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June 6, 2018

Laurie Prysock, Township Manager
East Marlborough Township
721 Unionville Road
Kennett Square, PA 19348

**Re: East Marlborough Township Zoning Hearing Board
Application of East Marlborough Township**

Dear Laurie:

This is to formally advise you that the Zoning Hearing Board met on Wednesday, May 16, 2018, to consider the above-referenced application for zoning relief. The property was posted as required by the Pennsylvania Municipalities Planning Code and the East Marlborough Township Zoning Ordinance. All five members of the Board were present and a stenographic record was kept. The Board was represented by Stacey L. Fuller, Esquire. The Township/Applicant was represented by its Engineer, James Hatfield, and no other parties appeared of record.

In the course of the proceedings, the following exhibits were admitted into evidence:

- Exhibit B-1: Notice of Hearing for May 16, 2018;
- Exhibit B-2: Proof of Publication of Notice in the Daily Local News on April 26, 2018 and May 3, 2018 (reserved);
- Exhibit B-3: Affidavit of Posting of property by Laurie Prysock, Manager of East Marlborough Township, dated May 3, 2018;
- Exhibit B-4: Affidavit of Mailing of notice by Laurie Prysock, Manager of East Marlborough Township, dated May 3, 2018;
- Exhibit B-5: Aerial photographs of subject property (ChesCo Views);
- Exhibit B-6: East Marlborough Township Zoning Ordinance, incorporated herein by reference;

- Exhibit B-7: East Marlborough Township Zoning Hearing Board Application with narrative, dated April 20, 2018;
- Exhibit B-8: Topographic Plan, dated April 18, 2018, prepared by Vandemark & Lynch, Inc.;
- Exhibit B-9: East Marlborough Township Zoning Hearing Board Application with narrative and photographs of existing conditions, dated April 20, 2018; and
- Exhibit B-10: Floodplain Exhibit, prepared by Vandemark & Lynch, Inc.

The property is a 33-foot wide public street right-of-way on Poplar Tree Road, approximately 50 feet east of its intersection with Mill Road. The property is owned by the Applicant and is located in the AP Agricultural Preservation District of the Township. The Applicant sought a special exception pursuant to §1305.A.6 (Special Exceptions) of the East Marlborough Township Zoning Ordinance to permit the construction of a new bridge at the same location of an existing bridge that is in disrepair, which is located within the Flood Hazard District, and any other such relief deemed necessary by the Zoning Hearing Board.

The Board heard testimony from **Jim** Hatfield, Township engineer, on behalf of the application. The Applicant proposes to replace a failing bridge, which is approximately 6½ to 7½ feet wide, with a new bridge located in the same location that will be approximately 8 feet wide. The area in which the bridge shall be located has been designated a Flood Hazard District by the Federal Emergency Management Agency (FEMA). Section 1605.A.6 of the Zoning Ordinance permits the construction of bridges when approved by the appropriate public agencies.

In consideration of the standards set forth within the East Marlborough Township Zoning Ordinance and based upon a careful review of the evidence and testimony presented to the Board, it is determined that the Applicant has met the requirements of the East Marlborough Township Zoning Ordinance and that the relief sought shall not alter the essential character of the AP Agricultural Preservation District of the Township. Accordingly, the Board entered the following:

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ORDER

AND NOW, this 16th day of May, 2018, upon consideration of the application of East Marlborough Township for a special exception pursuant to §1305.06 (Special Exceptions) of the East Marlborough Township Zoning Ordinance to permit the construction of a new bridge at the same location of an existing bridge that is in disrepair, which is located within the Flood Hazard District, for the 33 foot wide public street right-of-way on Poplar Tree Road, at approximately 50 feet east of the intersection with Mill Road, in the AP Agricultural Perversion District of the Township, IT IS HEREBY ORDERED that the special exception shall be GRANTED, subject to the following conditions:

1. The Applicant shall seek and receive FEMA approval for its plans;
2. The Applicant shall submit and receive a GP-11 permit from the Department of Environmental Protection; and
3. The proposed use of the subject property shall be in conformance with the plans, specifications, testimony and evidence presented to the Board.

During the hearing, the Applicant waived the requirement of the Municipalities Planning Code to receive written notice of the Board's decision, within 24 hours. The Board's vote was unanimous (5-0) to grant the application as noted above. Unless an appeal is taken, this is the only notification you will receive.

Very truly yours,



Stacey L. Fuller