

Planning Commission
Radnor Township
Wayne, Delaware County, Pennsylvania

Monday
June 4, 2012
7:00 P.M.

Agenda

1. Minutes of the Meeting of May 7, 2012
2. SD # 2012-D-04 (**Sketch**) of **Valley Forge Military Academy** to seek a waiver from the land development process to construct (3) additions increasing the impervious by only 401 sq. ft. to Hart Hall South at 1001 Eagle Rd., Wayne
3. SD # 2011-S-12 (**Final**) of **Thomas Bentley (Boathouse Realty)** to subdivide existing parcel into ten (10) residential lots with a cul-de-sac at 1430 County Line Rd., Villanova
4. SD # 2012-SD-03 (**Preliminary**) of **C F Holloway, III & Co.** to consolidate 2 lots into one. Existing retail store to remain as commercial building, out buildings to be demolished and construct 6 new townhouse units with new parking and access driveways at 229 & 255 W. Wayne Ave., Wayne
5. Recommendation to Board of Commissioners
Re: Proposed Ordinance No. 2012-05 Amending Chapter 263, Trees, of the Code of the Township of Radnor, establishing new definitions, general powers and duties of the Shade Tree Commission, new permit and application requirements, and revising the enforcement and penalties provisions of the ordinance.
6. Old Business
7. New Business
8. Public Participation

Minutes of the Meeting of May 7, 2012

The meeting of the Radnor Township Planning Commission was held at 7 PM in the Municipal Building, 301 Iven Ave., Wayne, Pa 19087.

Present

Edward DiMarcantonio, Chair
Kathy Bogosian
Skip Kunda
Douglas McCone

Julia Hurle, Vice-Chair
Stephen Cooper
Regina Majercak
Susan Stern

Absent

Kenneth Kearns

Also present: Michael Taggart, PE, Township Engineer, Peter Nelson, Esq., Solicitor; Kevin Kochanski, Zoning Officer; Stephen Norcini, PE, Director of Public Works, members of the Press and Suzan Jones, Administrative Assistant.

Mr. DiMarcantonio called the meeting to order.

Approval of the April 2, 2012 Meeting Minutes

Kathy Bogosian requested her comments be added regarding SD # 2012-SD-03. Doug McCone move to approve as amended. Seconded by Susan Stern, the motion passed.

SD # 2012-SD-03 (Preliminary) of C F Holloway, III & Co. to consolidate two lots into one. Existing retail store to remain as commercial building, out buildings to be demolished and construct six new townhouse units with new parking and access driveways at 229 & 255 W. Wayne Ave., Wayne, Pa.

Dave Fiorello, PE, Momenee & Assoc., Inc. displayed the revised plans that have addressed many of the concerns of the members at the last meeting. Michael Taggart reviewed the comments from the SAC engineer's memo dated May 3, 2012. The issue of net lot versus gross lot area created a discussion. Susan Stern questioned the number of employees. David Falcone, Esq., answered questions regarding the parking and existing non-conforming issues. Parking will be dealt with at the Zoning Hearing Board. Curbing, ADA ramps and sidewalks were also discussed. Dave Fiorello stated that several items mentioned are requirements when submitting a Final Plan. The applicant was asked to move the residential units back another two feet—the applicant will comply. Kathy Bogosian questioned the location of the perc tests relating to the stormwater management. It was determined that the drive up to the residential zone is required

to be 25 feet wide according to Kevin Kochanski and Steve Norcini. The subject of side yard setbacks was investigated. The location of the trash receptacle in was questioned. This area will be within a building behind closed doors and not visible to the residential units. The impervious numbers need to be revised.

Public Comment

Baron Gemmer – S. Wayne Ave. – There was supporting parking as part of the previous use on gravel drives throughout the site. Nonconforming parking is being increased by the construction of the three new parking spaces. He wants to ensure that the buildings are 100 feet from the property lines. He requested pdf's from the applicant for the neighbors.

There are three zoning issues: net lot area with respect to calculated impervious building coverage, required number of parking spaces—providing 12 instead of the required 13, expansion of the parking spaces for the non-conforming parking area and the impervious issue may require a variance with relation to the net lot area.

There are four waiver issues: three regarding the additional right-of-way width in C1, C2 and C4 for Conestoga Rd., one for the number of over-flow parking spaces for the residential and the entrance/exit drive width.

Peter Nelson requested an extension from the applicant. Applicant should attend the Zoning Hearing Board to address the requested waivers before moving forward.

Steve and Skip request the zoning issues be addressed before returning to the Planning Commission. The removal of unit 'F' would help eliminate several issues. Skip also suggested that the construction of a connecting drive where 'F' was to the western side of the commercial parking lot would make truck and emergency vehicle ingress and egress work better. Space should be made available to construct the two overflow residential parking spaces and the remaining residences should be moved further away from the commercial site.

Julia would like to see the residential units further from the commercial site and widened.

Susan agrees by removing one building, several issues against this development (setback, room, etc.) would be reduced. If a waiver is granted for overflow parking, then a declaration or condition of approval should be that residents would have use of the commercial lot or overflow parking after business hours.

Kathy suggested downsizing some of the buildings and asked the applicant if they would prefer going to zoning first and the impervious numbers need to be corrected.

Skip and Doug don't feel a 25' drive is required. A waiver should be granted for the 20'.

Regina feels the density issue needs to be address and reminded the Board that the Commissioners prefer not to grant waivers.

Kevin Kochanski raised a question regarding the grass pavers for an emergency access road around the back of the development, as discussed at the last meeting. The Board could recommend to the Commissioners to oppose the Zoning Hearing Board's application and have the applicant consider making design revisions to address the issues i.e..number and size of dwelling units, driveway widths, etc.

Dave Falcone would prefer getting zoning out of the way. Unfortunately Mr. Holloway is not in attendance at the meeting to answer the suggestion. They will submit an extension letter.

Susan Stern moved to table the application, in lieu of a denial, as long as the applicant submits a letter granting an extension because of the MPC deadline. Seconded by Julia Hurle, the motion unanimously passed.

Recommendation to Board of Commissioners

Re: Proposed ordinance amending the Radnor Township Zoning Ordinance by providing for regulations permitting uses not adequately or specifically defined or permitted in Radnor Township by Conditional Use.

The recent bed and breakfast issue initiated the implementation of this ordinance. A plan was displayed exhibiting areas suggested to be considered. The verbiage needs to be more explicit. Once a use is determined, it would be the obligation of the zoning officer to determine what zoning district that use will be located in and then the conditional use would have to comply with all of the zoning regulations that apply to properties located in that zoning district. The solicitor will revise the verbiage to be more explicit.

Public Comment

Colleen Price – 352 Chamounix Rd., St. Davids – Afraid that some uses will slip through the cracks with the way the ordinance is presently written and needs to be revised.

Kevin Geary – 4 Black Friar Rd., - Questioned parking structures and million dollar constructions referencing Villanova University's proposed development.

Doug McCone moved to recommend subject to the changes as recommended. Seconded by Julia Hurle, the motion unanimously passed.

Old Business

New Business

Susan Stern requested that staff ask applicants to supply pdf's for neighbors in an attempt to be neighbor friendly even though this is not required in the Code.

There will be two Planning Commission meetings in June due to a possible heavy agenda and the discussion of two proposed ordinances, (PI Zoning and Shade Tree). Monday, June 4 and Thursday, June 7, 2012.

Skip Kunda requests material is sent to members in advance for review and including power point presentations, as well.

Public Participation

Baron Gemmer – Requests that pdf requirements be added to the Code and should request that the applicant supply them in the future.

There being no further business, the meeting adjourned.

Respectfully submitted,

Suzan Jones

Suzan Jones



GILMORE & ASSOCIATES, INC.
ENGINEERING & CONSULTING SERVICES

May 29, 2012

File No. 12-05040T

Radnor Township Planning Commission
Radnor Township
301 Iven Avenue
Wayne, PA 19087

Reference: Valley Forge Military Academy Hart Hall South – [2012-D-04]
Request for Waiver of Land Development
Radnor Township, Delaware County, PA

Dear Planning Commission Members:

Gilmore & Associates, Inc. (G&A) is in receipt of the following information prepared by Lenhardt Rodgers Architects unless otherwise noted:

- Letter from Lenhardt Rodgers Architects to Kevin Kochanski dated April 2, 2012.
- Three (3) plan sheets from an architectural plan set titled, "Hart Hall Renovations – Valley Forge Military Academy," dated March 1, 2012.
- Plan sheet titled, "Institutional Long Range Development Plan – Valley Forge Military Academy and College," dated January 1, 2012.

The Valley Forge Military Academy is proposing an approximately 2600 square foot addition to Hart Hall. The majority of the proposed addition will be located on existing impervious areas. The increase in impervious area is approximately 400 square feet. The Applicant has indicated that no increase in enrollment will occur due to the improvements, therefore, no additional parking will be required. The Applicant has also indicated that they will provide stormwater management facilities to mitigate the increase in runoff from the improvements.

Due to the limited scope of this project, and the minimal increase in impervious coverage, we would recommend that this project be reviewed as a grading permit with the Applicant providing a stormwater management report that addresses the increase in runoff rate and volume for the additional impervious coverage. The police department

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Radnor Township Planning Commission

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Reference: Valley Forge Military Academy Hart Hall South – [2012-D-05]
Request for Waiver of Land Development
Radnor Township, Delaware County, PA

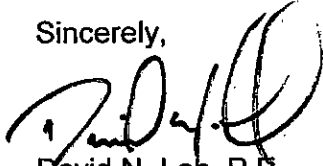
File No. 12-05040T

May 29, 2012

has recommended providing no parking signs on the driveways along the front of the building.

If you have any questions, please do not hesitate to contact me.

Sincerely,



David N. Leh, P.E.

Associate

Gilmore & Associates, Inc.

cc: Robert Zienkowski, Township Manager (via e-mail only)
Steve Norcini, P.E., Director of Public Works (via e-mail only)
Suzan Jones, Engineering Department Administrative Assistant (via e-mail only)
Kevin Kochanski, Director of Community Development (via e-mail only)
Peter Nelson, Esq., Grim, Biehn & Thatcher (via e-mail only)
John Rice, Esq., Grim, Biehn & Thatcher (via e-mail only)
Philip Rodgers, AIA, Lenhardt Rodgers Architects
Billah Shamarukh, STV Engineering,
Brian Geiling, Applicant, VFMA



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May 29, 2012

File No. 11-07025T

Radnor Township Planning Commission
Radnor Township
301 Iven Avenue
Wayne, PA 19087

Reference: 1430 County Line Road [2011-S-12]
Final Subdivision and Land Development Review
Radnor Township, Delaware County, PA

Application Submission Date:	5/4/12
Shade Tree Committee Review Date(s):	11/30/11, 4/25/12
Planning Commission Review Date(s):	1/10/12, 12/13/11, 6/4/12
MPC Review Expiration	8/5/12

Dear Planning Commission Members:

Gilmore & Associates, Inc. (G&A) is in receipt of the following information prepared by D.L. Howell & Associates, Inc., unless otherwise noted:

- Letter from D.L. Howell to the Radnor Township Board of Commissioners dated May 2, 2012.
- Plan set titled, "The Gibbs Estate – 1430 County Line Road," consisting of thirteen (13) sheets, dated November 14, 2011, and last revised May 2, 2012.
- Rational C Value Calculations (3 pages) dated November 11, 2011.
- Safe Stopping Sight Distance calculations and profiles (4 pages) dated January 10, 2012 and last revised May 3, 2012..
- Plan sheet titled, "The Gibbs Estate – 1430 County Line Road – Truck Turning Plan," dated April 10, 2012.

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File No. 11-07025T
May 29, 2012

G&A has completed our third review of the above referenced preliminary subdivision and land development application for compliance with the applicable sections of the Township's Zoning Ordinance and Subdivision and Land Development Ordinance, and wish to submit the following comments for your consideration.

I. OVERVIEW

The subject property is approximately 3.5 acres and located within the R-4 (Residence) Zoning District. The property consisted of an existing dwelling and accessory uses. These buildings have since been demolished. The Applicant is proposing to subdivide the property into ten (10) lots and construct detached single-family dwellings. A private cul-de-sac road will be constructed to accommodate 7 of the proposed dwellings. The remaining 3 dwellings will take direct access from County Line Road. Each lot will contain a seepage bed to mitigate the increase in runoff rate and volume from the dwellings. An underground basin is proposed under the private cul-de-sac and an above ground basin is proposed on Lot 6 to mitigate the increase in runoff rate and volume from the cul-de-sac.

II. SUBDIVISION & LAND DEVELOPMENT ORDINANCE REVIEW

1. Section 255-20.B.(6) – Letters must be submitted indicating the availability of public sanitary and public water for the proposed project.

The Applicant has provided a copy of a letter from Aqua PA indicating that water service is available for the proposed project. The Applicant has also indicated that the sanitary sewer planning modules and sanitary sewer availability letter will be provided. Upon receipt of these items, we would consider this issue resolved.

The Applicant has indicated that the sanitary sewer planning modules are under review. The submission and approval of the sanitary sewer planning modules must be a condition of final plan approval.

2. Section 255-27.E.(4) – The private street shall be owned and maintained by all abutting property owners. A homeowners association, or similar legal entity, must be formed.

The Applicant has indicated that the homeowner's association documents will be submitted for review and approval prior to final plan approval. Upon submission of this documentation, we would consider this issue resolved.

This documentation has not been provided and must be prior to final plan approval.

3. Section 255-32.A – *The plans must be submitted to the Delaware County Conservation District for review and approval.*

The Applicant has indicated that the plans will be submitted to the Delaware County Conservation District (DCCD) upon receiving preliminary approval. Upon receipt of a letter of adequacy from the DCCD, we would consider this issue resolved.

III. STORMWATER MANAGEMENT ORDINANCE

1. Section 245-22.B – *Infiltration/soil testing must be performed for all proposed stormwater facilities that propose infiltration. Testing results and a report must be submitted for review and approval.*

The Applicant has indicated that infiltration/soil testing will be performed prior to submission to the Delaware County Conservation District. Upon submission and approval of the infiltration/soil test results, we would consider this issue resolved.

The infiltration/soil testing has not yet been completed. This must be completed prior to final plan approval.

2. Section 245-35 – *Prior to final approval of the PCSM Plan, the property owner shall sign and record a maintenance agreement covering all stormwater control facilities that are to be privately owned. The maintenance agreement shall be transferred with transfer of ownership. The agreement shall be substantially the same as the agreement in Appendix I.*

IV. GENERAL COMMENTS

1. *All proposed dwellings must be provided with individual sanitary laterals connecting directly to the main. The plans show a proposed sanitary main located within an easement. The Applicant must also verify that the existing*

sanitary main, located within Lancaster Avenue has sufficient capacity to service the proposed subdivision.

The Applicant has indicated that the proposed sanitary main, located on Lots 6-10, will be owned and maintained by the homeowner's association. The plan must be revised to clearly indicate that the sanitary main is to be a private system. The Applicant's engineer must coordinate with the Public Works Department to verify that the sanitary main within Lancaster Avenue has sufficient capacity for the proposed development prior to Preliminary Plan Approval.

The Applicant has indicated that they are submitting the sanitary sewer capacity information to the Director of Public Works. This must be completed prior to final plan approval.

- 2. No parking signs must be shown on the plan. The Township's Emergency Service Personnel had recommended no parking along the cul-de-sac bulb and one side of the private road. It was also requested that no on street parking be provided between the first driveways on the private road and County Line Road.*

A truck turning plan must be provided showing emergency vehicles traversing the cul-de-sac. The plan must also show the available parking.

No Parking signs must be provided for the cul-de-sac area.

- 3. The proposed water lines under the proposed private road are within 3 feet of the underground basin. We recommend at least a 5-foot separation distance.*

The proposed water lines on the western side of the underground basin must be revised to provide at least a 5-foot separation distance.

The water service line locations on the western side of the underground basin must be revised to be at least 5 feet away from the proposed underground basin.

- 4. The Post Bypass South and Post to Basin 1 Rational C value calculation worksheets appear to be mislabeled as Post to Road Bed. These worksheets must be revised.*

The worksheets have been revised as requested. **A fully revised stormwater management report, signed and sealed, must be provided.**

5. *The Applicant must verify/revise the proposed 416 contour located within the cul-de-sac bulb and on Lot 8 as it appears to not to tie into the curblin correctly.*

The contour has been revised as requested. **However, the proposed 416 contour is mislabeled in the roadway (labeled 834).**

6. **The Aerial Plan (Sheet 3) must be revised to show the aerial photograph with the site layout overlay. The Applicant shall review this plan with the Director of Public Works to confirm it is acceptable.**
7. **The Applicant must propose a road name for the proposed cul-de-sac. The Applicant must verify with the post office that the proposed cul-de-sac road name is acceptable. Further, the Applicant must discuss mail service on the private road and whether or not the postal service will provide direct service to the homes or if a group mailbox is to be provided. If a group mailbox is to be provided, its location must be shown on the plan.**
8. **The Applicant must obtain a highway occupancy permit for the proposed sidewalk along Lancaster Avenue.**
9. **A detail must be provided for the proposed retaining wall. Additionally, top and bottom of wall elevations must be provided at 50-foot intervals.**
10. **The building setback line, on Lot 6, must be revised to be trimmed at the limits of the riparian buffer.**
11. **The riparian buffer linetype must be indicated in the Legend.**
12. **The plan set cover sheet must be revised to indicate "Final" plans.**

This concludes the review of the above referenced plan. We trust that this review letter is useful to Radnor Township. If you have any questions, please do not hesitate to contact me.



GILMORE & ASSOCIATES, INC.
ENGINEERING & CONSULTING SERVICES

May 29, 2012

File No. 12-03022T

Radnor Township Planning Commission
Radnor Township
301 Iven Avenue
Wayne, PA 19087

Reference: 229 West Wayne Avenue – Jardin [2012-SD-03]
Preliminary Land Development Plan
Radnor Township, Delaware County, PA

Application Submission Date:	3/2/12
Shade Tree Committee Review Date(s):	3/28/12
Planning Commission Review Date(s):	4/2/12, 5/7/12, 6/4/12
Historic and Architectural Review Board Date(s)	4/4/12
MPC Review Expiration	7/30/12

Dear Planning Commission Members:

Gilmore & Associates, Inc. (G&A) is in receipt of the following information prepared by Momenee and Associates, Inc., unless otherwise noted:

- Letter from Momenee to David N. Leh, P.E., dated May 11, 2012.
- Letter from Momenee to Radnor Township, dated May 11, 2012.
- Plan set titled, "229 West Wayne Avenue," consisting of five (5) sheets, dated March 2, 2012, and last revised May 11, 2012.

G&A has completed our third review of the above referenced preliminary subdivision and land development application for compliance with the applicable sections of the Township's Zoning Ordinance and Subdivision and Land Development Ordinance, and wish to submit the following comments for your consideration.

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Please note that comments with a **(V)**, **(RW)**, or a **(W)** may require relief from the Township Ordinances. A **(V)** denotes a variance, a **(RW)** denotes a waiver requested by the Applicant, and a **(W)** denotes a waiver that must be requested by the Applicant.

I. OVERVIEW

The subject tract is approximately 1.2 acres and located within both the C-1 (Local Commercial) Zoning District and the R-5 (Residence) Zoning District. The tract currently is separated into two parcels. The Applicant intends to combine the two parcels into one parcel and develop the site. The site contains an existing commercial building, greenhouse, and associated parking lot. The submitted plan requests approval to re-construct the existing commercial building and provide a 2,389 square foot commercial building. Six (6) townhouse dwellings are also proposed as part of this project. The Applicant is also proposing additional parking spaces and underground stormwater management facilities.

II. ZONING ORDINANCE REVIEW

1. *Section 280-35.B – The Zoning Compliance Tabulation indicates that the allowable, existing, and proposed building and impervious coverage percentages within the R-5 portion of the site are based upon the net lot area. The provided calculations are inconsistent as some are based on gross lot area and some are based on net lot area. All calculations must be revised to base the percentages upon the net lot area.*

Further, the net lot area for the R-5 portion of the property must be revised to subtract 75% of the slopes equal to or in excess of 20%.

The existing building coverage percentage for the R-5 Zoning District must be revised. As the gross lot area was used instead of the net lot area.

2. *Section 280-48.B – The existing and proposed building coverage percentages for the C-1 portion of the site, indicated in the Zoning Compliance Tabulation, are not correct. The Applicant must revise the indicated percentages and base them upon the net lot area.*

The existing building coverage percentage for the C-1 Zoning District must be revised.

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3. **Section 280-48.E** – The Zoning Data table must be revised to indicate a **thirty-five (35) foot minimum rear yard setback**. Additionally, the eastern property line, in the C-1 Zoning District must be revised to be a rear yard and dimensioned as 35 feet.

4. Section 280-48.G – *The existing and proposed impervious coverage percentages, indicated in the Zoning Compliance Tabulation, are not correct. The Applicant must revise the indicated percentages and base them upon the net lot area.*

The existing impervious coverage percentage for the C-1 Zoning District must be revised.

5. **Section 280-104** – A loading space is required. The previously shown loading area has been removed from the plans.

6. Section 280-105.D – *The proposed parking lot must be illuminated. A lighting plan must be submitted for review.*

The Applicant has indicated they will comply with this requirement.

7. (V) Section 280-105.F – *No parking area shall be located within the front yard setback unless authorized as a special exception by the Zoning Hearing Board. In no case, however, shall the distance between the street right-of-way line and the portion of a lot used for parking be less than 20 feet. The proposed parking spaces are located immediately on the right-of-way line. As the proposed parking spaces do not comply with the minimum 20 foot setback, as indicated above, a special exception cannot be granted. Therefore, a variance must be requested.*

The Applicant has eliminated the 6 proposed parking spaces parallel to West Wayne Avenue. Two proposed parking spaces have been added to the parking lot on the western side of the commercial building. A total of twelve (12) parking spaces are now provided. The lot, as it currently exists, has a parking area parallel to Conestoga Road. The Applicant would be permitted to propose parking spaces within the setback as it would be an existing non-conformance. However, the Applicant is expanding the existing non-conformance by providing additional parking spaces in an area which is

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currently a driveway. Therefore, the Applicant must discuss this issue with the Township Zoning Officer to obtain a determination whether a variance would be required from this section of the ordinance to permit these three parking spaces.

The Applicant has indicated in their response letter that the parking spaces along Conestoga Road have been configured to cover areas already occupied by the existing parking lot and there is no further encroachment in the front yard of Conestoga Road. While the parking spaces have not been proposed closer to the right-of-way line of Conestoga Road, the limits of the proposed parking spaces has increased. We continue to recommend that the Applicant discuss this issue with the Township Zoning Officer.

III. SUBDIVISION & LAND DEVELOPMENT ORDINANCE REVIEW

1. Section 255-20.B.(1).(n) – *The Applicant must contact the Director of Public Works to discuss the suitability of the submitted Vicinity Plan to ensure compliance with this section of the Ordinance.*

The Applicant has indicated that they will contact the Director of Public Works in regard to the Vicinity Plan. Upon receiving notification that this plan is acceptable, we would consider this issue resolved.

2. (RW) Section 255-27.C.(1) – **The Applicant has requested a waiver to not provide the additional right-of-way for Conestoga Road.**
3. Section 255-27.C.(1) – *Curbing is required along West Wayne Avenue. The Applicant must clarify if curbing will be provided along the entire frontage. The curbing along Conestoga Road must also be replaced.*

The limits of existing curbing and proposed curbing must be clearly indicated on the plans. It should also be noted that the existing driveway curb cuts at the intersection and along Conestoga Road must be reconstructed with new full reveal curbing. Additionally, the Applicant must discuss with the Director of Public Works if the entire length of curbing along Conestoga Road must be replaced.

A note has been provided on Sheet 5 indicating the limits of the new upright curbing along West Wayne Avenue. However, no information has been provided for the curb replacement for the existing driveway depression along Conestoga Road.

4. *Section 255-27.C.(1) – Sidewalks are required along West Wayne Avenue. The Applicant is proposing sidewalks in this area. However, the sidewalks along Conestoga Road are shown to remain as existing. The sidewalks along Conestoga Road must be replaced (see comment #15). Additionally, ADA compliant handicap ramps must be provided at the intersection. Detailed plans must be provided for all proposed handicap ramps.*

ADA compliant handicap ramps have not been provided as requested. Additionally, as the existing driveway along Conestoga Road is being removed, the sidewalk in the vicinity of the driveway must be reconstructed to provide a cross slope of less than 2%.

Handicap ramps are indicated on the submitted plans. Detailed designs must be provided in the Final Plan submission.

5. (RW) *Section 255-27.C.(2) – Conestoga Road is classified as a major collector. Major collector roads must be provided with an 80 foot wide right-of-way. The additional right-of-way must be provided or a waiver sought.*

The Applicant must request a waiver from the requirements of this section of the Ordinance.

The Applicant has requested a waiver from the requirements of this section of the Ordinance.

6. (RW) *Section 255-27.C.(4) – The Applicant has requested a waiver from the requirement of providing the additional right-of-way for Conestoga Road.*

7. (RW) **Section 255-29.A.(12).(B) – The Applicant has requested a waiver to not require a minimum width of twenty-five (25) feet for the access driveway leading to and serving the townhouse units. The Applicant is providing a twenty (20) foot wide access driveway in this area. No parking will be permitted in this area.**

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8. Section 255-29.B – *The Applicant has indicated that a Landscaping Plan will be submitted as part of the Final Plan submission. The Landscaping Plan must comply with this section of the Ordinance.*

9. Section 255-32 – *Erosion and sediment control plans must be submitted for review and approval.*

The Applicant has indicated that Erosion and Sediment Control Plans will be submitted with the Final Plan submission.

10. Section 255-37.B – *The minimum width of all sidewalks shall be 4 feet. The existing sidewalk along Conestoga Road is less than 4 feet. This sidewalk must be revised to meet the minimum width requirement.*

The Applicant has verified that the existing sidewalk along Conestoga Road is a minimum width of 4' by removing the overgrowth along the edge of the sidewalk. However, the Applicant must verify that a minimum clearance distance of 36 inches is provided at each existing utility pole to comply with ADA regulations.

The Applicant has acknowledged this requirement and has indicated that the Final Plans will comply.

11. Section 255-41.H – *The proposed commercial area refuse collection station must be screened from view and landscaped. The Applicant must also clarify how the dumpster will be emptied due to its location.*

The Applicant has indicated that the refuse storage will be contained within the commercial building and is therefore in compliance with this section of the Ordinance. However, the Applicant must clarify exactly how the trash pickup for both the commercial and residential will be handled.

The Applicant has indicated, in the response letter, that a separate room within the commercial building will be used to store the refuse. The Applicant further explains that the refuse disposal for the residential portion of the project will be private and made part of the homeowner's documents.

12. Section 255-42 – *The Applicant must comply with the buffer screen requirements contained in this section of the Ordinance.*

The Applicant has indicated that they will comply with this section of the Ordinance and will provide plans with the Final Plan submission.

13. Section 255-54.C – *A letter from the local water utility must be provided that indicates service is available and will be provided.*

The Applicant has indicated that they will comply with this requirement.

14. Section 255-56 – *Sanitary sewer planning modules must be submitted for review and approval. The Applicant must also verify the existing sanitary main pipe size, material, inverts, and capacity.*

The Applicant must verify that adequate conveyance capacity exists prior to preliminary plan approval.

The Applicant has indicated that planning modules are being prepared.

IV. STORMWATER MANAGEMENT ORDINANCE REVIEW

1. *The Applicant must comply with the Stormwater Management Ordinance.*

The Applicant has indicated that they will comply with the Stormwater Management Ordinance. However, based upon our preliminary review of the stormwater management calculations, we have the following comments:

- Two infiltration testing locations are shown on the plans. One of the testing locations is shown within the limits of the smaller infiltration facility. However, no testing locations were shown in the vicinity of the larger basin. Testing must be performed for the larger infiltration basin. Additionally, only one set of test results were provided in the stormwater management report and it was not clear as to which testing location these tests refer.*
- The provided calculations indicate that the maximum recharge depth in 96 hours is 12". The required infiltration volume is provided at a depth of 18 inches. The provided calculations indicate that the designed stormwater management system will not comply with the maximum recharge time of 96 hours per Section 245-22.A.(1).(c).*

The Applicant has indicated that additional infiltration testing will be provided and the plans will be in compliance with the Ordinance requirements.

V. GENERAL COMMENTS

1. *All proposed sanitary sewer manhole lids must be provided with a lid indicating a private sanitary sewer system.*

The Applicant has indicated that they will provide details in the Final Plan submission.

2. *A preliminary stormwater management report must be provided for review. The Applicant must also show the proposed basin discharge pipe and connection to the existing storm sewer.*

The proposed basin discharge pipe is shown on the plans. However, the inlet and piping in West Wayne Avenue appear to be in direct conflict with a gas main. The Applicant must address this issue.

The Applicant has indicated that this issue will be addressed on the Final Plans.

3. *A pre-emption device must be provided for the existing traffic signal at the intersection.*

The Applicant has indicated that they will work with the Township in regard to providing a pre-emption device for the existing traffic signal.

4. *The Applicant must clarify how the site (i.e. paved area maintenance, stormwater management, snow removal, etc.) will be maintained (i.e. condo association or other form of ownership group).*

The Applicant has indicated that the proposed development will be set up as a planned community with the maintenance of the property being the responsibility of the community members. Documents that outline the responsibilities of the community must be provided to the Township for review and approval prior to final plan approval.

The Applicant has indicated they will comply with this comment.

5. *The Applicant must clarify the limits of the proposed sidewalk along West Wayne Avenue, as it appears that the proposed sidewalk extends beyond the limits of the subject property.*

The Applicant is proposing sidewalk along the frontage of the adjacent property on West Wayne Avenue. Existing contours and grading must be provided to ensure that the sidewalk will be ADA compliant and not create a drainage issue on the adjacent property.

The Applicant has indicated that this information will be provided on the Final Plans.

6. *It appears that the proposed project will require approval from the DEP and Delaware County Conservation District.*

The Applicant has acknowledged this requirement and will comply.

7. *Existing overhead utility lines are located along the western property line. The Applicant must clarify if easements exist on the subject properties.*

The Applicant has indicated that additional information in regard to the utility lines will be provided. G&A will review the additional information upon receipt.

The Applicant has indicated that the existing utility poles are owned by PECO and Verizon. General easements are provided for these lines and poles. The Applicant has also indicated that these lines will be placed underground as part of the Final Plan submission.

8. *Construction details will be required upon submission of Final Plans.*

The Applicant has indicated that construction details will be provided upon submission of Final Plans.

9. *A truck turning plan must be provided to show how delivery trucks will enter the site, park in the loading space, and leave the site.*

This comment has not been addressed.

Radnor Township Planning Commission
Reference: Jardin, 229 West Wayne Avenue
Preliminary Land Development Plan
Radnor Township, Delaware County, PA
File No. 12-03022T
May 29, 2012

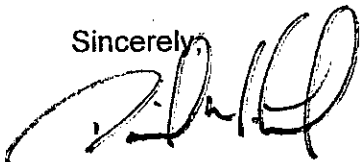
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10. *The following comments were provided by the Radnor Township Police Department:*

- *Parking must be restricted on the Main Driveway, north and south sides, and be posted by Order of the Fire Marshal.*
The Applicant has indicated that they will comply with this requirement.
Signage must be provided on the Final Plans.
- *All sidewalks/crosswalks must be ADA compliant.*
The Applicant has indicated that they will comply with this requirement

This concludes the review of the above-referenced plan. We recommend that the plans be revised to address the above comments prior to consideration of preliminary approval. If you have any questions, please do not hesitate to contact me.

Sincerely,



David N. Leh, P.E.
Associate
Gilmore & Associates, Inc.

cc: Robert Zienkowski, Township Manager (via e-mail only)
Steve Norcini, P.E., Director of Public Works (via e-mail only)
Suzan Jones, Engineering Department Administrative Assistant (via e-mail only)
Kevin Kochanski, Director of Community Development (via e-mail only)
Peter Nelson, Esq., Grim, Biehn & Thatcher (via e-mail only)
John Rice, Esq., Grim, Biehn & Thatcher (via e-mail only)
David Fiorello, P.E., Momenee & Associates, Inc. (via e-mail only)
David Falcone, Esq., Saul Ewing, LLP (via e-mail only)
C.F. Holloway, III & Co., Applicant (via e-mail only)

**ORDINANCE NO. 2012-05
RADNOR TOWNSHIP**

AN ORDINANCE OF RADNOR TOWNSHIP, DELAWARE COUNTY, PENNSYLVANIA, AMENDING CHAPTER 263, TREES, OF THE CODE OF THE TOWNSHIP OF RADNOR, ESTABLISHING NEW DEFINITIONS, GENERAL POWERS AND DUTIES OF THE SHADE TREE COMMISSION, NEW PERMIT AND APPLICATION REQUIREMENTS, AND REVISING THE ENFORCEMENT AND PENALTIES PROVISIONS OF THE ORDINANCE.

P R E A M B L E

Pursuant to recommendation of the Radnor Township Shade Tree Commission, the Radnor Township Board of Commissioners does hereby ENACT and ORDAIN as follows:

Section 1.

Chapter 263, Trees, is hereby revised and amended in full as follows:

Chapter 263

TREES

§ 263-1. Legislative intent.

The purpose of this chapter is to provide a mechanism for the establishment of a commission which shall encourage proper selection, planting, replanting and care and establish protective regulations for trees within Radnor Township in order to control problems of air and noise pollution, soil erosion, aesthetic depreciation, maintain maximum tree cover and to make Radnor Township a healthier and safer place to live.

§ 263-2. Establishment of Commission.

A commission to be known as the Shade Tree Commission is hereby established.

§ 263-3. Personnel of Commission; appointment; terms; vacancies.

- A. The Commission shall be comprised of seven residents of the Township, two of whom shall be appointed annually, one from the Parks and Recreation Board and one from the Planning Commission, all of whom shall serve without compensation. Where applicable, at least three of the members should be professionally trained in Horticulture, Arboriculture, Forestry or an associated field.

- B. On the expiration of the term of any Shade Tree Commissioner, a successor shall be appointed by the Board, to a term of five years.
- C. Vacancies in the office of Shade Tree Commission shall be filled by the Board of Commissioners for the unexpired term.
- D. Any Commission member may be removed at the discretion of the Board of Commissioners.

§ 263-4. Word usage; definitions.

- A. The singular number includes the plural, and the plural includes the singular. The masculine gender includes the feminine and neuter.
- B. As used in this chapter, the following terms shall have the meanings indicated:

APPLICANT – A landowner or developer as hereinafter defined who has filed an application for a subdivision or land development, or an application for a grading or clearing permit, or a permit for either an emergency tree removal or other tree removal within the jurisdiction of the Shade Tree Commission.

AREA OF DISTURBANCE - An area proposed to be disturbed in any manner, temporary or permanent, as a result of construction activities, plus a buffer zone of 20 feet.

BOARD - The Board of Commissioners of the Township of Radnor.

CLEARING PERMIT – The clearing or removal of six or more trees annually, each having a DBH of six inches or greater on any property or adjacent properties under single ownership.

COMMERCIAL DISTRICT – Includes CO, C1, C2, WBOD, C3, PB and Garrett Hill Zoning Districts.

DBH - DIAMETER AT BREAST HEIGHT - Standard measurement of a tree's diameter taken at breast height (4 1/2 feet above the ground or 1.5 meters).

DEAD TREE - A tree that is no longer alive, has been removed beyond repair, or is in an advanced state of decline (where an insufficient amount of live tissue, green leaves, limbs or branches exists to sustain life) and has been determined to be in such a state by a certified arborist during a non-dormant or other natural stage of the tree that would minimize the likelihood that the tree would be mistakenly identified as being in such a dead state.

DEVELOPER – Any landowner, agent of such landowner, or tenant with the permission of such landowner who makes, or causes to be made, a subdivision of land or a land

development, or who has applied for a permit within the jurisdiction of the Shade Tree Commission.

EMERGENCY TREE - A tree that is currently failing or has failed.

FORESTRY MANAGEMENT – The branch of forestry concerned with the overall administrative, economic, legal, scientific and technical aspects of silvicultural and forest regulation. This includes management for aesthetics, fish, recreation, urban values, water, wilderness, wildlife, wood products, forest genetic resources and other forest resource values. Management can be based on conservation, economics or a combination of the two. Techniques include timber extraction, thinning, planting and replanting of various species, and/or the establishment of roads and pathways through forests, and the prevention of fire hazards.

HAZARD TREE - Any tree that may fail due to mortality or a structural defect or changed stand conditions and, as a result, may cause property damage or personal injury.

HERITAGE TREE - A tree having a 30 inch or greater in DBH.

INVASIVE PLANTS - Non-indigenous species or strains that become established in natural plant communities and wild areas, replacing native vegetation. Invasive plants are introduced species that can thrive in areas beyond their natural range of dispersal. These plants are characteristically adaptable, aggressive, and have a high reproductive capacity. Their vigor combined with a lack of natural enemies often leads to outbreak populations.

PARKS AND RECREATION BOARD - The Park and Recreation Board of Radnor Township.

PERMIT - A permit in writing as issued by the Township Manager or Township Engineer pursuant to application approval by the Shade Tree Commission.

PERSON - Any individual, firm, association, partnership, corporation or any other legal entity, other than the Township.

PLANNING COMMISSION - The Planning Commission of Radnor Township.

PROTECTIVE TREE PRESERVATION FENCE - A temporary fence installed, at minimum, around the dripline of any tree which is to be preserved during construction or demolition operations, inside of which no grading, storing or dumping of any material may occur.

Chain link fence shall be 6 feet tall with 2 inch mesh chain link fabric. Two inch posts shall be tied with 6 gauge aluminum wire ties at 24 inches on center. Posts shall be a minimum of 2 feet in the ground and space of 10 feet on center. Plastic zip-ties may not be used.

PUBLIC PROPERTY - All property owned or under the control of the Township, including but not necessarily limited to all property or the School District of Radnor Township, all public parks and playgrounds, municipal building property, public library and fire station(s).

PUBLIC STREET OR HIGHWAY - Any Township right-of-way, a portion of which is used for vehicular or pedestrian travel.

SHADE TREE - Any tree with a six-inch or greater DBH that is subject to review and/or approval by the Shade Tree Commission under any section of this chapter.

SHADE TREE COMMISSION - A commission established pursuant to powers granted by the Radnor Township Home Rule Charter.

STREET TREE - Any tree on any public property or public street or highway in Radnor Township.

STREET TREE PERMIT - A permit in writing issued by the Township Manager upon application approval to any arborist or person certified by the International Society of Arboriculture (ISA) to do any work on a shade or street tree in Radnor Township.

TREE REPLACEMENT FORMULA - Replacement of any tree removed or recommended to be removed by the Shade Tree Commission as follows:

6 – 18 inch DBH removed	=	1 replacement tree
19 – 29 inch DBH removed	=	3 replacement trees, two being large canopy trees
30 inch DBH or greater removed	=	6 replacement trees, four being large canopy trees

All replacement trees shall have a minimum 2- to 2 1/2-inch DBH.

* See approved township tree replacement list on Appendix A for listing of species that should be used as replacement trees.

TREE SPECIES- All existing and/or replacement trees shall include both the common name and botanical name (e.g., red maple-acer rubrum).

TOWNSHIP - The Township of Radnor.

TOWNSHIP ARBORIST - The duly appointed arborist of the Township or his designee.

TOWNSHIP ENGINEER - The duly appointed engineer of the Township or his designee.

TOWNSHIP MANAGER - The duly appointed manager of the Township or his designee.

§ 263-5. General powers and duties of Shade Tree Commission.

A. General.

- (1) The Shade Tree Commission shall advise the Township when necessary on recommended locations for new trees and/or the removal of unsuitable trees on all streets within the Township.
- (2) The Shade Tree Commission shall recommend and publish on the website suitable species of trees for planting and replanting pursuant to the replacement formula along streets and in other areas, as well as appropriate size, spacing, planting, bracing, fertilization, maintenance and pruning of trees.
- (3) The Shade Tree Commission may, with approval of the Board of Commissioners, consult a qualified arborist or other suitable professional consultant to advise on suitable species or trees, their planting, durability, rate of growth, litter tendencies, care, protection and treatment, tolerance to impervious coverage and traffic, and other such advice that may be useful or appropriate to the duties and responsibilities of the Shade Tree Commission. All fees and other costs incurred pursuant to this section shall be reimbursed to the Township by the applicant.
- (4) The Shade Tree Commission shall recommend to the Board of Commissioners rules and regulations to further carry out its duties and responsibilities, which may include the issuance of mandatory or voluntary guidelines governing the planting, maintenance and removal of trees.
- (5) The Shade Tree Commission may periodically conduct a survey of heritage trees within the Township and shall encourage the protection of all such trees without written and verbal permission from the landowner.
- (6) The Township shall administer the Commemorative Shade Tree Fund, a fund comprised of contributions from interested persons and other entities and payments made in lieu of replanting requirements and fines levied, for the purpose of maintaining the wooded character of the streets and lands within the Township.
- (7) The Shade Tree Commission shall hold public meetings on a regular basis, but not less frequently than eight times a year, and shall publish its schedule. Meetings and notices thereof shall be governed by the Radnor Township Home Rule Charter and appropriate state law.
- (8) The Shade Tree Commission shall submit a regular annual report to the Board of Commissioners summarizing its public meetings, accomplishments during the past fiscal year and plans for the next year by July 1 of each year.

- B. The Shade Tree Commission shall review or cause to be reviewed all applications submitted to the Township for the following:**

- (1) Land development.
 - (2) Subdivision.
 - (3) Grading in excess of 200 cubic yards.
 - (4) Grading for parking lots of five or more cars.
 - (5) Clearing on any property of six or more trees annually, each having a DBH of six inches or greater.
 - (6) Removal of a heritage tree in a non-emergency situation. Documentation must be provided to the Shade Tree Commission following emergency clean up and mitigation.
 - (7) Forestry Management (thinning, herbicide applications, timber retail)
 - (8) Forestry Practices (selective thinning, invasive species control, timber harvesting, replanting).
 - (9) Pool permits
 - (10) Excavation in excess of 60 cubic yards,
- C. The Shade Tree Commission shall review, if directed by the Township Engineer or Director of Community Development, any applications submitted to the Township for the following:
- (1) Demolition permits on any building lot whereby the proposed work may impact or cause the removal of trees; and
 - (2) Commercial tree removal permits.

§ 263-6. Emergency tree removal.

- A. In the case of immediate necessity for the protection of life or property, any shade or street tree described in this chapter may be removed without first obtaining a permit. Property owner or designee shall report the emergency removal to the Township within ten days of removal. If applicable, a hazardous tree report, including relevant documentation and photographs shall be submitted by a certified arborist.
- B. Hazardous tree removal. Property owner is to contact the Township or fill out an on-line application before removing the tree. When the application has been signed by the Shade Tree Commission or designee the tree may be removed.

§ 263-7. License requirements.

- A. License required. Effective the date of this chapter, it shall be unlawful for any person, firm, or corporation to prune or remove a street tree within the jurisdiction of the Shade Tree Commission without first having obtained a license as a specialty contractor from the Community Development Department, as required by Chapter 145 of the Township Code.
- B. Application. Applications for license shall be made on a form provided by the Township and shall include name and address of the business, partnership or corporation, and the name of the individual to be licensed, along with any additional information which the Township may require.
- C. Certification. Upon the filing of an application for license, applicants shall be required to provide evidence of current certification through the International Society of Arboriculture. Certification as an ISA arborist shall be required for renewal of a contractor's license pursuant to this subsection.
- D. Insurance Requirements. All applications for a license shall include proof of general liability insurance coverage and worker's compensation insurance coverage in the following amounts:
 - (1) General Liability – Coverage for personal injury in a minimum amount of \$1,000,000 per occurrence and in the aggregate, and property damage in a minimum amount of \$250,000 per occurrence and in the aggregate. In the alternative, a combined coverage of \$1,000,000 of personal injury and property damage per occurrence and \$1,250,000 in the aggregate may be provided.
 - (2) Worker's Compensation – Coverage as is required by the Commonwealth of Pennsylvania.

All policies shall be issued and in full force and effect before commencement of any construction. All insurance coverages shall not be altered, modified or canceled without the express written consent of the Township.

§ 263-8. Review of permit applications.

- A. Land development/subdivision. In addition to any applicable requirements of the Radnor Township Subdivision and Land Development Ordinance, all applicants shall submit to the Shade Tree Commission the following information contemporaneously with the filing of the land development or subdivision plan:
 - (1) The applicant shall submit a plan illustrating:
 - (a) The size, species and location of all shade and street trees with a DBH of six inches or greater which are in the proposed area of disturbance;

- (b) All trees to be removed designated with an X; and listed in report form with species, size and general point of location on property.
 - (c) Approximate location of trees listed in plan form with species, size on adjoining properties that are located within 10 feet of the property line (said locations can be approximated from the subject property or via existing aerial photographic data).
- (2) A planting plan shall also be required illustrating the size, species and location of trees to be planted in compliance with the tree replacement formula. The planting plan shall include a chart summarizing sizes and species of trees to be removed and trees to be planted.
 - (3) The plan(s) shall illustrate the location of protective tree preservation fence around trees to remain, including a detail of such. Additionally, the following measures must be addressed by the applicant and inspected by the Township Engineer or Township Arborist prior to the start of work or issuance of the permit: protective tree preservation fence must be installed. All trees to be removed within the area of disturbance must be clearly marked at the base of each tree with visible, permanent forestry type paint in the color of Pink indicating the status of each tree. All trees to remain within the area of disturbance must be clearly marked at the base of each tree with Forestry Grade flagging tape in green color
 - (4) In addition to the requirements of § 255-38 of the Radnor Township Subdivision and Land Development Ordinance, Trees shall be planted by the applicant or developer for any land development or subdivision as follows:
 - (a) Along both sides of new streets.
 - (b) Along new sidewalks.
 - (c) Along both sides of existing streets, highways, sidewalks, pedestrian ways, bicycle trails or pathways when they abut or lie within the subdivision or land development.
 - (d) Along both sides of access driveways to residential development.
 - (5) The Shade Tree Commission shall review the proposed application for compliance with the requirements of the Township's tree replacement formula. The Shade Tree Commission shall also consider the impact, if any, on all trees with a DBH of six inches or greater and shall make recommendations for the preservation of existing trees and for the species, location and size of new plantings.

- (6) Such recommendations shall be made in writing to the Planning Commission. Upon satisfactory resolution of the Shade Tree Commission's comments, the Planning Commission may approve the plans.
- (7) In the event that replanting is impractical or impossible as determined by the Shade Tree Commission, the applicant has the option of making payment to the Commemorative Shade Tree Fund in lieu of replanting in accordance with the formula as set forth in Section 263-11B.

B. Grading and clearing permits.

- (1) The application for a grading permit for grading in excess of 200 cubic yards, or for grading in a parking lot of five or more cars or in connection with a pool permit, shall be made in writing to the Township Engineer upon forms available on the Township website, together with the required filing fee.
- (2) The application for a clearing permit on any lot in which ten or more trees of six or inches or greater DBH or a heritage tree are proposed to be removed shall be made in writing to the Township Engineer upon forms available on the Township website, together with the required filing fee.
- (3) The applicant shall submit a plan:
 - (a) The size, species and location of all shade and street trees with a DBH of six inches or greater which are in the proposed area of disturbance;
 - (b) All trees to be removed designated with an X; and
 - (c) Approximate location of trees on adjoining properties that are located within 10 feet of the property line (said locations can be approximated from the subject property or via existing aerial photographic data), A planting plan shall also be required illustrating the size, species and location of trees to be planted in compliance with the tree replacement formula. The plan shall include a chart summarizing sizes and species of trees to be removed and trees to be planted.
- (4) The plan(s) shall illustrate the location of protective tree preservation fence around trees to remain, including a detail of such. Additionally, the following measures must be addressed by the applicant and inspected by the Township prior to the start of work or issuance of the permit:
 - (a) Protective tree preservation fence must be installed and maintained until the work is complete and not removed until directed by the Township;
 - (b) All trees to be removed with in the area of disturbance must be clearly marked at the base of each tree with visible, permanent forestry type paint in the color of Pink indicating the status of each tree. All trees to remain with in the area of

disturbance must be clearly marked at the base of each tree with Forestry Grade flagging tape in green color.

- (c) For every 30 trees to be removed, the applicant must provide five photographs capturing as many trees as possible to obtain a broad spectrum of the proposed property to be cleared and/or areas of 6 or more trees to be removed. (IT Department should weigh in on photo quality spec.)
- (d) The cost of such inspections will be charged against the applicant's obligation escrow.
- (5) The Shade Tree Commission shall approve or disapprove each grading or clearing permit application before them and provide a written basis for its findings. If approved, the Township Engineer may issue a grading or clearing permit.
- (6) The Shade Tree Commission can, in its discretion as a condition of a permit, require the applicant to file a bond or to deposit security satisfactory to it to guarantee compliance with the terms and conditions upon which the permit is issued.
- (7) In the event that replanting is impractical or impossible onsite as determined by the Shade Tree Commission, the applicant shall make payment to the Commemorative Shade Tree Fund in lieu of replanting in accordance with the formula as set forth in Section 263-11B or may plant the required trees in locations in need in the township.

C. Removal of a heritage tree - Trees greater than 30 inches in DBH.

- (1) The application for the removal of a heritage tree shall be made in writing to the Township Engineer upon forms published on the Township website, together with the required filing fee.
- (2) The plan shall illustrate the size, species and location of the heritage tree that is proposed to be removed, and the size, species and location of new trees to be planted in compliance with the tree replacement formula. Three to five photographs of the proposed Heritage tree to be removed must accompany the application: 1) at the base of the trunk at ground level 2) the entire tree if possible 3) the subject area of concern (defect, crack). If the applicant cannot produce photos, an on-site visit may be necessary.
- (3) The Shade Tree Commission shall approve or disapprove each heritage tree permit application in accordance with this Ordinance. If the removal of a heritage tree is approved, the applicant shall replace each heritage tree DBH for DBH, unless such replacement planting onsite is impractical or impossible, in which event, the applicant shall contribute a fee in lieu of such planting to the Commemorative Shade Tree Fund or shall plant the required trees in locations in need in the township.

D. Tree removal and tree planting in commercial districts.

- (1) The application for tree removal in a commercial district shall be made in writing to the Township Engineer upon forms furnished on the Township website, together with the required filing fee and shall be required when one or more trees of two and one-half inches in DBH or larger are to be removed from a commercially zoned property.
- (2) A plan shall be submitted illustrating the size, species and location of the tree that is proposed to be removed, and the size, species and location of new trees to be planted in compliance with the tree replacement formula.
- (3) The Shade Tree Commission shall review the application for compliance with the requirements of the Township's tree replacement formula.
- (4) The Shade Tree Commission shall approve or disapprove each application it receives and provide a written basis for its findings. If approved, the Township Engineer may issue a tree removal permit.
- (5) In the event that replanting is impractical or impossible onsite as determined by the Shade Tree Commission, the applicant shall make payment to the Commemorative Shade Tree Fund in lieu of replanting in accordance with the formula as set forth in Section 263-11B, or shall plant the required trees in locations in need in the township.

E. Demolition permit.

- (1) The application for a demolition permit shall be made in writing to the Director of Community Development upon forms furnished by him, together with the required filing fee.
- (2) The applicant shall be required to submit a plan illustrating the size, species and location of all shade and street trees with a DBH of six inches or greater which are in the proposed area of disturbance; all trees to be removed designated with an X [It is recommended that permanent spray paint be used for trees to be removed pink and trees to remain with forestry flagging tape (green)]; and approximate location of trees on adjoining properties that are located within 10 feet of the property line (said locations can be approximated from the subject property or via existing aerial photographic data).
- (3) All demolition permits and other tree removal applications shall meet the following tree replacement formula as set forth in the Definition section of this ordinance.
- (4) The Shade Tree Commission shall approve or disapprove each application and provide a written basis for its findings. If approved, the Director of Community Development may issue a demolition permit.

- (5) In the event that replanting is impractical or impossible onsite as determined by the Shade Tree Commission, the applicant shall make has payment to the Commemorative Shade Tree Fund in lieu of replanting in accordance with the formula as set forth in Section 263-11B, or may plant the required trees in locations in need in the township.

§ 263-9. Street trees.

A. Planting.

- (1) Street trees shall be planted by the developer for any land development or subdivision as follows:
 - (a) Along new streets.
 - (b) Along new sidewalks.
 - (c) Along existing streets, highways, sidewalks, pedestrian ways, bicycle trails or pathways when they abut or lie within the subdivision or land development.
 - (d) Along access driveways to residential development.
- (2) The Shade Tree Commission encourages all residents to plant, maintain and assume stewardship for street trees within the Township. Appropriate species for new trees are recommended in Appendix A of this chapter and are available on the Township website. Careful attention should be given to encouraging proper planting, especially under utility wires.

As to location, it is advisable to consult the Shade Tree Commission for appropriate locations for the new street trees.

- (3) Whenever any street tree shall be planted in violation of this chapter, or an unsuitable species is planted, or a street tree is planted in an inappropriate location due to traffic sight lines, overhead wires, insufficient area for root growth or similar conditions, the Township may remove the street tree at the cost of removal to the owner of the property.

B. Maintenance of street trees.

- (1) The cost and expenses of planting, pruning, maintaining, fertilizing, protecting and caring for street trees shall be borne by the Township when and only when the work is done by or contracted for the Township.
- (2) Any firm, subcontractor, certified arborist or person contracted to prune or otherwise maintain or remove a street tree must first apply to the Township for an annual

permit to perform such activities. Certification shall be from the International Society of Arboriculture (ISA).

(3) Public utilities wishing to do routine maintenance shall apply to the Township for an annual permit to perform such activities. The permit application shall specify the kind of work the utility desires to perform and the area where the operation will occur during the period of the permit.

(4) Whenever, in order to take down or prune any street tree, it shall be deemed necessary to remove any wire or wires, every person having any such wire(s) running through a public street or highway shall temporarily remove the same or cut off the flow of the current there from within 24 hours after service of written notice from the Township Manager to do so. Notice may be made by regular mail. Tree trimming near energized electrical conductors may be done by certified arborists trained to work in these conditions.

C. Acts injurious to street trees. Except in case of necessity for protection of life or property, it shall be a violation of this chapter for any person to do any of the following acts:

(1) To cut down any street tree.

(2) To interfere or come in contact with the roots of any street tree.

(3) To cut into, drive nails or spikes into, break, climb with spurs, or injure in any manner a street tree.

(4) To place any rope, guy wire, cable, sign, poster or other fixture on a street tree.

(5) To injure, misuse or remove any device placed to protect a street tree.

(6) To discharge or pour salt, saltwater, oil or other noxious liquids or materials on a street tree or around its base.

(7) To place any stone, cement or other material on a street tree or around its base so as to impede the natural passage of water and air into its roots.

(8) To attach any electrical wire, insulator or any device for the holding of an electrical wire to any street tree, without first obtaining a permit.

§ 263-10. Obligation escrow.

This chapter shall be enforced by the Township Engineer and/or his duly authorized representatives, in order to carry out and enforce the requirements of this section.

A. An obligation escrow agreement shall be established by the applicant with the Township for all approved land development/subdivision applications, grading, clearing,

commercial development applications, pool permits, woodland thinning, tree planting, and demolition permits (collectively the "approved permits").

- B. The obligation escrow agreement is to guarantee the applicant's compliance with the approved permits under this chapter and shall be established in a form and manner to be approved by the Township prior to the commencement of any tree planting or tree removal.
- C. Prior to the removal or planting of any required trees, an applicant shall be required to place in escrow the following amounts:
 - (1) An amount equal to \$500 per tree scheduled to remain up to a maximum of \$7,500, unless waived or modified by the Township Engineer;
 - (2) An amount equal to a minimum of \$18.00/LF of tree protection preservation fence or the amount set annually by the Board of Commissioners, as required by the approved permit;
 - (3) An amount equal to \$500 per newly installed replacement tree, unless waived or modified by the Township Engineer, for inspections in accordance with § 263-8; and
 - (4) In the event that replanting is impractical or impossible, onsite the applicant shall make payment to the Commemorative Shade Tree Fund in lieu of replanting in accordance with the formula as set forth in Section 263-11B, or may plant the required trees in locations in need in the township.
- D. In the event that an applicant removes any tree in violation of an approved Township plan or permit, the applicant shall forfeit \$500 for each tree as a penalty and an additional \$500 necessary to replace the tree removed in violation of an approved plan or permit.

§ 263-11. Fines and Penalties; Enforcement.

This chapter shall be enforced by the Township Manager and his duly authorized representatives, and the Township Manager shall carry out and enforce the recommendations of the Shade Tree Commission.

- A. Fines shall be levied under the following circumstances:
 - (1) Failure to conform with a plan approved by the Shade Tree Commission.
 - (2) Failure to install protective tree preservation fence on a construction site, or to remove such a fence during construction or clearing operations, or to violate the purpose of the fence by storing materials within the fence, thereby damaging tree roots.

- (3) Injury or injuries (as described in § 263-9C) or removal of any street or shade tree in violation of this chapter.
- (4) Upon the determination of the Township Engineer that an applicant or his/her representative has violated or permitted the violation of this chapter, the applicant shall pay a fine to the Township of \$250 per day or such other fine as is determined to be equitable by the Township Engineer. Once the Township Engineer determines the fine, the applicant shall have ten days within which to pay the fine or the Township will institute a civil enforcement complaint in District Justice Court.
- B. Any person, partnership or corporation which has violated or permitted the violation of the provisions of this chapter shall, upon being found liable in a civil enforcement proceeding commenced by the Township, pay a minimum fine of \$500 per day up to a maximum of \$1,000 per day, plus all court costs, including reasonable attorneys' fees incurred by the Township as a result of the violation. Each day the violation continues shall constitute a separate violation,
- C. If any tree has been injured, cut down or removed in violation of this chapter, an applicant or person may replace the tree with a new tree of a size and species to be recommended by the Shade Tree Commission. The cost and maintenance of the new tree shall be the responsibility of the violator for a period of two years during which time the violator shall be responsible to replace the tree if it dies or becomes diseased within that two-year time period.

§ 263-12. Disposition of penalties or assessments.

Any penalties or assessments imposed under the Chapter shall be paid to Radnor Township and deposited in the Commemorative Shade Tree Fund.

§ 263-13. Appeals.

Any person who wishes to contest any decision of the Shade Tree Commission or any fines and/or penalties shall have the right to appeal, in writing to the Board of Commissioners, within 20 days of the date of the alleged action pursuant to the Local Agency Law.

Section 2.

Repealer. All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

Section 3.

Severability. If any section, paragraph, subsection, clause or provision of this Ordinance shall be declared invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of this Ordinance as a whole or any part thereof other than that portion specifically declared invalid.

Section 4.

Effective Date. This Ordinance shall become effective in accordance with the Home Rule Charter of Radnor Township.

ENACTED and *ORDAINED* this day of , 2012.

RADNOR TOWNSHIP

By:

Name: William A. Spingler
Title: President

ATTEST:

Robert A. Zienkowski, Secretary

Appendix A: Recommended Trees for Radnor Township

This appendix is not meant to be restrictive; trees which are not listed may be used. Large-growing trees are preferred wherever there is available space.

For further information on sun, water and soil requirements, and the landscape value of the following trees, please consult the *Manual of Woody Landscape Plants* by Michael A. Dirr, which is available at the Radnor Memorial Library.

The following are invasive exotic species and should not be planted anywhere in Radnor Township:

Acer platanoides (Norway maple)
Acer pseudoplatanus (sycamore maple)
Acer ginnala (Amur maple)
Ailanthus altissima (tree-of-heaven)
Aralia elata (Japanese angelica tree)
Broussonetia papyrifera (paper mulberry)
Morus alba (white mulberry)
Paulownia tomentosa (princesstree)
Pellodendron amurense (Amur cork-tree)
Pyrus calleryana (callery pear)
Ulmus parvifolia (Chinese elm)

The following trees have pest or other issues and are not recommended for planting:

Betula pendula (European whitebark birch)
Pinus nigra (Austrian pine)
Pinus sylvestris (Scots pine)
Sorbus aucuparia (European mountain-ash)
Tsuga canadensis (Canada Hemlock)

Minimum planting sizes and planting standards:

Trees should:

- Have a caliper of 2 1/2"-3"
- Be balled and burlapped (B&B) specimens
- Planted according to current industry standards
- Have all non-biodegradable burlap, rope and twine removed from the root ball
- Be mulched

Large Canopy Trees (trees that will have a mature height of 50 or more feet)

<i>Acer rubrum</i>	Red Maple
<i>Acer saccharum</i>	Sugar Maple
<i>Cladrastis lutea</i>	American Yellowwood
<i>Fagus grandifolia</i>	American Beech
<i>Fagus sylvatica</i>	European Beech
<i>Fraxinus americana</i>	White Ash
<i>Fraxinus pennsylvanica</i>	Green Ash

Ginkgo biloba (male selections)
Gleditsia triacanthos
Gymnocladus dioicus
Liquidambar styraciflua
Liriodendron tulipifera
Magnolia acuminata
Metasequoia glyptostroboides
Nyssa sylvatica
Pseudolarix kaempferi
Quercus acutissima
Quercus bicolor
Quercus imbricaria
Quercus macrocarpa
Quercus palustris
Quercus phellos
Quercus shumardii
Taxodium distichum
Tilia americana
Tilia cordata
Tilia tomentosa
Zelkova serrata

Maidenhair Tree
Common Honeylocust
Kentucky Coffeetree
Sweetgum
Tulip Tree
Cucumbertree
Dawn Redwood
Black Tupelo
Golden-larch
Sawtooth Oak
Swamp White Oak
Shingle Oak
Bur Oak
Pin Oak
Willow Oak
Shumard Oak
Bald-cypress
American Linden
Littleleaf Linden
Silver Linden
Japanese Zelkova

Large Evergreen Trees (evergreens that will have a mature height of 50 or more feet)

Abies concolor
Abies nordmanniana
Cedrus atlantica
Cryptomeria japonica
Picea abies
Picea orientalis
Picea omorika
Pinus flexilis
Pinus parviflora
Pinus strobus
Pinus wallichiana
Pseudotsuga menziesii

White Fir
Nordmann Fir
Atlas Cedar
Japanese Cedar
Norway Spruce
Oriental Spruce
Serbian Spruce
Limber Pine
Japanese White Pine
White Pine
Himalayan Pine
Douglas-fir

Small and Medium Trees (trees that will have a mature height of under 50 feet)

Acer buergerianum
Acer campestre
Acer carpinifolium
Acer griseum
Acer palmatum
Amelanchier arborea
Amelanchier canadensis
Amelanchier laevis
Amelanchier x grandiflora

Trident Maple
Hedge Maple
Hornbeam Maple
Paperbark Maple
Japanese Maple
Downy Serviceberry
Shadblow Serviceberry
Allegheny Serviceberry
Apple Serviceberry

<i>Aesculus x carnea</i>	Red Horsechestnut
<i>Alnus</i> sp.	Alders
<i>Betula lenta</i>	Sweet Birch
<i>Betula nigra</i>	River Birch
<i>Betula platyphylla</i>	Japanese White Birch
<i>Calocedrus decurrens</i>	Incense-cedar
<i>Carpinus betulus</i>	European Hornbeam
<i>Carpinus caroliniana</i>	American hornbeam
<i>Cercidiphyllum japonica</i>	Katsura Tree
<i>Cercis canadensis</i>	Eastern Redbud
<i>Chamaecyparis nootkatensis</i>	Alaska-cedar
<i>Chamaecyparis obtusa</i>	Hinoki False Cypress
<i>Chionanthus virginicus</i>	Fringe-tree
<i>Cornus kousa</i>	Kousa Dogwood
<i>Cornus mas</i>	Cornelian Cherry
<i>Crataegus crusgalli</i> var. <i>inermis</i>	Thornless Cocksaur Hawthorn
<i>Crataegus phaenopyrum</i>	Washington Hawthorn
<i>Crataegus punctata</i>	Dotted Hawthorn
<i>Crataegus viridis</i> 'Winter King'	Winter King Hawthorn
<i>Halesia carolina</i>	Carolina Silverbell
<i>Ilex aquifolium</i>	English Holly
<i>Ilex opaca</i>	American Holly
<i>Juniperus chinensis</i>	Chinese Juniper
<i>Juniperus virginiana</i>	Eastern Red-cedar
<i>Maackia amurensis</i>	Amur Maackia
<i>Magnolia virginiana</i>	Sweetbay Magnolia
<i>Malus</i>	Flowering Crabapple
<i>Ostrya virginiana</i>	American Hophornbeam
<i>Oxydendrum arboreum</i>	Sourwood
<i>Parrotia persica</i>	Persian Parrotia
<i>Pinus bungeana</i>	Lacebark Pine
<i>Pinus densiflora</i>	Japanese Red Pine
<i>Pinus cembra</i>	Swiss Stone Pine
<i>Pinus thunbergiana</i>	Japanese Black Pine
<i>Prunus serrulata</i>	Flowering Cherry
<i>Prunus subhirtella</i>	Higan Cherry
<i>Prunus sargentii</i>	Sargent Cherry
<i>Stewartia koreana</i>	Korean Stewartia
<i>Stewartia pseudocamellia</i>	Japanese Stewartia
<i>Thuja</i> 'Green Giant'	Green Giant Arborvitae
<i>Thuja plicata</i>	Western Arborvitae