

November 16, 2021

***VIA E-MAIL TO: lou@rrhc.com
and FIRST CLASS MAIL***

Louis J. Colagreco, Jr., Esquire
Riley Riper Hollin & Colagreco
P.O. Box 1265
717 Constitution Drive, Suite 201
Exton, PA 19341

**Re: East Whiteland Township Zoning Hearing Board
Appeal No. 2021-11 / Application of Green Fig Land, LLC**

Dear Mr. Colagreco:

This letter constitutes the written decision on behalf of the East Whiteland Township Zoning Hearing Board ("Board") as to the above-referenced application. On the evening of Monday, October 25, 2021, the Board unanimously acted at its public meeting and hearing to approve Application 2021-11, as follows:

- Appeal No. 2021-11: The Application of Green Fig Land, LLC and / or Whiteland Holdings LP for variance relief on portions of property currently owned by Whiteland Holdings, LP, located on the south side of Swedesford Road, Malvern, PA 19355 (UPI Nos. 42-3-128, 42-3-130, 42-3-130.1 and 42-3-130.2), consisting of 73.08 acres +/-, and located within the Institutional (INS) - Continuing Care Retirement Community (CCRC) District and I District, is GRANTED as to the following variances:
 - A variance is granted from Section 200-45, Attachment 10, Table of Permitted Uses for Institutional Districts, for an extension of the previously granted use variance for a data center to allow additional

building square footage, for a new total of 1.86 million square feet, plus an addition 35,865 square feet of modular area;

- A variance is granted from Section 200-46, Attachment 11, Table of Development Standards, maximum height, accessory structure. A variance to allow one 150 foot tall accessory microwave tower was previously granted. Applicant is now granted a variance to allow a second accessory microwave tower at an equal height of 150 feet;
- A variance is granted from Section 200-69.F, which requires perimeter landscaping of certain off-street parking areas. No buffer is proposed for parking areas located on the east and south sides of the Subject Property. Variance relief was previously granted from this requirement. Applicant is now granted additional relief to extend the variance to new parking areas proposed on the east and south sides of the Subject Property (subjected to the additional conditions below);
- A variance is granted from Section 200-69.G, which requires interior landscaping in parking areas. Variance relief eliminating the need for parking lot landscaping in pervious parking areas was previously granted. Applicant is now granted additional relief to extend the variance to new pervious parking areas;
- A variance is granted from Section 200-70, as to the parking requirements for specific uses. Variance relief was previously granted to allow a parking ratio of one space per 10,000 square feet of building area. Applicant is now granted additional relief to extend this ratio to the new parking areas in accordance with the plans and testimony presented.
- A variance is granted from Article XI, which provides for buffers with several classifications and landscaping requirements. The proposed development would not provide buffers as described in Article XI, but would provide buffering suitable for the Subject Property location and proposed use. Applicant is now granted additional relief to have the variance apply to the new plan.

- The relief granted herein is further conditioned upon and subject to the following specific and additional terms and conditions:
 - The Applicant shall perform a traffic study showing the impact from the proposed development on all impacted intersections, including the proposed mitigation from the development's impact, and proper traffic function.
 - The Applicant shall perform a fiscal impact study showing the taxes generated for the Township, County and School District, as well as the demand on Township services, such as, but not limited to police, fire and cost of educating children.
 - The location of the two microwave towers shown on the plan submitted at the time of the Zoning Hearing shall not change and cannot be located elsewhere on the site.
 - The Applicant shall obtain a letter from PECO indicating that the existing electric substation will be sufficient to provide power to the proposed facility without any adverse impact on any other areas serviced by the station.
 - The Applicant is to complete the entire "Scope of Work Associated with the Decommissioning of the Malvern Hunt Wastewater Treatment System," last revised on October 23, 2021 ("Scope of Work"), as set forth in Township Exhibit-1. The referenced Township Exhibit-1, with all attachments, is incorporated herein by reference as though fully set forth, including but not limited to all terms and conditions, and time periods, relating to the Scope of Work.
 - The Scope of Work may be subject to slight variations, by agreement between the Township and the Applicant, based on field conditions.

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- The Applicant shall maximize landscape planting to the north side of the site as much as possible in accordance with the testimony provided.
- On the south side of the site, the Applicant shall add landscape plantings and tree buffering to fill in the gaps in the perimeter areas, with one tree for every 40 feet, except where underground easements or underground liners prohibit such plantings.
- The additional landscape plantings and tree buffering required herein for the south side of the site shall be in addition to, and not in lieu of, the Applicant's proposed landscape plantings and tree buffering already being shown for the north side of the site.
- The proposed use, and intensity thereof, shall be consistent with the Applicant's plans, testimony and evidence provided at the hearing.
- The Board reserves the right to issue a more formal decision, including findings of fact and conclusions of law, if necessary.

Very truly yours,



Andrew D.H. Rau

ADHR:mc

Enclosure

cc: Ted Locker, Zoning Officer
Donna Wikert, Assistant to Township Manager
East Whiteland Township Zoning Hearing Board
Joseph J. McGrory, Jr., Esquire
Alyson M. Zarro, Esquire