

Resolution No. 2367-2024

Resolution Denying the Preliminary/final Plan
for 2224 and 2228 Haverford Road

Whereas, the Board of Commissioners of the Township of Haverford is the governing body for the Township of Haverford to approve applications for subdivision and land development plans for the Township in accordance with the Pennsylvania Municipalities Planning Code, Act 247, as amended, (the “MPC”) and pursuant to the Haverford Township Subdivision and Land Development Regulations, Ordinance 1960, Chapter 160, Sections 4. A and B;

Whereas, the Planning Commission of Haverford Township is the Township’s planning agency under the MPC that first reviews such plan applications and makes recommendations to the Board of Commissioners related to the plans;

Whereas, section 508 of the MPC provides that the Township’s review process for preliminary or final plan applications shall be no more than 90 days, starting from the date of the regular meeting of the Planning Commission next following the date the plan application is accepted by the Township or 30 days following the date the plan application is accepted by the Township, whichever comes first;

Whereas, the submission of an amended or revised plan application constitutes a new plan application, and a new 90-day review period under the MPC, as specified above, shall begin upon the date of resubmission of an amended or revised plan application. See *Abarbanel v. Solebury Twp.*, 572 A.2d 862 (Pa.Cmwlt. 1990);

Whereas, on or about August 16, 2023, the Applicant, “JPM Haverford Road” (the “Applicant”), submitted a preliminary/final plan application for 2224 and 2228 Haverford Road dated October 31, 2022 (the “Original Plan”) for Township approval for the properties located at 2224 & 2228 Haverford Road, Haverford Township, Pennsylvania, Delaware County, more specifically identified as D.C. Folio Nos. 22-06-01067-02 and 22-06-01067-01, and located in the Township’s R-5 zoning district (collectively, the “Property”);

Whereas, the Original Plan proposed to consolidate the two lots of the Property into a single lot and to construct a second-floor addition above the existing warehouse, along with associated site improvements (the “Project”);

Whereas, the Original Plan and the Project were the subject of Haverford Township Zoning Hearing Board case Z22-28 and a subsequent agreed order dated June 28, 2023;

Whereas, the Haverford Township Planning Commission held its next regular meeting after the Original Plan was submitted on September 14, 2023, resulting in the expiration of the Township’s 90-day review period on December 13, 2023;

Whereas, the Township Engineer, Pennoni Associates, reviewed the Original Plan submission and issued a review letter for the Original Plan dated November 8, 2023 (the “Original Review Letter”);

Whereas, the Original Review Letter identified several areas of the Original Plan's noncompliance with Haverford Township Code Chapter 182, Zoning, and Chapter 160, Subdivision & Land Development;

Whereas, the Planning Commission of Haverford Township discussed the Original Plan but, considering the areas of noncompliance, took no formal action on the Original Plan during its public meeting on Thursday, November 8, 2023;

Whereas, thereafter, on December 11, 2023, to address comments in the Review Letter and from the Planning Commission, the Applicant submitted a revised plan to the Township for the Project, noting a last plan revision date of December 5, 2023 ("Revised Plan");

Whereas, the submission of the Revised Plan replaced the Original Plan and commenced a new 90-day review period under the MPC for the Township to review and consider the plan, as amended/revised;

Whereas, the next regularly scheduled meeting of the Planning Commission after the Revised Plan was submitted was December 14, 2023, and therefore the 90-day review period for the Amended Plan would expire, at the earliest, on March 13, 2024;

Whereas, the Revised Plan still fails to adequately address all of the comments contained in the Review Letter and remains in a state of noncompliance with the Township's Codes, as set forth in the Township Engineer's review letter for the Revised Plan dated January 2, 2024;

Whereas, the Revised Plan's deficiencies include, but are not limited to, failure to comply with Township Code Sections 182-718.A(2), 182-718.G, 182-708.A(1)(a),(b),(c), 182-707.A(1), 182-727.C, 160-5.B(8), and 160-4.E(5)[d] (collectively, the "Deficiencies"). All deficient Township provisions and requirements that have not been met are specifically set forth in the January 2, 2024 Township Engineer Review Letter, with the text of such letter being incorporated herein.

Whereas, the Revised Plan also seeks waivers from the Township's Subdivision and Land Development Chapter for Sections 160-4, 160-4.E(i) and from Chapter 78 (requiring a stormwater analysis) (collectively, the "Waivers");

Whereas, the Applicant, through the Applicant's attorney, has communicated to the Township that the Applicant believes that the Township is outside of the mandated review period;

Whereas, the Applicant, through the Applicant's attorney, has communicated to the Township that the Applicant is not willing to provide the Township with an extension of the review period to consider the Revised Plan, but rather believes that the Original Plan is now deemed approved, despite the submission of the Revised Plan;

Whereas, due to the Applicant's position that the Township has exceeded the 90-day review period under the MPC and will not agree to extensions for the Township to review the Revised Plan, the Township believes that it is prudent to act on the Revised Plan in a timely manner;

Whereas, the Applicant has not adequately demonstrated that the literal enforcement of code provisions requested to be waived will exact undue hardship on the Applicant because of the peculiar conditions pertaining to the Property, or that there are any such peculiar conditions pertaining to the Property;

Whereas, as a result of the above, the requests for the Waivers are denied;

Whereas, due to the Deficiencies and denial of the Waivers, granting approval to the Amended Plan would be contrary to the public interest and the purpose and intent of the Haverford Township Code;

Now, therefore be it Resolved by the Board of Commissioners of the Township of Haverford, County of Delaware, Commonwealth of Pennsylvania, that the Amended Plan is DENIED due to the reasons constituting the Deficiencies, the failure to comply with the provisions requested to be waived, and the other unsatisfactory and deficient items listed in the January 2, 2024 Township Engineer Review Letter of the Revised Plan.

Resolved this 12th day of February, 2024.

Township of Haverford

By:



C. Lawrence Holmes
President, Board of Commissioners

Attest:



David R. Burman, Township Manager/Secretary