a failed reconstruction effort. After that effort the Zoning Hearing Board reaffirmed prior approvals granted for restaurant/bar use to allow for another effort to redevelop the Property, which also failed. In the meantime the Existing Building was gutted and has sat vacant for several years leaving it in a very poor and deteriorating state of repair.

### **3. Proposed Redevelopment**

#### **A. Background**

The surrounding land uses and zoning, as well as the irregular shape of the Property, make the Property unsuitable for single-family development as allowed in the R-4 District. This circumstance was first recognized almost 50 years ago when the Zoning Hearing Board granted the original variance approval to allow the use of the Existing Building to be changed from a single-family dwelling to a restaurant/bar. Over the years this point was reaffirmed on several

occasions through the grant of other variances for various expansions and other commercial uses on the residentially zoned Property.

Applicant proposes to redevelop the Property with 11 high-end carriage home/townhome units with the rear of the Property devoted to restricted open space (“**Redevelopment Project**”). Applicant is simultaneously filing land development plans for the Redevelopment Project with the Township. The land development plans depict the existing conditions on the Property and the Redevelopment Project and consist of 12 sheets, dated August 2, 2013, prepared by Inland Design, Civil Engineers and Land Development consultants (“**Redevelopment Plans**”) and are included with and made a part of this Application as **Exhibit “C”**.

Unlike the prior commercial uses of the Property which were permitted by use variances from the R-4 District regulations, the proposed townhomes are a permitted use in the R-4 District under the Density Modification Development provisions of Article XIX of the Zoning Ordinance. *Code §§ 280-29.B(1) & 280-93*. In addition to being a permitted use of the Property, the proposed townhouses are an appropriate use of the Property because they (i) serve as a transition from the surrounding commercial uses, and (ii) provide for a residential use of the Property more consistent with the R-4 District zoning of the Property and the adjoining neighborhood to the East.

On July 18, 2013 the Radnor Township Zoning Hearing Board granted numerous variances to allow the Property to be redeveloped under the Density Modification Development provisions and in accordance with the Redevelopment Plans. *Appeal No. 2892 (2013)*. A copy of the Zoning Hearing Board’s written decision is included with and made a part of this Application as **Exhibit “D”**.

Before filing the Zoning Hearing Board application, Applicant reached out to the Township staff, neighbors from the adjoining Windsor Avenue/Farm Road neighborhood (“Neighbors”) and appeared informally before the Board of Commissioners to discuss the plans to redevelop the Property. Applicant has also presented various redevelopment plans to the Township Planning Commission. The Neighbors became actively involved in the process and initially appeared in opposition to earlier redevelopment plans. Applicant and the Neighbors were advised to work together to reach a compromise on the redevelopment of the Property. Those efforts resulted in an agreement between Applicant and the Neighbors. The agreement with the Neighbors provides for (i) numerous conditions that have been incorporated into the Zoning Hearing Board approval and the Redevelopment Plans and (ii) the support of the Neighbors for those plans.

**B. Relief Requested**

**1. Density Modification Development – Townhomes a Permitted Use.**

Applicant requests a Conditional Use from the Township Board of Commissioners under Code § 280-29.B for Density Modification Development to allow the proposed townhomes. (*See, Code § 280-93 permitting townhomes in the R-3 and R-4 Districts*). With the grant of relief by the Zoning Hearing Board, the Redevelopment Plans comply with all applicable provisions of the Zoning Ordinance.

**2. Objectives of Density Modification Development.**

Code § 280-90.A sets forth the objectives of Density Modification Development including:

- To encourage conservation and use of open space in new residential development;

- To encourage land development which preserves trees and natural topography, prevents soil erosion and promotes the best interests of the Township from an aesthetic, ecological and natural resource standpoint.
- To encourage attractive arrangements of dwellings by permitting the design and layout of dwellings to be closely related to the physical characteristics of the site in harmony with surrounding tracts.

*Code § 280-90.A.*

These objectives are ideally suited to the redevelopment of the Property. The large area to the rear of the Property and the trees in that area were identified as the most important physical characteristics of the site. Density Modification Development allows for high-end townhomes which can be built without separate lots, setbacks and the like affording a “design and layout that is closely related to the physical characteristics of the site in harmony with surrounding tracts” by providing for a more appropriate transitional land use (townhomes) and preserving and providing open space and buffers to the neighborhood. Open space is proposed in the form of a permanently protected area.

C. **Specific Requirements for Density Modification Development**

Code § 280-100.B sets forth specific information to be provided as part of the Conditional Use application as follows:

- (1) **The nature of the landowners' interest in the land to be developed.**

*As noted above, Applicant is the equitable owner of the Property.*

- (2) **The density of land use to be allocated to the site to be developed.**

*In accordance with Code § 280-92.A(4), the permitted density is 5.5 units/acre. The proposed density of 11 units is consistent with that requirement.*

- (3) **Location and size of common open space and the form of the organization proposed to own and maintain the common open space.**

*The open space is shown on the Redevelopment Plans. The Redevelopment Project will be a planned community under applicable Pennsylvania law. There will be a homeowners' association that will own and maintain the open space.*

- (4) **The use and the approximate height, bulk and location of dwellings and other structures.**

*The Redevelopment Plans depict the bulk and location of the proposed structures. In a nutshell, there are four buildings proposed that will be improved with a total of 11 dwelling units. The height of the buildings will not exceed 35 feet per applicable Code requirements for Density Modification Development. It is noted that the permissible height of 35 feet is the same as allowed for conventional development in the R-4 District.*

- (5) **The feasibility of proposals for the disposition of sanitary waste and stormwater and provision of public water supply.**

*Public water and sanitary sewer are proposed. The Property is already served by both public water and sewer and is within an area designated for such service.*

- (6) **The substance of covenants, grants of easements or other restrictions proposed to be imposed upon the use of the land, buildings and structures, including proposed easements or grants for public utilities.**

*As noted above, the Property will be subject to the Pennsylvania Uniform Planned Community Act. A draft of the Planned Community Declaration has been submitted to the Township. The draft Declaration provides for easements and restrictions that are anticipated at this time.*

- (7) **A provision for parking of vehicles and the location and width of proposed streets and public ways.**

*The Redevelopment Plans depict the parking areas and internal drives. No public streets or ways are proposed.*

- (8) **A statement which will show the ecological and economic impact of the development on the Township and especially as to the surrounding areas.**

*The Redevelopment Project will have a positive ecological and economic impact. The Property will be redeveloped with restricted open space and stormwater management facilities, neither of which presently exist. These provisions will have a positive ecological impact. The substantial investment in the Property will generate revenue for the Township and the Radnor Township School District*



*through increased property values and through realty transfer tax on not only the sale of the Property to the Applicant, but on the sale of each townhouse unit. Given the type of units proposed it is not anticipated that those units will appeal to families with school-aged children.*

**(9) The results of traffic studies taken on the surrounding and nearby roads.**

*Applicant has submitted a traffic analysis dated June 26, 2013, prepared by Heinrich & Klein, Inc. The report demonstrates that the proposed townhomes will generate significantly less traffic than the approved restaurant/bar use.*

Code § 280-93 sets forth the specific regulations applicable to townhomes. As required, the townhomes will be owned and operated under the Uniform Planned Community Act. See, Code § 280-93.A. The proposed townhomes also comply with Code § 280-93.B, with no more than three townhomes attached in a single group, and each townhouse group separated by at least 20 feet. The townhomes also meet the requirements for wall plane design.

Density Modification Development also contains requirements for Common Open Space and buffers adjoining residentially zoned properties; (Code § 280-91); density limits and building setbacks (Code § 280-92.A(4)); and area and height requirements (Code § 280-94). The Redevelopment Plans comply with these requirements.

**D. Nature of a Conditional Use**

A conditional use is not an exception to a zoning ordinance, but rather, is a use to which an applicant is entitled unless objectors demonstrate, according to standards set forth in the zoning ordinance and the law, that the proposed use would adversely affect the community. *Blancett Maddock v. City of Pittsburgh Zoning Board of Adjustment*, 640 A.2d 498 (Pa. Cmwlth. 1994); *Rapaport v. Zoning Hearing Board of the City of Allentown*, 687 A.2d 29 (Pa. Cmwlth. 1996). The existence of a conditional use provision in a zoning ordinance indicates a legislative determination that the use is consistent with the municipality's zoning plan, and is a use which is presumptively consistent with the public health, safety and welfare. *In re Cutler Group, Inc.*, 880

A.2d 39 (Pa. Cmwlth. 2005); *Borough of Perkasio v. Moulton Builders*, 850 A.2d 778 (Pa. Cmwlth. 2004); *Evans v. Zoning Hearing Board of Easttown Township*, 396 A.2d 889 (Pa. Cmwlth. 1979); *Ruddy v. Lower Southampton Township Zoning Hearing Board*, 669 A.2d 1051 (Pa. Cmwlth. 1995).

An applicant for conditional use approval has the burden of proving that the proposed use complies with the specific objective requirements of the zoning ordinance that are applicable to the conditional use. *Appeal of Neill*, 634 A.2d 749 (Pa. Cmwlth. 1993). Once an applicant for conditional use approval proves that the proposed use complies with the specific objective requirements for conditional use set forth in the zoning ordinance, the burden shifts to the objectors to demonstrate that the proposed use would detrimentally affect the public health, safety and welfare. *Mann v. Lower Makefield Township*, 634 A.2d 768 (Pa. Cmwlth. 1993); *Dotterer v. Zoning Hearing Board of Upper Pottsgrove Township*, 588 A.2d 1023 (Pa. Cmwlth. 1991).

The Commonwealth Court enunciated the general rule governing special exceptions and conditional uses in *Appeal of Brickstone Realty Corp.*, 789 A.2d 333 (2001):

A special exception [or conditional use] is a conditionally permitted use, allowed by the Legislature if specifically listed standards are met. A special exception [or conditional use] is thus not an "exception" to the zoning ordinance, but a use permitted conditionally, the application for which is to be granted or denied by the zoning hearing board pursuant to express standards and criteria. Where a particular use is permitted in a zone by special exception [or conditional use], it is presumed that the local legislature has already considered that such use satisfies local concerns for the general health, safety, and welfare and that such use comports with the intent of the zoning ordinance. Thus, once the applicant for a special exception [or conditional use] shows compliance with the specific requirements of the ordinance, it is presumed that the use is consistent with the promotion of health, safety, and general welfare. The burden then shifts to objectors to

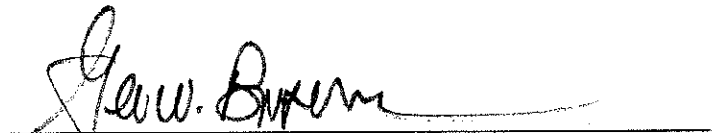
prove that the proposed use is not, in fact, consistent with the promotion of health, safety and general welfare. (citations omitted)

The objectors' burden of demonstrating that a proposed use does not comply with the general health, safety and welfare criteria imposed upon conditional uses is not satisfied by showing that a proposed use will have effects that are no different than those which normally result from the construction of the permitted use. *Moyer's Landfill, Inc. v. Zoning Hearing Board of Lower Providence Township*, 450 A.2d 273 (Pa. Cmwlth. 1982). Rather, a conditional use may only be denied if opponents demonstrate that the impact of the proposed use on the public welfare is greater than that which might be expected from such a use in normal circumstances. *Ruddy v. Lower Southampton Township Zoning Hearing Board, supra.*; *New Bethlehem Borough Council v. McVay*, 467 A.2d 395 (Pa. Cmwlth. 1983). Moreover, those who object to an application for a conditional use cannot meet their burden of showing that the proposed use would violate the health, safety and welfare of the community by merely speculating as to possible harm; rather, objectors must show a high degree of probability that the proposed use will substantially affect the health and safety of the community. *Manor Healthcare Corp. v. Lower Moreland Township Zoning Hearing Board*, 590 A.2d 65 (Pa. Cmwlth. 1991).

E. **Conclusion**

As noted above, the Redevelopment Plans comply with the applicable provisions of the Township Zoning Ordinance. The plans have incorporated conditions that go beyond ordinance requirements pursuant to the agreement with the Neighbors. The Redevelopment Plans will

return the Property to productive use and greatly improve on the appearance of the Property. The Redevelopment Plans will also preserve open space and provide for stormwater management where none exists. Accordingly, the Conditional Use should be granted.

  
**GEORGE W. BROSEMAN, ESQUIRE**  
Attorney for Applicant

Date: August 2, 2013

**EXHIBIT "A"**

**REDACTED AGREEMENT OF SALE**

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## AGREEMENT OF SALE

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THIS AGREEMENT OF SALE (the "Agreement") is made this 20th day of February, 2013 (the "Agreement Date"), by and between Luthra 4 LLC, ("Seller") with and address of 635 South Ithan Avenue, Bryn Mawr, PA 19010 and 115 Strafford Avenue, LLC (or its assignee or nominee) a Pennsylvania corporation ("Buyer") 110 N. Phoenixville Pike, Malvern, PA 19355.

### WITNESSETH

1. Seller hereby agrees to sell and convey to Buyer, who agrees to purchase, a parcel of ground, consisting of approximately 2.2 acres of land located at 115 Strafford Avenue, Wayne, PA 19087 with a Tax Parcel of #36-01-00537-01.

2. Buyer shall pay in exchange for the Property the sum of [REDACTED] (the "Purchase Price").

(a) Buyer will deposit [REDACTED] at time of executed Agreement of Sale to [REDACTED] ("Escrow Agent") and will be released to Seller after Thirty (30) days of signing the Agreement of Sale and will [REDACTED]

(b) Buyer will deposit [REDACTED] from the date of an executed Agreement of Sale to the Seller, which is [REDACTED]

(c) Buyer will pay Seller [REDACTED]  
This [REDACTED] payment is [REDACTED]

(d) At Settlement, Buyer shall pay to Seller the Purchase Price (subject to adjustments and apportionments set forth in this Agreement) to Escrow Agent by cashier's check or wire transfer of immediately available federal funds.

3. The Buyer shall have a period of [REDACTED] from the date of execution of this agreement of sale ("Feasibility Period") to conduct its due diligence investigations. Within [REDACTED] if the Buyer is unsatisfied for any reason with the results of such investigations, then the Buyer shall have the right to terminate the Agreement of Sale in which case the Deposit will be returned to the Buyer or if satisfied [REDACTED] to the Seller as [REDACTED]. At the end of [REDACTED] absent cancellation notice Buyer elects to move forward with the Agreement of Sale, [REDACTED]

(a) Buyer is hereby given the right to enter upon the Premises during the Feasibility Period for the purpose of inspecting the Premises and performing such soil and other tests as Buyer deems necessary to satisfy itself concerning the condition of the Premises. Buyer agrees to restore the Premises to substantially the same condition as existed prior to Buyer's entry upon the Premises and to indemnify and hold Seller harmless from and against any and all damages,

claims, actions, penalties, liabilities, losses and expenses incurred by or asserted against Seller as a direct result of Buyer's entry upon the Premises. Buyer may elect to cancel this Agreement at any time, for any reason, it may have relative to its feasibility investigations by written notice to the Seller, [REDACTED] in which event this Agreement shall terminate, the Deposit shall be refunded to Buyer, and the parties shall have no further liabilities hereunder. In addition to Buyer's rights during the Feasibility Period, buyer shall have access to the Premises to conduct tests and studies at all times prior to Closing. [REDACTED]

(b) At the signing of this agreement Buyer shall acquire and maintain at its own expense during the Term of this agreement until settlement or agreement has expired general liability insurance on the properties outlined in this agreement to cover its employees, contractors and agents with minimum limits of [REDACTED]. Buyer shall also name Luthra 4 LLC, Bharat Luthra, and Prateek Luthra, successors and assigns as additional insured.

(c) In the event buyer withdraws at any time for any reason than buyer shall deliver to Seller all surveys, plans, reports, permits, approvals in hard copy, electronic disk of site plan in both CAD and PDF format, and any other new information obtained within the Feasibility period or any time within this agreement about the Property currently in Buyer's possession or control within Five (5) business days after termination.

4. Prior to Closing, Buyer shall have the right and obligation to seek and obtain any and all permits, municipal, state and/or federal and approvals Buyer believes are necessary, appropriate or required for Buyer's intended use of the Premises. The Seller agrees to execute and deliver to the Buyer any applications or other materials necessary to apply for and obtain such approvals and permits, and the Buyer shall have the right to execute, on behalf of the Seller, such applications and other materials necessary to obtain the approvals and permits. [REDACTED]

5. Title to Premises at Closing shall be good and marketable, insurable at the regular rates of Buyer's title insurance company and shall be free and clear of all encumbrances, judgments, easements, mortgages and liens. Prior to closing, Seller shall pay or discharge any mortgages, judgments or monetary liens or encumbrances affecting the Premises. Seller represents and warrants that there are no restrictions or other title matters affecting the Premises seller is aware of that will prevent or interfere with the use of the Premises for its intended uses. If title to the Premises is not insurable as set forth herein, Buyer may elect, in addition to any other right and remedy, either (i) to take such title to the Premises as Seller can convey with abatement of the Purchase Price in the amount of monetary liens of a definite, fixed and ascertainable amount not in excess of the Purchase Price and/or abatement of Purchase Price for the diminution of value of the Premises, or (ii) to receive on written demand the return of second deposit paid by Buyer and this Agreement shall become null and void.

6. Closing settlement shall take place [REDACTED] or anytime before as Buyer and Seller may agree. Time is of the essence under this agreement.

7. Seller shall pay for preparation of the Deed. Buyer shall pay for searches, title insurance, and all other conveyance expenses. All transfer taxes shall be equally divided between Seller and Buyer. All "roll back" taxes or other taxes incurred as a result of the preferential assessment of the Premises shall be paid by the Seller at Closing. Real estate taxes, water and sewer if any shall be prorated on a per diem basis as of the date of Closing

8. In addition to the other representations and warranties set forth in this Agreement, Seller makes the following additional representations and warranties to Buyer which shall also be conditions of closing:

(a) Seller is the sole legal and beneficial owner of fee simple title to the Premises, and no other parties have any right to purchase all or any part of the Premises. There are no license agreements or other agreements allowing third parties to use or occupy the Premises. Seller is the sole legal owner of the Property in fee simple and the Property is not subject to any lease, option, right of first refusal or agreement of sale. Seller has the full power and authority to execute, deliver and perform this Agreement and all agreements and documents referred to in this Agreement. The person who has executed this Agreement has the authority to do so.

(b) Seller has full power and authority to execute this Agreement and perform all of its obligations hereunder, including conveyance of the Premises to Buyer. No consents or approvals are required from any court or third party for Seller to enter into and perform its obligations under this Agreement.

(c) Seller is not in bankruptcy, nor has there been any petition or insolvency proceedings filed for the reorganization of Seller. There is no pending or threatened legal action and/or litigation, including but not limited to condemnation proceedings (which affect the Premises) nor will there be through Closing. There are no violations of building, zoning, health, safety or other laws affecting or pertaining to the Premises. There are no general or special assessments due or pending with respect to the Premises.

9. In the event that the Buyer defaults in the performance of any of the terms hereof, which default is not cured within [REDACTED] the Deposits shall be paid to Seller as liquidated damages for the failure of the Buyer to settle as Seller's sole remedy, except Buyer also agrees to be liable for any and all sellers legal expenses related to the buyers defaults and any and all engineering fees, state, municipal or federal cost or fees paid by seller, if any.

10. The time for Closing and all other times and dates referred to herein for the performance of any of the obligations of this Agreement, are hereby agreed to be the essence of this Agreement.

11. If, prior to Closing, all or any part of Premises is taken by eminent domain proceedings or a notice of any eminent domain proceeding with respect to the Premises or any part thereof is received by the Seller, or if any of the improvements on the Premises are damaged by fire or other casualty, the Seller shall immediately give notice thereof to Buyer and Buyer shall have the right, exercisable in writing within thirty (30) days of receipt of such notice to either: (i) complete the purchase of the Premises hereunder in accordance with this Agreement; or (ii) terminate this Agreement, in which event the Deposit, together with all interest accrued



thereon, shall be returned to the Buyer and this Agreement shall be null and void. Failure to deliver such written notice shall be deemed an election by Buyer to complete the purchase of the Premises. If the Buyer elects (or is deemed to have elected) to complete the purchase of the Premises, the purchase shall be completed in accordance with this Agreement, except that at Closing the Seller shall assign, transfer, and pay to Buyer all rights that the Seller has to any of the proceeds of such eminent domain proceedings and all proceeds from such proceedings theretofore received by the Seller, or any casualty insurance proceeds and Seller's deductible, as applicable. Seller shall keep the improvements fully insured through Closing.

12. Seller shall not enter into any new leases, contracts, mortgages or other agreements that will survive Closing, and Seller shall not modify or terminate any of the Leases without Buyer's prior written consent. Seller shall not construct any improvements on the Premises prior to closing. Seller shall maintain the Premises in its current condition.

13. Seller represents that the Premises does represent more than fifty percent (50%) of the assets of Seller. Seller shall obtain "bulk sales" clearance certificates as required by applicable Pennsylvania law.

14. Buyer acknowledges and agrees that the sale of the property hereunder is and will be made on an "as is", "where is," and "with all faults" basis, and except as specifically set forth in this agreement, without representations and warranties of any kind or nature, express, implied or otherwise. Except as to matters specifically set forth in this agreement, buyer will acquire the property solely on the basis of its own physical and financial examinations, reviews and inspections per feasibility investigations and the title insurance protection afforded by the owner's policy (in the event purchaser elects to purchase same).

15. Broker: Seller and Buyer agree that no other broker introduced Purchaser to this Property [REDACTED] will be paid to [REDACTED] at Settlement. There is no other commission due.

16. Release: Buyer represents to seller that buyer has conducted, or will conduct prior to closing, such feasibility investigations of the property, as buyer deems necessary or desirable to satisfy itself as to any matter relating to the property, and will rely solely upon same and not upon any information provided by or on behalf of seller, seller's agents, employees or third parties representing or purporting to represent seller, with respect thereto. Upon settlement, buyer shall assume the risk that adverse matters regarding the property, may not have been revealed by buyer's investigations, and buyer, upon settlement, shall be deemed, on behalf of itself and on behalf of its transferees and their respective successors and assigns, to waive, relinquish, release and forever discharge seller and seller's affiliates from and against any and all claims, demands, causes of action, losses, damages, liabilities, costs and expenses (including reasonable attorneys' fees) of any and every kind or character, known or unknown, by reason of or arising out of the property, including, without limitation, a latent or patent defect or other physical condition (including, without limitation, fungi, mold or mildew) whether pursuant to statutes in effect in the state of Pennsylvania or any other federal, state, or local environmental or health and safety law or regulation; the existence of any hazardous material whatsoever, on, at, to, in, above, about, under, from or in the vicinity of the property.

(ii) in this regard and to the extent permitted by law, buyer hereby agrees, represents and warrants that buyer realizes and acknowledges that factual matters now unknown to buyer may have given or may hereafter give rise to causes of action, claims, demands, debts, controversies,

contained herein have been negotiated and agreed upon by buyer in light of that realization and that buyer nevertheless hereby intends to release, discharge and acquit seller and seller's successors, assignees, and agents.

17. This Agreement shall be binding upon the parties and respective heirs, executors, and administrators, successors and assigns. Said Agreement is to be construed and interpreted in accordance with the laws of the Commonwealth of Pennsylvania. Buyer may assign this Agreement to any affiliate and/or subsidiary of Buyer or of Buyer's parent company. Any assignee will adhere to the terms of this agreement and deposit moneys held will be assigned with the agreement. Under no circumstances shall the buyer or seller and their Successors and Assigns be released of the obligations of this agreement unless agreed by addendum executed by the parties.

18. All notices, demands or requests sent pursuant to the terms of this Agreement must be in writing and sent to the parties, at their addresses in the heading of this Agreement (or such other address designated by either party in writing to the other), by certified mail, return receipt requested, or by reputable overnight courier. Notices shall be deemed given on the date delivered by the U.S. Mail or overnight courier, or land delivered as applicable.

19. Neither this agreement nor memorandum there of shall be filed with the recorder of deeds or any other office for the recording of such documents.

IN WITNESS WHEREOF, the parties, intending to be legally bound, have executed this Agreement on the date written above.

**BUYER:**

[Redacted signature]

By:

[Redacted signature]

**SELLER:**

Luthra 4 LLC

[Handwritten signature]

By:

Bharat Luthra, President

Witness: \_\_\_\_\_

Name: \_\_\_\_\_

Witness: \_\_\_\_\_

Name: \_\_\_\_\_

damages, costs, losses and expenses which are presently unknown, unanticipated and unsuspected, and purchaser further agrees, represents and warrants that the waivers and releases contained herein have been negotiated and agreed upon by buyer in light of that realization and that buyer nevertheless hereby intends to release, discharge and acquit seller and seller's successors, assignees, and agents.

17. This Agreement shall be binding upon the parties and respective heirs, executors, and administrators, successors and assigns. Said Agreement is to be construed and interpreted in accordance with the laws of the Commonwealth of Pennsylvania. Buyer may assign this Agreement to any affiliate and/or subsidiary of Buyer or of Buyer's parent company. Any assignee will adhere to the terms of this agreement and deposit moneys held will be assigned with the agreement. Under no circumstances shall the buyer or seller and their Successors and Assigns be released of the obligations of this agreement unless agreed by addendum executed by the parties.

18. All notices, demands or requests sent pursuant to the terms of this Agreement must be in writing and sent to the parties, at their addresses in the heading of this Agreement (or such other address designated by either party in writing to the other), by certified mail, return receipt requested, or by reputable overnight courier. Notices shall be deemed given on the date delivered by the U.S. Mail or overnight courier, or land delivered as applicable.

19. Neither this agreement nor memorandum there of shall be filed with the recorder of deeds or any other office for the recording of such documents.

IN WITNESS WHEREOF, the parties, intending to be legally bound, have executed this Agreement on the date written above.

**BUYER:**  
115 Strafford Avenue, LLC

Witness: Alison Schaffer  
Name: Alison Schaffer

By: Bob Erixon  
Bo Erixon, Authorized Respective

**SELLER:**  
Luthra 4 LLC

Witness: \_\_\_\_\_  
Name: \_\_\_\_\_

By: \_\_\_\_\_  
Bharat Luthra, President

**EXHIBIT "B"**

**DEED TO PROPERTY**

RD BK04971-1791  
2011045400 08/03/2011 10:38:44 AM:1  
RCO FEE: \$64.50 POL. SUB TAX: \$13,500.00 ST TAX: \$6,000.00  
36 RADNOR \$13,500.00 THOMAS J. JUDGE SR. RCO

ST-DEED  
DELAWARE  
COUNTY

Prepared by Return to Knights Abstract, Inc.  
416 E. Street Road  
Feasterville, PA, 19053

File No. KA-11-10713FNT

Parcel ID No. 36-01-00537-01

This Indenture, made the 28<sup>th</sup> day of JULY,  
2011

Between

ALBERTO GUADAGNINI

(hereinafter called the Grantor), of the one part, and

LUTHRA4, LLC

(hereinafter called the Grantee), of the other part,

Witnesseth, that the said Grantor for and in consideration of the sum of **nine hundred thousand and 00/100 Dollars (\$900,000.00)** lawful money of the United States of America, unto him well and truly paid by the said Grantee, at or before the sealing and delivery hereof, the receipt whereof is hereby acknowledged, has granted, bargained and sold, released and confirmed, and by these presents does grant, bargain and sell, release and confirm unto the said Grantee

ALL THAT CERTAIN lot or piece of ground with the buildings and improvements thereon erected, hereditaments and appurtenances.

SITUATE in the Township of Radnor, County of Delaware and Commonwealth of Pennsylvania, described in accordance with a Subdivision Map of Property of Traders Investment Corporation, made by Alva L. Rogers, Civil Engineers and Surveyors,

Wayne, Pennsylvania dated March 20<sup>th</sup>, 1964 and revised March 30<sup>th</sup>, 1964 as follows, to wit:

BEGINNING at a point of intersection of the center line of Strafford Avenue (50 feet wide) with the center line of Windsor Avenue, a private road (50 feet wide) (not open); thence along the center line of Windsor Avenue, North 69 degrees 53 minutes East, 510.01 feet to a point; thence by lands of A.F. Butler, James Butcher and of Henry T. Bryans, South 1 degrees 17 minutes East, 236.80 feet to a pipe; thence by other lands of Traders Investment Corporation, the two following courses and distances: (1) South 88 degrees 43 minutes West, 243.45 feet to a point; (2) South 1 degrees 17 minutes, 79 feet to a pipe, a corner of land of Humble Oil and Refining Company; thence by said land, South 88 degrees 43 minutes West 232.47 feet to a spike in the center line of Strafford Avenue; thence along the center line thereof, North 3 degrees 47 minutes West, 151.50 feet to the line first mentioned point and place of beginning.

CONTAINING 2.136 Acres of Land

BEING Folio No. 36-01-00537-01.  
PREMISES: 115 Strafford Ave.

BEING the same premises which the Sheriff of the County of Delaware by Deed dated 01/12/2009, and recorded at media in the office for the recording of deeds, in and for the county of Delaware on January 16, 2009 in Record Book 4481 page 1827 granted and conveyed unto Alberto Guadagnini, in fee.

Together with all and singular the buildings and improvements, ways, streets, alleys, driveways, passages, waters, water-courses, rights, liberties, privileges, hereditaments and appurtenances, whatsoever unto the hereby granted premises belonging, or in anywise appertaining, and the reversions and remainders, rents, issues, and profits thereof; and all the estate, right, title, interest, property, claim and demand whatsoever of him, the said grantor, as well at law as in equity, of, in and to the same.


To have and to hold the said lot or piece of ground described above, with the buildings and improvements thereon erected, hereditaments and premises hereby granted, or mentioned and intended so to be, with the appurtenances, unto the said Grantee, its successors and assigns, to and for the only proper use and behoof of the said Grantee, its successors and assigns, forever.

And the said Grantor, for himself and his heirs, executors and administrators, does, by these presents, covenant, grant and agree, to and with the said Grantee, its successors and assigns, that he, the said Grantor, and his heirs, all and singular the hereditaments and premises herein described and granted, or mentioned and intended so to be, with the appurtenances, unto the said Grantee, its successors and assigns, against him, the said Grantor, and his heirs, will warrant and defend against the lawful claims of all persons claiming by, through or under the said Grantor but not otherwise.

In Witness Whereof, the party of the first part has hereunto set his hand and seal.  
Dated the day and year first above written.

Sealed and Delivered  
IN THE PRESENCE OF US:

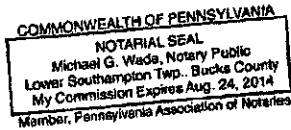


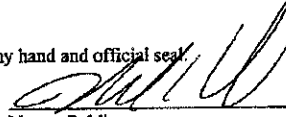
 (SEAL)  
Alberto Guadagnini

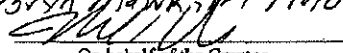
Commonwealth of Pennsylvania } ss  
County of Delaware *Delaware*

On this the *28<sup>th</sup>* day of *July*, *2011*, before me, the undersigned Notary Public, personally appeared *Alberto Guadagnini*, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged that he executed the same for the purposes therein contained.

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



  
Notary Public  
My commission expires \_\_\_\_\_

The address of the above-named Grantee is:  
*635 South Ithaca Ave.*  
*Bryn Mawr, PA 19010*  
  
On behalf of the Grantee

File No. KA-11-10713FNT

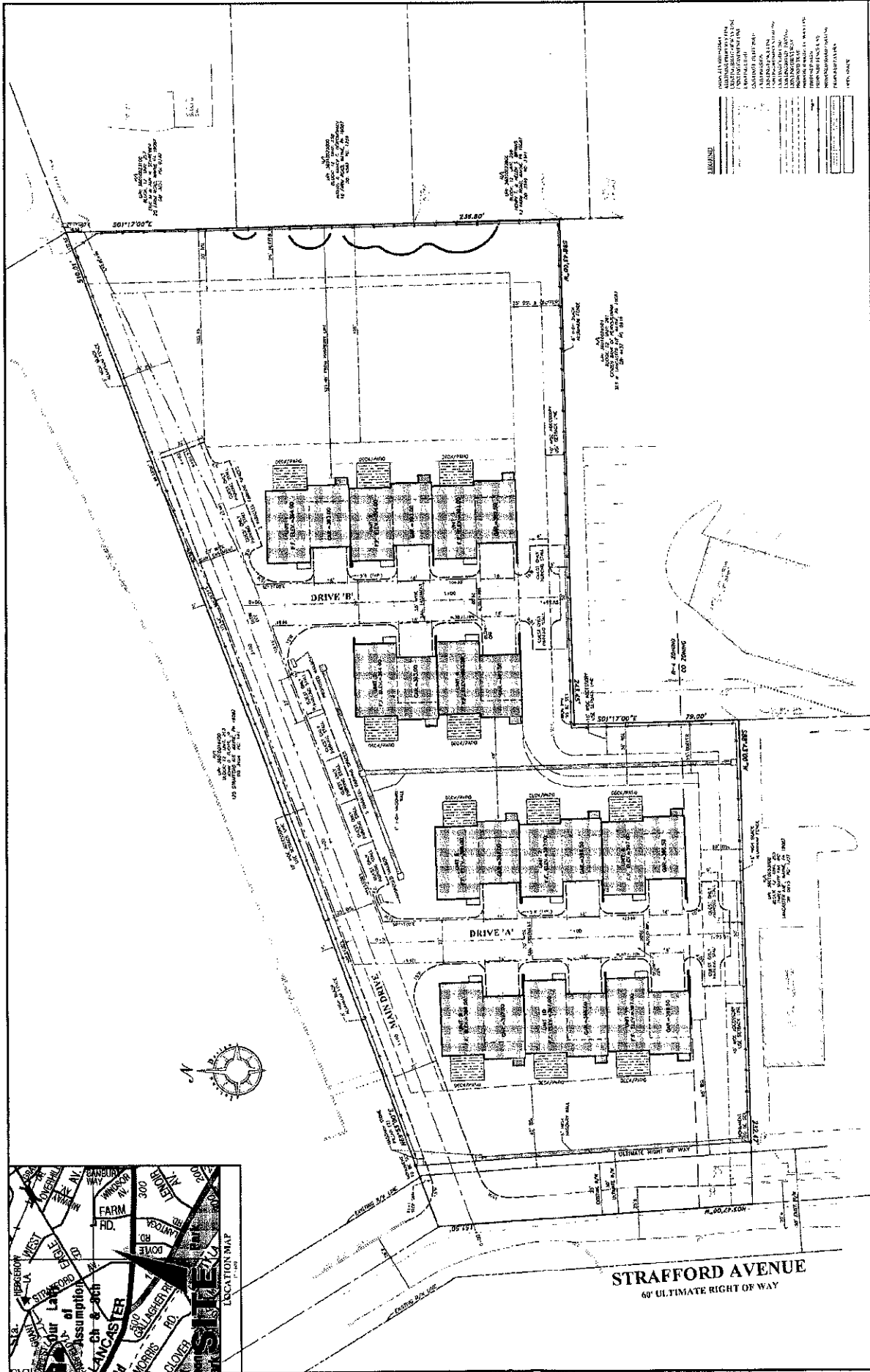
Record and return to:  
Knights Abstract, Inc.  
416 E. Street Road  
Feasterville, PA 19053

**EXHIBIT "C"**

**REDEVELOPMENT PLANS**



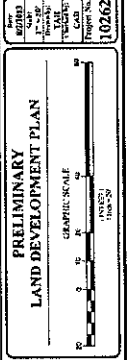




**LEGEND**

Symbol	Description
(Symbol)	EXISTING BUILDING
(Symbol)	PROPOSED BUILDING
(Symbol)	EXISTING DRIVE
(Symbol)	PROPOSED DRIVE
(Symbol)	EXISTING SIDEWALK
(Symbol)	PROPOSED SIDEWALK
(Symbol)	EXISTING CURB
(Symbol)	PROPOSED CURB
(Symbol)	EXISTING UTILITY
(Symbol)	PROPOSED UTILITY
(Symbol)	EXISTING FENCE
(Symbol)	PROPOSED FENCE
(Symbol)	EXISTING LANDSCAPE
(Symbol)	PROPOSED LANDSCAPE
(Symbol)	EXISTING TREE
(Symbol)	PROPOSED TREE
(Symbol)	EXISTING LOT
(Symbol)	PROPOSED LOT
(Symbol)	EXISTING DRIVEWAY
(Symbol)	PROPOSED DRIVEWAY
(Symbol)	EXISTING SIDEWALK
(Symbol)	PROPOSED SIDEWALK
(Symbol)	EXISTING CURB
(Symbol)	PROPOSED CURB
(Symbol)	EXISTING UTILITY
(Symbol)	PROPOSED UTILITY
(Symbol)	EXISTING FENCE
(Symbol)	PROPOSED FENCE
(Symbol)	EXISTING LANDSCAPE
(Symbol)	PROPOSED LANDSCAPE
(Symbol)	EXISTING TREE
(Symbol)	PROPOSED TREE
(Symbol)	EXISTING LOT
(Symbol)	PROPOSED LOT
(Symbol)	EXISTING DRIVEWAY
(Symbol)	PROPOSED DRIVEWAY

LAYOUT & GEOMETRY PLAN  
FOR  
115 STRAFFORD AVE, LLC  
115 STRAFFORD AVENUE  
WAYNE, PA 19087 PENNSYLVANIA  
RAIDOR TOWNSHIP - BELLEVILLE COUNTY - PENNSYLVANIA



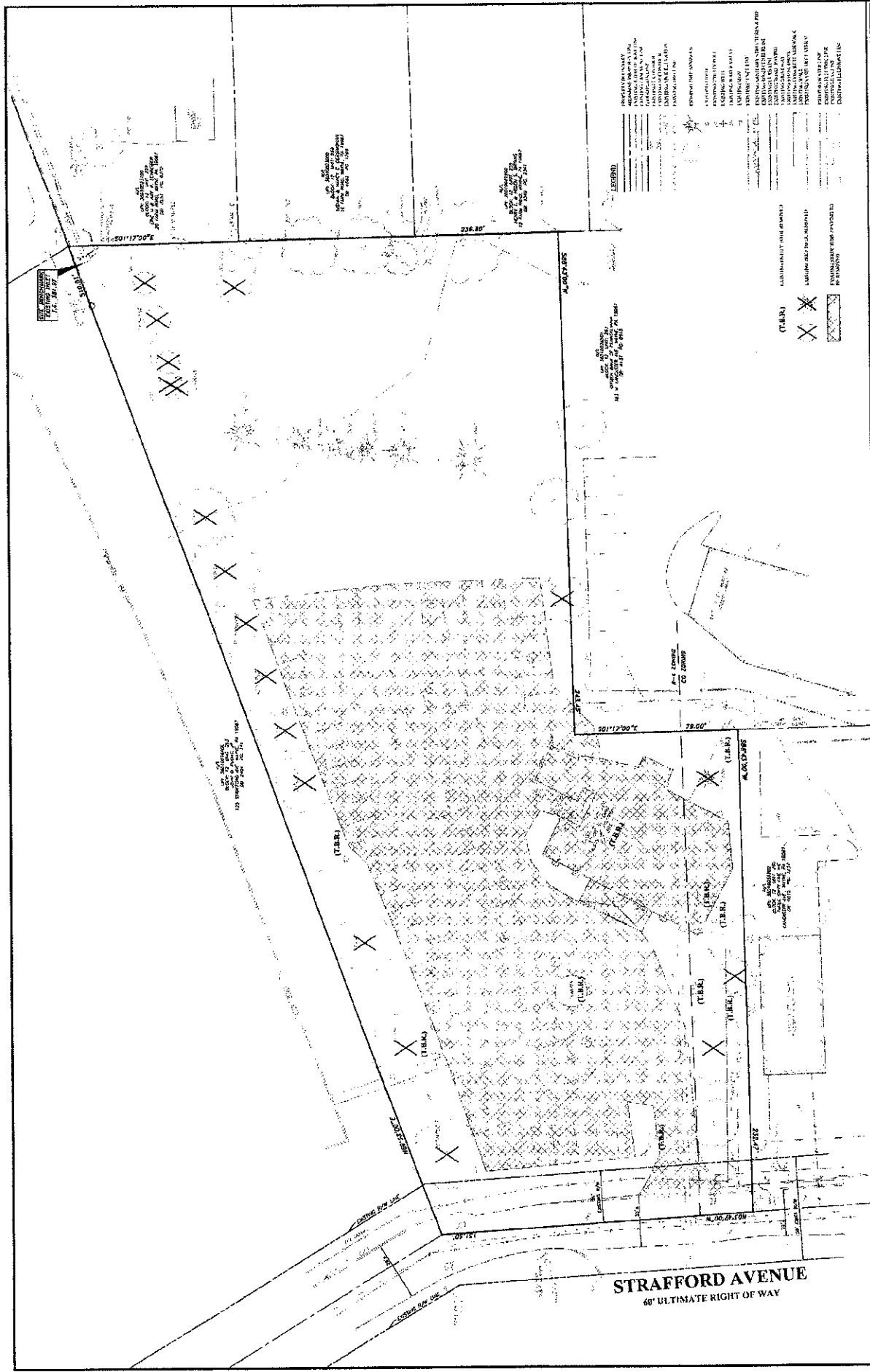
No.	Description



**Inland Design**  
Chief Engineer & Land Development Consultant  
79 West Lincoln Hwy., Lancaster, PA 17303  
Phone: (717) 391-1234  
www.inlanddesign.com

**NOTICE TO CONTRACTOR**  
This plan is a preliminary plan and is not to be used for construction without the approval of the Township Engineer. The Township Engineer is not responsible for the accuracy of the information shown on this plan. The Township Engineer is not responsible for the accuracy of the information shown on this plan. The Township Engineer is not responsible for the accuracy of the information shown on this plan.





**SHEET**  
4 OF 12

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**DEMOLITION PLAN**  
 FOR  
**115 STRAFFORD AVE. LLC**  
**115 STRAFFORD AVENUE**  
**WAYNE, PA 19087**  
KARNOR TOWNSHIP - DELAWARE COUNTY - PENNSYLVANIA

---

**PRELIMINARY**  
**LAND DEVELOPMENT PLAN**

NO.	DATE	DESCRIPTION

---

 <b>Inland Design</b> <small>Civil Engineer &amp; Land Surveyor &amp; Surveyor</small> <small>299 West Lincoln Hwy., P.O. Box 177, Delaware, PA 19830</small> <small>Phone: (610) 326-9600</small> <small>www.inlanddesign.com</small>	 <b>Strafford Avenue LLC</b> <small>115 Strafford Avenue, Wayne, PA 19087</small> <small>Phone: (610) 326-9600</small>
---	---

 <b>Inland Design</b> <small>Civil Engineer &amp; Land Surveyor &amp; Surveyor</small> <small>299 West Lincoln Hwy., P.O. Box 177, Delaware, PA 19830</small> <small>Phone: (610) 326-9600</small> <small>www.inlanddesign.com</small>	 <b>Strafford Avenue LLC</b> <small>115 Strafford Avenue, Wayne, PA 19087</small> <small>Phone: (610) 326-9600</small>
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**LEGEND**

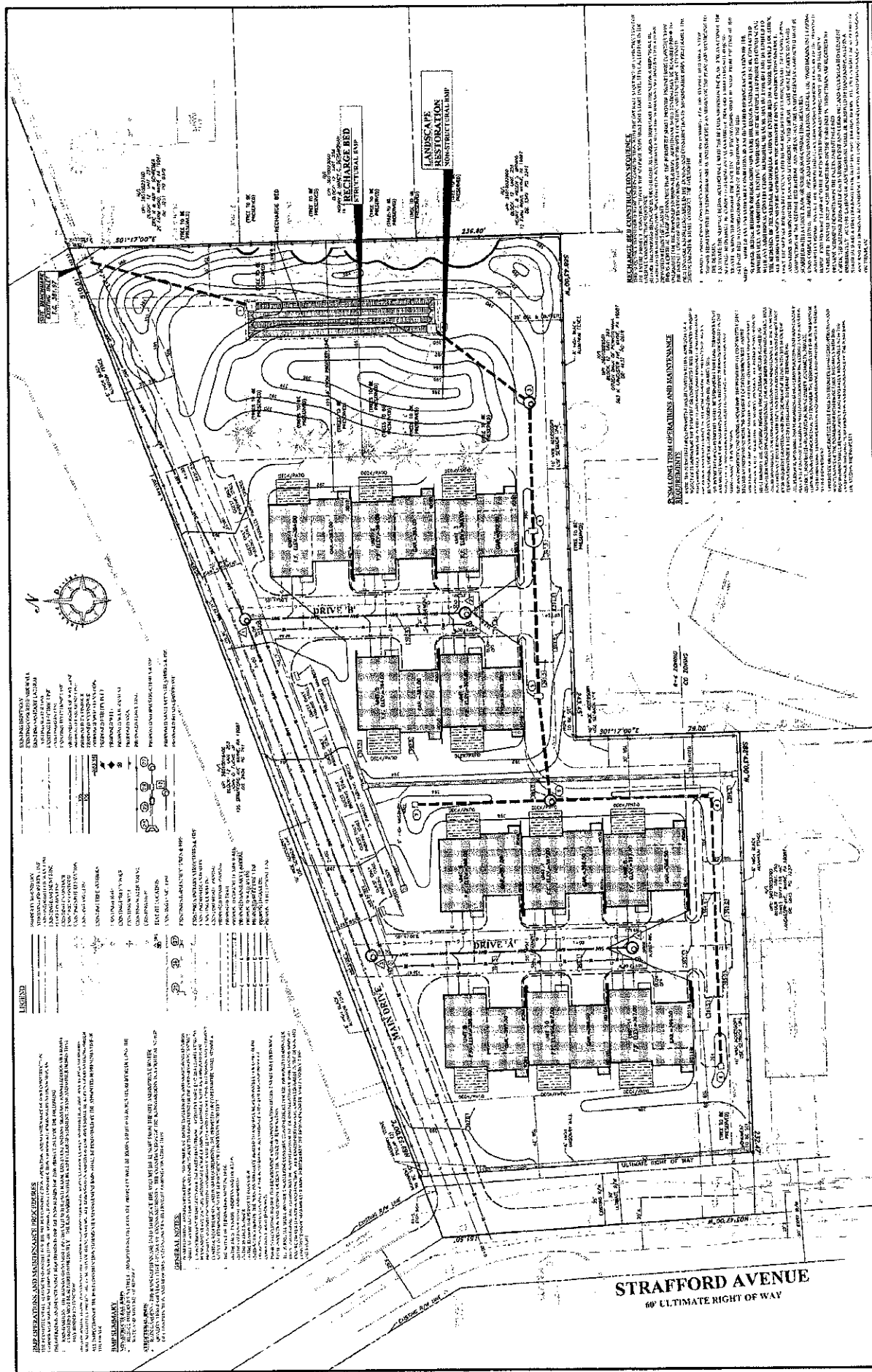
	DEMOLITION
	EASEMENT
	BOUNDARY
	PROPOSED STRUCTURE
	EXISTING STRUCTURE
	UTILITY

**NOTES**

1. ALL EXISTING UTILITIES SHOWN ARE BASED ON RECORD DRAWINGS AND FIELD SURVEY.
2. ALL PROPOSED UTILITIES SHALL BE INSTALLED IN ACCORDANCE WITH THE APPROPRIATE AGENCY REGULATIONS.
3. THE DEMOLITION OF ALL EXISTING STRUCTURES IS REQUIRED PRIOR TO THE CONSTRUCTION OF THE PROPOSED STRUCTURE.
4. THE PROPOSED STRUCTURE SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE ZONING ORDINANCES AND THE DEPARTMENT OF ENVIRONMENTAL PROTECTION REGULATIONS.
5. THE PROPOSED STRUCTURE SHALL BE CONSTRUCTED WITHIN THE PROPOSED LOT LINES.
6. THE PROPOSED STRUCTURE SHALL BE CONSTRUCTED WITHIN THE PROPOSED SETBACKS.
7. THE PROPOSED STRUCTURE SHALL BE CONSTRUCTED WITHIN THE PROPOSED EASEMENTS.
8. THE PROPOSED STRUCTURE SHALL BE CONSTRUCTED WITHIN THE PROPOSED BOUNDARIES.
9. THE PROPOSED STRUCTURE SHALL BE CONSTRUCTED WITHIN THE PROPOSED UTILITIES.
10. THE PROPOSED STRUCTURE SHALL BE CONSTRUCTED WITHIN THE PROPOSED DEMOLITION AREAS.

DATE: 10/10/2019





**LEGEND**

1-4	SEWER MAINS
5-8	SEWER SERVICE LINES
9-12	STORM SEWER MAINS
13-16	STORM SEWER SERVICE LINES
17-20	WATER MAINS
21-24	WATER SERVICE LINES
25-28	STREET LIGHTS
29-32	UTILITY POLES
33-36	LANDSCAPING
37-40	PROPOSED DRIVEWAYS
41-44	PROPOSED DRIVEWAYS
45-48	PROPOSED DRIVEWAYS
49-52	PROPOSED DRIVEWAYS

**GENERAL NOTES**

1. THE INFORMATION CONTAINED HEREIN IS FOR INFORMATION ONLY AND IS NOT TO BE USED AS A BASIS FOR ANY OTHER ACTION.
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**IMPROVEMENTS AND MAINTENANCE REQUIREMENTS**

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**FOUNDATION AND WALLS**

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**RECHARGE BED CONSTRUCTION REQUIREMENTS:**

1. THE INFORMATION CONTAINED HEREIN IS FOR INFORMATION ONLY AND IS NOT TO BE USED AS A BASIS FOR ANY OTHER ACTION.
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**SMALL TERM OPERATING AND MAINTENANCE REQUIREMENTS:**

1. THE INFORMATION CONTAINED HEREIN IS FOR INFORMATION ONLY AND IS NOT TO BE USED AS A BASIS FOR ANY OTHER ACTION.
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**STRAFFORD AVENUE**  
 60' ULTIMATE RIGHT OF WAY

POST CONSTRUCTION STORAGE WATER MANAGEMENT PLAN FOR  
**115 STRAFFORD AVE. LLC**  
**115 STRAFFORD AVENUE**  
**WAYNE, PA 19087**

**PRELIMINARY LAND DEVELOPMENT PLAN**

GRAPHIC SCALE: 1" = 20'-0"

DATE: 10/26/2011

PROJECT: 10262

No.	Description

**Inland Design**

Chief Engineer: [Signature]

Professional Engineer License No. [Number]

Registered Professional Engineer in the State of Pennsylvania

**REGISTERED PROFESSIONAL ENGINEER**

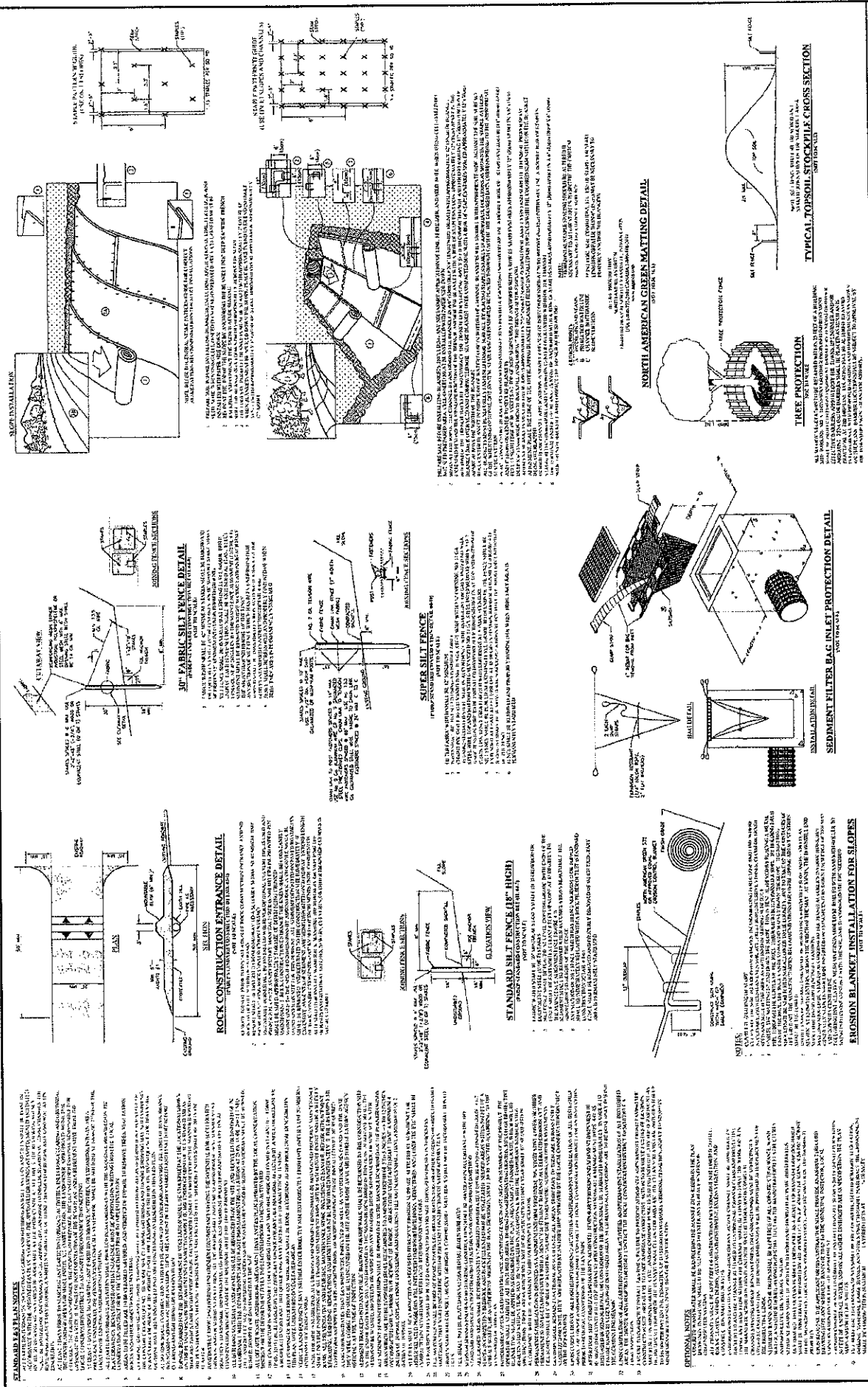
[Signature]

Professional Engineer License No. [Number]

Registered Professional Engineer in the State of Pennsylvania

PENNSYLVANIA REGISTERED PROFESSIONAL ENGINEERS & ARCHITECTS  
 1954 STATE STREET, SUITE 1000, HARRISBURG, PA 17102  
 (717) 632-1800  
 WWW.PEAS.AAASPA.COM





### DEFENSE NOTES

1. ALL EROSION CONTROL MEASURES SHALL BE DESIGNED AND CONSTRUCTED TO PREVENT EROSION OF THE EXPOSED SOIL SURFACE AND TO MAINTAIN THE STABILITY OF THE EXPOSED SOIL SURFACE.
2. ALL EROSION CONTROL MEASURES SHALL BE DESIGNED AND CONSTRUCTED TO PREVENT EROSION OF THE EXPOSED SOIL SURFACE AND TO MAINTAIN THE STABILITY OF THE EXPOSED SOIL SURFACE.
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### PERSONAL NOTES

1. ALL EROSION CONTROL MEASURES SHALL BE DESIGNED AND CONSTRUCTED TO PREVENT EROSION OF THE EXPOSED SOIL SURFACE AND TO MAINTAIN THE STABILITY OF THE EXPOSED SOIL SURFACE.
2. ALL EROSION CONTROL MEASURES SHALL BE DESIGNED AND CONSTRUCTED TO PREVENT EROSION OF THE EXPOSED SOIL SURFACE AND TO MAINTAIN THE STABILITY OF THE EXPOSED SOIL SURFACE.
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**PRELIMINARY LAND DEVELOPMENT PLAN**

GRAPHIC SCALE  
1" = 100'-0"

**SEDIMENTATION AND EROSION CONTROL DETAILS & NOTES**

115 STRAFFORD AVE, LLC  
115 STRAFFORD AVENUE  
WAYNE, PA 19087

RABBIT TOWNSHIP - DELAWARE COUNTY - PENNSYLVANIA

PROJECT NO. 19262

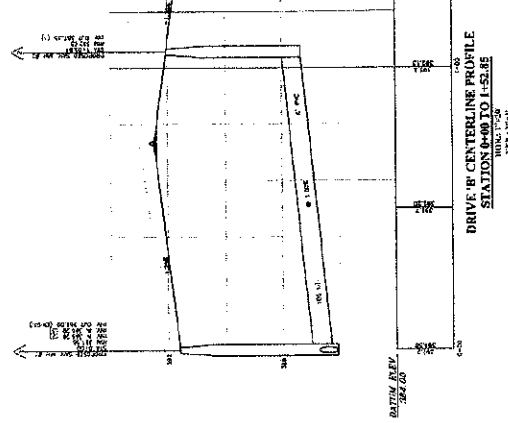
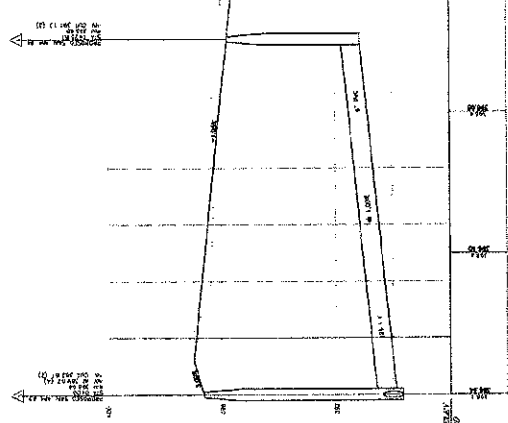
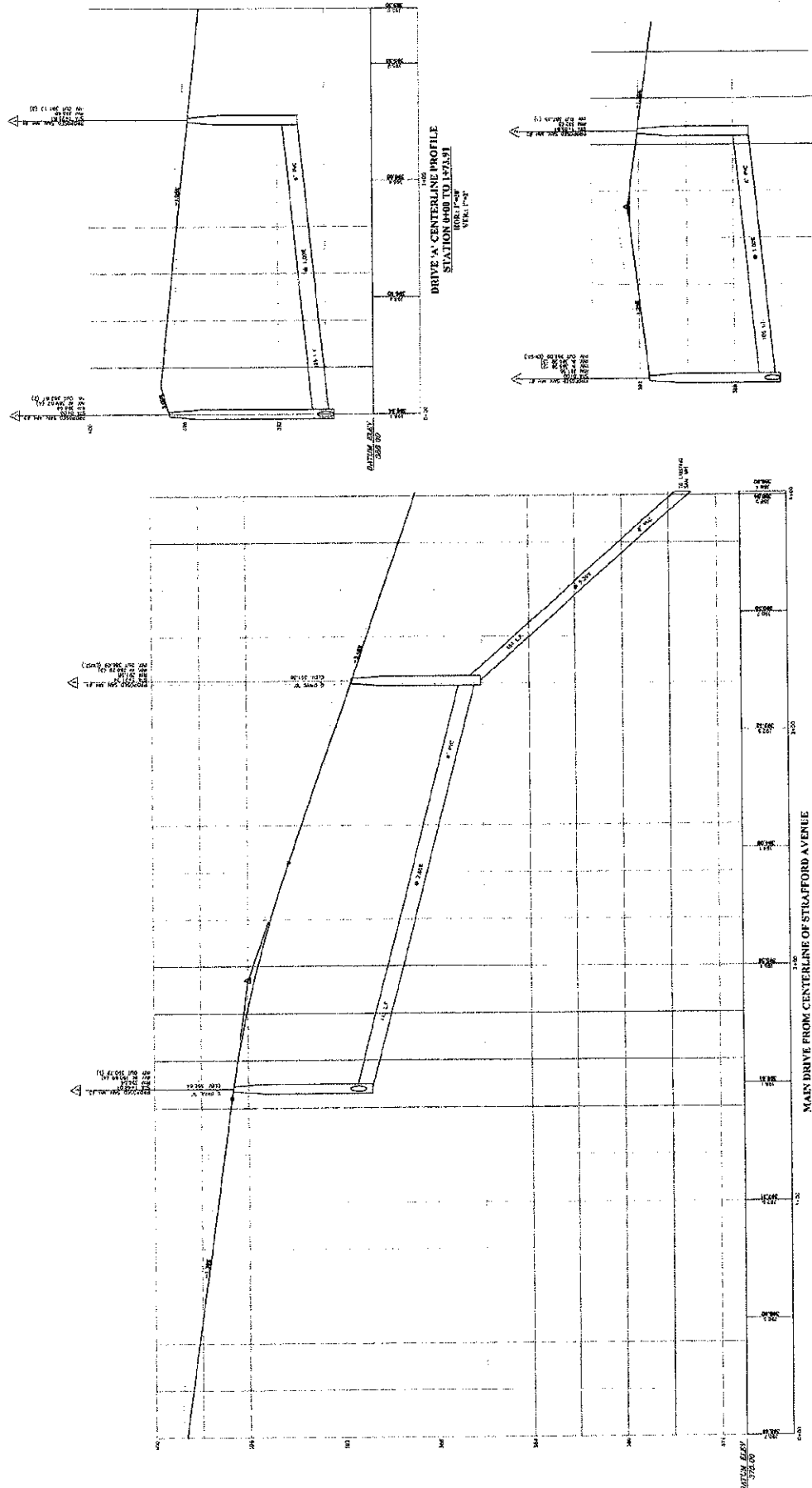
DATE: 08/14/2019

8

OF 12







**MAIN DRIVE FROM CENTERLINE OF STRAFFORD AVENUE**  
STATION 0+00 TO 4+01.23  
VER. 1'-2"

SEWER PROFILES FOR  
**115 STRAFFORD AVE. LLC**  
**115 STRAFFORD AVENUE**  
WAYNE, PA 19087 PENNSYLVANIA  
HARRISBURG TOWNSHIP - DELAWARE COUNTY - PENNSYLVANIA

PRELIMINARY  
**LAND DEVELOPMENT PLAN**

DATE: 08/20/2010  
DRAWN BY: J. B. BROWN  
CHECKED BY: J. B. BROWN  
SCALE: GRAPHIC SCALE  
PROJECT NO.: 10262

NO.	DATE	DESCRIPTION

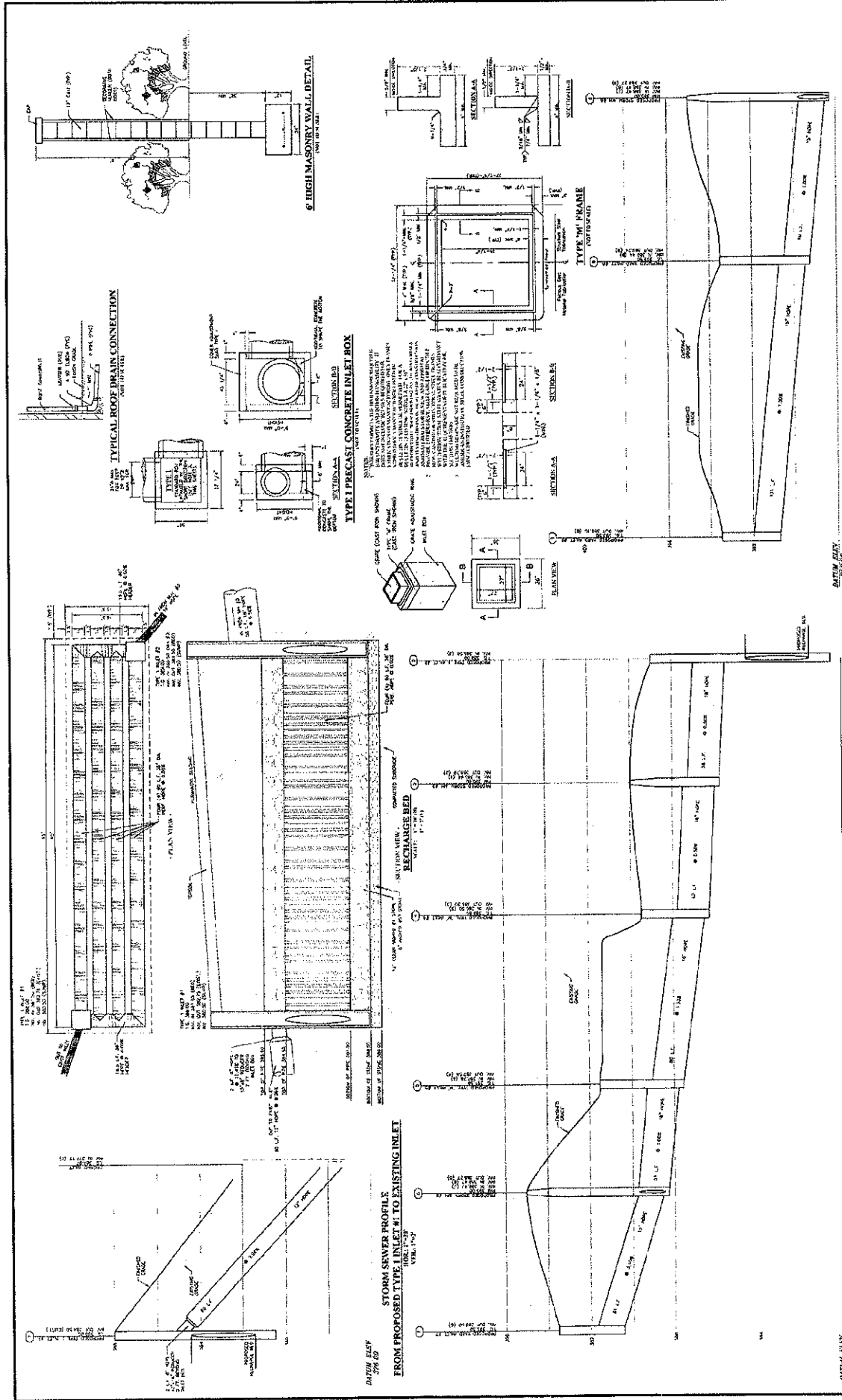


**Inland Design**  
Civil Engineers & Surveyors  
200 East Lincoln Hwy.  
Wayne, PA 19087  
Phone: (610) 871-1100  
Fax: (610) 871-1101  
www.inlanddesign.com

**CONTRACTOR**  
115 STRAFFORD AVE. LLC  
115 STRAFFORD AVENUE  
WAYNE, PA 19087  
PROJECT NO.: 10262

**DATE:** 08/20/2010  
**DRAWN BY:** J. B. BROWN  
**CHECKED BY:** J. B. BROWN

**SCALE:** GRAPHIC SCALE  
**PROJECT NO.:** 10262



**DATE: JULY 2006**

**DATE: JULY 2006**

**DATE: JULY 2006**

**CONSTRUCTION DETAILS FOR**  
115 STRAFFORD AVE. LLC  
115 STRAFFORD AVENUE  
WAYNE, PA 19087

HARBOR TOWNSHIP-BERKSHIRE COUNTY - PENNSYLVANIA

# 11

SHEET OF 12

**PRELIMINARY LAND DEVELOPMENT PLAN**

GRAPHIC SCALE

1" = 50'

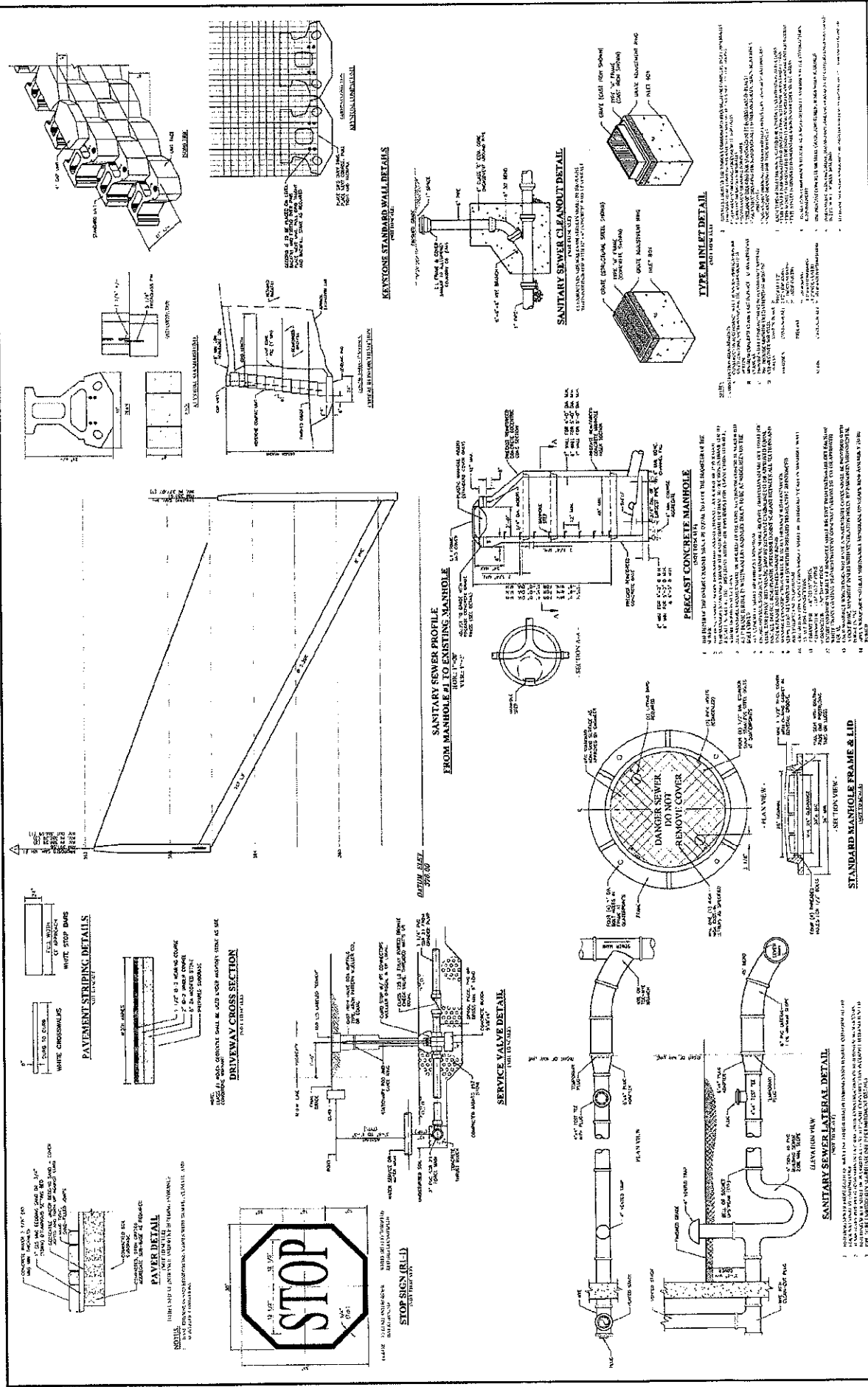
NO.	REVISION

PROJECT NO. 10262

**INLAND Design**

Civil Engineering & Surveying Consultants

44 East Third Street, Suite 200  
Wayne, PA 19087-2410  
www.inlanddesign.com



**CONSTRUCTION DETAILS**  
FOR  
**115 STRAFFORD AVE. LLC**  
**115 STRAFFORD AVENUE**  
WAYNE, PA 19087

**SHEET**  
**12**  
OF 12

**PRELIMINARY LAND DEVELOPMENT PLAN**

GRAPHIC SCALE  
1" = 100'-0"

**INLAND DESIGN**  
Civil Engineers & Tree Preservation Consultants  
Phone: (484) 271-4144  
Fax: (484) 271-4145  
www.inlanddesign.com

**PROJECT INFORMATION**

DATE	10/20/17
PROJECT	115 STRAFFORD AVE. LLC
CLIENT	115 STRAFFORD AVE. LLC
SCALE	AS SHOWN
DATE	10/20/17

**NOTES**

- SEE ALL NOTES ON SHEETS 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100.
- ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE PENNSYLVANIA DEPARTMENT OF TRANSPORTATION (DOT) STANDARD SPECIFICATIONS FOR CONSTRUCTION OF HIGHWAYS AND BRIDGES.
- ALL MATERIALS SHALL BE APPROVED BY THE PENNSYLVANIA DEPARTMENT OF TRANSPORTATION (DOT) BEFORE CONSTRUCTION.
- ALL UTILITIES SHALL BE LOCATED AND DEPTH MARKED PRIOR TO CONSTRUCTION.
- ALL TRENCHES SHALL BE PROTECTED WITH APPROVED SAFETY DEVICES.
- ALL STRUCTURES SHALL BE CONSTRUCTED WITH APPROVED MATERIALS AND METHODS.
- ALL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
- ALL COSTS SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR.
- ALL CHANGES SHALL BE APPROVED BY THE ENGINEER BEFORE CONSTRUCTION.
- ALL NOTES SHALL BE READ AND UNDERSTOOD BY THE CONTRACTOR.
- ALL DIMENSIONS SHALL BE AS SHOWN UNLESS OTHERWISE NOTED.
- ALL FINISHES SHALL BE AS SHOWN UNLESS OTHERWISE NOTED.
- ALL UTILITIES SHALL BE PROTECTED AND DEPTH MARKED PRIOR TO CONSTRUCTION.
- ALL TRENCHES SHALL BE PROTECTED WITH APPROVED SAFETY DEVICES.
- ALL STRUCTURES SHALL BE CONSTRUCTED WITH APPROVED MATERIALS AND METHODS.
- ALL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
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- ALL CHANGES SHALL BE APPROVED BY THE ENGINEER BEFORE CONSTRUCTION.
- ALL NOTES SHALL BE READ AND UNDERSTOOD BY THE CONTRACTOR.
- ALL DIMENSIONS SHALL BE AS SHOWN UNLESS OTHERWISE NOTED.
- ALL FINISHES SHALL BE AS SHOWN UNLESS OTHERWISE NOTED.

**EXHIBIT "D"**

**ZONING HEARING BOARD DECISION (APPEAL NO. 2892)**

## **RADNOR TOWNSHIP ZONING HEARING BOARD**

### **APPEAL NO. 2892**

**APPEAL OF 115 STRAFFORD AVENUE, LLC**, premises located at 115 Strafford Avenue and split zoned CO and R-4. Appellant is amending its application to seek Zoning Hearing Board approvals required to redevelop the subject property by demolishing the existing structure and constructing a total of eleven (11) dwelling units within a unified group of multiple-townhouse buildings to be located on one lot. Appellant seeks the following relief:

1. A variance from Code §280-92.A(4) to allow Density Modification Development on a tract of less than five (5) acres;
2. A variance from Code §280-42 to allow residential use and related improvements in the CO Commercial-Office District;
3. Variances from Code §280-91.G to allow (i) paved vehicle turn-around areas and (ii) a six feet high wall or fence in the required buffer area from the adjoining bank property, a portion of which is zoned residential;
4. To the extent required, variances from Code §280-29 and Code §280-93 to allow multiple-family townhouse buildings on the lot;
5. To the extent required, a variance from Code §280-142.B requiring plans to be forwarded to the Planning Commission;
6. A variance from Code §280-109 to allow a six (6) feet high wall in the front yard setback;
7. Any other relief necessary to allow the proposed redevelopment of the Property.

### **DECISION OF THE ZONING HEARING BOARD**

#### **OPINION AND ORDER**

1. Appellant seeks variances from the Zoning Code Sections enumerated above (except from Zoning Code §280-142.B as described in paragraph 2 below) to permit the Appellant to construct a residential development consisting of eleven (11) townhome units in the precise manner shown on that certain site plan (the "Plan") dated June 24, 2013 and prepared by InLand Design, which Plan has been entered into the record as Appellant's Exhibit "A-14".

**CONCLUSIONS OF LAW**

Subject to compliance with the Conditions, Appellant has established entitlement to the requested variance relief. The size and configuration of the subject premises, and the commercial uses abutting the subject premises, combine to create severe, unnecessary hardship which has not been created by Appellant. The prior variances granted by this Board for the subject premises attest to this hardship. Subject to the Conditions, Appellant has established that the requested relief represents the minimum relief necessary to alleviate this hardship. Subject to the Conditions, Appellant's proposed use is consistent with other land uses in this area, and will not adversely affect other properties in this area, or the surrounding community.

It should be noted that the variance relief requested in this Appeal is dimensional in nature, with the minor exception of the variance from Zoning Code §280-42 to allow residential use and related improvements in the CO District. Previous relief granted by this Board for the subject premises has involved much more intensive use variance relief.

**ORDER**

The requested variances from the Zoning Code Sections described in items 1,2,3,4 and 6 of the Caption, are granted, to authorize Appellant's proposed townhome development, in the precise manner shown on the Plan, and in the testimony and other exhibits presented to the Board and made part of the record to the extent consistent with the Plan, subject further to Appellant's compliance with all of the Conditions. The variance from Zoning Code Section 280-92.A(4) to allow Density Modification Development on the subject premises, notwithstanding that the subject premises comprises less than five (5) acres, shall do nothing more than to authorize Appellant to apply for conditional use approval for Appellant's proposed townhome development in accordance with all other Zoning Code provisions applicable to Density Modification. The variance in items 5 of the Caption, having been withdrawn, is not granted; the catch-all relief in item 7 of the Caption cannot be granted, as further zoning proceedings are required with respect to proposed development. In addition, the relief granted pursuant to this Decision is limited to relief from the Zoning Code as described herein, and nothing herein shall constitute approval under any other Township ordinances or regulations, including without limitation, the Township's Subdivision and Land Development Ordinance.

**BY ORDER OF THE ZONING HEARING BOARD**

/s/ **CHARLES FALCONE, CHAIRMAN**

/s/ **PETER H. CRAIG**

/s/ **BRADLEY DELIZIA**

**AUGUST 1, 2013: THIS DECISION SHALL EXPIRE IF THE APPLICANT FAILS TO OBTAIN A BUILDING PERMIT WITHIN SIX (6) MONTHS FROM THIS DATE:  
AUGUST 1, 2013**

2. Prior to the July 18, 2013 hearing on this Application, Appellant was able to present the plan to the Township Planning Commission, and accordingly a variance from Zoning Code Section 280-142.B is not necessary, and Appellant's request for same has been withdrawn.

3. The subject premises is split zoned R-4 and CO, with the larger portion of the subject premises being zoned R-4.

4. The subject premises presently is improved with a dilapidated building which previously was used as a restaurant.

5. Appellant intends to demolish the existing building in connection with its townhome project.

6. The subject premises is an irregularly shaped lot which is bordered on the north, west and south by commercial uses, with residences located to the east of the subject premises.

7. The subject premises has proven to be difficult to develop and utilize, as is apparent, among other things, from the several variances accorded the subject premises by this Board in the past 49 years.

8. Appellant and the surrounding community have agreed upon certain conditions for the development of the subject premises in accordance with the application (collectively the "Conditions"), which Conditions are specified on Exhibit "A" attached to this Decision and made part hereof.

9. Appellant on the record has agreed that any approval issued by this Board shall be subject to the Conditions.

10. With respect to the requested variance from Zoning Code Section 280-92.A(4) to allow Density Modification Development on a tract of less than five acres, Appellant also has acknowledged that such variance, if granted, would do nothing more than permit Appellant to apply for Density Modification treatment of the subject premises, and that Appellant's proposed development would require a conditional use from the Board of Commissioners in order to proceed as a Density Modification Development.

11. Subject to compliance with the Conditions, the physical constraints and conditions peculiar to the subject premises, including the configuration of the subject premises and the abutting non-residential uses, have combined to create severe hardship peculiar to the subject premises which is sufficient to justify the grant of the requested variance relief.

12. This hardship was not created by Appellant.

13. Subject to compliance with the Conditions, Appellant has established that the requested variances represent the minimum relief necessary to alleviate this hardship.

14. Subject to the compliance with the Conditions, the grant of the requested variances will not adversely impact adjoining properties or the surrounding community.

15. The hearing on this Appeal was properly advertised in accordance with Zoning Code Section 280-143.



**EXHIBIT "A" – APPEAL 2892**

**Conditions for Redevelopment Variances per Agreement  
with Neighbors**

1. Building foundation walls shall be no closer than 120' to the rear property line.
2. In consultation with a certified arborist, Developer shall use good faith efforts to preserve the existing row of 6 pine trees parallel to the rear property lines ("Pine Trees"), including, as recommended by the arborist, relocating those trees further away from the proposed dwellings.
3. Developer shall include in its landscaping plans an additional row of 6 evergreen trees with a minimum height of 15' in the gaps of the existing Pine Trees.
4. Developer shall make its landscape plans for the rear of the Property available to the neighborhood for input and shall make its landscape architect available for a meeting with the 3 adjacent owners along Farm Road for input on screening and landscaping in the rear area.
5. Developer shall provide storm water management for the site in excess of requirements.
6. A maximum of 11 townhouse units shall be permitted on the Property. The townhouse units shall have a minimum width of approximately 40' and shall be substantially similar in architecture to the rendering provided to the neighbors and entered into the record.
7. The area between Pine Trees and the rear property line shall be deed restricted open space (approximately 105' from the rear property line). Such restriction shall, however, allow for passive recreation and improvements such as landscaping, fencing, utilities, and storm water management. Such restriction shall be finalized during conditional use and land development proceedings and shall be satisfactory to the Township.
8. Screening walls on the Property shall not exceed six feet in height.



# Gannett Fleming

*Excellence Delivered As Promised*

**Date:** August 29, 2013

**To:** Radnor Township Planning Commission

**From:** Roger Phillips, PE

**cc:** Stephen Norcini, P.E. – Director of Public Works  
Kevin W. Kochanski, RLA, CZO – Director of Community Development  
Peter Nelson, Esq. – Grim, Biehn, and Thatcher  
Amy B. Kaminski, P.E. – Gilmore & Associates, Inc.  
Maryann Cassidy – Radnor Township Engineering Department  
William Miller – Radnor Township Codes Official  
Ray Daly – Radnor Township Codes Official

**RE:** 115 Strafford Avenue – Review of Conditional Use Application  
115 Strafford Avenue, LLC - Applicant

---

Gannett Fleming, Inc. has completed our review of the Conditional Use Application for 115 Strafford Avenue Land Development Plan. The applicant has filed a conditional use application as outlined in Article XXIII – Conditional Uses, of the Township Code, and is requesting conditional use under §280-90 (Density Modification) of the Township Zoning Code to allow for proposed Townhomes. This plan was reviewed only for items relating to the Density Modification portion of the Township Code.

The applicant proposes to develop the property with 11 high-end carriage home/town home units. The rear of the property is proposed to be open space. A home owners association will be created to maintain all access driveways, open spaces, stormwater management facilities, and to provide for snow and trash removal.

The existing parcel is approximately 2.13 acres. The property consists of a vacant building that was approved for restaurant/bar use, a 72 car parking lot and related improvements. There is approximately 1 acre of impervious coverage on the property and no stormwater management controls. The property is located in the R-4 Residence District. A small portion of the property (approximately 6%) is located in the CO Commercial-Office District.

On July 18, 2013 the Radnor Township Zoning Board granted various measures of relief to allow the re-development project to proceed under the Density Modification provision of the Township Code. The following variances were granted:

- A variance from §280-92.A(4) to allow Density Modification on a tract of less than five (5) acres;
- A variance from §280-42 to allow residential use and related improvements in the CO Commercial-Office District;

Gannett Fleming, Inc.

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***Gannett Fleming***

- Variances from §280-91.G to allow (i) paved vehicle turn-around areas and (ii) a six feet high wall or fence in the required buffer area from the adjoining bank property, a portion of which is zoned residential;
- To the extent required, variances from §280-29 and §280-93 to allow multiple-family townhouse buildings on a lot;
- A variance from §280-109 to allow a six (6) feet high wall in the front yard set back;

In addition, the following conditions were incorporated as Exhibit A – Agreement with Neighbors of the ZHB decision:

- Building foundation walls shall be no closer than 120” to the rear property line.
- In consultation with a certified arborist, Developer shall use good faith efforts to preserve the existing row of 6 pine trees parallel to the rear property lines (“Pine Trees”), including, as recommended by the arborist, relocating those trees further away from the proposed dwellings.
- Developer shall include in its landscaping plans an additional row of 6 evergreen trees with a minimum height of 15’ in the gaps of the existing pine trees.
- Developer shall make its landscape plans for the rear of the Property available to the neighborhood for input and shall make its landscape architect available for a meeting with the 3 adjacent owners along Farm Road for input on screening and landscaping in the rear area.
- Developer shall provide storm water management for the site in excess of requirements.
- A maximum of 11 townhouse units shall be permitted on the Property. The townhouse units shall have a minimum width of approximately 40’ and shall be substantially similar in architecture to the rendering provided to the neighbors and entered into the record.
- The area between Pine Trees and the rear property lines shall be deed restricted open space (approximately 105’ from the rear property line). Such restriction shall, however, allow for passive recreation and improvements such as landscaping, fencing, utilities, and stormwater management. Such restrictions shall be finalized during conditional use and land development proceedings and shall be satisfactory to the Township.
- Screening walls on the Property shall not exceed six feet in height.

We have the following general comments regarding the plan as submitted. Additional review comments will be forthcoming once engineered plans are submitted.

1. Sidewalks and curbing should be extended along Strafford Avenue, consistent with the adjacent parcels.
2. It appears that there is insufficient guest parking provided. Consideration should be given to providing an additional overflow area.
3. The configuration and dimensions of the interior courts/roadways do not provide sufficient circulation and access for larger vehicular traffic, such as delivery vehicles, or assess for emergency vehicles.

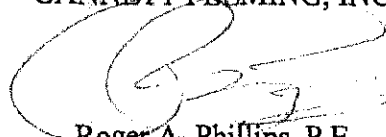
***Gannett Fleming***

In addition to our review comments, a memorandum dated August 29, 2013 from Amy Kaminski of Gilmore & Associates, Inc. the Township Traffic Engineer has been attached and is incorporated herein by reference.

If you have any question or require any additional information, please contact me.

Very truly yours,

GANNETT FLEMING, INC.



Roger A. Phillips, P.E.  
Senior Project Manager



**GILMORE & ASSOCIATES, INC.**  
ENGINEERING & CONSULTING SERVICES

**MEMORANDUM**

---

**Date:** August 29, 2013

**To:** Steve Norcini, P.E.  
Radnor Township Public Works Director

**From:** Amy Kaminski, P.E., PTOE  
Transportation/Traffic Services Manager

**cc:** Roger Phillips, P.E.  
Gannett Fleming, Inc., Senior Project Engineer

**Reference:** 115 Strafford Avenue Mixed Use Development  
Preliminary Plan Review

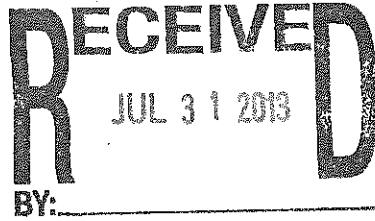
G&A : 13-04034

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Pursuant to your request, Gilmore & Associates, Inc. has completed a transportation review of the referenced Preliminary Land Development plan, dated August 2, 2013, prepared for 115 Strafford Ave, LLC., prepared by Inland Design. The preliminary land development plan proposes demolition of the Villa Strafford Mansion (10,000 sf) for the construction of four (4) groupings of eleven (11) single-family attached dwelling units. Gilmore offers the following comments for Radnor Township consideration:

1. §255-37: We recommend the applicant provide sidewalks along the Main Drive, Strafford Avenue with internal onsite pedestrian connections. In addition, the site should meet current ADA requirements for the Pedestrian Access Route (PAR).
2. §255-20(B)(5)(c)[2] As indicated previously, the Township may require the applicant submit a traffic impact study with the preliminary land development plan submission. Please contact the Township regarding a scope of work for the traffic impact study.
3. It is unclear if trash services are required for each individual residence, or as a community with a common trash receptacle. Regardless of which option is decided, the plan must include truck turning templates for sanitation trucks servicing the site. The parking spaces identified as "Guest Only" parking stalls may be needed to allow for onsite truck maneuvers.
4. Verify adequate circulation for emergency vehicles servicing the proposed site through truck turning templates for the largest anticipated emergency vehicle. Preliminary and Final plans should include turning templates for all turning movements into and out of the site along with necessary onsite maneuvers. Adequate emergency service access to all buildings must be provided.

If you have any questions regarding the above, please contact this office.



13-CU-05

John C. Snyder  
Phone: (610) 251-5079  
Fax: (610) 408-4409  
jsnyder@saul.com  
www.saul.com

July 31, 2013

Board of Commissioners  
Radnor Township  
301 Iven Avenue  
Wayne, PA 19087

**APPLICATION FOR CONDITIONAL USE APPROVAL OF A DENSITY  
MODIFICATION DEVELOPMENT FOR 311.54 ACRES OF ARDROSSAN FARM,  
PORTFOLIO NUMBER 36040202300, BLOCK-UNIT 06-03-008:000 (the "PROPERTY").**

Commissioners:

ESIII LP, equitable owner of the above referenced Property located East of Darby-Paoli Road and South of Newtown Road in Radnor Township, in conjunction with the owners of the Property, The Robert L. Montgomery Trust (dated June 4, 1912) and The Sydney F. Tyler Trust #6 (dated May 30, 1917) (the "Trusts"), hereby applies for conditional use approval of a Density Modification Development pursuant to Article XIX of Chapter 280 of the Radnor Township Code. Enclosed herewith is the required fee of \$750.00.

Enclosed herewith and forming a part of this Application are the following plans and studies (the "Plans and Studies"):

1. Ten (10) full sized and eight (8) 11x17 copies of the Conditional Use Plan for Ardrossan Farm each consisting of thirty-eight (38) sheets.
2. Eighteen (18) copies of the Sanitary Sewer Feasibility Narrative for Ardrossan Farm.
3. Eighteen (18) copies of the Stormwater Management Feasibility Narrative for Ardrossan Farm.
4. Eighteen (18) copies of the Lands of Ardrossan Farms – Statement of Ecological and Economic Impacts.
5. Eighteen (18) copies of the Ardrossan Farm – East Parcel Transportation Impact Study.

Applicant intends to develop the 311.54 acres comprising the Property into up to eighty-seven (87) residential lots, eleven (11) of which have existing structures or residences (including the main house on a lot of 10.022 acres). Applicant intends to purchase all but the main house and its lot which will remain with the Trusts. As stated in the tables to the Plans, the overall density, if all eighty-seven (87) units are developed, would be 0.285 units/acre or 1 unit per 3.50 acres.

The Plans show the proposed required open space. Pursuant to the Density Modification requirements, a minimum of fifteen percent (15%) of the Total Adjusted Tract Area of 293.84 acres must be designated and preserved as Common Open Space. The minimum required Common Open Space is 45.72 acres. The Plans propose 46.93 acres of Common Open Space or 15.40% of the Total Adjusted Tract Area. The Common Open Space is intended to be conveyed to a land conservancy for preservation.

Each of the eighty-seven lots is intended to be improved with a residential structure, eleven (11) of which are currently existing, including the Main House. The approximate location of the residential structures are shown on the Plans. All new residential structures will comply with the height restrictions set forth in Section 280-11 of the Radnor Township Zoning Ordinance. Any accessory structures would be located on the residential lots and also comply with Section 280-11.

The development will be served by public water and public sewer, except to the extent noted on the Plans and in the Sanitary Sewer Feasibility Narrative for Ardrossan Farm. The nature of covenants and proposed grants of easements are contained in the Plans and the notes thereto. The proposed development intends various public roads as indicated on the Plans and the notes thereto, as well as certain shared or private roads or drives as depicted on the Plans. The location and proposed widths of the public and private streets are shown on the Plans. The nature of the stormwater management proposals for the development are shown on the Plans and/or described in the Stormwater Management Feasibility Narrative for Ardrossan Farm. The description of ecological and economic impacts is contained in Lands of Ardrossan Farms – Statement of Ecological and Economic Impacts. The results of the traffic studies for the Property are contained in the Ardrossan Farm – East Parcel Transportation Impact Study.

By way of general description of the Density Modification Development proposed by this conditional use application, Applicant intends to develop the approximately 301.4 acres of the Property it will purchase from the Trusts (the 311.54 acres less the main house parcel) in five phases containing up to eighty-six (86) residential lots. The proposed lots have been sited to preserve view sheds and maintain the character of the property. In Phases Three (3) and Four(4) it is possible that fewer than the approved number of lots will be created depending on the marketing of the development. The remaining portions of the Property not placed in residential lots will be subdivided into non-residential investment parcels which cannot be used for or subdivided into residential lots unless a modification of the conditional use approval for the

Board of Commissioners  
Radnor Township  
July 31, 2013  
Page 3

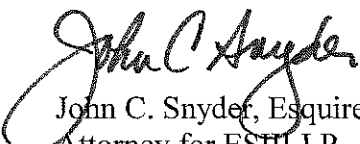
Density Modification Development is obtained in the future and a subdivision is obtained to implement that modified approval.

The proposed development intends environmentally sensitive development improvements including narrow internal roads that utilize, in many instances, the locations of the existing driveways through the Property. In doing so, the Applicant seeks to also preserve many of the tree-lined settings within the site. Individual lots are intended to be marketed instead of fully constructed houses.

Applicant hereby requests that this application be forwarded to the Planning Commission for review and comment and that hearings for the consideration of this application be set by the Board.

Please contact the undersigned with any questions or comments and direct any notices or correspondence there as well. We look forward to working with the Township on this project.

Respectfully submitted,



John C. Snyder, Esquire,  
Attorney for ESIII LP

Cc: John B. Rice, Esquire, Township Solicitor  
ESIII LP  
David S. Blum, Esquire  
The Robert L. Montgomery Trust  
The Sydney F. Tyler Trust #6





**Gannett Fleming**

*Excellence Delivered As Promised*

**Date:** August 28, 2013

**To:** Radnor Township Planning Commission

**From:** Roger Phillips, PE

**cc:** Stephen Norcini, P.E. – Director of Public Works  
Kevin W. Kochanski, RLA, CZO – Director of Community Development  
Peter Nelson, Esq. – Grim, Biehn, and Thatcher  
Amy B. Kaminski, P.E. – Gilmore & Associates, Inc.  
Maryann Cassidy – Radnor Township Engineering Department  
William Miller – Radnor Township Codes Official  
Ray Daly – Radnor Township Codes Official

**RE:** Lands of Ardrossan Farm – Review of Conditional Use Application  
ESIII LP - Applicant

---

Gannett Fleming, Inc. has completed our review of the Conditional Use Application for The Lands of Ardrossan Farm Conditional Use Plans for compliance with the Radnor Township Code. The applicant has filed a conditional use application as outlined in Article XXIII – Conditional Uses, of the Township Code, and is requesting conditional use under §280-90 (Density Modification) of the Township Zoning Code to allow the development of the property into eighty seven (87) residential lots. 11 of the proposed 87 lots have existing structures or residences. This plan was reviewed only for items relating to the Density Modification portion of the Township Code.

The existing parcel is 311.54 acres and is located on the south east corner of Darby-Paoli and Newtown Roads. The site currently contains several residential and farm buildings. The majority of the site is open meadow with some wooded area and areas of steep slopes. Wigwam Run flows through the center of the property and Camp Run flows along the Southern portion of the site.

The applicant intends to develop the 311.54 acres into eighty seven (87) residential lots. Eleven on the proposed lots have existing structures or residences. The plan shows the proposed required open space. The Plan proposed 46.93 acres of open space (15.40%) of the total adjusted tract area. The common open space is intended to be conveyed to a land conservancy or municipality for preservation.

We have the following general comments regarding the plan as submitted. Additional review comments will be forthcoming once engineered plans are submitted. It is anticipated that the Applicant may be requesting zoning variances and waivers from the subdivision and land development ordinance once final plans are submitted. Our comments are as follows:

Gannett Fleming, Inc.

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**Gannett Fleming**


1. The Density Modification section of the zoning ordinance states that all developments under this Article are to be served by sanitary sewers and public water supply. Several of the larger parcels are proposing on-lot septic systems and/or private wells.
2. The roadways as provided do not meet the dimensions provided in the subdivision and land development ordinance. Further consideration should be given for access of emergency vehicles and vehicular circulation.
3. Culs-de-sac streets have specific dimensional requirements in the subdivision and land development ordinance. The culs-de-sac in Phase III exceeds the 800 foot maximum length and provides access to more than 20 dwelling units, which is the maximum number allowed.
4. Culs-de-sac streets shall have a closed end turnaround with a right-of-way having a minimum outside radius if not less than 60 feet and shall be paved to a radius of 40 feet. The culs-de-sac shown on the plan provide 30 feet. In addition, the grades across a culs-de-sac shall not exceed 3%.
5. The subdivision and land development ordinance states that no common driveways shall provide access to more than three lots or three single-family dwellings. There are common driveways in Phase V, Phase IV and Phase II/I that are providing access to 4 lots.
6. There is a Department of Conservation and Natural Resources potential impact on the PNDI project environmental review receipt submitted. The applicant has indicated this will be resolved during the SALDO review.

In addition to our review comments, a memorandum dated August 28, 2013 from Amy Kaminski of Gilmore & Associates, Inc., the Township Traffic Engineer has been attached and is incorporated herein by reference.

If you have any question or require any additional information, please contact me.

Very truly yours,

GANNETT FLEMING, INC.

  
Roger A. Phillips, P.E.  
Senior Project Manager



**GILMORE & ASSOCIATES, INC.**  
ENGINEERING & CONSULTING SERVICES

**MEMORANDUM**

---

**Date:** August 28, 2013

**To:** Steve Norcini, P.E.  
Radnor Township Public Works Director

**From:** Amy Kaminski, P.E., PTOE  
G&A Transportation/Traffic Services Manager

**cc:** Roger Phillips, P.E.  
Gannett Fleming, Inc., Senior Project Engineer

**Reference:** 811 Newtown Road  
Ardrossan Farm East Conditional Use Application –  
Transportation Impact Study and Land Development Review

G&A : 13-07018.01

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Pursuant to your request, Gilmore & Associates, Inc. has completed a transportation review of the referenced Conditional Use application for Ardrossan Farm for the applicant, ESIII LP. The applicant intends to develop a 311.54 acre parcel into eighty (87) residential lots which includes eleven (11) existing residential lots. Gilmore offers the following for Radnor Township consideration:

**I. REVIEWED MATERIALS**

- A. Application of Conditional Use Approval of a Density Modification Development for 311.54 Acres of Ardrossan Farm, dated July 31, 2013, prepared for ESIII LP, prepared by Saul Ewing, LLP
- B. Ardrossan Farm-East Parcel Transportation Impact Study, dated July 26, 2013, prepared for ESIII LP, prepared by Traffic Planning and Design, Inc.
- C. Conditional Use Plan (35 Sheets), dated July 31, 2013, prepared for ESIII LP, prepared by Momenee & Associates, Inc.

**II. REVIEW COMMENTS**

**A. APPLICATION**

- 1. The conditional use application cover letter identifies a total of eighty-seven (87) parcels will be developed; eleven (11) of which are existing residential lots

2. The application does not include the existing Main House and associated 10.022 Acres; total development for the site is 301.4 Acres
3. The application does not generate any transportation comments

## B. TRANSPORTATION IMPACT STUDY

1. During the scoping discussion with the Township Traffic Engineer, it was unclear that the project involved two separate projects and two transportation impact studies would be prepared. It would be more efficient to provide one transportation impact study and include all information for both land development sites. Much of the below comments are generated because a significant number of trips were not analyzed in the East study area. We recommend the applicant revise the East Ardrossan TIS to include all information for the West Ardrossan (Wheeler Field) in a single submission addressing all comments as indicated in this review letter and the West Wheeler Field review letter. This would provide a comprehensive analysis for both development parcels and provide the quantitative impact to the analyzed intersections.
2. The TIS provides the following roadway improvements:
  - a. The TIS was based on traffic counts obtained in mid-July, 2013 outside of the typical school year for public, private and post-secondary schools. The report indicates the traffic counts will be verified with spot counts post-Labor Day.
  - b. The report indicates that the applicant should discuss with the Township, potential safety improvements along the roadways in the vicinity of the site.
  - c. Elimination of vegetation to provide adequate sight distance at the new/modified accesses.
  - d. Construct new/modified accesses to Newtown Road and Darby-Paoli Road, in accordance with applicable PennDOT standards.
3. Scope of Study:

Although the report discusses the studied roadways, information regarding the studied intersections, lane widths and traffic control measures were not included in the discussion. The report should be revised to include this useful information.
4. Crash Data Investigation:

PennDOT Publication 46 *Traffic Engineering Manual*, requires both reportable and non-reportable incidents in a crash analysis. In addition, the minimum criterion for mitigation is for a ***continuous 12-month***

**period**; the TIS crash analysis excludes non-reportable crashes and quantifies the number of crashes by calendar month as opposed to a 12-month period. The report must be modified to include the required non-reportable records and analyzed for a continuous 12-month period. In addition, all crash reports must be provided electronically to the Radnor Township engineering staff for verification of the crash analysis.

5. Sight Distance:

- a. PennDOT Publication 46 *Traffic Engineering Manual*, Chapter 11 *Traffic Studies* indicates that if an engineering study has determined that the 85<sup>th</sup> percentile speed of the roadway is higher than the posted speed limit, the 85<sup>th</sup> percentile speed may be used at the discretion of the Engineering District. The 85<sup>th</sup> percentile speed of both Newtown Road and Darby Paoli Road are unknown; therefore is uncertain if the posted speed limit should be utilized for the sight distance calculations. We recommend the applicant obtain the 85<sup>th</sup> percentile speed of both roadways and verify the existing sight distance is adequate. The presented calculations were based on the posted speed limit.
- b. The TIS indicates the sight distance at all driveways/accesses meet or exceed PennDOT required sight distance with removal of on-site vegetation and wall. The record plan must include a note identifying the required and available sight distance for each existing and new access driveway, based on the 85<sup>th</sup> percentile speed. In addition, we recommend verification of the sight distance following the removal of the on-site vegetation and wall.

6. Trip Distribution Discrepancies:

- a. Although the report indicates 20% of the generated trips will enter and exit at Conestoga Road and Newtown Road, no trips were distributed to this location.
- b. The TIS indicates **15% of the generated traffic was distributed to Sawmill Road at Darby-Paoli Road**; however, this intersection was not included in the traffic counts, graphics or in the Synchro analysis. Please revise the report to include the traffic counts for this intersection and the associated Synchro Analysis.
- c. The TIS indicates **2% of the generated traffic was distributed to Godfrey Road at Darby-Paoli Road**; however, this intersection was not included in the traffic counts, graphics or in the Synchro analysis. Please revise the report to include the traffic counts for this intersection and the associated Synchro Analysis.
- d. Effectively, 37% of the traffic generated by this proposed development was not analyzed in this analysis due to the identified discrepancies.

- e. The Trip Distribution must be revised and developed by TOD and movement to provide a distribution that closely reflects the typical AM and PM fluctuations in vehicular movements at intersections.
7. Conestoga Road and Newtown Road: Although the report indicates 20% of the trips will be assigned to this external link, no trips were assigned for the AM and PM Peak Hours.
8. Table 12: *Level of Service (Delay) Summary* does not provide the delay by movement as required by PennDOT Strike-Off Letter (SOL) 470-09-4 *Transportation Impact Study Guidelines*.
9. Table 12 include a footnote regarding the deficient Level of Service (LOS) D for the projected 2020 conditions on the westbound approach at Darby Paoli Road and Newtown Road as "LOS C under the base site plan with lesser units). The explanation provides no guidance as to potential mitigation measures for the full build-out of the site.
10. Conestoga Road and Radnor-Chester Road: During a field visit on Thursday afternoon, August 15, 2013 during the PM Peak Hour, the intersection was observed to have substantial southbound Radnor-Chester Road queues and delays. However, the TIS analysis indicates an acceptable Level of Service C for this approach, which leads us to conclude the traffic counts may have been based on the number of vehicles served as opposed to vehicular demand. The applicant should visit the intersection again, and conduct a field delay study on each approach to verify base conditions in the study.
11. As required by PennDOT Strike-Off Letter (SOL) 470-09-4 *Transportation Impact Study Guidelines*, a queue analysis should be provided in tabular format for all studied intersections.
12. The report identifies two intersections that do not follow conventional traffic control; namely, Darby-Paoli Road & Newtown Road and Darby-Paoli Road & Brooke Road.

The current operation includes a "T" intersection and requires motorists to observe STOP signs posted on two of the three approaches, with the stem of the "T" always stopped. Such a configuration stops one of the conventionally through movements on Darby-Paoli Road, but allows the opposing approach to continue as a free-flow movement. Motorists on the stem of the "T" have difficulty ascertaining the intersection right-of-way when a motorist on Darby-Paoli Road is stopped, and a motorist is approaching from the opposing free-flowing approach. Such a configuration is not easily conveyed, much less comprehended, by motorists, and even less so by motorists new to the area.

As vehicular volumes continue to increase in this area of the Township, this unconventional traffic control operation may benefit from an all-way stop control at the two intersections on Darby-Paoli Road, based on PennDOT and MUTCD standards.

13. The provided Synchro and SimTraffic reports did not furnish the necessary LOS and delay information for the following intersections; therefore the data could not be verified:
  - a. Newtown Road and Radnor Chester Road
  - b. Darby-Paoli Road & Newtown Road
  - c. Darby-Paoli Road & Brooke Road

#### C. CONDITIONAL USE PLAN SET (35 Sheets)

1. PennDOT will require a Highway Occupancy Permit (HOP) application for all new and revised accesses to both Darby-Paoli Road (S.R. 1015) and Newtown Road (S.R. 1021). The Township requests the opportunity to review all HOP plan submissions to PennDOT; as well as be given the opportunity to attend all meetings with PennDOT and carbon copied on all correspondence regarding the same. We encourage the applicant begin early discussions (sketch plan phase) with PennDOT to alleviate future costly design revisions.
2. Phase 4 parcel 4-11 does not appear to have any driveway access.
3. §255-27.I: The plan includes as many as ten accesses (both existing and proposed) for this land development project with each access representing an additional conflict point for motorists traveling along both Newtown Road and Darby Paoli Road without benefit of any internal circulation. We recommend the applicant consider an interconnected roadway that would eliminate several of the existing and proposed accesses to Newtown Road and Darby Paoli Road, while maintaining the desired view shed.
4. Many of the parcels are located a significant distance from public roads for emergency service access. As such, we recommend a minimum of two accesses or one access along with an emergency access for each developed parcel. In the event of an emergency with one access blocked, an alternative access must be available.

#### D. FINDINGS

§280.145.C-E, G, I: The reviewed documents were incomplete as presented, and do not provide sufficient information to conclude the proposed development will not be detrimental to the safety, health, and general welfare of Radnor Township.

If you have any questions regarding the above, please contact this office.







*Excellence Delivered As Promised*

**Date:** August 28, 2013

**To:** Radnor Township Planning Commission

**From:** Roger Phillips, PE

**cc:** Stephen Norcini, P.E. – Director of Public Works  
Kevin W. Kochanski, RLA, CZO – Director of Community Development  
Peter Nelson, Esq. – Grim, Biehn, and Thatcher  
Amy B. Kaminski, P.E. – Gilmore & Associates, Inc.  
Maryann Cassidy – Radnor Township Engineering Department  
William Miller – Radnor Township Codes Official  
Ray Daly – Radnor Township Codes Official

**RE:** Lands of Ardrossan Farm – Review of Conditional Use Application  
ESIII LP - Applicant

---

Gannett Fleming, Inc. has completed our review of the Conditional Use Application for The Lands of Ardrossan Farm Conditional Use Plans for compliance with the Radnor Township Code. The applicant has filed a conditional use application as outlined in Article XXIII – Conditional Uses, of the Township Code, and is requesting conditional use under §280-90 (Density Modification) of the Township Zoning Code to allow the development of the property into eighty seven (87) residential lots. 11 of the proposed 87 lots have existing structures or residences. This plan was reviewed only for items relating to the Density Modification portion of the Township Code.

The existing parcel is 311.54 acres and is located on the south east corner of Darby-Paoli and Newtown Roads. The site currently contains several residential and farm buildings. The majority of the site is open meadow with some wooded area and areas of steep slopes. Wigwam Run flows through the center of the property and Camp Run flows along the Southern portion of the site.

The applicant intends to develop the 311.54 acres into eighty seven (87) residential lots. Eleven on the proposed lots have existing structures or residences. The plan shows the proposed required open space. The Plan proposed 46.93 acres of open space (15.40%) of the total adjusted tract area. The common open space is intended to be conveyed to a land conservancy or municipality for preservation.

We have the following general comments regarding the plan as submitted. Additional review comments will be forthcoming once engineered plans are submitted. It is anticipated that the Applicant may be requesting zoning variances and waivers from the subdivision and land development ordinance once final plans are submitted. Our comments are as follows:

Gannett Fleming, Inc.

PO Box 80794 • Valley Forge, PA 19484-0794 | 1010 Adams Avenue • Audubon, PA 19403-2402  
t: 610.650.8101 • f: 610.650.8190

[www.gannettfleming.com](http://www.gannettfleming.com)




1. The Density Modification section of the zoning ordinance states that all developments under this Article are to be served by sanitary sewers and public water supply. Several of the larger parcels are proposing on-lot septic systems and/or private wells.
2. The roadways as provided do not meet the dimensions provided in the subdivision and land development ordinance. Further consideration should be given for access of emergency vehicles and vehicular circulation.
3. Culs-de-sac streets have specific dimensional requirements in the subdivision and land development ordinance. The culs-de-sac in Phase III exceeds the 800 foot maximum length and provides access to more than 20 dwelling units, which is the maximum number allowed.
4. Culs-de-sac streets shall have a closed end turnaround with a right-of-way having a minimum outside radius if not less than 60 feet and shall be paved to a radius of 40 feet. The culs-de-sac shown on the plan provide 30 feet. In addition, the grades across a culs-de-sac shall not exceed 3%.
5. The subdivision and land development ordinance states that no common driveways shall provide access to more than three lots or three single-family dwellings. There are common driveways in Phase V, Phase IV and Phase II/I that are providing access to 4 lots.
6. There is a Department of Conservation and Natural Resources potential impact on the PNDI project environmental review receipt submitted. The applicant has indicated this will be resolved during the SALDO review.

In addition to our review comments, a memorandum dated August 28, 2013 from Amy Kaminski of Gilmore & Associates, Inc., the Township Traffic Engineer has been attached and is incorporated herein by reference.

If you have any question or require any additional information, please contact me.

Very truly yours,

GANNETT FLEMING, INC.

  
Roger A. Phillips, P.E.  
Senior Project Manager



**GILMORE & ASSOCIATES, INC.**  
ENGINEERING & CONSULTING SERVICES

**MEMORANDUM**

---

**Date:** August 28, 2013

**To:** Steve Norcini, P.E.  
Radnor Township Public Works Director

**From:** Amy Kaminski, P.E., PTOE  
G&A Transportation/Traffic Services Manager

**cc:** Roger Phillips, P.E.  
Gannett Fleming, Inc., Senior Project Engineer

**Reference:** 811 Newtown Road  
Ardrossan Farm East Conditional Use Application –  
Transportation Impact Study and Land Development Review

G&A : 13-07018.01

---

Pursuant to your request, Gilmore & Associates, Inc. has completed a transportation review of the referenced Conditional Use application for Ardrossan Farm for the applicant, ESIII LP. The applicant intends to develop a 311.54 acre parcel into eighty (87) residential lots which includes eleven (11) existing residential lots. Gilmore offers the following for Radnor Township consideration:

**I. REVIEWED MATERIALS**

- A. Application of Conditional Use Approval of a Density Modification Development for 311.54 Acres of Ardrossan Farm, dated July 31, 2013, prepared for ESIII LP, prepared by Saul Ewing, LLP
- B. Ardrossan Farm-East Parcel Transportation Impact Study, dated July 26, 2013, prepared for ESIII LP, prepared by Traffic Planning and Design, Inc.
- C. Conditional Use Plan (35 Sheets), dated July 31, 2013, prepared for ESIII LP, prepared by Momenee & Associates, Inc.

**II. REVIEW COMMENTS**

**A. APPLICATION**

- 1. The conditional use application cover letter identifies a total of eighty-seven (87) parcels will be developed; eleven (11) of which are existing residential lots

2. The application does not include the existing Main House and associated 10.022 Acres; total development for the site is 301.4 Acres
3. The application does not generate any transportation comments

## B. TRANSPORTATION IMPACT STUDY

1. During the scoping discussion with the Township Traffic Engineer, it was unclear that the project involved two separate projects and two transportation impact studies would be prepared. It would be more efficient to provide one transportation impact study and include all information for both land development sites. Much of the below comments are generated because a significant number of trips were not analyzed in the East study area. We recommend the applicant revise the East Ardrossan TIS to include all information for the West Ardrossan (Wheeler Field) in a single submission addressing all comments as indicated in this review letter and the West Wheeler Field review letter. This would provide a comprehensive analysis for both development parcels and provide the quantitative impact to the analyzed intersections.
2. The TIS provides the following roadway improvements:
  - a. The TIS was based on traffic counts obtained in mid-July, 2013 outside of the typical school year for public, private and post-secondary schools. The report indicates the traffic counts will be verified with spot counts post-Labor Day.
  - b. The report indicates that the applicant should discuss with the Township, potential safety improvements along the roadways in the vicinity of the site.
  - c. Elimination of vegetation to provide adequate sight distance at the new/modified accesses.
  - d. Construct new/modified accesses to Newtown Road and Darby-Paoli Road, in accordance with applicable PennDOT standards.
3. Scope of Study:

Although the report discusses the studied roadways, information regarding the studied intersections, lane widths and traffic control measures were not included in the discussion. The report should be revised to include this useful information.
4. Crash Data Investigation:

PennDOT Publication 46 *Traffic Engineering Manual*, requires both reportable and non-reportable incidents in a crash analysis. In addition, the minimum criterion for mitigation is for a **continuous 12-month**

*period*, the TIS crash analysis excludes non-reportable crashes and quantifies the number of crashes by calendar month as opposed to a 12-month period. The report must be modified to include the required non-reportable records and analyzed for a continuous 12-month period. In addition, all crash reports must be provided electronically to the Radnor Township engineering staff for verification of the crash analysis.

5. Sight Distance:

- a. PennDOT Publication 46 *Traffic Engineering Manual*, Chapter 11 *Traffic Studies* indicates that if an engineering study has determined that the 85<sup>th</sup> percentile speed of the roadway is higher than the posted speed limit, the 85<sup>th</sup> percentile speed may be used at the discretion of the Engineering District. The 85<sup>th</sup> percentile speed of both Newtown Road and Darby Paoli Road are unknown; therefore is uncertain if the posted speed limit should be utilized for the sight distance calculations. We recommend the applicant obtain the 85<sup>th</sup> percentile speed of both roadways and verify the existing sight distance is adequate. The presented calculations were based on the posted speed limit.
- b. The TIS indicates the sight distance at all driveways/accesses meet or exceed PennDOT required sight distance with removal of on-site vegetation and wall. The record plan must include a note identifying the required and available sight distance for each existing and new access driveway, based on the 85<sup>th</sup> percentile speed. In addition, we recommend verification of the sight distance following the removal of the on-site vegetation and wall.

6. Trip Distribution Discrepancies:

- a. Although the report indicates 20% of the generated trips will enter and exit at Conestoga Road and Newtown Road, no trips were distributed to this location.
- b. The TIS indicates **15% of the generated traffic was distributed to Sawmill Road at Darby-Paoli Road**; however, this intersection was not included in the traffic counts, graphics or in the Synchro analysis. Please revise the report to include the traffic counts for this intersection and the associated Synchro Analysis.
- c. The TIS indicates **2% of the generated traffic was distributed to Godfrey Road at Darby-Paoli Road**; however, this intersection was not included in the traffic counts, graphics or in the Synchro analysis. Please revise the report to include the traffic counts for this intersection and the associated Synchro Analysis.
- d. Effectively, 37% of the traffic generated by this proposed development was not analyzed in this analysis due to the identified discrepancies.

- e. The Trip Distribution must be revised and developed by TOD and movement to provide a distribution that closely reflects the typical AM and PM fluctuations in vehicular movements at intersections.
7. Conestoga Road and Newtown Road: Although the report indicates 20% of the trips will be assigned to this external link, no trips were assigned for the AM and PM Peak Hours.
8. Table 12: *Level of Service (Delay) Summary* does not provide the delay by movement as required by PennDOT Strike-Off Letter (SOL) 470-09-4 *Transportation Impact Study Guidelines*.
9. Table 12 include a footnote regarding the deficient Level of Service (LOS) D for the projected 2020 conditions on the westbound approach at Darby Paoli Road and Newtown Road as "LOS C under the base site plan with lesser units). The explanation provides no guidance as to potential mitigation measures for the full build-out of the site.
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11. As required by PennDOT Strike-Off Letter (SOL) 470-09-4 *Transportation Impact Study Guidelines*, a queue analysis should be provided in tabular format for all studied intersections.
12. The report identifies two intersections that do not follow conventional traffic control; namely, Darby-Paoli Road & Newtown Road and Darby-Paoli Road & Brooke Road.

The current operation includes a "T" intersection and requires motorists to observe STOP signs posted on two of the three approaches, with the stem of the "T" always stopped. Such a configuration stops one of the conventionally through movements on Darby-Paoli Road, but allows the opposing approach to continue as a free-flow movement. Motorists on the stem of the "T" have difficulty ascertaining the intersection right-of-way when a motorist on Darby-Paoli Road is stopped, and a motorist is approaching from the opposing free-flowing approach. Such a configuration is not easily conveyed, much less comprehended, by motorists, and even less so by motorists new to the area.

As vehicular volumes continue to increase in this area of the Township, this unconventional traffic control operation may benefit from an all-way stop control at the two intersections on Darby-Paoli Road, based on PennDOT and MUTCD standards.

13. The provided Synchro and SimTraffic reports did not furnish the necessary LOS and delay information for the following intersections; therefore the data could not be verified:
  - a. Newtown Road and Radnor Chester Road
  - b. Darby-Paoli Road & Newtown Road
  - c. Darby-Paoli Road & Brooke Road

#### C. CONDITIONAL USE PLAN SET (35 Sheets)

1. PennDOT will require a Highway Occupancy Permit (HOP) application for all new and revised accesses to both Darby-Paoli Road (S.R. 1015) and Newtown Road (S.R. 1021). The Township requests the opportunity to review all HOP plan submissions to PennDOT; as well as be given the opportunity to attend all meetings with PennDOT and carbon copied on all correspondence regarding the same. We encourage the applicant begin early discussions (sketch plan phase) with PennDOT to alleviate future costly design revisions.
2. Phase 4 parcel 4-11 does not appear to have any driveway access.
3. §255-27.1: The plan includes as many as ten accesses (both existing and proposed) for this land development project with each access representing an additional conflict point for motorists traveling along both Newtown Road and Darby Paoli Road without benefit of any internal circulation. We recommend the applicant consider an interconnected roadway that would eliminate several of the existing and proposed accesses to Newtown Road and Darby Paoli Road, while maintaining the desired view shed.
4. Many of the parcels are located a significant distance from public roads for emergency service access. As such, we recommend a minimum of two accesses or one access along with an emergency access for each developed parcel. In the event of an emergency with one access blocked, an alternative access must be available.

#### D. FINDINGS

§280.145.C-E, G, I: The reviewed documents were incomplete as presented, and do not provide sufficient information to conclude the proposed development will not be detrimental to the safety, health, and general welfare of Radnor Township.

If you have any questions regarding the above, please contact this office.





13-CO-08



John C. Snyder  
Phone: (610) 251-5079  
Fax: (610) 408-4409  
jsnyder@saul.com  
www.saul.com

August 5, 2013

Board of Commissioners  
Radnor Township  
301 Iven Avenue  
Wayne, PA 19087

**APPLICATION FOR CONDITIONAL USE APPROVAL OF A DENSITY MODIFICATION DEVELOPMENT FOR 27.65 ACRES OF ARDROSSAN FARM, PORTFOLIO NUMBER 36040202300, BLOCK-UNIT 06-03-008:000 (the "PROPERTY").**

Commissioners:

ESIII LP, equitable owner of the above referenced Property located West of Darby-Paoli Road in Radnor Township, in conjunction with the owners of the Property, The Robert L. Montgomery Trust (dated June 4, 1912) and The Sydney F. Tyler Trust #6 (dated May 30, 1917) (the "Trusts"), hereby applies for conditional use approval of a Density Modification Development pursuant to Article XIX of Chapter 280 of the Radnor Township Code. Enclosed herewith is the required fee of \$750.00.

Enclosed herewith and forming a part of this Application are the following plans and studies (the "Plans and Studies"):

1. Eighteen (18) full sized copies of the Conditional Use Plan for the Wheeler Field at Ardrossan Farm each consisting of five (5) sheets.
2. Eighteen (18) copies of the Sanitary Sewer Feasibility Narrative for the Wheeler Field at Ardrossan Farm.
3. Eighteen (18) copies of the Stormwater Management Feasibility Narrative for the Wheeler Field at Ardrossan Farm.
4. Eighteen (18) copies of the Lands of Ardrossan Farms -- Statement of Ecological and Economic Impacts.
5. Eighteen (18) copies of the Ardrossan Farm -- West Parcel Transportation Impact Study.

Applicant intends to purchase the Property and develop the 27.65 acres comprising the Property into up to six (6) residential lots. As stated in the tables to the Plans, the overall density, if all six (6) units are developed, would be 0.236 units/acre or 1 unit per 4.23 acres.

The Plans show the proposed required open space. Pursuant to the Density Modification requirements, a minimum of fifteen percent (15%) of the Total Adjusted Tract Area of 25.38 acres must be designated and preserved as Common Open Space. The minimum required Common Open Space is 3.81 acres. The Plans propose 4.08 acres of Common Open Space or 15.40% of the Total Adjusted Tract Area. The Common Open Space is intended to be conveyed to a land conservancy or municipality for preservation.

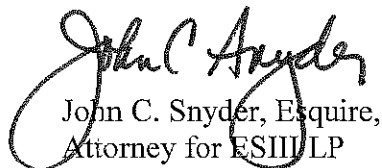
Each of the six (6) lots is intended to be improved with a residential structure. The approximate location of the residential structures are shown on the Plans. All new residential structures will comply with the height restrictions set forth in Section 280-11 of the Radnor Township Zoning Ordinance. Any accessory structures would be located on the residential lots and also comply with Section 280-11.

The development will be served by public water and public sewer as set forth in the Sanitary Sewer Feasibility Narrative for the Wheeler Field at Ardrossan Farm. The nature of covenants and proposed grants of easements are contained in the Plans and the notes thereto. The proposed development intends various public roads or private roads or drives as depicted on the Plans. The location and proposed widths of the public and private streets are shown on the Plans. The nature of the stormwater management proposals for the development are shown on the Plans and/or described in the Stormwater Management Feasibility Narrative for the Wheeler Field at Ardrossan Farm. The description of ecological and economic impacts is contained in Lands of Ardrossan Farms – Statement of Ecological and Economic Impacts. The results of the traffic studies for the Property are contained in the Ardrossan Farm – West Parcel Transportation Impact Study.

Applicant hereby requests that this application be forwarded to the Planning Commission for review and comment and that hearings for the consideration of this application be set by the Board.

Please contact the undersigned with any questions or comments and direct any notices or correspondence there as well. We look forward to working with the Township on this project.

Respectfully submitted,

  
John C. Snyder, Esquire,  
Attorney for ESIII LP

August 5, 2013  
Page 3

Cc: John B. Rice, Esquire, Township Solicitor  
ESIII LP  
David S. Blum, Esquire  
The Robert L. Montgomery Trust  
The Sydney F. Tyler Trust #6



**Gannett Fleming**

*Excellence Delivered As Promised*

**Date:** August 28, 2013

**To:** Radnor Township Planning Commission

**From:** Roger Phillips, PE

**cc:** Stephen Norcini, P.E. – Director of Public Works  
Kevin W. Kochanski, RLA, CZO – Director of Community Development  
Peter Nelson, Esq. – Grim, Biehn, and Thatcher  
Amy B. Kaminski, P.E. – Gilmore & Associates, Inc.  
Maryann Cassidy – Radnor Township Engineering Department  
William Miller – Radnor Township Codes Official  
Ray Daly – Radnor Township Codes Official

**RE:** The Wheeler Field at Ardrossan Farm – Review of Conditional Use Application  
ESIII LP - Applicant

---

Gannett Fleming, Inc. has completed our review of the Conditional Use Application for The Wheeler Field at Ardrossan Farm Conditional Use Plans for compliance with the Radnor Township Code. The applicant has filed a conditional use application as outlined in Article XXIII – Conditional Uses, of the Township Code, and is requesting conditional use under §280-90 (Density Modification) of the Township Zoning Code to allow the development of the property into six (6) residential lots. This plan was reviewed only for items relating to the Density Modification portion of the Township Code.

The existing parcel is 27.65 acres and is located on the west side of Darby-Paoli Road extending along Darby Paoli Road between Saw Mill Road and Godfrey Road. The site is currently contains an old dwelling and a few farm buildings. The site borders the Darby Creek and a majority of the site is open floodplain meadow. There is an area of higher ground outside the floodplain bordering Darby-Paoli Road containing meadow areas and areas of steep slopes.

The applicant intends to develop the 27.65 acres into six (6) residential lots. Each of the six lots is proposed to be developed with a residential structure. There will be 5 new residential buildings and the existing dwelling will be the 6<sup>th</sup> lot. The plan shows the proposed required open space. The Plan proposed 4.08 acres of open space (15.40%) of the total adjusted tract area. The common open space is intended to be conveyed to a land conservancy or municipality for preservation.

We have the following general comments regarding the plan as submitted. Additional review comments will be forthcoming once engineered plans are submitted. It is anticipated that the Applicant may be requesting zoning variances and waivers from the subdivision and land development ordinance once final plans are submitted. Our comments are as follows:

Gannett Fleming, Inc.

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[www.gannettfleming.com](http://www.gannettfleming.com)



***Gannett Fleming***

1. The subdivision and land development ordinance states that no common driveways shall provide access to more than three lots or three single-family dwellings. The common driveway shown on the plans is providing access to five single-family dwellings.
2. There is a Department of Conservation and Natural Resources potential impact on the PNDI project environmental review receipt submitted. The applicant has indicated this will be resolved during the SALDO review.

In addition to our review comments, a memorandum dated August 27, 2013 from Amy Kaminski, of Gilmore and Associates, Inc., the Township Traffic Engineer has been attached and is incorporated herein by reference.

If you have any question or require any additional information, please contact me.

Very truly yours,

GANNETT FLEMING, INC.



Roger A. Phillips, P.E.  
Senior Project Manager



**GILMORE & ASSOCIATES, INC.**  
ENGINEERING & CONSULTING SERVICES

**MEMORANDUM**

---

**Date:** August 27, 2013

**To:** Steve Norcini, P.E.  
Radnor Township Public Works Director

**From:** Amy Kaminski, P.E., PTOE  
Transportation/Traffic Services Manager

**cc:** Roger Phillips, P.E.  
Gannett Fleming, Inc., Senior Project Engineer

**Reference:** Darby-Paoli Road  
Ardrossan Farm West Conditional Use Application –  
Transportation Impact Study and Land Development Review

G&A : 13-07018.02

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Pursuant to your request, Gilmore & Associates, Inc. has completed a transportation review of the referenced Conditional Use application for Ardrossan Farm for the applicant, ESIII LP. The applicant intends to develop a 27.65 acre parcel into six (6) residential lots. Gilmore offers the following for Radnor Township consideration:

**I. REVIEWED MATERIALS**

- A. Application of Conditional Use Approval of a Density Modification Development for 27.65 Acres of Ardrossan Farm, dated August 5, 2013, prepared for ESIII LP, prepared by Saul Ewing, LLP
- B. Ardrossan Farm-West Parcel Transportation Impact Study, dated July 26, 2013, prepared for ESIII LP, prepared by Traffic Planning and Design, Inc.
- C. Conditional Use Plan (5 Sheets), dated July 31, 2013, prepared for ESIII LP, prepared by Momenee & Associates, Inc.

**II. REVIEW COMMENTS**

**A. APPLICATION**

- 1. The conditional use application cover letter identifies a total of six (6) parcels will be developed into single-family homes.

2. The application does not generate any transportation comments

## B. TRANSPORTATION IMPACT STUDY

1. During the scoping discussion with the Township Traffic Engineer, it was unclear that the project involved two separate projects and two transportation impact studies would be prepared. It would be more efficient to provide one transportation impact study and include all information for both land development sites. We recommend the applicant revise the East Ardrossan TIS to include all information for the West Ardrossan (Wheeler Field) in a single submission addressing all comments as indicated in this review letter and the East Ardrossan Farm review letter. This would provide a comprehensive analysis for both development parcels and provide the quantitative impact to the analyzed intersections.
2. The TIS provides the following roadway improvements:
  - a. The TIS was based on traffic counts obtained in mid-July, 2013 outside of the typical school year for public, private and post-secondary schools. The report indicates the traffic counts will be verified with spot counts post-Labor Day.
  - b. The report indicates that the applicant should discuss with the Township, potential safety improvements along the roadways in the vicinity of the site.
  - c. Construct a new access to Darby-Paoli Road, in accordance with applicable PennDOT standards.
3. Scope of Study:

Although the report discusses the studied roadways, information regarding the studied intersections, lane widths and traffic control measures were not included in the discussion. The report should be revised to include this useful information.
4. Crash Data Investigation:

PennDOT Publication 46 *Traffic Engineering Manual*, requires both reportable and non-reportable incidents in a crash analysis. In addition, the minimum criteria for mitigation is for a **continuous 12-month period**; the TIS crash analysis excludes non-reportable crashes and quantifies the number of crashes by calendar month as opposed to a 12-month period. The report must be modified to include the required non-reportable records and analyzed for a continuous 12-month period. In addition, all crash reports must be provided electronically to the Radnor Township engineering staff for verification of the crash analysis.

5. Sight Distance: PennDOT Publication 46 *Traffic Engineering Manual*, Chapter 11 *Traffic Studies* indicates that if an engineering study has determined that the 85<sup>th</sup> percentile speed of the roadway is higher than the posted speed limit, the 85<sup>th</sup> percentile speed may be used at the discretion of the Engineering District. The 85<sup>th</sup> percentile speed of Darby Paoli Road is unknown; therefore is uncertain if the posted speed limit should be utilized for the sight distance calculations. We recommend the applicant obtain the 85<sup>th</sup> percentile speed of Darby-Paoli Road and verify the existing sight distance is adequate. The presented calculations were based on the posted speed limit.

6. Trip Distribution Discrepancies:

The Trip Distribution must be revised and developed by Time of Day and movement to provide a distribution that closely reflects the typical AM and PM fluctuations in vehicular movements at intersections.

C. CONDITIONAL USE PLAN SET (35 Sheets)

PennDOT will require a Highway Occupancy Permit (HOP) application for the proposed access to Darby-Paoli Road (S.R. 1015). The Township requests the opportunity to review all HOP plan submissions to PennDOT; as well as be given the opportunity to attend all meetings with PennDOT and carbon copied on all correspondence regarding the same. We encourage the applicant begin early discussions (sketch plan phase) with PennDOT to alleviate future costly design revisions.

D. FINDINGS

§280.145.C-E, G, I: The reviewed documents were incomplete and do not provide sufficient information to conclude the proposed development will not be detrimental to the safety, health, and general welfare of Radnor Township.

If you have any questions regarding the above, please contact this office.





**GILMORE & ASSOCIATES, INC.**  
ENGINEERING & CONSULTING SERVICES

**MEMORANDUM**

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**Date:** August 21, 2013

**To:** Steve Norcini, P.E.  
Radnor Township Public Works Director

**From:** Amy Kaminski, P.E., PTOE  
G&A Transportation/Traffic Services Manager

**cc:** Roger Phillips, P.E.  
Gannett Fleming, Inc., Senior Project Engineer

**Reference:** Darby-Paoli Road  
Ardrossan Farm West Conditional Use Application –  
**DRAFT** Transportation Impact Study and Land Development Review

G&A : 13-07018.02

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Pursuant to your request, Gilmore & Associates, Inc. has completed a transportation review of the referenced Conditional Use application for Ardrossan Farm for the applicant, ESIII LP. The applicant intends to develop a 27.65 acre parcel into six (6) residential lots. Gilmore offers the following for Radnor Township consideration:

**I. REVIEWED MATERIALS**

- A. Application of Conditional Use Approval of a Density Modification Development for 27.65 Acres of Ardrossan Farm, dated August 5, 2013, prepared for ESIII LP, prepared by Saul Ewing, LLP
- B. Ardrossan Farm-West Parcel Transportation Impact Study, dated July 26, 2013, prepared for ESIII LP, prepared by Traffic Planning and Design, Inc.
- C. Conditional Use Plan (5 Sheets), dated July 31, 2013, prepared for ESIII LP, prepared by Momenie & Associates, Inc.

**II. REVIEW COMMENTS**

**A. APPLICATION**

1. The conditional use application cover letter identifies a total of six (6) parcels will be developed into single-family homes.

2. The application does not generate any transportation comments

## B. TRANSPORTATION IMPACT STUDY

1. During the scoping discussion with the Township Traffic Engineer, it was unclear that the project involved two separate projects and two transportation impact studies would be prepared. It would be more efficient to provide one transportation impact study and include all information for both land development sites. We recommend the applicant revise the East Ardrossan TIS to include all information for the West Ardrossan (Wheeler Field) in a single submission addressing all comments as indicated in this review letter and the East Ardrossan Farm review letter. This would provide a comprehensive analysis for both development parcels and provide the quantitative impact to the analyzed intersections.
2. The TIS provides the following roadway improvements:
  - a. The TIS was based on traffic counts obtained in mid-July, 2013 outside of the typical school year for public, private and post-secondary schools. The report indicates the traffic counts will be verified with spot counts post-Labor Day.
  - b. The report indicates that the applicant should discuss with the Township, potential safety improvements along the roadways in the vicinity of the site.
  - c. Construct a new access to Darby-Paoli Road, in accordance with applicable PennDOT standards.
3. Scope of Study:

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C. CONDITIONAL USE PLAN SET (35 Sheets)

PennDOT will require a Highway Occupancy Permit (HOP) application for the proposed access to Darby-Paoli Road (S.R. 1015). The Township requests the opportunity to review all HOP plan submissions to PennDOT, as well as be given the opportunity to attend all meetings with PennDOT and carbon copied on all correspondence regarding the same. We encourage the applicant begin early discussions (sketch plan phase) with PennDOT to alleviate future costly design revisions.

If you have any questions regarding the above, please contact this office.



**Gannett Fleming**

*Excellence Delivered As Promised*

**Date:** August 28, 2013

**To:** Radnor Township Planning Commission

**From:** Roger Phillips, PE

**cc:** Stephen Norcini, P.E. – Director of Public Works  
Kevin W. Kochanski, RLA, CZO – Director of Community Development  
Peter Nelson, Esq. – Grim, Biehn, and Thatcher  
Amy B. Kaminski, P.E. – Gilmore & Associates, Inc.  
Maryann Cassidy – Radnor Township Engineering Department  
William Miller – Radnor Township Codes Official  
Ray Daly – Radnor Township Codes Official

**RE:** The Wheeler Field at Ardrossan Farm – Review of Conditional Use Application  
ESIII LP - Applicant

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Gannett Fleming, Inc. has completed our review of the Conditional Use Application for The Wheeler Field at Ardrossan Farm Conditional Use Plans for compliance with the Radnor Township Code. The applicant has filed a conditional use application as outlined in Article XXIII – Conditional Uses, of the Township Code, and is requesting conditional use under §280-90 (Density Modification) of the Township Zoning Code to allow the development of the property into six (6) residential lots. This plan was reviewed only for items relating to the Density Modification portion of the Township Code.

The existing parcel is 27.65 acres and is located on the west side of Darby-Paoli Road extending along Darby Paoli Road between Saw Mill Road and Godfrey Road. The site is currently contains an old dwelling and a few farm buildings. The site borders the Darby Creek and a majority of the site is open floodplain meadow. There is an area of higher ground outside the floodplain bordering Darby-Paoli Road containing meadow areas and areas of steep slopes.

The applicant intends to develop the 27.65 acres into six (6) residential lots. Each of the six lots is proposed to be developed with a residential structure. There will be 5 new residential buildings and the existing dwelling will be the 6<sup>th</sup> lot. The plan shows the proposed required open space. The Plan proposed 4.08 acres of open space (15.40%) of the total adjusted tract area. The common open space is intended to be conveyed to a land conservancy or municipality for preservation.

We have the following general comments regarding the plan as submitted. Additional review comments will be forthcoming once engineered plans are submitted. It is anticipated that the Applicant may be requesting zoning variances and waivers from the subdivision and land development ordinance once final plans are submitted. Our comments are as follows:

Gannett Fleming, Inc.

P.O. Box 80794 • Valley Forge, PA 19484-0794 | 1010 Adams Avenue • Audubon, PA 19403-2402  
t: 610.650.8101 • f: 610.650.8190

[www.gannettfleming.com](http://www.gannettfleming.com)



***Gannett Fleming***


1. The subdivision and land development ordinance states that no common driveways shall provide access to more than three lots or three single-family dwellings. The common driveway shown on the plans is providing access to five single-family dwellings.
2. There is a Department of Conservation and Natural Resources potential impact on the PNDI project environmental review receipt submitted. The applicant has indicated this will be resolved during the SALDO review.

In addition to our review comments, a memorandum dated August 27, 2013 from Amy Kaminski, of Gilmore and Associates, Inc., the Township Traffic Engineer has been attached and is incorporated herein by reference.

If you have any question or require any additional information, please contact me.

Very truly yours,

GANNETT FLEMING, INC,



Roger A. Phillips, P.E.  
Senior Project Manager



**GILMORE & ASSOCIATES, INC.**  
ENGINEERING & CONSULTING SERVICES

**MEMORANDUM**

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**Date:** August 27, 2013

**To:** Steve Norcini, P.E.  
Radnor Township Public Works Director

**From:** Amy Kaminski, P.E., PTOE  
Transportation/Traffic Services Manager

**cc:** Roger Phillips, P.E.  
Gannett Fleming, Inc., Senior Project Engineer

**Reference:** Darby-Paoli Road  
Ardrossan Farm West Conditional Use Application –  
Transportation Impact Study and Land Development Review

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G&A : 13-07018.02

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