

Date of Mailing of Notice of Decision:
February 17, 2022

SMF Properties LLC c/o
Frank Boyle
6 Ashlawn Road
Malvern, PA 19355

Re: SMF Properties, LLC-1028 Yellow Springs Road
Charlestown Township, Chester County
Land Development Approval

Dear Mr. Boyle:

As required by Section 508 of the Pennsylvania Municipalities Planning Code, this correspondence will serve to memorialize the decision rendered by the Board of Supervisors on Tuesday, February 7, 2022, conditionally approving the preliminary/final land development plan application of SMF Properties, LLC for development of the property located at 1028 Yellow Springs Road further identified as Tax Parcel Number 35-4-115 and 35-4-116.

The conditions of final land development approval are set forth below. Preliminarily, as to each of these conditions, it is the understanding of the Board of Supervisors and the Township Solicitor that each of these conditions is fully acceptable to the applicant based upon communications and discussions which occurred during the meeting of the Board of Supervisors, at which the decision was rendered, on the final land development plan approval.

The Plan as referenced in this correspondence is the plan entitled Plan of Property for SMF Properties LLC, prepared by Edward B. Walsh & Associates, Inc. dated October 21, 202, last revised December 20, 2021 (the "Plan")., and including additional materials as referenced in the Township's Engineers' letter of December 8, 2021, as further supplemented by this correspondence.

The Applicant shall comply with each of the following conditions of preliminary/final plan approval.

1. Compliance with all outstanding comments set forth in the Township engineer, Advanced GeoServices review letters dated December 8, 2021 and December 28, 2021 of attached as Exhibit A, and receipt of a written letter from the Township engineer confirming the same.

2. As may be applicable, the Applicant shall comply with the requirements of Section 601 of the Charlestown Township Subdivision and Land Development Ordinance, pertaining to the provision and execution of a subdivision and land development agreement, the submission of

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3405 West Chester Pike | Newtown Square, PA 19073 | Phone: 610.353.0740 | Fax: 610.353.0745

appropriate performance, maintenance and/or escrow financial guarantees (in accordance with construction cost estimates agreed to by the Township Engineer), and agreements, all in a form acceptable to the Township Solicitor.

3. The payment of any outstanding review fees, pursuant to Section 503 of the Municipalities Planning Code, including, but not limited to, professional consultations, engineering review and reporting, legal documentation preparation and submittal, legal research and other legal services, incurred by the Township, within thirty (30) days after invoicing.

4. The Applicant shall construct a section of sidewalk at the corner of Morehall Road and Yellow Springs Road on Tax Parcel 35-4-115 between the existing driveway and the first ADA ramp as shown on the diagram attached hereto as Exhibit A and subject to approval by PennDOT.

5. The Applicant shall record a deed restriction on the properties (Tax Parcels 35-4-115 and 35-4-116) providing that the property owner agrees to construct sidewalks along the entire frontage of both Tax Parcels 35-4-115 and 35-4-116 if any development of the property identified as Tax Parcel 35-4-116 is proposed or upon the sale of either property.

6. The Applicant shall grant an easement for any areas outside of the existing right-of-way necessary for the maintenance of a sidewalk.

Please confirm in writing the acceptance by SMF Properties LLC of the terms set forth above within 15 days of the date of this correspondence, by signing the enclosed copy and returning the same to this office.

Very truly yours,

LAMB MCERLANE PC

By: 

Mark P. Thompson

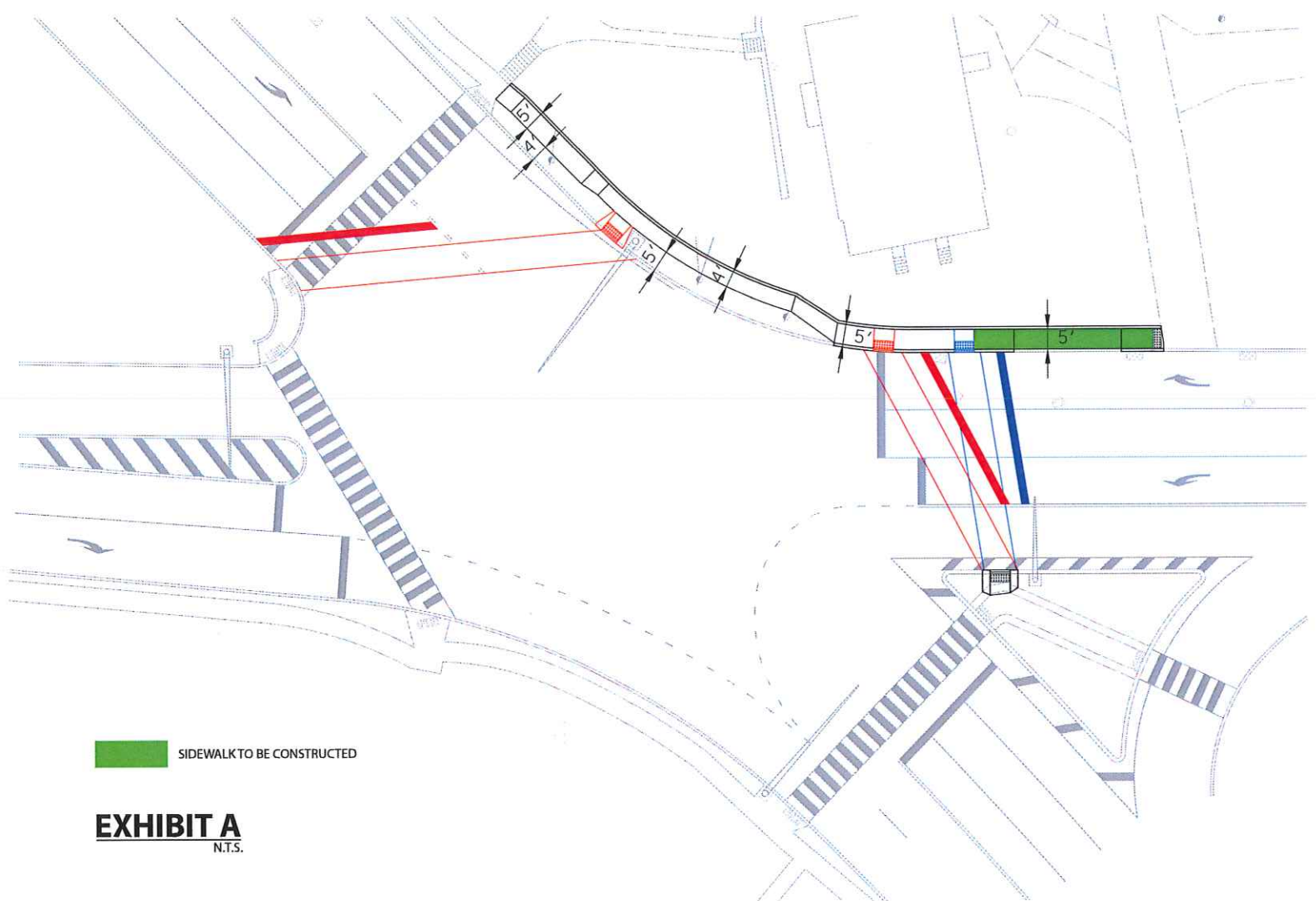
The above conditions are accepted and agreed to this ___ day of _____, 2022.

SMF Properties LLC

By: _____

Enclosures

cc: Board of Supervisors
Linda M. Csete
Daniel Wright, P.E.



 SIDEWALK TO BE CONSTRUCTED

EXHIBIT A
N.T.S.

EXHIBIT "A"