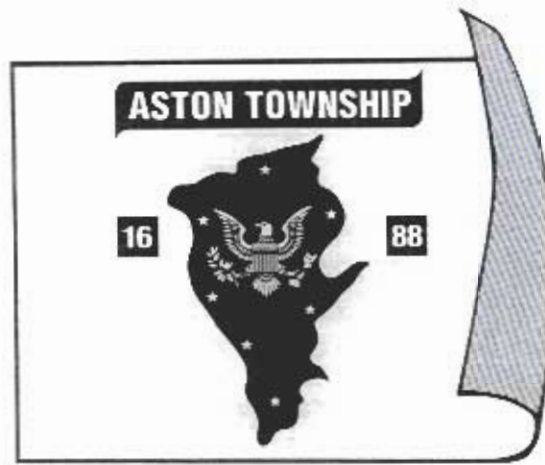


BOARD OF COMMISSIONERS

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CAROL M. GRAHAM
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Township Engineer

5021 PENNELL ROAD
ASTON, PENNSYLVANIA 19014-1896
(610) 494-1636 Fax (610) 494-1065
E-MAIL astontownship.net

G. D. Houtman & Son, Inc.
Attention: Mr. Gus Houtman, P. E.
139 East Baltimore Pike
Media, Pennsylvania 19063

9/16/10

RE: Preliminary/Final Plan Approval For Grassman Landscaping/
Gregory and Ethel Deeck

Dear Gus:

The Aston Township Board of Commissioners at their monthly meeting held on Wednesday, September 15, 2010, approved the Preliminary/Final Plan for Grassman Landscaping, Gregory and Ethel Deeck, by Resolution No 2010-119, subject to the following;

Stantec Letter Memorandum dated September 14, 2010.
Delaware County Planning Department letter of June 17, 2010.
Aston Township Planning Commission minutes dated August 25, 2010.

The formal plan dated the 10th day of May, 2010, sheets 1 through 6, last revised August 26, 2010. Stormwater Management Calculations dated May 20, 2010, both Prepared by G. D. Houtman & Son, Inc., Aston Township file #2010-01A.

Should you have any questions please contact Carol Thompson at 610 494-1636.

Sincerely,

Richard D. Lehr
Township Secretary Manager

C. C. G. Robinson, M. Higgins, E. Nelson, B. Naughton Beck, C. Graham,
J. Possenti, Jr., C. Thompson, R. Maiden, File

**TOWNSHIP OF ASTON
DELAWARE COUNTY, PENNSYLVANIA
RESOLUTION NO. 2010-119**

*Preliminary/Final Plan approval for Grassman
Landscaping / Gregory and Ethel Deeck.*

*WHEREAS, a Preliminary/Final Plan has been submitted
for parcel of ground located at 4300 Pennell Road.*

*WHEREAS, a formal plan dated the May 10, 2010 last
revised August 26, 2010; sheets 1 through 6; Stormwater Mangement
Calculations dated May 20, 2010, both prepared by G.D. Houtman
and Son, Inc., Aston Township file No. 2010-01A has been presented to
the Board of Commissioners.*

NOW, THEREFORE BE IT RESOLVED AS FOLLOWS:

*That the Board of Commissioners recommend Preliminary /
Final approval subject to the following: Stantec letter memorandum
dated September 14, 2010; Delaware County Planning Department letter
of June 17, 2010 and Aston Township Planning Commission minutes
of August 25, 2010.*

DULY adopted this 15th day of September, 2010

TOWNSHIP OF ASTON

BY: _____

Gary C. Robinson
**Gary C. Robinson President
Board of Commissioners**

ATTEST:

Richard D. Lehr

**Richard D. Lehr
Township Secretary/Manager**

Memo



Stantec

Stantec Consulting Services Inc
1060 Andrew Drive, Suite 140
West Chester, PA 19380
Phone: 610-840-2500
Fax: 610-840-2501

To: Dick Lehr, Mike Fulginiti, Carol Graham,
Joe Possenti, Gary Robinson, Jim McGinn,
Jim Stigale, Mike Higgins, Carol Thompson,
Tom Morgan, Beth Naughton-Beck, Esquire,
Frank Sbandi, Esquire, George Crum,
Greg Deeck, Jonathon S. Sutton,
G. D. Houtman & Son, Inc.

From: Eileen M. Nelson, PE

Handwritten initials 'EMN' in black ink.

File: 190710338

Date: September 14, 2010

Re: Review Comments – Preliminary/Final Plans for Grassman Landscaping, 4300 Pennell Road, Sheets 1 Through 7 of 7, Dated May 10, 2010, Last Revised August 26, 2010 and Stormwater Management Calculations Dated May 20, 2010, Last Revised July 14, 2010, Both Prepared by G. D. Houtman & Son, Inc., Aston File No. 2010-01

The applicant is seeking to reconstruct an existing structure on the property that was severely water damaged and is an existing non-conforming structure with respect to the front and side yard setbacks. This structure was also the subject of a Condemnation Notice issued by Ralph Maiden on June 3, 2009. An accessory structure on site (recently demolished) was also non conforming with respect to setbacks. The property is zoned LI – Limited Industrial and contains 27,400 square feet located at 4300 Pennell Road. Due to the area and bulk regulations of the LI District, the property is also non-conforming with respect to lot area, minimum lot width. Two separate Zoning Applications were submitted to and approved by the Zoning Hearing Board. We were provided a copy of the decisions; however, they don't provide the conditions of approval that are contained in testimony. The transcripts will need to be reviewed in order to determine if the current plans are in compliance with the decisions.

We offer the following comments:

SUBDIVISION AND LAND DEVELOPMENT

1. Section 1232.05.b(7) – A waiver has been requested for locating all existing utilities within 200 feet of the site. We have no objection to granting the waiver.
2. Section 1232.05.d.2 – A planning module request or exemption shall be submitted to Aston Township.
3. Section 1232.06.b(5) – It is unclear why a force main is needed for the sanitary sewer service. There is enough elevation difference for the line to be fed by gravity. Please clarify.
4. Section 1232.06.4.b(1) – The plans shall be submitted for review and approval to the Southwest Delaware County Municipal Authority (SWDCMA). Please provide all documentation to the Township.

5. Section 1234.04(a)(b)(c) – The plans shall be submitted to Chester Water Authority for review and approval. Please provide all documentation to the Township.
6. Section 1234.05(c)&(3) – The applicant shall submit the plans and obtain written approval from the Sun Pipeline Company for the construction of the proposed improvements within twenty feet of their easement if required by Sun Pipeline Company. All documentation regarding this issue should be forwarded to the Township.
7. Section 1242.08(b) – Details for the proposed ramp access shall be revised to include the most current PennDOT Road Construction Details.
8. Section 1242.10 – Refuse collection facility has been shown on the plans, however the location appears difficult for a trash truck to collect from and may impact the flow of two-way traffic. Please revise this location and provide a detail for the enclosure.

STORMWATER ORDINANCE 815

1. Section 406.H – The proposed improvements will create a concentrated discharge where there had previously been diffused sheet flow. The applicant should provide documentation regarding any easement agreements with the adjacent property owner.

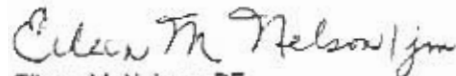
GENERAL

2. Details for the proposed retaining wall shall be provided. The note on the plan indicates that the wall will extend 6" above the paving. The remainder of the curb is shown as an 8" reveal.

If you have any questions or require additional information, please contact our office.

Sincerely,

STANTEC CONSULTING SERVICES INC.



Eileen M. Nelson, PE
Senior Principal
Eileen.Nelson@stantec.com

GKK/jm



DELAWARE COUNTY PLANNING COMMISSION

COURT HOUSE/GOVERNMENT CENTER
201 W. Front St. Media, PA 19063

COUNCIL

JOHN J. WHELAN
CHAIRMAN

CHRISTINE FIZZANO CANNON
VICE CHAIRMAN

THOMAS J. MCGARRIGLE
ANDY LEWIS
MARIO J. CIVERA, JR.

Office Location: Toal Building, 2nd & Orange Sts., Media, PA 19063
Phone: (610) 891-5200 FAX: (610) 891-5203
E-mail: planning_department@co.delaware.pa.us

PLANNING COMMISSION

THOMAS J. O'BRIEN, AIA
CHAIRMAN

THOMAS J. JUDGE
VICE CHAIRMAN

KENNETH J. ZITARELLI
SECRETARY

JOHN E. PICKETT, AICP
DIRECTOR

June 17, 2010

Mr. Richard D. Lehr
Aston Township
5021 Pennell Road
Aston, PA 19014

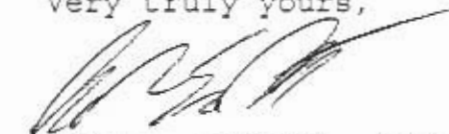
RE: Name of Dev't: Grassman Landscaping
DCPD File No.: 02-6795-10
Developer: Gregory & Ethel Deeck
Location: East side of Pennell Road, approxi-
mately 150' north of the Upper
Chichester Township line
Recv'd in DCPD: May 28, 2010

Dear Mr. Lehr:

In accordance with the provisions of Section 502 of the Pennsylvania Municipalities Planning Code, the above described proposal has been sent to the Delaware County Planning Commission for review. At a meeting held on June 17, 2010, the Commission took action as shown in the recommendation of the attached review.

Please refer to the DCPD file number shown above in any future communications related to this application.

Very truly yours,



John E. Pickett, AICP
Director

JEP/hmg

cc: Gregory & Ethel Deeck
G. D. Houtman & Sons, Inc.



DELAWARE COUNTY PLANNING DEPARTMENT

DCPD

Court House/ Government Center , 201 W. Front St., Media, PA 19063
Office Location: Toal Building, 2nd & Orange Sts., Media, PA 19063
Phone: (610) 891-5200 FAX: (610) 891-5203
E-mail: planning_department@co.delaware.pa.us

Date: June 17, 2010
File No.: 02-6795-10

PLAN TITLE: Grassman Landscaping
DATE OF PLAN: May 10, 2010
OWNER OR AGENT: Gregory & Ethel Deeck
LOCATION: East side of Pennell Road, approxi-
mately 150' north of the Upper
Chichester Township line
MUNICIPALITY: Aston Township
TYPE OF REVIEW: Final Land Development
ZONING DISTRICT: LI - Limited Industrial
SUBDIVISION ORDINANCE: Local
PROPOSAL: Develop .6 acre with an office and
detached garage totaling 3,942 sq. ft.
RECOMMENDATIONS: Disapproval, plans do not conform to a
number of Township zoning regulations
STAFF REVIEW BY: Charles J. Doyle

REMARKS:

PROPOSAL

The applicant has proposed to develop .6 acre with an office and detached garage totaling 3,942 sq. ft. Plans also include demolishing an existing structure as well as a detached garage. A paved portion of the property that encroaches upon the adjacent property to the north will be cleared.



Date: June 17, 2010
File No.: 02-6795-10

REMARKS (continued)

SITE INFORMATION

The existing site contains an existing building and detached garage totaling 1,285 sq. ft.

ZONING

The property is located within the LI-Limited Industrial district. Provisions for the LI-district are located within Chapter 1278 of the Township zoning code.

Plans do not appear to comply with a number of regulations within the Township code. The applicant has already received numerous variances for proposed infringements. However, several variances granted do not appear warranted and do not appear appropriate for approving the development as a hardship upon the applicant.

VARIANCES PREVIOUSLY GRANTED

The applicant has received a number of variances prior to submitting plans to the County Planning Commission for review. Sheet 1 of the proposed plans indicates that variances have been granted at two different Zoning Hearing Board meetings.

At the Township Public Hearing no. 09-08-02, the applicant was relieved of provisions for the proposed office:

Where Section 1294.03 of the Township code, Nonconforming Uses, Structures, and Lots, limits enlargement of a nonconforming structure, the applicant has proposed a 2,668 sq. ft. office.

Where Section 1278.06(c) of the Township code, Area and Bulk Regulations, establishes a front yard setback minimum of 100', the applicant has proposed an office within 40.2' of the right-of-way.

Where Section 1278.06(d) of the Township code, Area and Bulk Regulations, establishes a side yard setback minimum of 50', the applicant has proposed an office within 17.7' of the property boundary lines.

Date: June 17, 2010
File No.: 02-6795-10

REMARKS (continued)

At the Township Public Hearing no. 10-09-01, the applicant was relieved of provisions for the proposed garage:

Where Section 1292.06(b) of the Township code limits an accessory structure to a pitched roof of 15', the applicant has proposed a 22' roof.

Where Section 1294.03(c), Nonconforming Uses, Structures, and Lots, prohibits the enlargement of a nonconforming structure, the applicant has proposed a 1,456 sq. ft. garage.

Where Section 1278.06(d) of the Township code, Area and Bulk Regulations, establishes a side yard setback minimum of 50', the applicant has proposed a setback of 48.3'.

Where Section 1278.06(e) of the Township code, Area and Bulk Regulations, establishes a rear yard setback minimum of 75', the applicant has proposed a setback of 23'.

VARIANCES RECEIVED PRIOR TO COUNTY REVIEW

The Township should consider amending its zoning and subdivision ordinances to require that any application for a variance which involves a subdivision or land development first be filed and reviewed as a subdivision or land development pursuant to Section 502(b) of the MPC. This will permit the planning commission and governing body to review the merits of the application against applicable ordinance standards and thereby provide guidance to the Zoning Hearing Board on (1) whether the variance should be granted and (2) what conditions should be attached to the approval if granted.

SEWAGE FACILITIES

The developer should contact DEP for a determination as to whether or not the proposed development is eligible for an exemption or will require a revision to the municipality's Act 537 Sewage Facilities Plan.

REMARKS (continued)

STORMWATER MANAGEMENT

Sheet 3 of the proposed plans indicates a stormwater basin area located at the southwest corner of the property. The municipal Engineer must verify the adequacy of all proposed stormwater management facilities.

HIGHWAY OCCUPANCY PERMIT

Pursuant to Section 508(6) of the Pennsylvania Municipalities Planning Code, General Note 17 on Sheet 1 of the plans contains a note indicating that a highway occupancy permit is needed for roadway improvements within the right-of-way of Pennell Road, S.R. 0452.

COMMENTS

The applicant has received several variances from Section 1294.03 of the Township code regarding enlargement of non-conforming structures. These variances do not appear to be appropriately granted. Plans indicate that the existing structures are to be demolished; therefore, the existing structures to be enlarged will no longer be on the property and cannot be enlarged.

The variances granted also contradict other portions of Chapter 1294 of the Township zoning code, Nonconforming Uses, Structures, and Lots.

Section 1294.01(b) of the Township code regarding the purpose of Chapter 1294 states, "While such nonconformities are generally permitted to continue, these regulations are intended to restrict further investment in such nonconformities and to bring about their gradual reduction."

Section 1294.08(b) of the Township code, Repairs and Maintenance, states "If a nonconforming structure or portion of a structure containing a nonconforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance and is declared by the Code Enforcement Officer to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired, or rebuilt except in conformity with the regulations of the district in which it is located."

Date: June 17, 2010
File No.: 02-6795-10

REMARKS (continued)

It does not appear that the Zoning Hearing Board granted variances in accordance with the Township zoning code.

COMPLIANCE

Plans appear to comply with all Township subdivision regulations.

The applicant has received a number of variances where plans do not appear to comply with the Township zoning code. However, the plans do not appear to have received proper variances for approval. It appears as though a hardship is not warranted for this development.

RECORDING

Should this plan be approved, in accordance with Section 513(a) of the Pennsylvania Municipalities Planning Code (MPC), final plans must be recorded within ninety (90) days of municipal approval.

Aston Township Planning Commission

Meeting Minutes for June 23, 2010

| | | |
|----------|-----------------------|----------------------------|
| Present: | J. McColgan, Chairman | J. Marchlik, Vice Chairman |
| | K. Novotni | Sister C. Wright |
| | M. Panco | T. D'Alonzo |

The meeting was called to order at 7:00PM.

The following plans were reviewed:

2010-01
Grassman
Greg Deeck
4300 Pennell Road
Preliminary/Final Land Development

The plan was presented by Gus Houtman of GD Houtman & Sons.

The plan was being reviewed with comments from Stantec Consulting Services Memorandum dated June 23, 2010 & Delaware County Planning Commission review letter dated June 17, 2010.

The following were some of the items discussed:

1. The height, style and design of the fence needs to be provided.
2. Concern regarding exterior storage of materials was discussed. Mr. Deeck indicated that there would be no exterior storage. Questions regarding the current old trees, debris, etc. would not be stored or placed on the exterior of the complex in the future.
3. Landscaping plans need to comply with the Township requirements and need to be satisfied prior to final plan approval.
4. Compliance with Sun Pipeline need to be complied with.
5. Drainage plan must comply with Township regulations. This needs to be demonstrated prior to final approval.
6. Storm water controls including the pond, pump, etc. need to be submitted for approval along with design and specifications regarding maintenance of the system.

Aston Township Planning Commission

7. Compliance with PENN Dot will need to be complied with.
8. The building construction will be block with stucco finish.
9. Solar roof panels will be installed. The mounting, engineering and performance details will need to be submitted for review and approval.

Comments from Public:

10. Mr. Higgins spoke regarding the current deplorable site conditions and unsafe building that was to be demolished. The Owner indicated that the building would be raised this Friday and that the new facility will not look like the current. Additionally, the Owner offered that this will be a delightful entrance to Aston Township and along with the pond pump and landscaping this facility will be attractive. Furthermore the Owner offered to allow the Township install a Welcome to Aston Township Sign on the property at no cost. Mr. Higgins seemed to be acceptable to the above.

A motion to approve the plan as presented provided the above items are adequately addressed and in compliance with the Township Engineer, Township New Construction Committee, Township Fire Marshall and Code Department.

Motion by J. McColgan, Chairman.

Motion second by M. Panco.

Motion passed.

2010-02
Jomilin Partnership
270 Bodley Road