

LAMB | M c E R L A N E ^{PC}

ATTORNEYS AT LAW

Mark P. Thompson
West Chester Office
Direct 610-701-4407
Voice 610-430-8000
Fax 610-692-6210
mthompson@lambmcerlane.com

January 20, 2021

Via electronic mail: gillm@buckleyllp.com

Michael S. Gill, Esquire
Buckey Brion McGuire & Morris, LLP
118 West Market Street, Suite 300
West Chester, PA 19380

**Re: Land Development Approval - Pennsylvania Turnpike Commission,
Devault Maintenance Facility, Charlestown Township, Chester County**

Dear Mr. Gill:

As required by Section 508 of the Pennsylvania Municipalities Planning Code, this correspondence will serve supplement the decision rendered by the Board of Supervisors on December 7, 2020, conditionally approving the preliminary/final land development plan application of the Pennsylvania Turnpike Commission for property located on the Eastbound Lane adjacent to the Turnpike in Malvern, PA near the intersection with Valley Hill Road, further identified as Tax Parcel Nos. 35-7-69, 35-7-71, 35-7-72, 35-7-95, 35-7-96, 35-7-96.1, 35-7-96.3, 35-7-96.4, 35-7-96.5, 35-7-97, 35-7-97.1, 35-7-98, and 35-7-98.1.

Please consider this as a supplement to the Township's December 21, 2020 approval of the Pennsylvania Turnpike's Devault Maintenance Facility land development plan and as a response to your December 22, 2020 email to me raising issues in the approval letter. You raised three issues in your email that I would like to clarify further and supplement the original approval letter dated December 21, 2020.

Concerning your comment No. 1, while some of the light poles were reduced to be compliant with the ordinance, a waiver was still necessary for three light poles surrounding the salt shed. This will confirm that a waiver is granted to allow three lights adjacent to the salt storage shed to exceed 20' in height in addition to the waiver set forth in condition 1 in the December 21, 2020 approval letter.

Concerning your comment No. 3, the Township agrees that no affirmative steps need to be taken by the Turnpike on the property related to the conservation easement except to limit all future use and development as set forth in my letter.

Concerning your comment No. 2, the Township modifies condition 3 in the December 21, 2020 approval letter to read as follows:

The Applicant agrees that, except in times of emergency use, any lighting along the access driveway shall be triggered by a motion sensor system when used by any vehicles with the lights staying illuminated for a minimum period of time so as not to cause blinking and the Applicant shall amend its Lighting Plan to reflect the same. Applicant agrees that if the Township determines that a nuisance is caused by the approved lighting for the access drive, (for reasons unrelated to the Applicant's installation and use of motion sensors pursuant to the Notice of Decision) the Applicant agrees to make a good faith effort to address any such nuisance to limit impact to properties in the vicinity of the facility and coordinate with the Township measures to mitigate any such nuisance, with such measures consisting of the redirection of light sources or the use of further light shielding provided that the same shall not impact the safe and efficient use of the accessway.

The other conditions in the December 21, 2020 approval letter shall remain unchanged.

Please let me know if you have any questions.

Very truly yours,

LAMB MCERLANE PC

By: 

Mark P. Thompson

Board of Supervisors
Linda Csete, Township Manager
Danial T. Wright, P.E., Township Engineer