



**TOWNSHIP OF THORNBURY
DELAWARE COUNTY**

RESOLUTION No. 6 of 2023

WHEREAS, JAC Property Development, LLC (the “**Applicant**”), as the owner/equitable owner of the property and existing improvements located at 2 Derry Drive, consisting of 2.253 ± acres (the “**Property**”), has made application to the Township to construct an accessory structure in excess of 1,000 square feet¹ on the Property pursuant to §22-202.1 of the Thornbury Township Subdivision and Land Development Code; and

WHEREAS, the Application was accompanied by a preliminary/final land development plan for the Property, said plan being entitled *PRELIM/FINAL MINOR LAND DEVELOPMENT PLAN FOR 2 DERRY DRIVE*, prepared by JMR Engineering, LLC, dated November 8, 2022, last revised February 15, 2023, consisting of 6 (the “**Preliminary/Final Plan**”). The Plan sheets are as follows:

<u>Plan Sheet</u>	<u>Plan Sheet Title</u>	<u>Dated</u>	<u>Revised</u>
1	Layout Plan	11-8-2022	2-15-2023
2	Existing Conditions & Demolition Plan	11-8-2022	2-15-2023
3	Grading & Erosion Control Plan	11-8-2022	2-15-2023
4	Landscape and Lighting Plan	11-8-2022	2-15-2023
5	Construction Details	11-8-2022	2-15-2023
6	Erosion Control Details	11-8-2022	2-15-2023

WHEREAS, the Application and Plan have been reviewed by the Delaware County Planning Department in its review dated December 16, 2022, Thornbury Township Engineer in its latest letter of March 3, 2023; the Township Sewer Engineer in its letter of March 19, 2023, the Township Fire Marshal in his review of January 9, 2023, and the Thornbury Township Planning Commission at its public meeting on March 8, 2023 and review letter of March 8, 2023.

NOW, THEREFORE, BE IT RESOLVED that the Application and Preliminary/Final Plan, be and are hereby conditionally approved subject to the following:

A. Waivers Granted. The following waivers from the Chapter 22, Subdivision and Land Development, of the Township Code are hereby granted and shall be noted on the revised

¹ The Application proposes the construction of an accessory garage/barn structure of 2,400 square feet.

Preliminary/Final Plan:

1. Section 22-404 of the Township Code, Subdivision and Land Development – To allow the Preliminary/Final Plan to be submitted for contemporaneous preliminary and final approval. This waiver request shall appear on the final plans.
2. Section 22-502.3.B.3 of the Township Code, Subdivision and Land Development – To allow the location of trees greater than 4 inches in diameter only within and around the proposed limits of disturbance on the site.
3. Section 22-602.15 of the Township Code, Subdivision and Land Development – To waive the requirement to install curb and sidewalk along the Property frontages of Cheyney Road and Derry Drive.
4. Section 27-2811 of the Township Code, Zoning and Planned Residential Development – Waiving the requirement for an Historic Resource Study for Historic Resources 94 & 95 which are located across the street from the Property, provided that the Historic Resources information block is added to the Preliminary/Final Plan.

B. Conditions of Approval. The Applicant shall comply, to the satisfaction of the Township, with the following conditions and revise the Preliminary/Final Plan, as applicable, prior to the release of the Preliminary/Final Plan for recording:

1. Chapter 22, Section 22-502.4 of the Township Code, Subdivision and Land Development – The Preliminary/Final Plan shall be revised to include the light fixture type and wattage for the proposed lighting, which shall be approved by the Township.
2. Chapter 22, Section 22-608.1 of the Township Code, Subdivision and Land Development – The highest type of sanitary sewage disposal facility shall be provided and the existing dwelling shall be tied into the public sewer in Derry Drive. No other building or structure on the Property shall be connected (directly or indirectly) to the public sewer system. A copy of the Planning Module Waiver from the Pennsylvania Department of Environmental Protection shall be provided to the Township.
3. Chapter 22, Section 22-905.4 of the Township Code, Subdivision and Land Development – The Preliminary/Final Plan shall be revised to indicate replacement trees may be reduced in size to 2”-2 ½” caliper and two (2) of the deciduous trees located near the end of the driveway turnaround shall be changed to two (2) evergreen trees to better shield headlight glare and provide a visual buffer from nearby properties. The Preliminary/Final Plan shall be revised to reflect the forgoing.
4. Chapter 18, Section 18-313.2.A, of the Township Code, Sewers and Sewage Disposal - A Township Sewer Connection Permit will be required, including payment of the required tapping fee for the East Side District (see, Section 18-312.1), prior to issuance of any certificate of occupancy.

5. The location of the sanitary sewer lateral shall be verified and confirmed with the Township Sewer Engineer. In addition and subject to the approval of the Township Sewer Engineer, the extent/alignment of any existing lateral on the Property shall be verified and adjusted, as necessary, . The Preliminary /Final Plan shall be revised accordingly.
6. Chapter 18, Section 18-313.3.H. of the Township Code, Sewers and Sewage Disposal - Prior to connection to the public sewer System, the existing lateral shall be inspected with results provided to the Township Sewer Engineer for a determination of adequacy in terms of infiltration/inflow and general conditions.
7. Section 18-313.3.D of the Township Code, Sewers and Sewage Disposal – A note shall be added to the Preliminary/Final Plan indicating that all sanitary sewer work shall be in accordance with Thornbury Township standards and specifications and shall be inspected and approved by the Township Sewer Engineer.
8. The Applicant shall contact the Township Engineer to clarify minor drafting items to be addressed on the revised Preliminary/Final Plan.
9. The slope of the swale in front of the accessory structure shall be confirmed to verify the equipment or vehicles being stored inside can traverse the swale embankments. The longitudinal slope of the swale should also be increased to 2% minimum to ensure proper drainage. The Preliminary/Final Plan shall be revised to reflect the forgoing.
10. The grading at the rear of the house addition (attached garage) shall be revised to provide for proper drainage away from the structure. The Preliminary/Final Plan shall be revised to reflect the forgoing.
11. A note should be added to the Preliminary/Final Plan stating that all walls over 30 inches tall will require fall protection and those over 4 ft. are required to be designed by a licensed professional engineer in the state of Pennsylvania. Any required fall protection shall also be graphically depicted on the plan.
12. The Applicant shall execute (and shall post applicable escrow fees with the Township) and record a Stormwater Operations and Maintenance Agreement. in form and substance acceptable to the Township. The Agreement shall be recorded in the Office of the Recorder of Deeds, Delaware County, Pennsylvania, contemporaneously with the recording of the revised Preliminary/Final Plan. No permits shall be issued until written evidence of such recording has been provided to the Township.
13. The Applicant shall comply with the January 9, 2023, Township Fire Marshal review prior to the issuance of a certificate of occupancy for the accessory structure.
14. The proposed accessory structure shall not include a kitchen or bathroom and shall be and remain accessory and subordinate to the primary existing single-family dwelling and shall not be used for any type or form of residential habitation or occupancy, including but not limited to, an apartment, guest quarters, employee quarters, accessory suite or similar

primary or secondary residential use on the Property. The Preliminary/Final Plan shall be revised to include the forgoing restriction.

15. To the extent not specified in the forgoing conditions, and as applicable, the Applicant shall obtain and provide the Township with any and all other required local, state and/or federal agency permits or approvals, to the extent practicable to the release of the revised Preliminary/Final Plan for recording.
16. The Applicant shall, in addition to providing paper copies, submit the final revised Preliminary/Final Plan and other documentation required by this Resolution in electronic format acceptable to the Township.

[END OF CONDITIONS]

APPROVED AND ADOPTED this 5th day of April, 2023.

**THORNBURY TOWNSHIP
BOARD OF SUPERVISORS**

James P. Kelly, Chairman

Sheri L. Perkins, Vice Chairman

Michael J. Mattson, Supervisor

Attest:

Geoffrey Carbutt, Secretary

(TOWNSHIP SEAL)