



**VANDEMARK  
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January 28, 2019  
Revised February 7, 2019

Project No. 23425.10

Board of Supervisors  
**EAST MARLBOROUGH TOWNSHIP**  
721 Unionville Road  
Kennett Square, PA 19348

Attn: Laurie Prysock, Township Manager

**RE: 802 East Baltimore Pike, LLC**  
**802-810 East Baltimore Pike**  
**Conditional Use Application**

We have reviewed the following materials submitted in support of a Conditional Use application for the referenced project.

The documents received in our office, via email, on January 22, 2019 include:

- Conditional Use Plans prepared by D.L. Howell & Associates, Inc. (DLH), consisting of seven sheets, and last revised January 22, 2019;
- An Alternate Site Plan prepared by D.L. Howell & Associates, Inc. (DLH), consisting of one sheet, and last revised December 14, 2018;
- A Fire Truck Turning Plan prepared by D.L. Howell & Associates, Inc. (DLH), consisting of one sheet, and last revised December 14, 2019;
- A response letter from DL Howell, dated January 15, 2019;
- A Preliminary Hydraulic and Hydrologic Analysis for the site, dated January 21, 2019;
- A Chester Water Authority Letter of Capacity, dated December 12, 2018;
- Easement documents for the sanitary sewer easement on the Bank of America site;
- Environmental covenant documents for the site;
- PNDI Clearance document, dated December 12, 2018; and,
- The Zoning Hearing Board Decision documents dated December 17, 2018.

The documents received in our office, via email, on January 29, 2019 include:

- Conditional Use Plans prepared by D.L. Howell & Associates, Inc. (DLH), consisting of seven sheets, and last revised January 28, 2019;
- An Alternate Site Plan prepared by D.L. Howell & Associates, Inc. (DLH), consisting of one sheet, and last revised January 28, 2019; and,

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- A Fire Truck Turning Plan prepared by D.L. Howell & Associates, Inc. (DLH), consisting of one sheet, and last revised January 28, 2019.

The documents received in our office, via email, on February 6, 2019 include:

- Cross Section Site Plan prepared by D.L. Howell & Associates, Inc. (DLH), consisting of one sheet, and last revised January 28, 2019; and,
- Wetland Assessment prepared by Wolf Bioservices, Inc. (WBI), dated February 5, 2019.

The purpose of the application is to show the proposed consolidation and development of six (6) parcels along East Baltimore Pike that total 9.009-acres. Four parcels have existing dwelling units with accessory structures, and one parcel has a former gas station pad. The majority of the project area is located in East Marlborough Township (EMT), with a portion of the area located in Kennett Township (KT). The proposed development would consist of a 3,558 square foot bank, a 5,189-square foot Royal Farms with 8-gas pumps, and a 25,500-square foot 2-story medical office building, with parking, access, utilities and associated site improvements. The EMT properties are zoned MU, Multiple Use. The proposed uses require conditional use approval, pursuant to section 902.C of the Zoning Ordinance.

Per section 2008.A of the Zoning Ordinance, the applicant is required to “demonstrate compliance with all applicable standards” of the Zoning, Subdivision, and Stormwater Management Ordinances.

Listed below are the comments from our previous review of the Conditional Use Application, (V&L letter dated December 4, 2018), followed by a response, in **bold face** type, indicating how the comment has been addressed:

**Zoning Ordinance (ZO):**

1. The Conditional Use Application requests conditional use approval pursuant to Article IX, Section 902.C.8, 16 and 21 of the EMT Zoning Ordinance for a bank with drive-thru (3,558 sq. ft.), gasoline service station (5,189 sq. ft. Royal Farms facility), and two-story medical office building (25,500 total sq. ft.). The Royal Farms facility traditionally includes a convenience store component; therefore the application should include Section 902.C.2 for a retail store in a building in excess of 2,000 sq. ft. of floor area.

**Response: Per the Engineer’s 1/15/2019 response letter, Conditional Use Application has been revised to include the conditional use for a retail store in a building in excess of 2,000 square feet of floor area. This item has been resolved.**

2. The Township boundary line depicted on the Conditional Use Plans is labeled “Approx. Location of Municipal Boundary Line as Scaled from County G.I.S. Map”. The depicted line is inconsistent with the municipal boundary line as determined by the Giacchino shopping center litigation, and with the recorded deeds for the affected properties. The Township boundary line should be corrected and the Maximum Allowable Coverage Area table and the

Area and Bulk listing should be revised to accurately reflect the Adjusted Acreage, Floor-area Ratio and Lot Coverage for the Lot. (ZO § 903.E.1, 903.E.3 and 903.3E.9)

The current site plan does not include site improvements on the KT portion of the site. Should the resolution of the Township boundary line result in site improvements in KT, applicable Kennett Township ordinances should be followed for Land Development approval. This approval should occur concurrently with the East Marlborough Land Development Plan process.

**Response: The Township boundary line has been revised and a portion of the development is now proposed within KT. The Engineer has provided zoning, and bulk and area information for KT on the plan. The portion of the property within KT is zoned C- Commercial, a similar use to the EMT MU zoning.**

**Engineer proposes a 'Weighted Average' to establish impervious coverage for the overall site. This approach calculates the allowable impervious coverage for the portion of the site within each Township, and then combines the two allowable impervious areas to establish a maximum impervious area for the overall site. EMT allows 55% impervious cover of the adjusted lot area within the MU zoning district. KT allows 50% impervious cover of the lot area within the C zoning district. The calculation provided on the plans, indicates that 62.9% impervious coverage is proposed within the EMT portion of the site, and 7.3% impervious coverage is proposed within the KT portion of the site. The 'Weighted Average' approach demonstrates that the total proposed impervious cover (152,292 square feet) is less than the total allowable impervious cover (176,157 square feet).**

**The 'Weighted Average' approach allows the impervious coverage to be concentrated on the site so that the proposed development is connected along the Route 1 corridor, and larger areas of green space are maintained. We have no technical objection to this approach; however, the Board should determine whether this is acceptable.**

**The applicant should provide EMT with documentation that they have or will obtain Land Development Plan approval from KT, or alternatively, that KT has confirmed that the project does not require Land Development Plan approval in their township.**

3. For buildings in excess of one-story, the Side Yard and Rear Yard setbacks shall be increased by 5 feet per Story. The Side Yard and Rear Yard adjacent to the proposed two-story medical office building should be increased to 25-feet. (ZO § 903.E.5 and 903.E.6)

**Response: The side yard and rear yard setbacks have been updated. This item has been resolved.**

4. The Off-Street Parking listing for the Royal Farms facility cites the requirement for the minimum number of parking spaces for the gasoline service station, which is 1 space per employee, 6 stacking spaces per pump island, and 1 additional space per pump island for employee. However, it does not include parking requirement for the convenience store

component of the facility, which is 1 space per 200 square feet of gross floor area for retail stores. Additional parking should be computed for the retail portion of the Royal Farms facility. The plan should show the areas designated for parking and stacking. (ZO § 1812.A.1.b.xiii and 1812.A.1.b.ix)

**Response: The parking required for the convenience store portion of the Royal Farms has been added to the parking tabulation, and the stacking spaces have been depicted. This item has been resolved.**

5. The Off-Site Parking listing for the medical office building cites the requirement for the minimum number of parking spaces for business, professional, governmental, financial, or institutional office, which is 1 space per employee and 1 space per 300 square feet of building floor area. (ZO § 1812.A.1.b.v) This equates to a total of 110 parking spaces.

The Zoning Ordinance does not contain a specific parking requirement for medical office, and the applicant's use of § 1812.A.1.b.v is the most appropriate available choice. This notwithstanding, it has been our experience that medical office use can have a more intensive parking demand than 1 space per 300 square feet of floor space. Some examples of other municipal code parking requirements are:

- a. Concord Township: 6.5 PS per 100 sf of examination room area
- b. Westtown Township: 1 PS per 150 sf of gross floor area
- c. New Castle County, DE: 4.5 PS per 1,000 sf of gross floor area

If these metrics were applied to the proposed medical office building, the required number of parking spaces, including employees, would range from 115 to 170.

The applicant should testify to the intended tenants of the medical office and the anticipated parking demand. ZO § 1812.A.1.c allows the Township to consider specific parking requirements which may be equivalent to, greater than, or less than the requirements in §1812.A.1.b.

**Response: The revised plan has adjusted the parking within the site to accommodate comments from V&L. Additionally they have provided an Alternate Overall Site Plan that further alters the parking. The Engineer's 1/15/2019 response letter states the applicant will continue to discuss parking needs with the Board. The applicant should provide documentation, from the end user of the medical office space, as to the parking requirement for the proposed use.**

6. Handicap parking should be provided for the bank, in accordance with the Department of Justice *2010 ADA Standards for Accessible Design*.

**Response: The revised layout for the bank site has provided handicap parking. This item has been resolved.**

7. We understand that the plan set has been forwarded to Glackin Thomas Panzak (GTP) so that they may review the landscaping provisions. The applicant should address any comments they may issue. The applicant should demonstrate that the parking lot landscaping is not less than 10% of the paved areas. The overall site parking lot landscape appears to be approximately 12%. For reference, the parking lot landscaping for the bank site, the Royal Farms site and the medical office site are approximately 5%, 14% and 16% respectively. It appears that the landscape islands near the medical office building are less than 10 foot wide. Parking areas should be separated from drive aisles by 10 foot wide landscape areas. (ZO § 1812.C.2, 1812.D.2.a.iii, and 1812.D.2.c)

**Response: The revised overall plan includes a table with the minimum landscape area within the proposed parking lot area as 10.5%. We understand that the parking layout may be further revised in response to discussion during the Conditional Use Hearing. We recommend the Engineer provide a graphic detail and area calculations with future submissions for the parking and parking lot landscaping to verify the percentage. The applicant should address comments from GTP.**

8. ZO § 1812.D.2.a requires the property lines to be provided with a Buffer planting strip with a width between 20 feet and 100 feet. ZO § 1812.D.2.a.i. requires the Buffer width of 40 feet to 100 feet, where adjacent to property zoned AP or R-B Residential, with the exact width determined by the intensity and potential adverse impact of the proposed use on the adjacent property and the size of the property to be developed. ZO § 1812.D.2.a.ii. requires the Buffer width of 20 feet to 40 feet, where adjacent to property zoned other than R-B Residential, with the exact width determined by whether, at the time, the use of the adjacent property is residential and in accordance with ZO § 1812.D.2.a.i.

The adjoining property to the east, within EMT, is within the MU Zoning District. The project area within KT and the adjoining property to the southeast within KT are in the Commercial (C) Zoning District for KT. The remaining adjoining property to the south, within KT, is in the Planned Residential (PRD) Zoning District. The PRD development is a mixed use of single family detached units and townhouse units where the townhouse section is closest to the proposed development. The townhouse units are similar to the Residential Multi-Family (R-M) Zoning District within EMT.

The Landscape Plan depicts a 20 foot wide Buffer along all property lines up to the Township boundary line. The Board should decide if the proposed Buffer widths are acceptable.

**Response: Additional plantings are shown on the revised landscape plan along the property line in KT. The applicant should continue the discussion with the Board regarding the width of the buffers, and address any comments from GTP.**

9. The applicant shall demonstrate that the proposed commercial buildings are located within 150 feet from a duly dedicated, improved and accessible fire lane easement. The applicant should show the existing and proposed fire hydrant locations. The applicant should provide

documentation from Longwood Fire Department that the access, circulation, and fire hydrant locations are acceptable to service the proposed development. (ZO §1812.F.2 and 1812.F.3)

**Response: A fire lane easement and additional fire hydrants have been provided on the revised plan. The applicant should provide documentation from the Longwood Fire Department that the access, circulation, and fire hydrant locations are acceptable to service the proposed development, prior to Land Development Plan approval.**

10. A Lighting Plan has been submitted with this application and appears to meet the requirements in (ZO §1812.G). We note that the foot-candle intensity under the gas pump canopy is extremely high, which is typical for this type of facility. The Board may want to consider a condition that restricts the light fixtures under the gas canopy to be recessed fixtures to reduce glare to the adjacent roadway and motorist.

**Response: The Engineer's response letter acknowledges this comment and defers to the Board for any additional comments.**

11. We do not believe there are any wetland areas on the subject property. This should be verified and confirmed by the applicant, and a note should be added to the plans stating the basis for this conclusion. (ZO § 1820)

**Response: A note has been added to the plan that the site does not contain any known wetlands. This statement is confirmed by the Wetland Assessment from WBI. The Engineer should reference this report on future plan submissions.**

**The Wetland Assessment comments on ponding water that was observed by the Township in the vicinity of the Applicant's property, and states that the ponding is not on the subject properties. The ponding is depicted in the WBI report approximately 50 feet offsite in KT. If this ponding meets the EMT definition of water body, then the appropriate riparian buffer should be shown on the Applicant's property.**

12. The Existing Conditions and Demolition Plan, sheet C02.1, indicates that there are five Specimen Trees located on the site. It appears that a 37 inch Cherry tree and a 41 inch Chestnut tree will not be impacted by the proposed construction. Two Maple trees (42 inch and 45 inch) are identified as dead and to be removed. A 47 inch Ash tree is identified to be removed. Sections 1822.B.2 and 1822.B.3 state that no Specimen Tree is to be cut down unless conclusive evidence proves to the Township that removal is necessary and appropriate due to disease, rot or other damage to the tree, or due to a serious threat to public health or safety.

It is our understanding that the two trees identified as dead and to be removed, have demonstrated compliance with Section 1822.B.3 and received Board approval for removal. We further understand that the Zoning Hearing Board granted a variance to remove the 47 inch Ash tree. The three (3) Specimen Trees to be removed should be replaced in accordance

with Section 1822.B.5, and/or any conditions from the Zoning Hearing Board Variance decision.

**Response: The Zoning Hearing Board's Variance Decision has been provided. This item has been resolved.**

**Subdivision and Land Development Ordinance (SLDO):**

13. The engineer should verify that the proposed street trees along Route 1 would not interfere with the available sight distance for a right-turning vehicle from site. (SLDO § 609.H)

**Response: Sight distance lines have been provided on the plans and the plantings do not appear to interfere with the available sight distances. This item has been resolved, provided any comments from GTP are addressed.**

14. We understand that the applicant has prepared and submitted a Transportation Impact Study, which has been forwarded to Traffic Planning and Design (TPD) for review. The applicant should address any comments they may issue. (SLDO § 611)

**Response: We understand the revised plans were sent to TPD for review. The applicant should address any comments they may issue.**

15. The plan states that the site will be serviced by public sewer and a proposed sewer pump station is located. The applicant should provide a sewer service connection location and identify required off-site easements. The applicant should provide documentation from the Township that the sewer system has adequate capacity to service the proposed use. The Land Development Plans will need to include the appropriate planning modules submissions, and construction details to demonstrate compliance with Section 620 of the SLDO.

**Response: The off-site sanitary sewer easement information was included with this plan. The Engineer's 1/15/2019 response letter states that documentation from the Township regarding capacity will be submitted upon receipt and that the Planning Module will be submitted with the Land Development submission. We understand that revised plans and additional documents were sent to AECOM for review. The applicant should address any comments they may issue.**

16. The site appears to have adequate access to public water though the existing water line located along the Route 1 frontage. The applicant should provide documentation from Chester Water Authority that adequate capacity exists for the proposed development. The Land Development Plans will need to show the locations and details for the proposed domestic and/or fire service lines for the proposed building. (SLDO § 621)

**Response: A letter of capacity from Chester Water Authority was provided. This item has been resolved.**

**Stormwater Management Ordinance (SWMO):**

17. The submitted Stormwater Plan, sheet C03.1, includes a listing for the pre-development and post development drainage areas and the 2 year volume summary for the two points of interest. The plan also provides a summary of infiltration test data from 2006 for one of the proposed stormwater facility areas. As this testing shows varying results within the general facility area, and no testing has been provided for the second proposed stormwater facility, we recommend additional soil testing be performed (as detailed in Section 306.1) to demonstrate feasibility of infiltration.

**Response: The Engineer's response letter states that additional stormwater testing will be performed prior to the Land Development submission. This item has been resolved, subject to soil testing be provided with the Land Development submission.**

18. A preliminary stormwater report should be submitted to demonstrate that the performance standards contained in Section 302 of the SWMO are feasible, and identify whether any waivers are anticipated from the SWMO.

**Response: A Preliminary Hydraulic and Hydrologic Analysis was provided. The analysis generally demonstrates that the stormwater management standards are feasible and that no waivers are anticipated. This item has been resolved, provided that the following is submitted with the Land Development Plan:**

- Detailed stormwater design based on updated soil testing.
- Volume control is provided in basin 2.

**General Comments:**

19. General Note #10 on the Overall Site Plan, sheet C01.1, states the recorded deed for U.P.I. #61-6-97 & #62-4-107 restricts the use of the parcels to commercial or industrial, and requires all owner and occupiers to maintain any engineered controls on the premises and avoid disturbing subsurface strata and soil, except as may become necessary to install adequate foundation bearing support features. The applicant should depict the restricted area on the Land Development Plan, and identify any existing 'engineered controls' on the property that need to be maintained. A preliminary Grading Plan should be provided to demonstrate how fill will be placed in this area in conformance with this restriction, and the effects on the unrestricted area to be developed and the adjoining properties.

**Response: The environmental covenant documents were provided. The following sections should be addressed at the Conditional Use Hearing:**

- *§S.4.b - Maintain any appropriate engineering controls on the Property.*



**Comment - The Engineer/applicant should discuss or demonstrate how the existing monitoring wells will be maintained.**

- *§S.4.c - Avoid disturbing subsurface strata and soils, except as necessary to install adequate foundation bearing support features.*

**Comment - As disturbance is proposed, a Work Plan must be approved by DEP. This condition should be satisfied prior to the Land Development Plan approval. The areas to be monitored in the Work Plan should be identified on the plan.**

20. For clarity, remove all proposed development labels from the Existing Conditions and Demolition Plan, sheet C02.1.

**Response: The labels have been removed from the Existing Conditions and Demolition Plan. This item has been resolved.**

21. As requested at the previous Conditional Use Hearing, cross sections have been provided for the sight lines from the existing residential units in the Village of Longwood Crossing to the proposed bank building and to the proposed Royal Farms building. We reserve specific comments on the information provided for the next Conditional Use Hearing.

If you have any questions, please call us.

Sincerely,  
VanDemark & Lynch, Inc.  
**Township Engineers**



Lisa M. Donlon, P.E.

cc: Planning Commission  
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