

Lydia Fisher

From: Ted Locker
Sent: Monday, August 2, 2021 7:21 PM
To: Donna Wikert
Cc: Zachary Barner; Brittany Carosello; Steven Brown
Subject: BOS August Agenda
Attachments: ZHB August 2021.docx

Donna,

Here is what I have for the August BOS agenda. The Green Fig application will not be on the August ZHB agenda, but will be on their September agenda.

Thanks,
Ted

Zoning (TL):

- a) Consider Sending Township Solicitor to Zoning Hearing Board to Support or Oppose:
 - i. ZHB 10-2021 – Application of Main Line Armory, LLC for a Special Exception from Section 200-41, Attachment #8 to allow a gun range, with educational and retail components. The property is located at 60 Three Tun Road, Malvern, PA., and is within the Industrial Zoning District.
 - ii. ZHB 11-2021 – Application of Green Fig Land LLC, for a Variance from Section 200-45 Attachment 10, to allow an extension of the previously granted use variance for a data center to allow additional square footage. A Variance from Section 200-46 Attachment 11 to allow a second accessory microwave tower at a height of 150 feet. A Variance from Section 200-69.F for relief from perimeter landscaping of certain off-street parking areas, as previously granted. A Variance from Section 200-69.G for relief from landscaping in pervious parking areas, as previously granted. A Variance from Section 200-70 to reduce the parking ratio for the data center to a 1 space per 10,000 square foot of building area, as previously granted. A Variance from Article XI to provide buffering in certain areas and not provide as described in Article XI. The subject properties are located at 954 Swedesford and 15 S. Bacton Hill Roads is within the INS-CCRC and I Zoning Districts.
 - iii. ZHB 12-2021 – Application of Turf Club Op Co. for A Special Exception from Section 200-82A (b) and (c) to allow a sign of 42.5 SF, in excess of the 50 square feet (SF) permitted on one side of the building and to exceed 400 SF on any one lot. A Variance from Section 200-82 A(2) (d) and (f) to allow a 42.5 SF sign, where more than ten signs of 5 SF exist and will be within 150 feet of another sign. The property is located at 10 Liberty Boulevard Malvern, PA. and is within the O/BPS Zoning District.

Lydia Fisher

From: Jack Robinson <jack@jmrengineering.com>
Sent: Tuesday, December 28, 2021 2:11 PM
To: Zachary Barner
Cc: Brittany Carosello; gregwalters@thewalterscompany.com; 10woodford@gmail.com
Subject: Data Pod Waiver submittal
Attachments: Modular-data-center.original.jpeg; Solar Field Grading, Drainage Areas & Asbuilt Plans.pdf; Township. DEP Approvals & Stormwater Report.pdf; Waiver Request Letter.pdf

Good Morning Zach,

Please find the attached Waiver Request Letter along with the associated attached and download below. Please let me know if you have any comments or questions.

Have a Merry Christmas and a Happy New Year!

Thank you,

Jack

<https://www.dropbox.com/t/VAtIniPfO3mDyDc6>

John Robinson, P.E., M.B.A., President

JMR Engineering, LLC

106 Schubert Drive

Downingtown, PA 19335

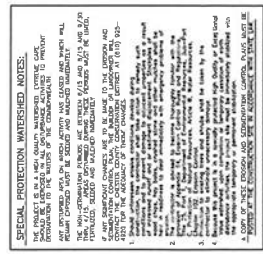
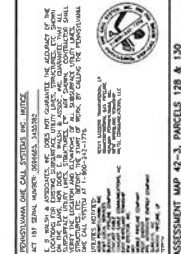
Phone: (484) 880-7342, Ext. 101

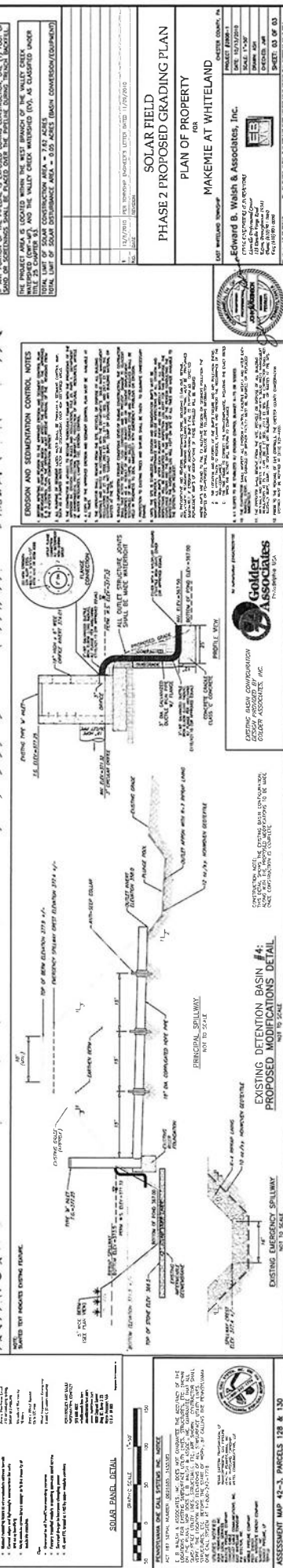
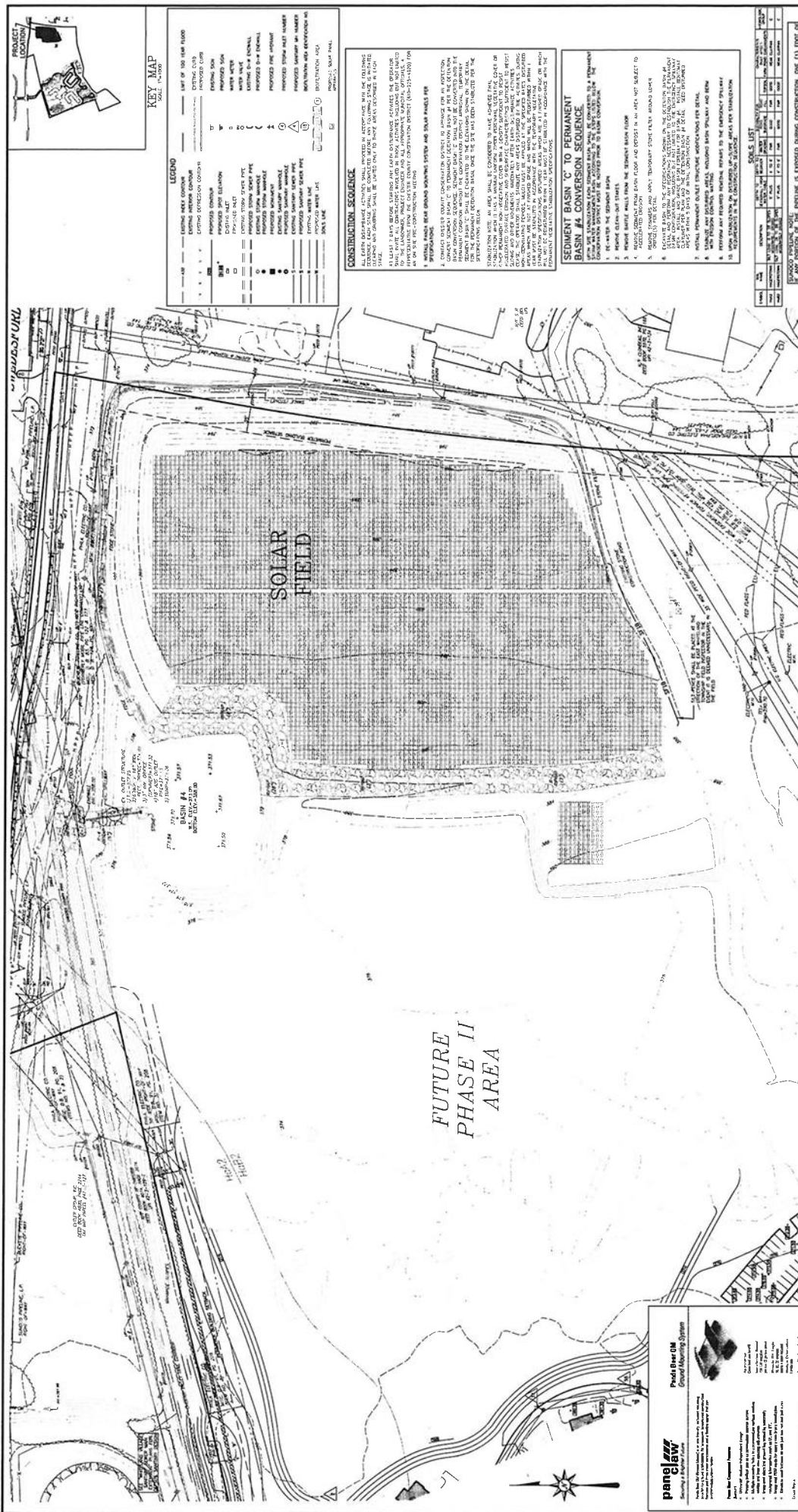
Cell: (484) 459-0141

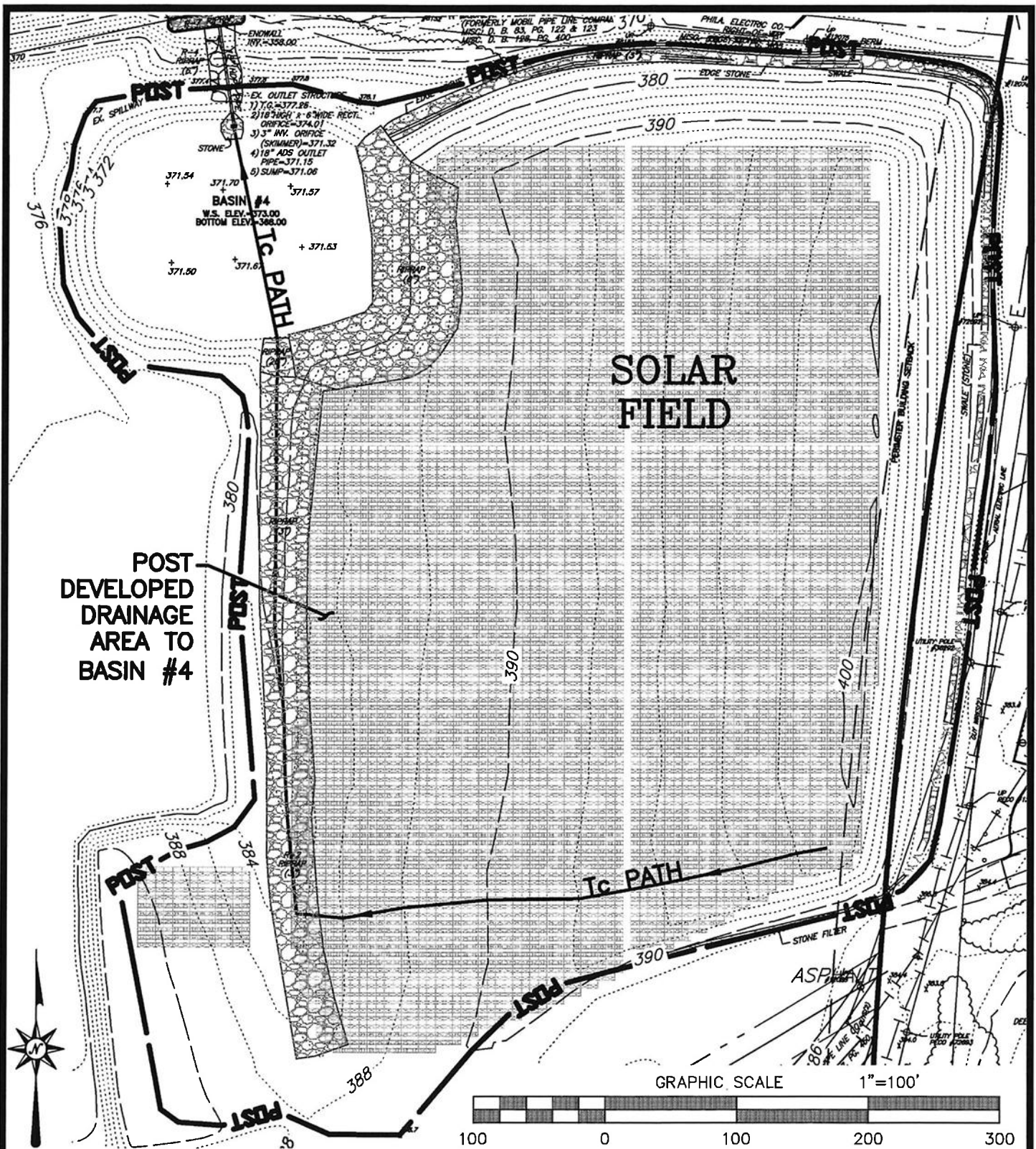
Website: www.JMRengineering.com

Email: jack@JMRengineering.com



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Edward B. Walsh & Associates, Inc.

CIVIL ENGINEERS & SURVEYORS

Lionville Professional Center

125 Dowlin Forge Road

Exton, Pennsylvania 19341

Phone: (610) 903-0060

Fax: (610) 903-0080



POST DEVELOPED DRAINAGE AREA PLAN

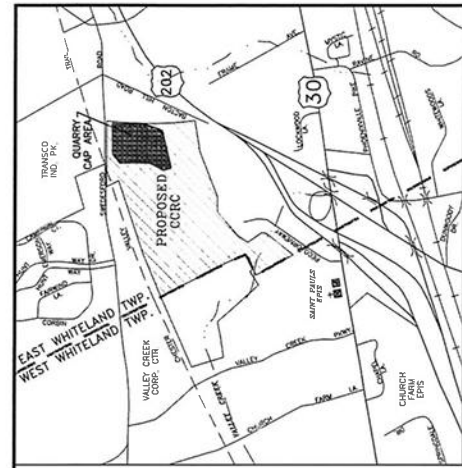
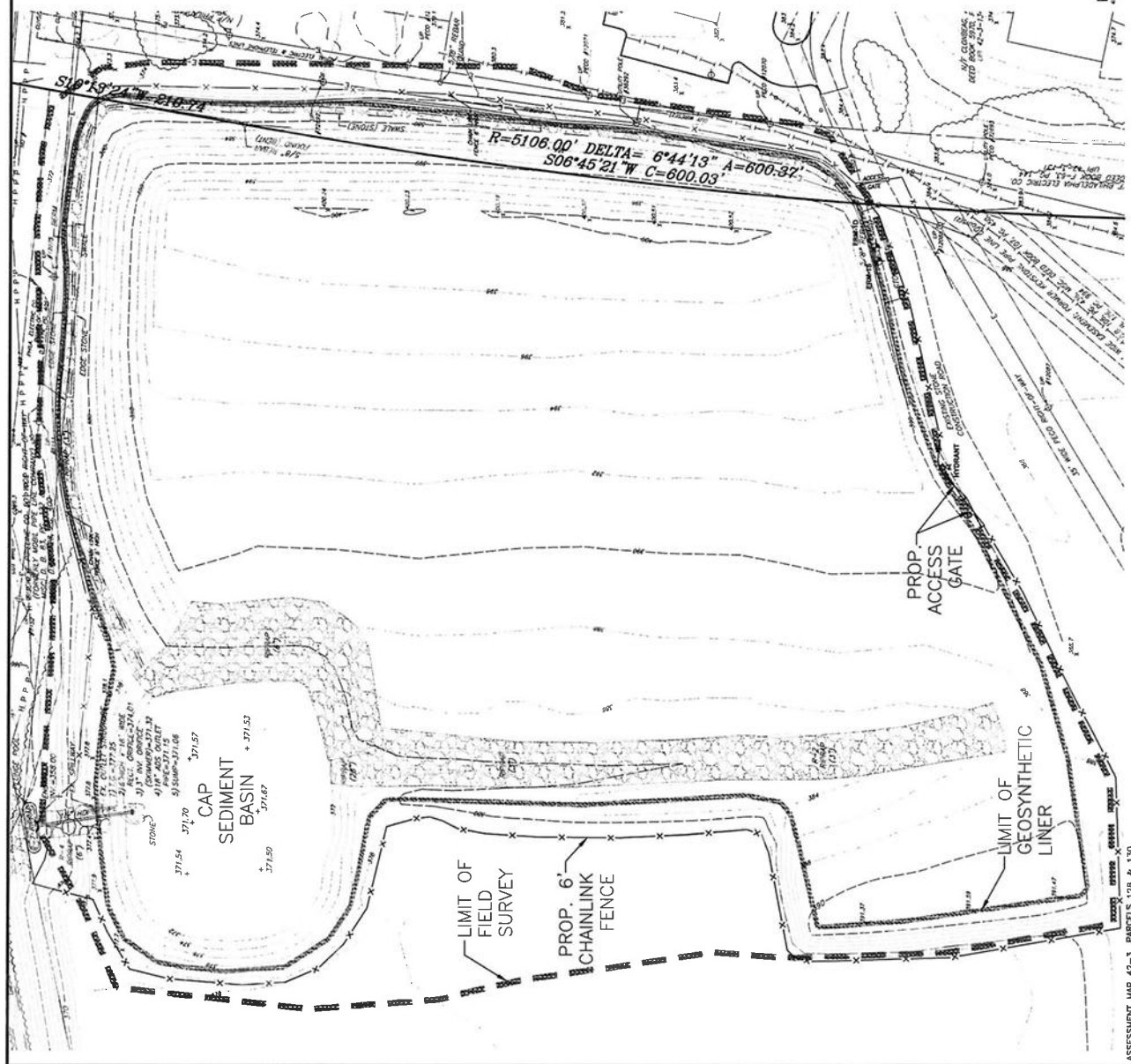
FOR

MAKEMIE AT WHITELAND

EAST WHITELAND TOWNSHIP

CHESTER COUNTY, PA.

Plotted: 10/27/2010 | File: Solar Field Drainage Area Plans.dwg | PROJECT #2808-1 | SCALE: 1"=100' | DATE: 10-27-10 | BY: ASH



LOCATION MAP
SCALE 1"=400'

GENERAL NOTES

1. OWNER OF RECORD: FRAZER EXTON DEVELOPMENT, L.P., 855 SPRINGDALE DRIVE, SUITE 110, ELKHART, IN 46516.
2. THIS PLAN REPRESENTS THE FINAL AS-BUILT OF THE QUARRY SURFACE FEATURES, AND THE FINAL ELEVATION OF THE VEGETATIVE COVER.
3. BOUNDARY INFORMATION IS FROM A FIELD SURVEY PERFORMED BY EDWARD B. WALSH & ASSOCIATES, INC. ON JUNE 20, 2005 AND IS BASED ON THE 1984 ADJUTANT GENERAL'S MERIDIAN. THE SURVEY WAS PERFORMED IN ACCORDANCE WITH THE SURVEYING ACT OF 1984.
4. THE QUARRY CAP AREA IS LOCATED WITHIN THE QUARRY CAP AREA OF THE QUARRY. THE QUARRY CAP AREA IS LOCATED WITHIN THE QUARRY CAP AREA OF THE QUARRY.
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LEGEND
— ADJUTANT GENERAL'S MERIDIAN
— EXISTING PROPERTY BOUNDARY
— EXISTING EMBANKMENT PROFILE
— EXISTING DRAINAGE PROFILE
— EXISTING FENCE
— EXISTING WELLS
— EXISTING ROAD
— EXISTING CHANNEL FENCE
— PROPOSED 6\"/>



QUARRY CAP AS-BUILT & FINAL ELEVATION OF VEGETATIVE LAYER

PLAN OF PROPERTY

FRAZER EXTON DEVELOPMENT
L.P.

Edward B. Walsh & Associates, Inc.
CIVIL ENGINEERING CORPORATION
211 South Main Street
P.O. Box 1000
Elkhart, IN 46516



PROJECT NAME	QUARRY CAP AS-BUILT
DATE	11/27/2005
SCALE	1"=400'
DRAWN BY	EBW
CHECKED BY	EBW
SHEET	03 OF 03

KOHLI AND ASSOCIATES, INC.

42 LLOYD AVENUE

MALVERN, PA 19355

(610) 644-5591

FAX (610) 647-9212

SURENDER S. KOHLI, P.E.
PRESIDENT

CONSULTING ENGINEERS

December 13, 2010

Terry H. Woodman
Township Manager
EAST WHITELAND TOWNSHIP
209 Conestoga Road
Frazer, PA 19355-1699



Re: **Erosion Sedimentation & Grading Control Permit #10018**
Roskamp Management (Applicant)
Solar Array for Makemie at Whiteland

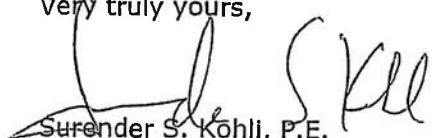
Dear Terry:

Enclosed herein please find two (2) copies of the Erosion Sedimentation and Grading Control permit for the above referenced project.

The applicant's copy of the Plan and Permit will be distributed at the Pre-Construction meeting **to be scheduled by the Applicant** with this office and the Chester County Conservation District.

If you have any questions, please contact me.

Very truly yours,


Surender S. Kohli, P.E.
Township Engineer
East Whiteland Township

SSK:cpw

Enclosures

cc: Roskamp Management (Applicant)
E. B. Walsh & Associates, Inc.



pennsylvania

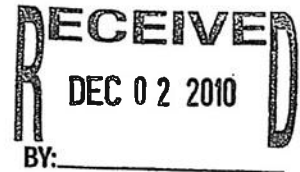
DEPARTMENT OF ENVIRONMENTAL PROTECTION

SOUTHEAST REGIONAL OFFICE

November 30, 2010

Mr. Jack M. Robinson, P.E.
Edward B. Walsh & Associates, Inc.
125 Dowlin Forge Road
Exton, PA 19341

Re: Plan Revision
NPDES Permit No. PAI011506082
Makemie at Whiteland-Formerly Whiteland Village
Solar Field Over The Quarry Cap
East Whiteland Township
Chester County
Watershed: Valley Creek (EV)



Dear Mr. Robinson:

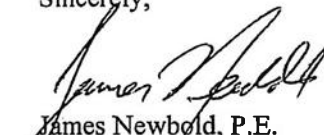
This letter is in reference to the submittal received on November 10, 2010, regarding the revisions to the Existing Permit PAI011506082 for the construction of the Solar Farm over the existing quarry cap.

Please be advised that your request for Plan Revisions are approved and have been added to our files.

All conditions specified in the original permit remain in effect and are to be complied with as part of this revision.

If you have any questions concerning this matter, please call Ms. Ana Damerau at 484.250.5159.

Sincerely,


James Newbold, P.E.
Regional Manager
Watershed Management

cc: East Whiteland Township
Mr. Perry - Chester County Conservation District
Ms. Moore
Mr. Rocco
Re 30 (GJS10WTSD)325-21

STORMWATER MANAGEMENT

for

Makemie at Whiteland

EBW Project # 2808-2

October 28, 2010

East Whiteland Township

Chester County, PA



Prepared By:

Edward B. Walsh & Associates, Inc

Lionville Professional Center
125 Dowlin Forge Road
Exton, PA 19341

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I. INTRODUCTION

Roskamp Management together with Presby Homes proposes to develop the former Foote Mineral property with a Solar Array for their proposed Continuing Care Retirement Community known as 'Makemie at Whiteland'. The 74.537 acre site is located along the south side of the Chester Valley Trail and the west side of South Bacton Hill Road, in East Whiteland Township, Chester County. The site is currently accessible from an existing driveway along South Bacton Hill Road, which is being used as a construction entrance for the Superfund Remediation portion of the project.

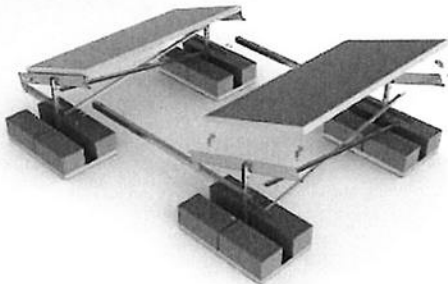
The proposed solar panel field will provide Phase 1 of Makemie at Whiteland with nearly 100% of their electricity needs. The applicant has completed the Township's required Zoning Hearing Board process to obtain approval for Solar Array use on the property. The solar array will be situated on top of the remediated quarry cap. The quarry cap consisted of an impermeable membrane which is covered by 18" of earthen fill, and 6" of topsoil. The EPA mandates that the integrity of the impermeable membrane must be maintained, and therefore cannot be pierced by a foundation of structure. Due to these requirements, the proposed solar panels will utilize a weighted ground mount system consisting of a steel frame weighted by concrete block.

Existing Site Conditions:

The remediation phase has recently been completed, with the stabilization of the quarry cap area and the construction of the sediment basin. The existing sediment basin currently utilizes a skimmer for discharge, which will ultimately be converted to its permanent outlet structure condition per the detail shown on the plans. The sediment basin drainage area is defined by two swales which surround the quarry cap. Each swale is lined with riprap stone and shall remain that way in the permanent condition. The quarry cap and sediment basin have been stabilized with permanent seed and mulch.

Proposed Improvements:

The solar panel frames shall be installed directly on the grass quarry cap, with only a small percentage of the panel area making contact with the ground, as shown on the photo below. This construction involves essentially zero earth disturbance.



The impervious area of the existing detention basin (*known as Basin #4*) has been calculated as follows:

Solar Panel Support Impervious Area Calculation

- Area of One (1) Support Footprint = 4.67 sf
- No. of Supports = No. of Panels + No. of Rows
 - No. of Panels = 7,826
 - No. of Rows = 225
 - No. of Supports = 7,826 + 225
 - No. of Supports = 8,051
- Total Solar Panel Support Impervious Area (A)
 - $A = \text{No. of Supports} \times \text{Area of One (1) Support Footprint}$
 - $A = 8,051 \times 4.67 \text{ sf}$
 - $A = 37,598 \text{ sf} = 0.86 \text{ acres}$

Proposed Impervious Area = 0.86 acres

The original impervious area approved for this basin was 2.34 acres – **therefore the impervious area to the basin is reduced by 1.48 acres.**

II. STORMWATER MANAGEMENT & BMP DESIGN METHODOLOGY

Predevelopment

The predevelopment watershed to the existing basin has not changed, and is defined as follows from the original report:

“The predevelopment area for the existing basin (*known as Predevelopment Drainage Area #2*) forms the headwaters of the East Branch of the Valley Creek Watershed. The drainage area delineated for Predevelopment D.A. #2 is composed of the easterly portion of the site, which contributes mostly sheet flow stormwater runoff to the easterly property line. Predevelopment D.A. #2 is based upon the site topography prior to the existence of the quarries. This assumption has been made due to the fact that the majority of runoff within this area drains to the quarries and ultimately infiltrated into the aquifer. The natural infiltration of runoff into the bottom of the quarries is thought to have caused groundwater contamination of many wells in the surrounding area. Therefore, under the direction of the EPA, the quarries shall be filled and capped to allow the water to discharge away from the quarries rather than into them. Recharge is not permitted under the EPA guidelines as an appropriate method of stormwater management. Therefore a predevelopment baseline must be established to determine the permitted amount of Post Development runoff. The drainage area for Predevelopment D.A. #2 has been delineated based upon existing topography around the property perimeter and educated assumptions about the topography prior to quarrying. The point of interest for D.A. #2 lies along the edge of the existing Chester Valley Trail, which will be improved upon as part of the Rails to Trails portion of this project. Design plans for the Rails to Trail project will consider the runoff to the D.A. #2 point of interest.

Peak flows have been conservatively calculated under the assumption that the entire site exists as a meadow condition. However, the majority of the site was covered with impervious area, with as many as 60 buildings with associated roadways.”

Post Development

The existing detention basin (*known as Basin #4*) shall be converted from its sediment form to its permanent wet pond form after construction. The stormwater management system has been designed to reduce the peak flows from the predevelopment condition and enhance the water quality from the site. Stormwater calculations are designed to reduce the 10-year post development peak rate to the 2-year predevelopment rate.

Basin #4 is designed to handle the stormwater management needs of the eastern portion of the site draining to the Valley Creek Watershed. Basin #4 has been constructed as part of the environmental remediation to attenuate the increased runoff caused by the quarry cap. Basin #4 shall serving both the quarry cap and the solar array has been designed for all of the following conditions:

1. *Sediment condition during construction of the quarry cap*
2. *Sediment condition during the construction of the quarry cap*
3. Permanent condition of the CCRC and Solar Array

Below is a narrative from the original stormwater report which describes what has already taken place:

Basin Serves the Quarry Cap:

*“Initially Basin #4 will be constructed as a sediment basin during construction of the quarry cap. The basin will be constructed with a permanent outlet structure and utilize a skimmer for discharge during its use a sedimentation basin. The basin will be underlain with an impermeable geomembrane, per EPA requirements. This geomembrane will be buried five (5) feet below the sediment basin bottom and covered with 12” of stone. Once the construction of the quarry cap is complete, the skimmer will be removed and function as a standard stormwater detention basin until Phase II (now the Phase 1 solar field) of the CCRC is constructed. **The existing features on the design plans reflect the Basin #4 after the quarry cap is complete and the skimmer has been removed.**”*

Stormwater Management BMP's

The same stormwater BMP's are employed as approved in the original plan. The wet pond has been designed to control both volume control and address discharge temperature concerns, through a reverse siphon will be installed over the lower control orifice to draw water off of the pond bottom during storm events. **In addition, the cap is now covered with six (6) inches of loosely compacted topsoil, which act as a large soil amendment covering the quarry cap.**

WATERSHED: POST DEVELOPMENT CONTROLLED #2

The original calculations were based on 2.34 acres impervious area. The current proposal consists of 0.86 acres of impervious area, however the calculations remain unchanged to be conservative.

Required Water Quality Volume (WQv) Calculations

$WQv = (P)(Rv)(A)$ Where P = 1.0 inch of rainfall (Eastern Zone)

$$Rv = 0.05 + 0.009(I)$$

Impervious Area = 2.34 ac.

A = Area in Acres = 11.38 ac.

I = Percent Impervious Cover = 2.34 ac./11.38 ac. = 0.2056 → 20.56%

$$= \frac{1.0 [0.05 + 0.009 (20.56)] 11.38}{12}$$

= 0.223 ac.-ft. → 9,709 cu.ft. Required

Proposed BMP's

The required WQv will be provided with the following BMP's:

1. Permanent Pool Volume
2. Biofiltration (or Dry) Swale Calculations (Basin #4)

1) Permanent Pool Volume (Basin #4)

Elev	Surface Area	Average Area	Depth	Incremental Volume	Accumulated Volume
368.00	19,500				0
		21,410	2.00	42,819	
370.00	23,319				42,819
		25,414	2.00	50,827	
372.00	27,508				93,646

Total Permanent Pool Volume Provided = 93,646 cu.ft. x 50% = 46,323 cu.ft. = 1.063 ac.ft.

2) Biofiltration (or Dry) Swale Calculations (Basin #4)

A long vegetated biofiltration swale is shown along the east side of the Perimeter Drive, leading into Basin #4. This swale will be constructed as part of the quarry cap, and serve as a vegetated channel to convey stormwater to Basin #4.

$$w = WQv / (l)(d_{mid}) \rightarrow WQv = (w)(l)(d_{mid})$$

w = swale width = 6 ft.

l = length of swale = 400 ft.

d_{mid} = max. ponding depths at midpoint = 1.5 ft. (100-yr. storm depth)

$$WQv = (6)(400)(1.5)$$

Total WQv Provided = 3,600 = 0.083 ac.ft.

WQv SUMMARY

1) Permanent Pool 1.063 ac.ft.

2) Biofiltration Swale 0.083 ac.ft.

1.146 ac.ft. > 0.223 ac.ft. Required

Detention Basin Design Criteria

Storm water management basins are designed in accordance with the soil cover complex method and the procedures developed by the U.S. Department of Agriculture, Soil Conservation Service as outlined in their technical release No. 55, Urban Hydrology for small Watersheds. Stormwater calculations are designed to reduce the 10-year post development peak rate to the 2-year predevelopment rate. All other post development design storm runoff rates match their corresponding predevelopment rate. The post development discharge shall not exceed the pre-developed discharge from the site for all remaining design storm events:

1 Year	24 Hour	2.6 Inches Rainfall
2 Year	24 Hour	3.2 Inches Rainfall
5 Year	24 Hour	4.2 Inches Rainfall
10 Year	24 Hour	5.0 Inches Rainfall
25 Year	24 Hour	5.6 Inches Rainfall
50 Year	24 Hour	6.3 Inches Rainfall
100 Year	24 Hour	7.1 Inches Rainfall

III. CN & Tc CALCULATIONS

'CN' Calculations

CN Watershed	Predevelopment Meadow (C-Soil) CN = 71	Woods (C-Soil) CN=70	Impervious CN = 98	Grass (C-Soil) CN = 74	Sub-Total (Acres)	Average CN
<i>PREDEVELOPMENT #2</i>	<i>10.50</i>				<i>10.50</i>	<i>71.00</i>
<i>Post Development-Basin #4</i>			<i>2.34</i>	<i>9.04</i>	<i>11.38</i>	<i>78.93</i>
<i>PREDEVELOPMENT #2</i>	<i>10.50</i>				<i>10.50</i>	<i>71.00</i>
<i>Post Development-Basin #4</i>			<i>0.86</i>	<i>9.2</i>	<i>10.06</i>	<i>76</i>

Information in italics represents the original approved calculations

Peak Flow Summary

Watershed	1-year	2-year	5-year	10-year	25-year	50-year	100-year
<i>Predevelopment #2</i>	<i>6.16</i>	<i>11.32</i>	<i>18.69</i>	<i>25.48</i>	<i>35.85</i>	<i>44.91</i>	<i>54.98</i>
<i>Post Development-Basin #4</i>	<i>14.01</i>	<i>21.37</i>	<i>31.22</i>	<i>39.68</i>	<i>52.06</i>	<i>62.54</i>	<i>73.95</i>
<i>Basin #4 Outflow</i>	<i>0.31</i>	<i>0.35</i>	<i>0.38</i>	<i>0.80</i>	<i>2.44</i>	<i>5.42</i>	<i>7.58</i>
<i>Predevelopment #2</i>	<i>6.16</i>	<i>11.32</i>	<i>18.69</i>	<i>25.48</i>	<i>35.85</i>	<i>44.91</i>	<i>54.98</i>
<i>Post Development-Basin #4</i>	<i>9.03</i>	<i>14.73</i>	<i>22.78</i>	<i>29.86</i>	<i>40.42</i>	<i>49.48</i>	<i>59.44</i>
<i>Basin #4 Outflow</i>	<i>0.21</i>	<i>0.26</i>	<i>0.31</i>	<i>0.36</i>	<i>0.66</i>	<i>1.163</i>	<i>1.92</i>

Information in italics represents the original approved calculations

Conclusion:

The drainage area, impervious area, and peak basin outflow have all been reduced from the original design.

Tc Path Calculations – Following Page



Engineering LLC

106 Schubert Drive
Downingtown, PA 19335
Phone: (484) 880-7342
Email: admin@JMRengineering.com

December 27, 2021

Mr. Zachary Barner, AICP
Director of Planning and Development
East Whiteland Township
209 Conestoga Road
Frazer, PA 19355-1699

**Re: Data Pod Plan for Green Fig Land Company Data Center Property
East Whiteland Township, Chester County
Waiver Request Letter**

Dear Mr. Barner:

On behalf of my client, Green Fig Land Company, equitable owner and applicant of the subject parcel, I have prepared this '*Waiver Request Letter*' regarding the subject plan for Data Pods over the former '*Solar Field*' area. The subject area represents the former Foote Mineral quarry area, which is now in the remediated with the final EPA Quarry Cap. The following items have been submitted for review pertaining to this request:

- Data Pod Module Detail
- Original Solar Field Grading, Drainage Area and Quarry Cap Asbuilt Plan
- Original Township / DEP approvals for the Solar Field, and approved Stormwater Management Report

We respectfully request review and consideration of the following waiver:

Section §175-10 & 11, as applicable, to permit the plan for the Data Pods to proceed as an amended Erosion Control Permit to the prior December 13, 2010 East Whiteland Township approval.

Original Approval Summary

The original quarry cap was approved in December 2010, with a stormwater facility designed for 2.34 acres of impervious (see attached for calculations reference).

- Almost 8,000 solar panels were approved to be placed over the quarry cap field.
- The Solar panels were weighted with concrete to hold them to the ground (see attached)

Data Pod Proposal:

The applicant proposes a similar use for the property with 'Data pods' (see attached detail)

- The data pods are approximately 40' x 10' and 1 story tall.
- They will be placed on the quarry cap on a leveled area
- They require a service road for delivery, which will be made of the 'Grasspave²' product – the same product as the 'Green Parking' for the Data Centers (i.e. not considered impervious). This will allow for the seldom truck use of the road for data pod delivery and service.
- There would be 10-11 pods placed over the cap (see attached Sketch)

December 27, 2021

RE: Data Pod Waiver Request

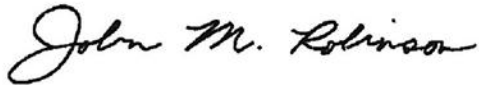
Page 2 of 2

We believe the Data Pod use is very similar to the Solar Panel use, as they involve placement of a weighted object over the quarry cap within a certain impervious area parameter. In order to install the Grasspave² access road, we believe an amended Township E&S permit would be required. The proposal is limited to 10-11 Data Pods as this will provide the amount of data production required by the user. The total disturbance shall be below 1 acre.

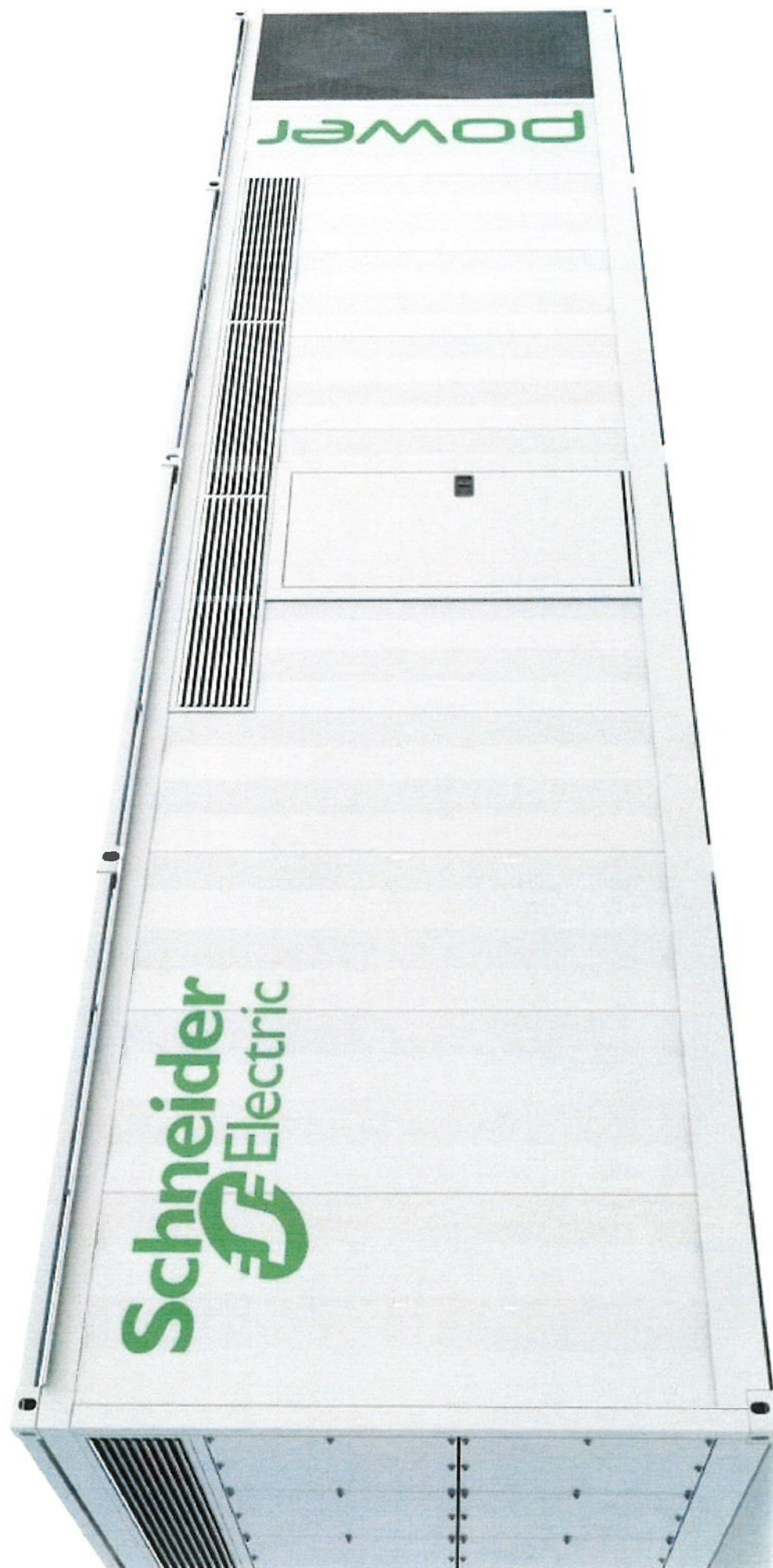
Please review this waiver and provide us with direction on the next step in the process. Should you have any questions on the submitted material, please do not hesitate to call.

Very truly yours,

JMR Engineering, LLC

A handwritten signature in cursive script that reads "John M. Robinson".

John M. Robinson, P.E., M.B.A.
President



Lydia Fisher

From: Zachary Barner
Sent: Thursday, July 22, 2021 3:05 PM
To: Brittany Carosello
Subject: FW:
Attachments: Data Center ZHB Sketch.pdf

Thanks,
Zachary Barner
Phone: 610-897-4265
Email: zbarner@eastwhiteland.org

From: Lou <Lou@RRHC.COM>
Sent: Thursday, July 22, 2021 2:17 PM
To: Ted Locker <tlocker@eastwhiteland.org>
Cc: Kathleen <Kathleen@RRHC.COM>; Zachary Barner <ZBarner@eastwhiteland.org>; Greg Walters <gregwalters@thewalterscompany.com>; 'Jack Robinson' <jack@jmrengineering.com>; Charlie Lyddane (10woodford@gmail.com) <10woodford@gmail.com>; 'dan@rmcllc.net' <dan@rmcllc.net>; Alyson Zarro <Alyson@RRHC.COM>
Subject: FW:

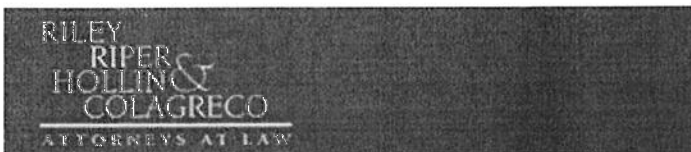
Good afternoon Ted

Following our meeting of yesterday, please substitute this plan dated 7/22/21 for the site plan which we submitted with our variance application on 6/30/21.

The pods used as part of the data center have been accurately labeled as "Data Pods". We have also narrowed the scope of perimeter landscape relief needed to only those areas where there is an existing quarry cap membrane and utilities. We will have a plan depicting these exact areas to present to the PC on Wednesday night.

Parking lot landscaping relief is only sought for the areas of "Green Parking" depicted on the plan. The asphalt parking lot will be landscaped pursuant to ordinance.

Let me know if there are any further questions. Thx. Lou



717 Constitution Drive
Post Office Box 1265
Exton, PA 19341

LOUIS J. COLAGRECO, JR.
610.458.4400 Tel
610.458.4441 Fax
lou@rrhc.com

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From: Kathleen
Sent: Thursday, July 22, 2021 1:59 PM
To: Lou <Lou@RRHC.COM>
Subject:

Kathleen Hopta
Staff Supervisor
Riley Riper Hollin & Colagreco
717 Constitution Drive, Suite 201
P.O. Box 1265
Exton, PA 19341
(610) 458-4400 Ext. 206
(610) 458-4441 (fax)
(484) 769-5739 (mobile)

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Lydia Fisher

From: Zachary Barner
Sent: Thursday, December 9, 2021 4:38 PM
To: Becker, Darrell (Darrell.Becker@arroconsulting.com); Ted Locker; Mark Moses
Cc: Brittany Carosello; Steven Brown
Subject: FW: Data Pods
Attachments: Original Solar Field Stormwater.pdf; Grasspave2.pdf

FYI regarding the "data pods" that are proposed as part of the data center project...

This will be discussed at next week's Subcommittee meeting but I wanted to give you all a heads up so we can begin to think about permit requirement and the "is it land development" type questions.

I will provide the sketch once received from JMR.

Thanks,

Zachary Barner

Phone: 610-897-4265

Email: zbarner@eastwhiteland.org

From: Jack Robinson <jack@jmrengineering.com>
Sent: Thursday, December 9, 2021 4:12 PM
To: Zachary Barner <ZBarner@eastwhiteland.org>
Cc: Brittany Carosello <bcarosello@eastwhiteland.org>; 10woodford@gmail.com; gregwalters@thewalterscompany.com; Matthew Bush <matt@jmrengineering.com>
Subject: RE: Data Pods

Thank you for your email Zach. Charlie and Greg plan to attend this meeting. I've summarized what I discussed with you today on the phone as follows:

- The original quarry cap was approved as a solar field back in 2010, with a stormwater facility designed for 2.34 acres of impervious (see attached for reference).
 - Almost 8,000 solar panels were approved to be placed over the quarry cap field.
 - These panels were weighted with concrete to hold them to the ground (see attached)
- The applicant not proposes a similar use for the property with 'Data pods'
 - These data pods are approximately 40' x 10' and 1 story tall.
 - They will be placed on the quarry cap on a leveled area
 - They require a service road for delivery, which will be made of the 'Grasspave2' product – the same product as the 'Green Parking' for the Data Centers (i.e. not considered impervious). This will allow for the seldom truck use of the road for data pod delivery and service.
 - There would be approximately 10 pods placed over the cap (my office will provide you with a Sketch)

I believe the Data Pod use is very similar to the Solar Panel use, as they involve placement of a weighted object over the quarry cap. In order to install the Grasspave2 access road, I believe we will need a grading permit. We intend to keep the total disturbance below 1 acre to avoid an NPDES permit. Charlie and Greg can answer more of the details when you meet.

Thank you again for getting us on your agenda.

Jack

John Robinson, P.E., M.B.A., President

JMR Engineering, LLC

106 Schubert Drive

Downingtown, PA 19335

Phone: (484) 880-7342, Ext. 101

Cell: (484) 459-0141

Website: www.JMREngineering.com

Email: jack@JMREngineering.com



From: Zachary Barner <ZBarner@eastwhiteland.org>

Sent: Thursday, December 09, 2021 11:41 AM

To: Jack Robinson <jack@jmrengineering.com>

Cc: Brittany Carosello <bcarosello@eastwhiteland.org>

Subject: Data Pods

Jack,

Following up on our conversation this morning, I am going to pencil your client in for an "appointment" at our Subcommittee meeting next Wednesday (12/15). The time slot will likely be 10:00am but I will confirm closer to time, pending a plan to review prior/during the meeting. The purpose would be to discuss potential permit/procedural requirements relative to the data pods proposed at the Swedesford/Bacton site.

Thanks,

Zachary Barner, AICP

Director of Planning & Development

East Whiteland Township

Phone: 610-897-4265

Email: zbarner@eastwhiteland.org

I. INTRODUCTION

Roskamp Management together with Presby Homes proposes to develop the former Foote Mineral property with a Solar Array for their proposed Continuing Care Retirement Community known as 'Makemie at Whiteland'. The 74.537 acre site is located along the south side of the Chester Valley Trail and the west side of South Bacton Hill Road, in East Whiteland Township, Chester County. The site is currently accessible from an existing driveway along South Bacton Hill Road, which is being used as a construction entrance for the Superfund Remediation portion of the project.

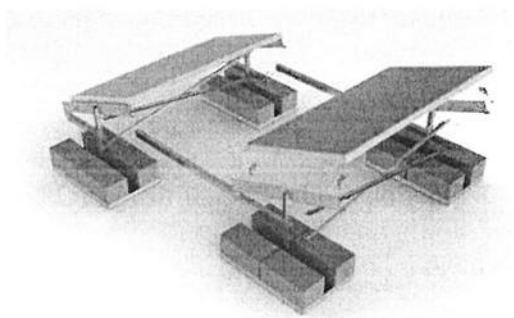
The proposed solar panel field will provide Phase 1 of Makemie at Whiteland with nearly 100% of their electricity needs. The applicant has completed the Township's required Zoning Hearing Board process to obtain approval for Solar Array use on the property. The solar array will be situated on top of the remediated quarry cap. The quarry cap consisted of an impermeable membrane which is covered by 18" of earthen fill, and 6" of topsoil. The EPA mandates that the integrity of the impermeable membrane must be maintained, and therefore cannot be pierced by a foundation of structure. Due to these requirements, the proposed solar panels will utilize a weighted ground mount system consisting of a steel frame weighted by concrete block.

Existing Site Conditions:

The remediation phase has recently been completed, with the stabilization of the quarry cap area and the construction of the sediment basin. The existing sediment basin currently utilizes a skimmer for discharge, which will ultimately be converted to its permanent outlet structure condition per the detail shown on the plans. The sediment basin drainage area is defined by two swales which surround the quarry cap. Each swale is lined with riprap stone and shall remain that way in the permanent condition. The quarry cap and sediment basin have been stabilized with permanent seed and mulch.

Proposed Improvements:

The solar panel frames shall be installed directly on the grass quarry cap, with only a small percentage of the panel area making contact with the ground, as shown on the photo below. This construction involves essentially zero earth disturbance.



The impervious area of the existing detention basin (*known as Basin #4*) has been calculated as follows:

Solar Panel Support Impervious Area Calculation

- Area of One (1) Support Footprint = 4.67 sf

- No. of Supports = No. of Panels + No. of Rows
 - No. of Panels = 7,826
 - No. of Rows = 225
 - No. of Supports = 7,826 + 225
 - No. of Supports = 8,051
- Total Solar Panel Support Impervious Area (A)
 - $A = \text{No. of Supports} \times \text{Area of One (1) Support Footprint}$
 - $A = 8,051 \times 4.67 \text{ sf}$
 - $A = 37,598 \text{ sf} = 0.86 \text{ acres}$

Proposed Impervious Area = 0.86 acres

The original impervious area approved for this basin was 2.34 acres – **therefore the impervious area to the basin is reduced by 1.48 acres.**

II. STORMWATER MANAGEMENT & BMP DESIGN METHODOLOGY

Predevelopment

The predevelopment watershed to the existing basin has not changed, and is defined as follows from the original report:

“The predevelopment area for the existing basin (*known as Predevelopment Drainage Area #2*) forms the headwaters of the East Branch of the Valley Creek Watershed. The drainage area delineated for Predevelopment D.A. #2 is composed of the easterly portion of the site, which contributes mostly sheet flow stormwater runoff to the easterly property line. Predevelopment D.A. #2 is based upon the site topography prior to the existence of the quarries. This assumption has been made due to the fact that the majority of runoff within this area drains to the quarries and ultimately infiltrated into the aquifer. The natural infiltration of runoff into the bottom of the quarries is thought to have caused groundwater contamination of many wells in the surrounding area. Therefore, under the direction of the EPA, the quarries shall be filled and capped to allow the water to discharge away from the quarries rather than into them. Recharge is not permitted under the EPA guidelines as an appropriate method of stormwater management. Therefore a predevelopment baseline must be established to determine the permitted amount of Post Development runoff. The drainage area for Predevelopment D.A. #2 has been delineated based upon existing topography around the property perimeter and educated assumptions about the topography prior to quarrying. The point of interest for D.A. #2 lies along the edge of the existing Chester Valley Trail, which will be improved upon as part of the Rails to Trails portion of this project. Design plans for the Rails to Trail project will consider the runoff to the D.A. #2 point of interest.

Peak flows have been conservatively calculated under the assumption that the entire site exists as a meadow condition. However, the majority of the site was covered with impervious area, with as many as 60 buildings with associated roadways.”

Post Development

The existing detention basin (known as Basin #4) shall be converted from its sediment form to its permanent wet pond form after construction. The stormwater management system has been

designed to reduce the peak flows from the predevelopment condition and enhance the water quality from the site. Stormwater calculations are designed to reduce the 10-year post development peak rate to the 2-year predevelopment rate.

Basin #4 is designed to handle the stormwater management needs of the eastern portion of the site draining to the Valley Creek Watershed. Basin #4 has been constructed as part of the environmental remediation to attenuate the increased runoff caused by the quarry cap. Basin #4 shall serving both the quarry cap and the solar array has been designed for all of the following conditions:

1. Sediment condition during construction of the quarry cap
2. Sediment condition during the construction of the quarry cap
3. *Permanent condition of the CCRC and Solar Array*

Below is a narrative from the original stormwater report which describes what has already taken place:

Basin Serves the Quarry Cap:

“Initially Basin #4 will be constructed as a sediment basin during construction of the quarry cap. The basin will be constructed with a permanent outlet structure and utilize a skimmer for discharge during its use a sedimentation basin. The basin will be underlain with an impermeable geomembrane, per EPA requirements. This geomembrane will be buried five (5) feet below the sediment basin bottom and covered with 12” of stone. Once the construction of the quarry cap is complete, the skimmer will be removed and function as a standard stormwater detention basin until Phase II (*now the Phase 1 solar field*) of the CCRC is constructed. **The existing features on the design plans reflect the Basin #4 after the quarry cap is complete and the skimmer has been removed.”**

Grasspave²

100% Grass Covered Porous Pavement

Grasspave2 Flexible Plastic Porous Pavement

Grasspave2 protects and enhances the environment in three ways: First, made from 100% recycled plastic, Grasspave2 keeps common consumer and industrial products from going into landfills. Second, grass paving directly improves the environment by recharging water tables on site (reducing flooding hazards downstream), reducing sources of oils and solvents from asphalt, absorbing carbon dioxide, and creating oxygen. Third, it enhances the beauty and quality of the built environment – replacing hot asphalt paved areas with cool, sparking green lawn-like Product Description

Grasspave2 has thin-walled independent plastic rings connected by an interlocking geogrid structure, which, because it is installed below the surface, is invisible in the completed project. While the rings are rigid, the grid itself is flexible, which makes it easy to install on uneven grades, and reduces usual cut and fill requirements.

The rings transfer loads from the surface to the grid structure and engineered base course material below, thus preventing compaction of the upper root zone of the grass. A single ring supports small loads, such as shoes; several rings support tires and large loads.

The rings also act to contain the root zone medium (sand) and prevent lateral migration away from tires, feet, or other loads. This protects the grass root system, enabling roots to grow deep into the porous base course. The result is healthy, green turf at the surface.

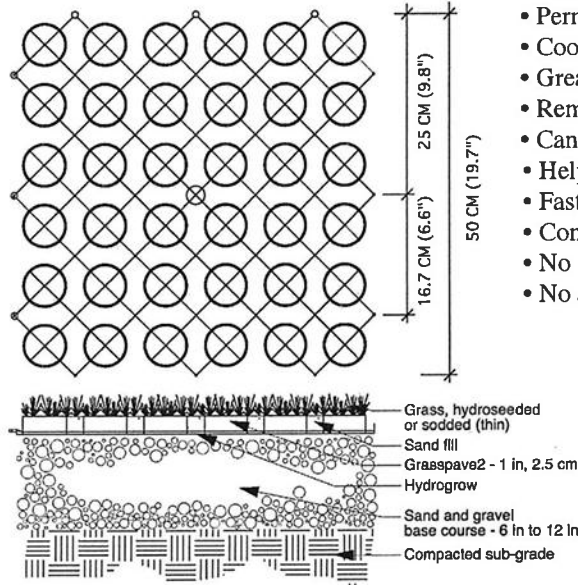
One person can easily install the Grasspave2 rolls at a rate of 70m² (750 ft²) per hour, plus time for base course preparation and grass installation (seeding, sod or sprigging). Step-by-step instructions are included in our Installation Instructions, which accompany each order.

Features and Benefits

- Allows 100% grass coverage instead of asphalt
- Made from 100% post consumer plastic
- High strength to weight load-bearing capacity
- Supports vehicular and pedestrian traffic

• Maximum porosity

- Low to zero runoff
- Free air/water movement
- Permits more trees
- Cooler site
- Greater oxygen
- Removes air pollutants
- Can preserve existing trees
- Helps to meet "Green Coverage Codes"
- Fast, low cost installation
- Competes in cost with asphalt paving
- No gutter and rain system needed
- No added land required for detention facilities
- Lower life cycle costs



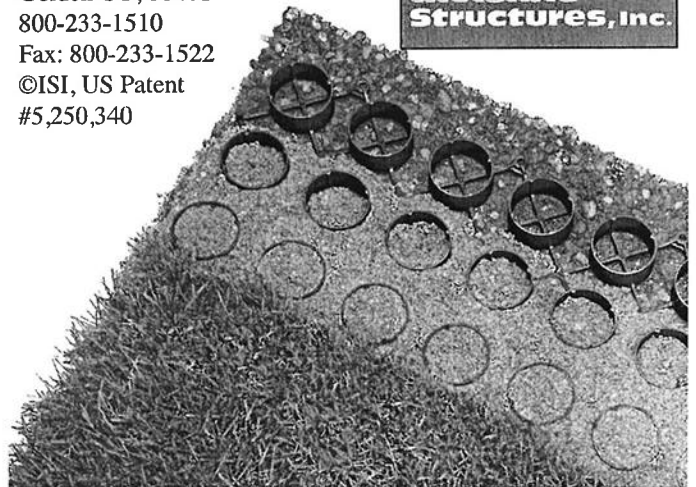
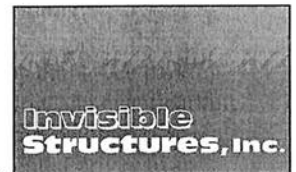
Applications

- Church/employee parking
- Overflow and event parking
- Golf cart paths
- Residential driveways
- Firelanes

Specifications

Unit Size – 20"x 20"x 1" (50 x 50 x 2.5cm)
Unit Weight – 18oz (510 grams)
Strength – 15,940 psi (109,906 kPa)
Connector Pull Apart Strength (Tensile) - 458 lbf/in
Color – Black
Resin – 100% recycled HDPE with 3% carbon black
Shipped in Rolls (431 sq ft standard, other roll sizes available)
92% Void Space (8% plastic by volume)

Invisible Structures, Inc.
1600 Jackson Street, Suite 310
www.invisiblestructures.com
Golden CO, 80401
800-233-1510
Fax: 800-233-1522
©ISI, US Patent
#5,250,340



Lydia Fisher

From: John Mateja
Sent: Tuesday, September 27, 2022 4:13 PM
To: Bernadette Kearney
Cc: Brittany Carosello; Zachary Barner
Subject: FW: Document Request [UTBF-WestChester.FID326856]
Attachments: Green Fig Letter Decision 11 16 2021.PDF; 21oct25greenfig.pdf

From: Andrew Rau <arau@UTBF.Com>
Sent: Thursday, September 22, 2022 4:32 PM
To: John Mateja <jmateja@eastwhiteland.org>
Cc: Ali Fidanza <afidanza@UTBF.Com>
Subject: Document Request [UTBF-WestChester.FID326856]

Hi John,

As requested, we located the Green Fig exhibits from the 2021 hearing before the ZHB. And we have created an access link to East Whiteland Township Exhibits T-1 and T-2 from the hearing. I believe the larger T-1 exhibit is what you are looking for. If you have any trouble accessing the documents, or if you have any additional questions, please just let me know. Here is the link:

<https://utbfwc.sharefile.com/d-s2ad53f42212840b99ef5002c23c90b91>

Also attached for reference is the Green Fig letter decision of November 16, 2021, memorializing the ZHB decision orally issued at the hearing on October 25, 2021. The transcript for the substantive hearing night of October 25, 2021 is attached as well.

-AR

Andrew D.H. Rau
Unruh Turner Burke & Frees
P.O. Box 515 | West Chester, PA 19381
P: 610.692.1371 | F: 484.653.2208
C: 484.459.2416
arau@utbf.com | [vCard](#)
www.utbf.com | [Municipal Blog](#)

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This communication is not intended or written to be used, and it cannot be used, for the purpose of avoiding penalties that may be imposed by the Internal Revenue Service under United States federal tax laws.

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;

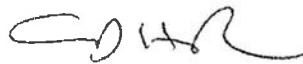
- A variance is granted from Section 200-46, Attachment 11, Table of Development Standards, maximum height, accessory structure. A variance to allow one 150 foot tall accessory microwave tower was previously granted. Applicant is now granted a variance to allow a second accessory microwave tower at an 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.

Louis J. Colagreco, Jr., Esquire
Riley Riper Hollin & Colagreco
November 16, 2021
Page 4

- 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

BEFORE THE ZONING HEARING BOARD
EAST WHITELAND TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA

Public hearing held by the East Whiteland
Township Zoning Hearing Board to consider the application
of Green Fig Land, LLC, appeal 2021-11.

Said hearing held at the East Whiteland Township
Building, 209 Conestoga Road, Frazer, Pennsylvania, on
Monday, October 25, 2021, beginning at 6:30 P.M.

BEFORE: Katherine Laubenstein, Chairperson
David Hesson
Karen Milner
Jay Levin

ALSO PRESENT: Ted Locker

APPEARANCES:

Andrew D. H. Rau, Esquire
Solicitor for the Board

Louis J. Colagreco, Jr., Esquire
Counsel for the Applicant

Joseph McGrory, Esquire
Counsel for East Whiteland Township

Nancy Sage Sciarretta, RPR
Official Court Reporter
201 West Market Street, Suite 5425
P.O. Box 2746
West Chester, Pennsylvania 19380
610-344-4762

PROCEEDINGS

CHAIRMAN HESSON: Are all the people for appeal No. 2021-11, being the Green Fig Land Development; are they here? You're here?

Next on the agenda is appeal 2021-11, the Green Fig Land appeal.

MR. RAU: And as the Board may recall, at the last hearing where this was in front of the Board the only thing the Board did was, on the record, list a number of Board exhibits, B-1 through B-12, which included a continuance request. It was dated September 27th, which the Board granted and held off until this evening to hear substantive testimony and evidence. So that exhibit packet, to the extent the Board needs it, also includes some of the prior decisions and orders in the underlying history of this site and the application.

And I understand, Mr. Colagreco is here this evening for the Applicant, and Mr. McGrory is here this evening on behalf of the Township.

MR. McGRORY: Yes. The Township would like to enter their appearance in support of this application. And I've taken the liberty of putting at your place setting a document titled Scope Of Work Associated With The Decommissioning Of The Malvern Hunt Wastewater Treatment System, comprised of 167 pages.

1 I've given it to the court reporter and to the
2 Applicant's counsel.

3 If the Board is inclined to grant the zoning
4 relief, we would ask that one of the conditions be that
5 they decommission the sewer treatment facility, in
6 accordance with the specs that are outlined in the
7 document that we'll have marked as Township Exhibit-1.

8 And in addition to that, the condition should
9 further read, with agreement of the Township and the
10 Applicant, there could be slight variations made to
11 Township Exhibit-1 based on field conditions.

12 MR. RAU: So the Board will mark that as
13 Township Exhibit-1. Thank you, Mr. McGrory.

14 (Exhibit Township-1 marked for identification.)

15 MR. RAU: And if the Board is ready,
16 Mr. Colagreco?

17 MR. COLAGRECO: Thank you, Mr. Solicitor.

18 Lou Colagreco representing the Applicant here
19 this evening. We have two witnesses, Charlie Lyddane,
20 managing partner Green Fig Land LLC and Jack Robinson,
21 the civil engineer for this project.

22 As the Zoning Board is probably aware, on
23 February 22nd, 2018, Whiteland Holdings, the predecessor
24 to this applicant, LP, received variance relief from the
25 East Whiteland Zoning Board to construct a data center on

1 the subject property, which is 15 South Bacton Hill Road,
2 and 954 Swedesford Road.

3 One of the conditions imposed by the Board in
4 the grant of that variance relief, and there were several
5 variances granted at the time, was that the development
6 of the property for the data center usage being in
7 accordance with the testimony and the exhibits that were
8 submitted to the Zoning Board at that time, and that if
9 we wanted to extend that relief we would have to return
10 to the Zoning Board for further relief; and that is why
11 we are here tonight.

12 We are not seeking different variances that were
13 granted by the Board previously, we're seeking simply an
14 extension of those variances because we've acquired more
15 land to be associated with this project, and our
16 witnesses will testify to that.

17 So I'm not going to belabor the issue. We can
18 get into that through testimony. My first witness is
19 Charlie Lyddane. We would ask that he be sworn and we'll
20 start the testimony.

21 ...CHARLES R. A. LYDDANE, having been duly
22 sworn, was examined and testified as follows...

23 DIRECT EXAMINATION

24 BY MR. COLAGRECO:

25 Q. Mr. Lyddane, could you state your full name and

1 business address for purposes of the record?

2 A. Charles R. A. Lyddane. And I am at 10 Whitford
3 Lane in Malvern.

4 Q. And what is your relationship to the Applicant,
5 Green Fig Land LLC?

6 A. I am the managing partner.

7 Q. And you are authorized to appear and make
8 representations on behalf of the Applicant here this
9 evening?

10 A. I am.

11 Q. I premarked eight Applicant exhibits. I handed
12 to the Board a copy of the exhibit package. I'm going to
13 refer you to Exhibit A-4.

14 Is that a copy of the redacted purchase and sale
15 agreement between Whiteland Holdings, LP and Green Fig
16 Land LLC dated July 11th, 2019?

17 A. It is.

18 (Exhibit A-4 marked for identification.)

19 BY MR. COLAGRECO:

20 Q. You heard me in my introduction refer to a
21 previous grant of variance relief for a data center on
22 the property which is the subject of this application.
23 You've read that opinion by the Zoning Board?

24 A. I have.

25 Q. A lot of time has passed since that decision was

1 rendered by the Zoning Board, and I want you to bring the
2 Board up to speed regarding with what has happened
3 regarding the data center project.

4 A. When we set out to do this there was a different
5 level of demand than there is now. And we helped to
6 create some more demand. We banded with the four
7 utilities, four of the major utilities in Pennsylvania.
8 And along the way, several other groups reached out to us
9 when they found out what we were doing, and we changed
10 the sales tax law in Pennsylvania to accommodate data
11 centers. Because when you build a data center, you build
12 a 180 million dollar building, and you put three billion
13 dollars worth of equipment in it. And the three billion
14 dollars worth of equipment carry a 180 million dollar tax
15 bill with it.

16 So if you go to Virginia and you build that same
17 building and put the same equipment in it you pay no
18 sales tax. So that's why things are built in Loudoun
19 County. That's one of the reasons why they're built in
20 Loudoun County.

21 So we went to Harrisburg with the help of a law
22 firm out there and changed the law. And it's been very
23 popular in the legislature, and we just got it passed in
24 June. And so that the demand, with things like all the
25 different growth of all the things that, you know, that

1 happened through COVID and everything accelerated demand,
2 and so there's a great amount of demand.

3 And this happens to be a perfect spot for a data
4 center. It's a crossroads of some major fiber lines and
5 right at a PECO substation. It's the corner of Hollywood
6 and Vine.

7 So we're really excited about it, and we've got
8 a lot of interest. And we'll be back to you to tell
9 those stories whenever you'll hear those stories as we go
10 along. I don't think we need to come back here anyway,
11 unless we get some more property.

12 Q. Thanks, Charlie.

13 I have no further questions for Mr. Lyddane.

14 CROSS-EXAMINATION

15 CHAIRMAN HESSON: You'll go through, I
16 guess one of the things, how many people will work there,
17 you'll talk about that this evening?

18 THE WITNESS: I can address that. The big
19 force of workers are going to be there at the beginning
20 when the things are built. There are going to be people
21 coming in there to build these things, and there's lots
22 of jobs with that.

23 After this thing is up and built there will be
24 20 people, 30 people in each of these buildings, and
25 they're going to be working on shifts. So we're going to

1 have -- you're not even going to see people coming and
2 going. The traffic -- there will not be a lot of traffic
3 there.

4 So, and we're going, we're putting an entrance
5 onto Swedesford Road, and we're not going to complete
6 that entrance until after the construction, well late in
7 the construction, because we're going to bring everybody
8 in for the construction through the back entrance, which
9 is through PECO right off of 202.

10 CHAIRMAN HESSON: Okay.

11 MR. COLAGRECO: My next witness is Jack
12 Robinson.

13 MR. McGRORY: I have some questions, if I
14 may.

15 MR. COLAGRECO: I'm sorry.

16 BY MR. McGRORY:

17 Q. Mr. Lyddane, what is the total investment for
18 this project?

19 A. Probably in the neighborhood of seven billion
20 dollars, six and a half to seven billion dollars.

21 Q. Of course that would be subject to real estate
22 taxes, that would generate revenue for the school
23 district, Township and County, correct?

24 A. Absolutely.

25 Q. And we've discussed a list of conditions

1 previously. You heard one of the conditions that are
2 referenced in my introduction. Are you in agreement with
3 that condition as worded in my introduction?

4 A. I did. I am. And I understand the other ones
5 are a traffic study, which we're perfect -- that would
6 answer some of the questions that you had.

7 Q. Okay. I'm going to read those into the record
8 now. I sent to you previously five conditions, one of
9 which was the decommissioning of the plant. There were
10 four other conditions which I've copied the Zoning
11 Hearing Board Solicitor in prior communication.

12 The first condition is that the Applicant shall
13 perform a traffic study showing the impact from the
14 proposed development on all affected intersections,
15 including the proposed mitigation from the development's
16 impact.

17 Do you agree with that condition?

18 A. I do.

19 Q. The second one is the Applicant shall perform a
20 fiscal impact study showing the taxes generated for the
21 Township, County and school district, as well as the
22 demand on Township services such as but not limited to
23 police, fire and cost of educating children.

24 Are you in agreement with that condition?

25 A. Mr. Babbit's on the payroll; we're good.

1 Q. The next one is the location of the 20 -- of the
2 two towers shown on the plan submitted at the time of the
3 in Zoning Hearing shall not change and cannot be located
4 elsewhere on the site?

5 A. We're fine with that.

6 Q. And then the last one is, the Applicant shall
7 obtain a letter from PECO indicating that the existing
8 electric substation will be sufficient to provide power
9 to the proposed facility without any adverse impact on
10 any other areas serviced by the station?

11 A. Correct.

12 Q. You're in agreement with that?

13 A. Yes, I am.

14 Q. Thank you. I have no other questions.

15 MR. RAU: If the Board would like, while
16 we did receive a version of that prior to this hearing,
17 my understanding was it was potentially still being
18 worked out so we did not mark that as an exhibit in the
19 prior, procedural opening of the hearing. So why don't
20 we mark that as Township-2, if Mr. McGrory would like?

21 MR. COLAGRECO: That's fine, but
22 unfortunately I didn't bring extra copies.

23 MR. RAU: That's fine. Mr. Locker handed
24 me a final version which I've marked and I have available
25 to the Board up here.

1 (Exhibit T-2 marked for identification.)

2 CHAIRMAN HESSON: Mr. Colagreco, do you
3 have that also?

4 MR. COLAGRECO: I have it, yes.

5 CHAIRMAN HESSON: The latest version?

6 MR. COLAGRECO: Yes.

7 CHAIRMAN HESSON: Just a question on
8 traffic studies. Now I understand this -- so there's 20
9 to 30 people per building per day as they shift around.
10 What happens when there's an actual use of the building
11 and you bring the people back in? Is this the recover
12 data center or is this just computing?

13 THE WITNESS: When we designed the layout,
14 we put in all this extra green parking for the purpose of
15 disaster recovery. So if you were working at a data
16 center elsewhere, and something happened to that, or you
17 were working in your building, they would come in there
18 and work. That only typically happens, like, one percent
19 of the time during the year. Everybody rents this stuff
20 so that it's available. It doesn't happen very often and
21 when it does, it's usually only for a day or two.

22 So now, also, we aren't sure that we're going to
23 do that. If we get a certain type of center, hypercenter
24 in here, there won't be any of that. That's for a
25 certain type of customer, and we wanted to be able to

1 serve all the different markets that are out there
2 because we didn't know what we were going to get. So
3 that's built in there, but that might not be something
4 that we would ever even use. We might not even build any
5 of that.

6 CHAIRMAN HESSON: Mr. McGrory, are you
7 aware of a traffic study that would take into account
8 both of those situations?

9 MR. McGRORY: If they are proposing any
10 traffic at any time, the traffic study would have to
11 accommodate them.

12 CHAIRMAN HESSON: Okay. That's okay. Go
13 ahead.

14 MR. COLAGRECO: Okay. Thank you.

15 My next witness is Jack Robinson.

16 ...JOHN M. ROBINSON, having been duly sworn, was
17 examined and testified as follows...

18 (Exhibit A-5 marked for identification.)

19 DIRECT EXAMINATION

20 BY MR. COLAGRECO:

21 Q. Would you state your name and business address
22 for the record, please?

23 A. John M. Robinson, 106 Schubert Drive,
24 Downingtown, Pennsylvania.

25 Q. And you're a licensed engineer in the

1 Commonwealth?

2 A. Yes.

3 Q. And you've been accepted as an expert in civil
4 engineering and testified before various local zoning
5 boards, boards of supervisors in the region; is that not
6 correct?

7 A. That's correct.

8 Q. I've attached your CV as Exhibit A-5 to the
9 exhibit package. I can go through that and some of the
10 representative work you've done. At this point I'd
11 request that the Zoning Board acknowledge Mr. Robinson as
12 an expert in the field of civil engineering and design.

13 CHAIRMAN HESSON: We did. And we've also
14 made him a junior member of our Zoning Hearing Board.

15 MR. COLAGRECO: Thank you.

16 CHAIRMAN HESSON: He is here often
17 enough.

18 (Exhibit A-6 marked for identification.)

19 BY MR. COLAGRECO:

20 Q. Mr. Robinson, you're familiar with the subject
21 property and the features regarding the Applicant's
22 proposal this evening?

23 A. Yes, I am.

24 Q. And you're familiar with the Zoning Ordinance of
25 East Whiteland Township, correct?

1 A. Yes.

2 Q. And you've reviewed Exhibit A-6, which is the
3 prior opinion and order of the Board --

4 A. Yes.

5 Q. -- regarding the data center use?

6 A. Yes.

7 Q. And in fact, you testified, as I recall, in that
8 hearing before the Zoning Hearing Board back then?

9 A. I did.

10 Q. If we could, Exhibit A-7, the site plan.

11 Can you show that?

12 (Exhibit A-7 marked for identification.)

13 BY MR. COLAGRECO:

14 Q. Jack, you can probably turn around, just speak
15 loudly and testify from that. You have to speak up,
16 though.

17 On the television screens in the meeting room
18 we've put up Exhibit A-7, which is a site plan dated
19 October 26, 2020, plotted June 30, 2021. You prepared
20 that exhibit; did you not?

21 A. Yes.

22 Q. And briefly identify the property that's the
23 subject of tonight's hearing using Exhibit A-7?

24 The property consists of three lots, lots
25 one, two and three, which is considered the tract. Tract

1 total is 73.08 acres. Lot one is 29.12. Lot two is
2 34.08. Lot three, being to the upper, right corner is
3 11.33 acres.

4 And just as a side note, this was not subdivided
5 at the last hearing, so you have not maybe seen this
6 since then, but this was the subdivision that was
7 approved since our last hearing.

8 Q. And what's on the property now? What
9 improvements are on the property right now?

10 A. It was formerly -- right now the property has
11 nothing on it. It was formerly occupied by the Foote
12 Mineral property, as many of you know, and it's currently
13 vacant. It's been used in the past as lay down areas for
14 various companies, but right now it is vacant.

15 Q. What is the approximate size of the property, I
16 might have missed that in your previous testimony?

17 A. 73.08 acres within East Whiteland.

18 Q. And with the 2018 application, the size of the
19 property, I recall, was about 44 acres; is that
20 correct?

21 A. It was.

22 Q. Okay. Referring to Exhibit A-7, the site plan,
23 can you identify the proposed improvements?

24 A. The proposed improvements on lot one consists of
25 a 930,000 square-foot building. And what that is, is two

1 stories. So 465,000 square feet per floor for a total of
2 930,000 square feet with associated parking.

3 This particular lot has 329 spaces, 127 of them
4 are paved, the rest are what we call green parking. And
5 we had discussed that at the prior hearing, the same
6 scenario, that green parking, and I can get into that
7 when the time comes, if you like.

8 Lot two is the same building, 930,000 square
9 feet on two floors, for 465,000 per floor. There is 598
10 parking spaces total, 100 are paved here, 498 are green
11 spaces.

12 Lot three we always called the solar field.
13 This is property that where the quarry cap was with the
14 prior brownfield remediation. So really not much of
15 anything can be built upon it. But what can be done is
16 either we had solar panels proposed prior, our plan in
17 this case shows these are data center modules. So they
18 actually just lay on the ground. They don't need to
19 penetrate the ground. So they're sort of like solar
20 panels in that they were just going to lay on the ground
21 as well. It's a similar type use but it actually
22 complements what we're doing here already with the two
23 buildings. It's just an extension of these two
24 buildings.

25 So these are actually data center modules.

1 They're smaller lots, if you can picture just a large
2 cube out there. And those will be set in that green --
3 in similar materials, green parking, and we show a
4 service road accessing them.

5 Q. And I might add, for purposes of clarification
6 of the record, the Applicant would not be abandoning the
7 solar panel approval that was given many, many years ago
8 for the property. But rather, this is an alternative use
9 should the market demand this additional modular space.
10 So it's very possible that that could be developed as
11 solar panels as previously approved.

12 It's also possible they be developed with these
13 modular accommodations that Mr. Robinson spoke to.

14 CHARLIE LYDDANE: Or both.

15 MR. COLAGRECO: Or perhaps a combination
16 of both. But for the purposes of tonight's hearing,
17 we're presuming it will be a modular extension of the
18 data center.

19 BY MR. COLAGRECO:

20 Q. Is the data center use a use currently permitted
21 in the Township?

22 A. It is not.

23 Q. And that was -- is the same as it was in 2018.

24 Since the data center is not a permitted use,
25 was the area and bulk criteria for the INS-CCRC applied

1 to the data center use?

2 A. Yes, it was.

3 Q. And but for the variance relief that we're
4 seeking here tonight, was the proposed development and
5 the area and bulk criteria applicable in the INS-CCRC
6 district?

7 A. Yes, it was.

8 Q. Okay. The first variance request is from
9 Section 200-45. And essentially it's an extension of
10 relief previously given by the Board, and it's for the
11 data center use itself. The Board granted that, what
12 really amounted to a use variance back in 2018, but back
13 then it was for a 720,000 square-foot data center. So
14 we're seeking to extend that to what size data center?

15 A. To the entire tract and to the size data center,
16 which would be two buildings. So 960,000 square feet --
17 or 930,000 square feet times two, so 1.86 million square
18 feet.

19 Q. And I want to make sure that the Board
20 understands the difference between the two applications.
21 We have talked earlier about the first application
22 comprising only 44 acres. Where on Exhibit A-7,
23 approximately, was that 44 acres?

24 A. Looking at the picture we have 34 and 11 acres.
25 So that makes a little over 44, obviously, 45 acres plus.

1 So if you can imagine this line that we have that divides
2 this 45-plus acres from the 29, this line is shifted
3 slightly to the east and to the right of the plan. That
4 was really -- and it was 44 acres from where my hand is
5 at the center of the property all the way to the east.

6 Q. So lot one -- put another way, lot one wasn't
7 part of the 2018 application?

8 A. It was not.

9 Q. And that's what's been added, essentially, to
10 this application, correct?

11 A. Correct.

12 Q. So that I want to be clear on the square-footage
13 as well. The 1,895,865 square feet consists of the two
14 930,000 square-foot buildings, and the 35,865 square foot
15 modular area, correct?

16 A. Yes. It would include the modular areas, the
17 numbers that you spoke of.

18 Q. The second variance application is, again, an
19 extension of relief granted by the Board in 2018 had to
20 do with a microwave tower. Can you, using Exhibit A-7,
21 locate where that microwave tower was approved back in
22 2018?

23 A. The microwave tower is in the same location,
24 which we showed before which is in the lower, the
25 southeast corner sort of close to Route 202 here. And

1 that location has not changed.

2 Q. To be clear, microwave towers are permitted in
3 this district. And if this were a stand-alone microwave
4 tower, it would be permitted to be 150 feet in height,
5 correct?

6 A. That's correct.

7 Q. But because it's accessory to another use on the
8 property, you have to seek variance relief to allow it to
9 be 150 feet, correct?

10 A. That's correct.

11 Q. So, really, it's a height variance for the
12 microwave tower.

13 Now, we're proposing a second microwave tower on
14 the property, where will that be situated?

15 A. The other effectively complements the first that
16 we had proposed on the west side, closer to the PECO
17 substation on the southwest corner in this peninsula area
18 of the property that's undeveloped.

19 Q. And essentially, the need for the second wave --
20 the second microwave tower is to handle the capacity
21 expected to be generated by the additional building
22 square-footage; is that correct?

23 A. That's correct.

24 Q. So we're also seeking for that tower to be 150
25 feet as well?

1 A. Yes.

2 Q. And you heard Mr. McGrory suggesting conditions
3 that that location of that second tower not be changed.
4 And do you foresee any reason, at this time, why that --
5 with that why we would not be able to comply with that
6 condition?

7 A. I don't see any reason why we could not comply
8 with that.

9 Q. Okay. The third variance requested touches a
10 little bit on what Mr. Lyddane had testified to
11 previously, and that's really the lack of a need for much
12 parking with this facility. At the 2018 hearing a ratio
13 for parking on the site was agreed to or was granted,
14 rather, by the Zoning Board. And at that time it was one
15 space per 10,000 square feet. And is that the parking
16 ratio that you seek to have extended with the new
17 building square-footage on the property?

18 A. Yes, it is.

19 Q. And you also spoke in 2018 about ten percent of
20 the site or ten percent of the parking, I should say,
21 being reserved for disaster recovery use. You heard
22 Mr. Lyddane speaking to that earlier. Where would that
23 parking be situated and at what ratio would that disaster
24 recovery parking be parked?

25 A. The disaster recovery would be at the normal

1 office requirement, which is one space for every 250
2 square feet. And so that essentially would include some
3 of the paved parking and mostly the green parking.

4 Q. What is the green parking?

5 A. The green parking is something we had presented
6 at the last meeting, and the technology is the same, is
7 that it's called Grasspave2. And I have a brochure, if
8 the Board would like to see it.

9 But it's -- effectively it's a plastic honeycomb
10 material with gravel and stone and organic media that
11 allows grass to be grow through, but also allows for fire
12 trucks and heavy vehicle to traverse them.

13 MR. RAU: And that Grasspave information
14 sheet was identified as Board Exhibit-6 previously.

15 THE WITNESS: Okay.

16 MR. RAU: Thanks.

17 BY MR. COLAGRECO:

18 Q. What is the total number of paved parking spaces
19 and green parking spaces proposed for each lot?

20 A. These are the numbers I spoke of before. It's
21 127 on lot one, 202 on -- 202 green spaces on lot 1, 100
22 paved spaces on lot two with 498 green on lot one, lot
23 two. No parking on lot three.

24 So we have, per the one per 10,000, we have
25 exceeded that. The one per 10,000 does not require as

1 many paved spaces. So we have a surplus of paved spaces
2 with regard to the one per 10,000. And we have a surplus
3 of green spaces in terms of the -- well, I'll say the
4 disaster relief as well.

5 Q. So the disaster relief parking is parked one
6 space for every 250 square feet, and the rest of the
7 parking, remaining 90 percent of the parking is parked at
8 a ratio of one space per 10,000 square feet?

9 A. That's right.

10 Q. And right now the zoning ordinance of the
11 Township has no parking standards for a data center use,
12 correct?

13 A. Correct.

14 Q. The second, or the fourth variance that we're
15 seeking to extend, again, was granted by the Zoning Board
16 in 2018, and it has to do with eliminating interior
17 landscaping in the green parking areas. Explain the
18 basis for that variance request.

19 A. The ordinance requires landscaping, as you well
20 know, the landscaping within parking areas. The
21 ordinance does not really speak to green parking areas
22 though. Green parking areas are really just to
23 disappear, and they will in this site, they'll just be a
24 grass field.

25 So our variance request relates to not planting

1 a green parking area, that's really supposed to be
2 camouflaged as just a green field, not putting trees
3 around that kind of a parking area. So I think, come
4 down to it does the ordinance require it?

5 Well, we're going to play it safe and say it
6 does require it, even though it is green parking.

7 Q. And for this next series of questions I'm going
8 to ask that we punch up Exhibit A-8. Maybe I shouldn't
9 use that for the questions I just asked you. We'll see
10 what Exhibit A-8 has.

11 (Exhibit A-8 marked for identification.)

12 BY MR. COLAGRECO:

13 Q. Exhibit A-8 is the site plan, overall schematic
14 landscape plan prepared by JMR Engineering, dated July
15 22, 2021, plotted September 22, 2021.

16 The Applicant -- the fifth extension of variance
17 relief being sought is an extension of -- is from Section
18 269.F, which requires certain perimeter landscaping of
19 off-street parking areas; not the green parking areas,
20 we're talking about perimeter landscaping of the
21 off-street parking areas.

22 And why is the Applicant seeking a variance from
23 that ordinance section and can you refer to it on Exhibit
24 A-8 where that would be applicable?

25 A. For the most part this variance is requested out

1 of necessity. We are requesting it around the perimeter.
2 There are areas I'll focus on here. You see this
3 red-dashed line? That red-dashed line is that quarry cap
4 membrane I spoke of earlier that was done during
5 brownfield mediation.

6 CHAIRMAN HESSON: Can you describe north,
7 south, east, west?

8 THE WITNESS: This is on the east side.
9 And that membrane is two feet below the soil and cannot
10 be penetrated with anything, planted, et cetera. That
11 membrane, as you see, does go off site, and it does,
12 because the brownfield did go off site. That red line is
13 actually the surveyed location of where that membrane is.

14 As you go to the south along that same eastern
15 line, as you proceed to the south towards Route 202 you
16 go through a myriad of easements. And those easements
17 are kept free of trees, so they are treeless now and they
18 need to remain treeless by the right of way agreements.
19 There's PECO easements and a couple pipeline easements in
20 there.

21 As you further -- continue further to the south
22 you see the dark green. The dark green represents buffer
23 that exists. There's already -- the trees are allowed to
24 grow and they have grown over the years in the area that
25 are outside of these easements, so those areas are well

1 buffered already.

2 As you proceed along the southern line you'll
3 see the light green area that we noted as potential new
4 buffer area. So there is an area that we could buffer.
5 It's -- you're buffering against effectively vacant PECO
6 substation land. That little stretch that I have noted
7 on the south property line could be buffered as well as
8 just the smaller stretch to the west of that along the
9 southern line.

10 On the western side, up against West Whiteland
11 Township border, that also could be buffered. There's a
12 future development there for a Township facility there
13 that does not need to be buffered, especially based upon
14 our conversations with the Township as well. We don't
15 feel that that really needs to be buffered. So the
16 context of all of this is we have some areas in red that
17 we know we cannot buffer. And there's these areas in
18 light green that we can. But in the end, our focus is to
19 buffer the north with as much buffering as we can.

20 And I know this was discussed before, we have
21 opportunity to buffer not only on our site to the north,
22 but also on what we call the lagoon property, which is
23 the Township's property that, as was discussed earlier,
24 was agreed to be turned back. Lagoons have to be removed
25 and the area to be remediated and subsequently planted.

1 And so our thought was, anything that could be
2 planted here in areas that we probably wouldn't really
3 benefit from it, we think that more the benefit can be to
4 the north in planting that as much as possible.

5 Q. As was done in the 2018 decision, and the Zoning
6 Board back then essentially granted the relief with the
7 approximate location of buffering and the amount of
8 buffering to be worked out during the land development
9 process with the Township, we request the same relief be
10 extended to this application.

11 For whatever reason East Whiteland puts
12 landscaping requirements in it's zoning ordinance where I
13 think maybe it might be more appropriate in its
14 subdivision ordinance, but we're asking yet to come to
15 you to ask for the ability to have the Township work
16 during the land development process with the Applicant to
17 modify both the perimeter buffering requirements of
18 Article XI, and the parking, perimeter parking
19 requirements of Section 269.F.

20 As Mr. Robinson just testified, there are
21 practical reasons as to why this buffering and parking
22 lot screening on the perimeter is not advisable.

23 Back in 2018, Mr. Robinson, you testified as to
24 the reasoning for the variance relief. I'm not going to
25 take you through all of that here this evening. Suffice

1 it to say that the Board expressed the reasoning for the
2 variance relief and the grant of that relief back in
3 2018. Have any conditions changed that would cause the
4 Board to change the opinion, in your opinion, that it
5 rendered back in 2018 regarding the need for the variance
6 relief on this property?

7 A. No, I don't believe so.

8 Q. And in your opinion, is the variance relief
9 requested the minimum variance relief that would afford
10 the minimum relief sought that could afford the relief
11 requested?

12 A. Yes.

13 Q. And is there anything associated with this
14 variance relief which, in your opinion, would be
15 detrimental to the public interest?

16 A. No.

17 Q. Will the proposed expansion of the data center
18 use be detrimental to the appropriate use of adjacent
19 properties?

20 We should probably say what those adjacent
21 properties are being used for right now. Start at the
22 top, you mentioned the lagoons. I guess that would be to
23 the north, correct?

24 A. Yes. To the north we have the lagoon property.
25 To the west is vacant land, future use potentially by

1 West Whiteland Township for a municipal facility. To the
2 southwest is vacant land. To the south is PECO
3 substation. To the east is -- are few commercial
4 businesses, commercial area. And to the Northeast is
5 more residential area that has a fair amount of buffering
6 already with the woodland that's there and the trail
7 area. I think that summarizes it.

8 Q. Is there any detrimental impact to the extension
9 of municipal services such as water, sewer, police, fire
10 protection that would be occasioned should this variance
11 relief be granted?

12 A. No.

13 Q. And you heard Mr. McGrory and the Township
14 request that a traffic study be submitted with the land
15 development plan, so I'm not going to ask you questions
16 about traffic congestion or possible traffic congestion.

17 Will the proposed variance increase the danger
18 of fire or otherwise the danger of public safety?

19 A. No.

20 Q. And would the proposed variance overcrowd land
21 or create undue concentration of population?

22 A. No.

23 MR. COLAGRECO: I don't have any further
24 questions for Mr. Robinson.

25 CROSS-EXAMINATION

1 CHAIRMAN HESSON: Mr. Robinson, you
2 mentioned buffering to the south. There's a couple gaps
3 that were there. I understand that the PECO substation
4 may not enjoy the benefit of some trees there, but our
5 ordinance does require buffering on the perimeter here.
6 Is there a problem with putting buffering on the south
7 side there?

8 THE WITNESS: No. No. There's not. It
9 could be done. I believe the ordinance is one tree for
10 every 40 feet. It certainly could be done. Our thought
11 is just that any of those trees we put there we would
12 rather put more trees to the north, but it could
13 certainly be done.

14 CHAIRMAN HESSON: I don't want to limit
15 the trees going to the north, but trees to the south,
16 more trees is a good thing. You're building a couple
17 giant buildings here that are going to environmentally
18 suck up a lot of stuff. So any extra environmental tree,
19 green things that you could put in here would be helpful,
20 Mr. Lyddane.

21 CHARLIE LYDDANE: Forty feet per tree is
22 not a deal breaker. We're going to put a lot of -- we're
23 going to spend a lot of effort up on the front there
24 because that's the side from Swedesford Road. We want to
25 kind of fix the line of trees that was along there 30, 40

1 years ago. That was all treed up there. We're going to
2 try to fix some of that and buffer it for the people that
3 live in the two residential developments up there and the
4 park.

5 CHAIRMAN HESSON: Sure. I presume you're
6 getting East Whiteland sewer and water for this thing?

7 CHARLIE LYDDANE: We put in a two-mile
8 sewer line. The previous owners put in a two-mile sewer
9 line out to the pumping station, and the water line is up
10 there already.

11 CHAIRMAN HESSON: Okay.

12 CHARLIE LYDDANE: There's an 18-inch water
13 line up there.

14 CHAIRMAN HESSON: Wow.

15 THE WITNESS: Yeah. That we -- with
16 Whiteland Village we had sewered this for two miles, so
17 we could put 850 units. Now we'll probably have a
18 fraction of that actually going there, but we'll
19 definitely benefit, yes.

20 CHAIRMAN HESSON: Join that.

21 BY MR. COLAGRECO:

22 Q. Could you clarify the request on the perimeter
23 buffer release? I guess it's more accurate to say that
24 we could comply with the ordinance regime on required
25 plantings except for those areas indicated by

1 Mr. Robinson where there are underground easements that
2 prevent planning.

3 A. Correct.

4 Q. Or an underground liner; I understand there's a
5 liner here that --

6 CHAIRMAN HESSON: Right. I'm talking
7 about the open spots to the south. We could put trees in
8 here. I would appreciate that.

9 Mr. McGrory, do you have a problem with that?

10 MR. MCGRORY: No. What I forgot to
11 mention to the Board is that, although the Township is in
12 support of the application, they're remaining neutral on
13 all variance requests for landscaping.

14 CHAIRMAN HESSON: Okay. Thank you.

15 Thank you Mr. Lyddane.

16 Does the board have any other questions?

17 MR. LEVIN: No.

18 MR. RAU: Following Board questions, if
19 the Board would like, I think some people have arrived
20 for the 7:15 hearing. But there were also folks here
21 earlier. If we could go through any party status of
22 additional folks or public comment from additional folks,
23 when you're ready.

24 CHAIRMAN HESSON: Is there anyone here
25 this evening that would like to be made party to this

1 appeal?

2 Yes, sir?

3 MR. RAU: Keeping in mind, sir, as people
4 introduce themselves, if you could give your name and
5 address.

6 MICHAEL DEGAN: Absolutely.

7 MR. RAU: The Board will hear public
8 comment from anyone interested. Party status is usually
9 determined by close proximity to the property greater
10 than that of a general resident of the Township.

11 MICHAEL DEGAN: Okay. So I'll let you
12 guys decide that when I give my address.

13 MR. RAU: Okay. Are you providing comment
14 on the application?

15 MICHAEL DEGAN: Either/or.

16 My name is Michael Degan. I live in Malvern
17 Hunt, residence 27 Cameron Court, which is the
18 residential development to the north of this property.
19 I'm not within the, you know, 300 feet of notice required
20 by the ordinance, so I did not get notice. I got notice
21 by running on the Chester Valley Trail and there was
22 public notice staked.

23 CHAIRMAN HESSON: Go ahead, Mr. Degan.

24 MICHAEL DEGAN: My concern is, you know,
25 the variance that was granted previously for a 150 foot

1 microwave tower. I would oppose or voice my objection to
2 granting another 150 foot tower. The fact that, you
3 know, the Zoning Hearing Board granted that previous
4 variance does not oblige them to piggyback this second
5 variance request. I don't believe that they've
6 established the right to the variance. Just because they
7 come in asking for it does not mean you have to grant it.

8 So, as you know, you know, to establish a right
9 to a variance a landowner must show that the effect of
10 the zoning ordinance is to burden the property with an
11 unnecessary hardship.

12 MR. RAU: The Board is aware --

13 MICHAEL DEGAN: Okay.

14 MR. RAU: -- of the legal standards for
15 variance.

16 MICHAEL DEGAN: Okay.

17 MR. RAU: So if you want to focus on any
18 functional issue you have.

19 MICHAEL DEGAN: Well, yeah, because I
20 believe the microwave tower that's standing, I believe on
21 the Williams' property to the north, those microwave
22 dishes have been dismantled, I believe. I believe
23 there's one more microwave dish that's still on that
24 tower.

25 CHAIRMAN HESSON: I presume this is the

1 top over the hill, at the parking lot --

2 MICHAEL DEGAN: No. The Williams'
3 company, which is on North Bacton Hill Road.

4 CHAIRMAN HESSON: Okay.

5 MICHAEL DEGAN: It's probably about 150
6 feet tall.

7 CHAIRMAN HESSON: Yeah. Yeah.

8 MICHAEL DEGAN: So we're exchange --
9 that's in existence. Now we have the other 150, which is
10 in -- the 150 foot tower which is in the, what, the
11 southeast corner, and then they want to put another one
12 on the southwest?

13 I mean, has there been any health studies
14 concerning the microwave towers?

15 CHAIRMAN HESSON: There's Federal law that
16 says we -- that there's not a problem with health
17 problems.

18 MR. RAU: As long as an applicant meets
19 the Federal emissions standards, which they would have to
20 do in order to erect the tower.

21 MICHAEL DEGAN: Okay.

22 MR. RAU: Local governments are more or
23 less preempted from creating a different standard than
24 that.

25 MICHAEL DEGAN: So I guess -- okay. So my

1 other question is, I believe the engineer -- I forget
2 your name, I'm sorry.

3 THE WITNESS: John Robinson.

4 MICHAEL DEGAN: Testified that -- I mean,
5 this is 1.8 million square feet of office space. Call it
6 a data center, it's 1.8 million square feet. And I
7 believe Mr. Robinson said one parking space per 250
8 square feet, correct?

9 CHAIRMAN HESSON: Correct.

10 MICHAEL DEGAN: That would mean 7,200
11 parking spaces.

12 THE WITNESS: If I -- would you like me to
13 clarify?

14 MICHAEL DEGAN: Sure.

15 THE WITNESS: It's ten percent of our 1.86
16 million. So ten percent of that is parking spaces for
17 250. So we have roughly, in total number of spaces, we
18 have 1154 spaces, which is more than would be calculated
19 with the ratios that we gave you. The ratios we gave you
20 would be under a thousand, so it's not the full -- we're
21 not parking one space per 250 for the whole thing. It's
22 only for ten percent of that.

23 MICHAEL DEGAN: So there's the --

24 THE WITNESS: The rest is data center.

25 MICHAEL DEGAN: So there's 1100 parking

1 spaces?

2 THE WITNESS: Most are green spaces, those
3 are grass. So the actual paved spaces I think are 180,
4 maybe 300. We have only a fraction of that, 329.

5 MICHAEL DEGAN: And the traffic that's
6 going to access the property is on Swedesford Road,
7 correct? Directly across the street from the entrance to
8 Malvern Hunt?

9 CHARLIE LYDDANE: Three spots. They can
10 come in through Swedesford.

11 MICHAEL DEGAN: Right.

12 CHARLIE LYDDANE: They can come in through
13 Valley Creek, and it can come in through Bacton Hill
14 Road. That's -- and then our fourth entrance is from the
15 bottom coming up. So we have four entrances coming in
16 there. Probably not a lot of that traffic is going to
17 come in there. Most of it is going to come in off of
18 Valley Hill. And there could be 20 people working in
19 there on a shift.

20 So you're not -- the traffic is only going to be
21 a concern during the construction period, and we're going
22 to bring the construction traffic in from off of Route 30
23 and 202 -- and the 202 interchange there. There's a road
24 coming back into the back of our property through PECO
25 there. So that's --

1 MICHAEL DEGAN: Go ahead. I'll let you
2 finish.

3 CHARLIE LYDDANE: That's where we're going
4 to bring the bulk of the traffic in and out in the
5 trucks.

6 MICHAEL DEGAN: So when is -- the bay
7 center is operational there'll be three entrances; one
8 off of Swedesford, correct?

9 CHARLIE LYDDANE: Correct.

10 MICHAEL DEGAN: One off of Valley Creek
11 Boulevard?

12 CHARLIE LYDDANE: Correct.

13 MICHAEL DEGAN: And the other one off
14 South Bacton Hill?

15 CHARLIE LYDDANE: Yeah. Which has been
16 there for 70 years. That was there when it was owned by
17 Floor -- or Foote Mineral.

18 MICHAEL DEGAN: Well, again, I would voice
19 my objection.

20 CHARLIE LYDDANE: Okay.

21 MICHAEL DEGAN: Mainly based upon another
22 150-foot eyesore.

23 CHAIRMAN HESSON: Thank you.

24 MR. RAU: And Mr. Degan, the Board will
25 consider your comments as public comment.

1 Cameron Court, just so we're clear, if we're
2 looking at Exhibit A-7 or A-8 up on the screen?

3 MICHAEL DEGAN: I have to get closer. I
4 don't have my glasses on.

5 CHARLIE LYDDANE: This is seven. Eight is
6 the one with the red on it.

7 MR. RAU: Okay, so eight.

8 CHARLIE LYDDANE: A-7 --

9 MICHAEL DEGAN: Yeah, I'm --

10 MR. RAU: Sir. Sir. The court reporter
11 can't get anybody's voice if we're talking over each
12 other.

13 So on Exhibit A-7, is it correct that your
14 property on Cameron Court would be north or above the
15 exhibit in the residential property north of Swedesford
16 Road?

17 MICHAEL DEGAN: That is correct. That is
18 correct.

19 CHAIRMAN HESSON: Okay. Thank you.

20 MR. RAU: So I think that's appropriate as
21 public comment, but not as a party.

22 CHAIRMAN HESSON: Thank you. Thank you
23 very much.

24 Is there anyone else here this evening that
25 would like to speak in regard to this appeal?

1 (No response.)

2 CHAIRMAN HESSON: Does the Board have any
3 further questions?

4 Ted, do you have any further questions, any
5 questions?

6 MR. LOCKER: No.

7 MR. RAU: Is there anything else from the
8 Township or the Applicant?

9 MR. COLAGRECO: Just to move the exhibits,
10 Mr. Solicitor.

11 MR. RAU: All exhibits, Township Exhibits
12 and Applicant Exhibits are accepted into the record.

13 (Exhibits A-1 through A-8 and T-1 and T-2
14 admitted.)

15 MR. RAU: So if the Board is comfortable,
16 it could act this evening or it could take it under
17 advisement and issue a decision at the next meeting.

18 CHAIRMAN HESSON: Would you like to make a
19 motion with regards to this appeal?

20 MS. LAUBENSTEIN: Yeah, I can.

21 CHAIRMAN HESSON: Do we have all of the
22 information there?

23 MS. LAUBENSTEIN: Yes.

24 With regard to appeal No. 2021-11, the
25 application of Green Fig Land LLC and/or Whiteland

1 Holdings, LP for the following relief, a variance from
2 Section 200-45 for an extension of the previously granted
3 use variance for a data center to allow additional
4 building square-footage.

5 A variance from Section 200-46 with regard to
6 the maximum height for an accessory structure to grant a
7 variance to allow one-150 foot accessory microwave
8 tower -- I'm sorry.

9 The Applicant requesting a variance to allow a
10 second accessory microwave tower at a height of 150 feet.

11 The Applicant seeks a variance from Section
12 200-69.F, which requires permanent landscaping on certain
13 off-street parking areas. The Applicant seeks to extend
14 this relief to new parking areas proposed on the east and
15 south side of the subject property.

16 The Applicant is seeking a variance from Section
17 200-69.G, which requires interior landscaping and parking
18 areas, and the Applicant seeks to extend this relief to
19 new previous parking areas.

20 The Applicant is requesting a variance from
21 Section 200-70 with regard to the parking requirements
22 for specific uses. A previous variance was granted to
23 allow parking ratio of one space per 10,000 square feet
24 of building area, and the Applicant seeks to extend this
25 ratio to the new parking areas.

1 The Applicant also seeks a variance from Article
2 XI, which provides for buffers with several
3 classifications and landscaping requirements. The
4 proposed development would not provide buffers as
5 described in Article XI, but would provide buffering
6 suitable for the subject property, location and proposed
7 use.

8 And stressing the Board's strong request and
9 recommendation that we get as much buffering and green
10 space in there as property -- as possible.

11 The Applicant seeks to have this relief applied
12 to the new plan on portions of property currently owned
13 by Whiteland Holdings, LP, located on the south side of
14 Swedesford Road, Malvern, PA.

15 I move that we grant the relief as summarized in
16 the very lengthy dissertation that I just laid out.

17 MR. RAU: And if the Board would like, I
18 believe an appropriate condition would be to include the
19 conditions of zoning approval in Exhibit Township-2. And
20 also in general conformance with the scope of work which
21 is Condition 5 in Township-2, which is a separate exhibit
22 called Township-1.

23 And I believe Mr. McGrory also said if there's
24 some design adjustment to the scope of work as agreed to
25 with the Township, that that's acceptable as well.

1 CHAIRMAN HESSON: That's fine.

2 Is there a second to the motion?

3 MS. LAUBENSTEIN: Second.

4 CHAIRMAN HESSON: All those in favor say
5 aye.

6 (Board voted.)

7 CHAIRMAN HESSON: All those opposed?

8 (No response.)

9 CHAIRMAN HESSON: Hearing none, good
10 luck.

11 CHARLIE LYDDANE: Thank you.

12 MR. RAU: Will both the Applicant and the
13 Township grant a waiver of time to issue a written
14 decision?

15 MR. COLAGRECO: Yes.

16 MR. McGrory: Yes.

17 THE COURT: And is there any objection to
18 this being done by a letter decision as opposed to formal
19 findings of fact and conclusions of law?

20 MR. COLAGRECO: No.

21 MR. McGRORY: I have no objection.

22 MR. RAU: Hearing no objection, the Board
23 will issue a letter decision sometime in the near future.

24 CHARLIE LYDDANE: Thank you.

25 CHAIRMAN HESSON: At this time the Board

1 is going to take a five minute break before we start the
2 next round of appeals.

3 (Proceedings concluded at 7:24 P.M.)
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INDEX

EXAMINATION

Witness Name	Direct	Cross	Re-Direct	Re-Cross	Voir	Dire
Charles R. A. Lyddane	4		7			
John M. Robinson	12		29			

EXHIBITS

Exhibit	Description	Identification	Evidence
T-1	Scope of Work Associated With the Decommissioning of the Malvern Hunt Wastewater Treatment System	3	40
T-2	Conditions	10	40
A-1	Application		40
A-2	East Whiteland Zoning Ordinance (by reference)		40
A-4	Redacted Purchase, Sale Agreement	5	40
A-5	Robinson CV	12	40
A-6	ZHB Opinion and Order 2/26/18	13	40
A-7	Site Plan	14	40
A-8	JMR Engineering Site Plan, Landscaping Plan	24	40

C E R T I F I C A T E

I HEREBY CERTIFY that the proceedings, evidence and objections are contained fully and accurately in the stenographic notes taken by me upon the foregoing matter on Monday, October 25, 2021, and that this is a true and correct transcript of same.

Nancy Sage Sciarretta, RPR
Official Court Reporter

The foregoing certification of this transcript does not apply to any reproduction of the same by any means, unless under the direct control and/or supervision of the certifying reporter.

Lydia Fisher

From: Ted Locker
Sent: Thursday, July 22, 2021 11:49 AM
To: Zachary Barner; Brittany Carosello
Subject: FW: East Whiteland question
Attachments: Grasspave2.pdf

Zach & Brit,

Attached please find the information of the grass pavers for the Data Center.

Ted

From: Jack Robinson <jack@jmrengineering.com>
Sent: Thursday, July 22, 2021 8:33 AM
To: Ted Locker <tlocker@eastwhiteland.org>
Cc: gregwalters@thewalterscompany.com
Subject: FW: East Whiteland question

Good Morning Ted,

I meant to forward this email (below) to you yesterday from Darrell regarding the 'Green Parking' for the Data Center site. Please let me know if you would like to discuss any further.

Thank you,

Jack

John Robinson, P.E., M.B.A., President
JMR Engineering, LLC
106 Schubert Drive
Downingtown, PA 19335
Phone: (484) 880-7342, Ext. 101
Cell: (484) 459-0141
Website: www.JMRengineering.com
Email: jack@JMRengineering.com



From: Becker, Darrell <Darrell.Becker@arroconsulting.com>
Sent: Wednesday, July 21, 2021 2:33 PM
To: Jack Robinson <jack@jmrengineering.com>
Subject: RE: East Whiteland question

Jack,

In my opinion it is pervious because it does not block or impede the infiltration of stormwater.

Darrell L. Becker, P.E. - Vice President
Direct: 717.560.6065
Mobile: 717.468.7727

From: Jack Robinson <jack@jmrengineering.com>
Sent: Wednesday, July 21, 2021 2:15 PM
To: Becker, Darrell <Darrell.Becker@arroconsulting.com>
Subject: East Whiteland question

Hi Darrell,

We have submitted our new ZHB plan for the data centers on the Whiteland Village site. There was some question at the Township regarding the 'Green Parking' we are showing, and whether it is counted as impervious. The last time we went through this process in 2018 the Grasspave² product (attached) was not considered impervious, and I recall us discussing it ahead of the hearing. I just wanted to make sure nothing has changed, and to see if you can provide some clarification. My Client's had a meeting today at the Township with Ted Locker and this question came up. Based on the Z.O. definition of imperious, I don't think Grasspave2 counts.

Please let me know.

Thank you,

Jack

John Robinson, P.E., M.B.A., President

JMR Engineering, LLC

106 Schubert Drive

Downingtown, PA 19335

Phone: (484) 880-7342, Ext. 101

Cell: (484) 459-0141

Website: www.JMRengineering.com

Email: jack@JMRengineering.com



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Grasspave2 protects and enhances the environment in three ways: First, made from 100% recycled plastic, Grasspave2 keeps common consumer and industrial products from going into landfills. Second, grass paving directly improves the environment by recharging water tables on site (reducing flooding hazards downstream), reducing sources of oils and solvents from asphalt, absorbing carbon dioxide, and creating oxygen. Third, it enhances the beauty and quality of the built environment – replacing hot asphalt paved areas with cool, sparking green lawn-like Product Description

Grasspave2 has thin-walled independent plastic rings connected by an interlocking geogrid structure, which, because it is installed below the surface, is invisible in the completed project. While the rings are rigid, the grid itself is flexible, which makes it easy to install on uneven grades, and reduces usual cut and fill requirements.

The rings transfer loads from the surface to the grid structure and engineered base course material below, thus preventing compaction of the upper root zone of the grass. A single ring supports small loads, such as shoes; several rings support tires and large loads.

The rings also act to contain the root zone medium (sand) and prevent lateral migration away from tires, feet, or other loads. This protects the grass root system, enabling roots to grow deep into the porous base course. The result is healthy, green turf at the surface.

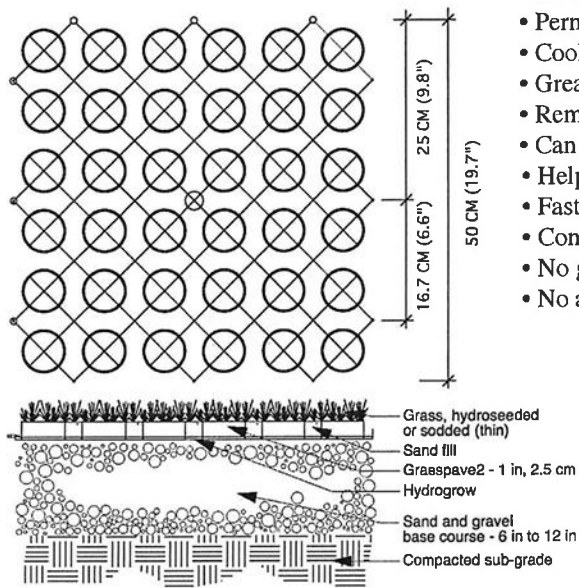
One person can easily install the Grasspave2 rolls at a rate of 70m² (750 ft²) per hour, plus time for base course preparation and grass installation (seeding, sod or sprigging). Step-by-step instructions are included in our Installation Instructions, which accompany each order.

Features and Benefits

- Allows 100% grass coverage instead of asphalt
- Made from 100% post consumer plastic
- High strength to weight load-bearing capacity
- Supports vehicular and pedestrian traffic

• Maximum porosity

- Low to zero runoff
- Free air/water movement
- Permits more trees
- Cooler site
- Greater oxygen
- Removes air pollutants
- Can preserve existing trees
- Helps to meet "Green Coverage Codes"
- Fast, low cost installation
- Competes in cost with asphalt paving
- No gutter and rain system needed
- No added land required for detention facilities
- Lower life cycle costs



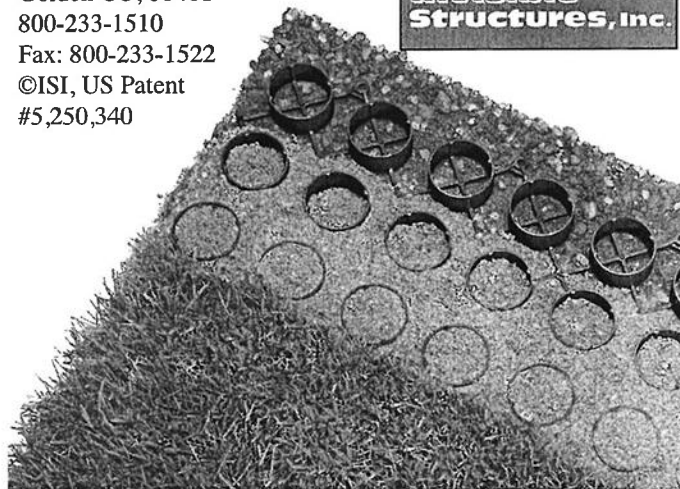
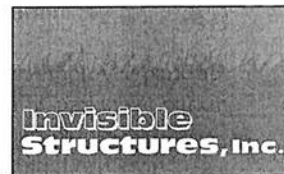
Applications

- Church/employee parking
- Overflow and event parking
- Golf cart paths
- Residential driveways
- Firelanes

Specifications

Unit Size – 20"x 20"x 1" (50 x 50 x 2.5cm)
 Unit Weight – 18oz (510 grams)
 Strength – 15,940 psi (109,906 kPa)
 Connector Pull Apart Strength (Tensile) - 458 lbf/in
 Color – Black
 Resin – 100% recycled HDPE with 3% carbon black
 Shipped in Rolls (431 sq ft standard, other roll sizes available)
 92% Void Space (8% plastic by volume)

Invisible Structures, Inc.
 1600 Jackson Street, Suite 310
 www.invisiblestructures.com
 Golden CO, 80401
 800-233-1510
 Fax: 800-233-1522
 ©ISI, US Patent
 #5,250,340



Lydia Fisher

From: Ted Locker
Sent: Thursday, July 1, 2021 8:37 AM
To: Zachary Barner; Brittany Carosello
Subject: FW: Green Fig Land ZHB Application
Attachments: Zoning Hearing Board Application #2 6-21.pdf; ZHB Cover Letter to T. Locker 6.30.21.pdf; ZHB Application Addendum.pdf; Data Center_2M_ZHB Sketch.pdf

Zach & Brit,

Attached please find the Green Fig ZHB application and supporting info.

Thanks,

Ted

From: Jack Robinson <jack@jmrengineering.com>
Sent: Wednesday, June 30, 2021 4:26 PM
To: Ted Locker <tlocker@eastwhiteland.org>
Cc: gregwalters@thewalterscompany.com; 10woodford@gmail.com
Subject: Green Fig Land ZHB Application

Good Afternoon Ted,

Attached are electronic versions of the submission today, including the ZHB application addendum, which I understand you did not receive. Please let me know if you need us to run copies of the addendum over today.

Thank you,

Jack

John Robinson, P.E., M.B.A., President

JMR Engineering, LLC

106 Schubert Drive

Downingtown, PA 19335

Phone: (484) 880-7342, Ext. 101

Cell: (484) 459-0141

Website: www.JMRengineering.com

Email: jack@JMRengineering.com



EAST WHITELAND TOWNSHIP ZONING HEARING BOARD

APPLICATION FOR:

- ☐ SPECIAL EXCEPTION
- ☒ VARIANCE
- ☐ APPEAL FROM INTERPRETATION OR RULING OF THE
THE ZONING OFFICER
- ☐ VALIDITY CHALLENGE
- ☐ OTHER (SPECIFY BASIS)

(Submit eight copies of application and eight copies of plans)

Date: 6/30/21

1. Applicant's name and address: Green Fig Land, LLC, 10 Woodford Lane, Malvern, PA 19355
2. Who owns the real estate on which the proposed exception or variance is being requested?
Whiteland Holdings LP
3. Please give a brief description, state location of the real estate, and Tax Parcel Number on which the proposed special exception, variance or other relief is being requested:
 - (a) Address: 954 Swedesford Road and 15 South Bacton Hill Road
 - (b) Tax Parcel No. 42-3-130, 42-3-130.1, 42-3-130.2, 42-3-128
 - (c) Location & Description: South side of Swedesford Road, located west of South Bacton Hill Road.
4. What is the present zoning classification of the real estate involved?
INS-CCRC and I Districts
5. What buildings or other structures are now on the property? Vacant
6. What use is now being made of the property? Formerly occupied by Foote Mineral Company and was a superfund site for which remediation was previously completed.
7. Indicate by number the section(s) of the Zoning Ordinance under which you feel the special exception, variance or other relief may be allowed, and state your reasons why it should be granted:
See attached Addendum.

8. What additions to or improvements in the property do you intend to make under this application? Please describe below as completely as possible:
See attached Addendum.
9. Have you attached a plan and/or other graphic material? If so, please identify:
Site Plan prepared by JMR Engineering, LLC dated June 30, 2021.
10. In keeping with Section 200-116.B of the Township Zoning Ordinance, at least ten (10) days prior to the hearing the applicant is responsible for providing notice by regular first-class mail or hand delivery to the address of record as is on file at the Chester County Assessor's office to all owners of properties contiguous to and directly across the street from the affected tract. In addition, where the Zoning Officer believes, in his/her sole discretion, that the relief requested may affect the use and enjoyment of additional properties in proximity to the affected property, the Zoning Officer shall designate such additional property owners to receive written notice by the applicant to the public hearing.

Filing fee deposit (See: Current Fee Schedule)

Eight sets of site plans to be submitted with application.

Chad R. Lyddane - Managing Partner
Signature of Applicant or Authorized Representative Green FIG

Name of Contact for Applicant: Greg Walters
Phone Number: 610-331-7390
Email Address: gregwalters@thewalterscompany.com
Name of Engineer, Architect or Planner (if applicable) Jack Robinson, P.E.
Name of Attorney: Louis J. Colagreco, Jr., Esquire; Alyson M. Zarro, Esquire
Attorney's Email Address: lou@rrhc.com; alyson@rrhc.com

NOTE: All communications will be by email transmittal, unless you elect by regular mail:
If prefer communications by:

- ☒ Email
☐ Regular Mail

Green Fig Land Company
10 Woodford Lane
Malvern, PA 19355
610-357-8963

1160

60-848/319

5.18 20 21

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For

zoning application fee Charles R A Lyddane

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GUARDIAN SAFETY® YELLOW

LOUIS J. COLAGRECO, JR.
Lou@rrhc.com
extension: 203



June 30, 2021

via Hand-Delivery

Ted Locker, Zoning Officer
East Whiteland Township
209 Conestoga Road
Frazer, PA 19355

Re: Green Fig Land LLC/East Whiteland Township
Zoning Hearing Board Application
Our File: 7135-02

Dear Ted:

As you may be aware, this firm represents Green Fig Land LLC, equitable owner of property situated on the southside of Swedesford Road and identified as UPI Nos. 42-3-130, 42-3-130.1, 42-3-130.2 and 42-3-128 ("Subject Property"). The legal owner of the Subject Property is Whiteland Holdings LP.

On February 22, 2018, Whiteland Holdings LP received variance relief from the East Whiteland Township Zoning Board to allow for construction of a data center on the Subject Property. The Zoning Board imposed the following condition to the grant of that variance relief:

"The development of the Subject Property for data center usage shall be substantially in accordance with the testimony and exhibits submitted to the Zoning Hearing Board, including, but not limited to the maximum floor area of the proposed two buildings shall not exceed 720,000 square feet in the aggregate (without prejudice to the Applicant's right to request further relief in the future, if warranted and granted by the Zoning Board).

Through the instant application, our client now requests further relief to expand the size of the data center to 1,895,865 square feet and to add an additional microwave tower on the Subject Property. In so doing, other variances granted in conjunction with the February 22, 2018 Zoning Hearing Board Decision would need to be extended to accommodate the additional building square footage and attendant parking.

Ted Locker, Zoning Officer
East Whiteland Township
June 30, 2021
Page 2 of 2

Accordingly, our client files the instant Application to request this further relief. In accordance therewith, I enclose the following:

1. Eight (8) copies of the Zoning Hearing Board Application;
2. Eight (8) copies of a Site Plan prepared by JMR Engineering dated June 30, 2021;
and
3. A check made payable to East Whiteland Township in the amount of \$1,250.00.

I request that this matter be placed on the Zoning Hearing Board agenda for July 26, 2021. In the meantime, should you have any questions or require additional information, please do not hesitate to call.

Very truly yours,

Louis J. Colagreco, Jr.
LOUIS J. COLAGRECO, JR.

LCJ,JR./kch
Enclosures

cc: Zach Barner, Director of Planning & Development (*via email, w/encl.*)
Greg Walters (*via email, w/encl.*)
Charlie Lyddane (*via email, w/encl.*)
John Robinson, P.E., M.B.A. (*via email, w/encl.*)
Alyson M. Zarro, Esquire (*via e-mail, w/encl.*)

**EAST WHITELAND TOWNSHIP
ZONING HEARING BOARD APPLICATION ADDENDUM**

**APPLICATION OF:
GREEN FIG LAND, LLC**

June 30, 2021

- 7. Indicate by number the section(s) of the Zoning Ordinance under which you feel the special exception, variance or other relief requested may be allowed, and state your reasons why it should be granted.**
- 8. What additions to or improvements in the property do you intend to make under this application? Please describe as completely as possible.**

Green Fig Land LLC ("Applicant") is equitable owner of property situated on the south side of Swedesford Road and identified as UPI Nos. 42-3-130, 42-3-130.1, 42-3-130.2 and 42-3-128 ("Subject Property").

On February 22, 2018, Whiteland Holdings LP received variance relief from the East Whiteland Township Zoning Board ("Board") to allow for construction of a data center on the Subject Property as defined in the Board's Opinion and Order for Appeal No. 2018-2 dated February 26, 2018 ("Decision"). (The "Subject Property" was subdivided after the issuance of the Decision, but is still being treated as one tract for purposes of the proposed development described in this new Application.) The Board imposed the following condition on the grant of that variance relief:

The development of the Subject Property for data center usage shall be substantially in accordance with the testimony and exhibits submitted to the Zoning Hearing Board, including, but not limited to the maximum floor area of the proposed two buildings shall not exceed 720,000 square feet in the aggregate (without prejudice to the Applicant's right to request further relief in the future, if warranted and granted by the Zoning Board).

Applicant now seeks further relief to expand the size of the data center to 1,895,865 sq. ft. square feet and to add an additional microwave tower on the Subject Property. In so doing, other variances granted in conjunction with the Decision would need to be extended to accommodate the additional building square footage and attendant parking.

Accordingly, Applicant is requesting the following variances:

- A variance 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.

- A variance from Section 200-46, Attachment 11, Table of Development Standards, maximum height, accessory structure. A variance to allow one 150' accessory microwave tower was previously granted. Applicant is requesting a variance to allow a second accessory microwave tower at a height of 150 feet.
- A variance 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 seeks to extend this relief to new parking areas proposed on the east and south sides of the Subject Property.
- A variance 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 seeks to extend this relief to new pervious parking areas.
- A variance from Section 200-70, 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 seeks to extend this ratio to the new parking areas.
- A variance 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 seeks to have this relief apply to the new plan.

The reasons why this application should be granted will be presented at the hearing.

Lydia Fisher

From: Zachary Barner
Sent: Tuesday, April 20, 2021 1:49 PM
To: Ted Locker
Cc: Steven Brown; Brittany Carosello
Subject: FW: Planning & Development Subcommittee - Zoom Link
Attachments: Data Center Sketch_for PDSub on 04.21.21.pdf; Whiteland Holdings Decision.pdf

Ted,

In advance of tomorrow mornings meeting, attached is a plan for the data center site. This shows two larger buildings, one on each site, along with the solar field. Charlie mentioned they may also be looking to go to 3 stories but the plan does not reflect that. I've circled a few items related to zoning. We also need to start thinking how the site might be impacted by slopes, sensitive sites, etc.

Just wanted to send it your way in case you had a chance to take a look before the meeting.

Thanks,

Zachary Barner

Phone: 610-897-4265

Email: zbarner@eastwhiteland.org

From: Charles Lyddane 10woodford@gmail.com
Sent: Tuesday, April 20, 2021 1:26 PM
To: Zachary Barner ZBarner@eastwhiteland.org
Subject: Re: Planning & Development Subcommittee - Zoom Link

Thanks Zach. Here is the drawing

From: Zach Barner <ZBarner@eastwhiteland.org>
Date: Tuesday, April 20, 2021 at 1:24 PM
To: Charlie Lyddane <10woodford@gmail.com>
Cc: Brittany Carosello <bcarosello@eastwhiteland.org>
Subject: Planning & Development Subcommittee - Zoom Link

Charlie,

Please see link below for tomorrow morning's Planning & Development Subcommittee meeting. As discussed, we have you slotted in at around 9:15am. At that time, we will let you and your team into the meeting from the waiting room.

If you have any questions in the meantime, please let me know!

Join Zoom Meeting

<https://us02web.zoom.us/j/89311094485?pwd=ejh4T1hYR3o3bjNsaSszMkU5QjB0dz09>

Meeting ID: 893 1109 4485

Passcode: 356522

One tap mobile

+19292056099,,89311094485#,,,,*356522# US (New York)
+13017158592,,89311094485#,,,,*356522# US (Washington DC)

Dial by your location

+1 929 205 6099 US (New York)
+1 301 715 8592 US (Washington DC)
+1 312 626 6799 US (Chicago)
+1 669 900 6833 US (San Jose)
+1 253 215 8782 US (Tacoma)
+1 346 248 7799 US (Houston)

Meeting ID: 893 1109 4485

Passcode: 356522

Find your local number: <https://us02web.zoom.us/j/kxKJWd0eR>

Thanks,

Zachary Barner, AICP

Director of Planning & Development

East Whiteland Township

Phone: 610-897-4265

Email: zbarner@eastwhiteland.org

[illegible]

FRONEFIELD CRAWFORD, JR., LLC

LAW OFFICES

220 West Gay Street
West Chester, Pennsylvania 19380
Phone - 484-356-1905
Fax - 484-356-1919

FRONEFIELD CRAWFORD, JR.
ADMITTED IN PENNSYLVANIA
fcjr@wford@fcrawfordlaw.com

OF COUNSEL
UNRUH TURNER BURKE & FREES, PC

February 27, 2018

Lindsay Dunn, Esquire
ldunn@macelree.com

Mary Ann Rossi, Esquire
mrossi@macelree.com

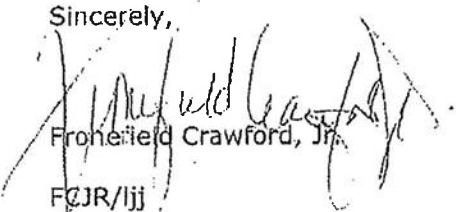
**Re: East Whiteland Township Zoning Hearing Board
Appeal No. 2018-2 Application of Whiteland Holdings**

Dear Ms. Dunn and Ms. Rossi:

As Solicitor for the East Whiteland Township Zoning Hearing Board, I am forwarding to you a true and correct copy of the Opinion and Order of the Zoning Hearing Board in the above-referenced appeal.

Please note that under §1002-A of the Pennsylvania Municipalities Planning Code, any appeal from this decision must be taken to the Court of Common Pleas of Chester County, and must be filed within 30 days of the date of mailing of this decision. For your information, the date of mailing of this decision is February 27, 2018.

Sincerely,



Fronefield Crawford, Jr.

FCJR/ljj
Attach.

cc: David P. Hesson, ZHB Chairman (w/encl.)
Steve Brown, Zoning Officer (w/encl.)

**BEFORE THE ZONING HEARING BOARD
EAST WHITELAND TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA**

OPINION AND ORDER OF THE ZONING HEARING BOARD

Appeal No. 2018-2 Application of Whiteland Holdings, LP for the following variances in order to develop a portion of its property located on the south side of Swedesford Road (tax parcels 42-3-130 and 42-3-128), located just south of existing sewage treatment lagoons in an "INS-CCRC" Zoning District, as a data center (i.e., a large group of networked computer servers typically used by an organization for remote storage, processing or distribution of large amounts of data) to consist of two 2-story buildings, each to have a building footprint of 180,000 square feet (total floor area of 360,000 square feet each): (i) a variance from the Table of Permitted Uses for Institutional Districts (Attachment 10) which does not provide for data centers as permitted uses in this Zoning District; (ii) several variances from the development standards for the Zoning District as set forth in Attachment 11, including minimum tract area, maximum building coverage, maximum impervious coverage, maximum height for accessory structures and setbacks for parking areas from a tract perimeter.

In addition, variances are requested from (i) the height of outdoor light standards (Section 200-10.D), (ii) ownership and management of open space areas (Section 200-18), (iii) parking area location and design (Section 200-69) to eliminate perimeter and interior parking area landscaping, (iv) reduction of required parking to one space for each 10,000 square feet of building area (Section 200-70), (v) buffering requirements per Article XI, and (vi) an extension of the time to file subdivision and land development plans (Section 200-115.J).

Hearing was held on the above-captioned application, pursuant to public notice, on January 22, 2018. Board Chairman David Hesson, Board Member Joseph Samuel and Alternate Members Kathleen Laubenstein and Jay Levin were present, with Mr. Levin serving as the voting member in this matter. Ms. Laubenstein participated in the hearing and discussion, but did not vote on the decision.

The Applicant was represented by Lindsay Dunn, Esquire of MacElree Harvey.

The Board of Supervisors of East Whiteland Township entered an appearance through Assistant Solicitor, Robert Sebio, Esquire, in support of the application for the stated variances.

The following exhibits were admitted into the Record:

A-1 Deed

- A-2 Affidavit of Service on Neighbors
- A-3 Plan
- A-4 Conditional Use Decision
- A-5 Abandonment
- A-6 Solar Decision
- A-7 Resume of John M. Robinson, PE
- A-8 Summary of Variances
- A-9 Parking Study
- A-10 Rendered Plan

Findings of Fact:

1. Applicant, Whiteland Holdings, LP is the owner, under and by virtue of a deed from the Sheriff of Chester County, dated February 13, 2017 and recorded in Record Book 9493, page 2174, of a 72+/- tract of land located on the south side of Swedesford Road, identified as UPI 42-3-130 (the "Property" or "Subject Property").
2. The Property is located within an I-Institutional Zoning District under the East Whiteland Township Zoning Ordinance and Map.
3. The tract is currently being used as a temporary staging area for pipeline construction, and there are no permanent buildings on the Property (only trailers associated with the current use).
4. In addition, the Applicant also owns, by virtue of the same deed, a small (less than 1 acre) triangular property adjacent to Swedesford Road, identified as UPI 42-3-128.
5. The Applicant has proposed and has received zoning approval to utilize the eastern portion of the Property as an array of solar panels (originally accessory to the previously-proposed institutional use of the Property, but now to be used for support of the principal use of the Property and/or commercial generation of electricity).
6. The Applicant proposes to utilize approximately 44 acres, including the eastern sector of the Property within which the solar array will be constructed, to construct two separate buildings, each of which is proposed to be used as a "data center."
7. There is no described use in the Township Zoning Ordinance (and more specifically in the Institutional District use regulations) authorizing "data center" as a permitted use.

8. Each of the two buildings is proposed to have two stories, and each is also proposed to have a footprint of 180,000 square feet, for a total floor area of the data centers of 720,000 square feet.

9. The prior owner of the Property obtained approval to develop the same as a continuing care retirement community, a use permitted by conditional use in the I-Institutional Zoning District.

10. The prior owner was unable to construct the project, even after obtaining all approvals, owing to difficulties in securing financing.

11. On or about December 22, 2016, the prior owner executed and then recorded in the Recorder of Deeds Office in Record Book 9462, page 102, a "Notice of Abandonment of Permits and Approvals" whereby "Developer hereby irrevocably abandons any right, title or interest it may have in and to the Conditional Use Decision and Order, the Final Plan Approval and the Related Permits and Approvals except to the extent the Related Permits and Approvals apply to the Sewer Line Installation."

12. The Applicant estimates that at any given time there would be a maximum of 20 employees, including all three shifts of operations within the proposed data centers.

13. The Applicant's expert witness, Patrick Hynes, defined the use of a "data center" as:

"A data center is a facility used to house computer systems and associated components such as telecommunications, switches and routers. These facilities are mission critical environments that have resilient infrastructures with redundant power communications services enabling 7 by 24 operations."

14. The Applicant's definition of "data center" as set forth in the Narrative in Support of the Application to the Zoning Hearing Board, is slightly different, although compatible with this definition, being as follows:

"A data center is a large group of networked computer servers typically used by an organization for the remote storage, processing or distribution of large amounts of data. ... Data centers are unique in that they produce little traffic and require little parking."

15. The Property is bounded on the north side by the sewage treatment lagoons for Malvern Hunt (a residential development), and some other residential properties; on the east by commercial uses on South Bacton Hill Road; on the south by

a PECO substation; on the west by other property of Whiteland Holdings located in West Whiteland Township.

16. A portion of the Property was formerly occupied by Foote Mineral Company and was a superfund site for which remediation was completed approximately 6 or 7 years ago.

17. Both the Applicant and the Township assert that, while data centers are not a permitted use anywhere in the Township, the Property is uniquely suited for this use and, hence, the Township Board of Supervisors supports this application.

18. Because data centers were not contemplated as permitted uses in the I-Institutional Zoning District, the development standards for such use are not addressed in the Table of Development Standards for Institutional Uses (Attachment 11 to the Zoning Ordinance).

19. The Applicant's engineer, John Robinson, PE, submitted as Exhibit A-8 the "Summary of Variance Relief" purported to be necessary for the Applicant to develop the Subject Property as a data center of the magnitude (720,000 square feet of floor area) proposed.

20. The following discussion ensued with regard to the various components of the requirements for which the Applicant has requested variances:

a. Use Variance to Permit Data Centers - necessary for the Applicant to make reasonable use of the Subject Property.

b. Minimum Lot Size of 70 Acres - variance to devote 44.4 acres of the Subject Property to this use.

c. Requirement of 30% Maximum Building Coverage - although listed in the Summary of Variance Relief at 40%, it is clear that the Applicant can easily comply with the 30% maximum building coverage, as the plans as submitted call for approximately 8.6 acres of building cover, being approximately 19.6% of the 44 acres to be devoted to this use.

d. 60% Maximum Impervious Coverage - although the Applicant requests a 75% maximum impervious coverage, it is also clear that the plans as submitted can be constructed with a maximum of 60% impervious coverage, as the plans propose approximately 13 acres of total impervious coverage of the 44 acres, being approximately 29.5% thereof.¹

¹ This leaves ample latitude—another 30% of impervious cover, for the solar array usage within the 44 acres of the Tract.

e. Maximum Height of 60 Feet – the building will be compliant with this height limitation, but there is also a proposed 150' accessory microwave tower, for which the relief requested will need to be granted for reasonable use of the Property.

f. Perimeter setback for "green" parking spaces—five feet from the north, east and south property lines and zero feet from the west (internal) property line.

g. Variance from 16' Maximum Height of Outdoor Lighting – to provide outdoor lighting of 20' in height.

h. Ownership of Open Space - in lieu of ownership of the open space by an association, the open space (i.e., landscaped areas) within the Property would be owned by the landowner, without association for a data center-type use.

i. Perimeter Landscaping – the Applicant proposes to buffer along the north side, but not on the east, south or west of the Property, given that the adjacent uses would not be adversely affected.

j. Parking – in lieu of one space per 250 square feet, the Applicant proposes to provide paved parking spaces of one per 10,000 square feet of floor area (i.e., 72 paved parking spaces), but will also have space available and layout temporary parking for 476 additional vehicles, which would be close to the theoretical maximum number of "seats" within the data centers which could conceivably be used at one time by individuals performing disaster recovery services.

21. No one appeared in opposition to this application and, indeed, both the Township Assistant Solicitor and the Township Zoning Officer indicated that the Township Board of Supervisors supports the proposed use variance for data centers and also the listed variances from certain of the development standards.

Discussion:

Approximately 44 acres of the Applicant's Property are located within East Whiteland Township, as shown on the plans submitted into the Record. (Additional acreage is located to the west, within West Whiteland Township.) The eastern section of the 44 acre tract has been approved for construction of a solar array, originally intended to support the continuing care retirement community planned for this tract, but which will, if the proposed data center is constructed, serve equally well in generating electrical power for the data centers.

This application, then, deals with the remainder of the tract (up to the border with West Whiteland Township) proposed for use as a data center, with two buildings, each with a 180,000 square foot footprint, and each with two stories, being a total floor area of 720,000 square feet.

As the tract is zoned INS-Institutional, it is governed by the regulations set forth in Attachment 10 (Table of Permitted Uses for Institutional Districts), and Attachment 11 (Table of Development Standards for Institutional Districts). As acknowledged by the Township and its Assistant Solicitor, data centers are not a permitted use in the INS-Zoning District under Attachment 10. Further, the Township acknowledges that data centers are not accommodated anywhere within the East Whiteland Township Zoning Ordinance. In discussions with Township Officials, the Applicant's initial concept of amending the Township Zoning Ordinance to accommodate data centers was not accommodated, such that the Township Officials have elected not to amend the Zoning Ordinance to (i) allow for data centers, and (ii) establish appropriate development standards for data centers, leaving the Applicant with no choice but to seek the extensive array of variances as set forth in this application.²

While we believe that the proposed data center usage (and development standards for such use of this Property) could appropriately have been dealt with as a legislative matter, rather than the multitude of variances as here requested, this Board has no legislative authority and must deal with the variance requests as submitted, including both the use variance component and the development standards component thereof.

In order to be entitled to a variance, a property owner must meet the requirements of Section 910.2 of the Pennsylvania Municipalities Planning Code (MPC), 53 P.S. Section 10910.2. In summary, Section 910.2 contains the following standards for the grant of a variance: unique physical circumstances peculiar to the subject property which create an unnecessary hardship to the property; such physical circumstances prevent development of the property in strict conformity with the provisions of the zoning ordinance; the hardship is not self-created; the variance, if authorized, will not substantially impair neighboring properties or

² Although data centers are not by nature "institutional," the Township could have chosen to provide these zoning regulations to accommodate data centers within the INS-Institutional Zoning District, particularly since the Township Board of Supervisors, through Assistant Solicitor Robert Sebio, Esquire, articulated its support of the use of data centers for this Property, stating that the Property is "uniquely suited" for data center usage.

otherwise detract from the public welfare; and the variance is the minimum to afford relief.

The reasons for granting a variance must be substantial, serious and compelling. A party seeking a variance bears the burden of proving that (i) unnecessary hardship will result if the variance is denied, and (ii) the proposed use will not be contrary to the public interest. *Valley View Civic Association v. Philadelphia ZBA*, 501 Pa. 550, 462 A.2d 637 (1983).

In addition to these principles governing both use variances and, under *Hertzberg*, dimensional variances, we are faced with the unique situation where both the Applicant and the Township assert that the Township Zoning Ordinance makes no provision whatsoever for data centers. Uniquely, the Township acknowledges not only that data centers are totally excluded from East Whiteland Township under the existing Zoning Ordinance, but that the Subject Property is uniquely suited for such use. It is well established that municipalities in Pennsylvania must make provision in their zoning ordinances for all legitimate uses, absent extraordinary adverse impacts on public health, safety and welfare.

The seminal case so holding is *Exton Quarries, Inc. v. Zoning Board of Adjustment of West Whiteland Township*, 425 Pa. 43, 228 A.2d 169 (1967), in which the Pennsylvania Supreme Court held that West Whiteland's Zoning Ordinance was unlawfully exclusionary of quarrying within the Township: "We believe that a zoning ordinance which totally excludes a particular business from an entire municipality must bear a more substantial relationship to the public health, safety, morals and general welfare than an ordinance which merely confines that business to a certain area in the municipality." See also *Beaver Gas Co. v. Osborne Borough*, 445 Pa. 571, 285 A.2d 501 (1971), where the Pennsylvania Supreme Court held that an ordinance excluding gasoline stations from the borough was invalid.

In essence, the Zoning Hearing Board in this case is charged with granting the remedies—i.e., a use variance and several dimensional variances—in the context of a stipulated total exclusion of data centers from the Township. Putting this application in this perspective, we will grant the necessary relief as requested by the Applicant for reasonable use of the Subject Property, as supported by the Township Assistant Solicitor and the Township's Zoning Officer.

ORDER

AND NOW, this 26th day of February, 2018, the variances as requested by the Applicant are hereby GRANTED in part and DENIED in part, as follows:

1. A variance from the Table of Permitted Uses for Institutional Districts (Attachment 10) as incorporated by reference by Section 200-47.B of the Zoning Ordinance, is hereby GRANTED, to enable the Applicant to develop the Subject Property as a data center, as that term is defined in paragraphs 13 and 14 of our Findings of Fact.

2. The following variances are hereby GRANTED from the Table of Development Standards for Institutional Districts (Attachment 11) as referenced in Section 200-46 of the Zoning Ordinance:

a. A variance from the minimum tract area of 70 acres is hereby GRANTED, in order to enable the Applicant to develop the data center on a tract area of 44 acres (portions of which may also be devoted to other uses, subject to the limitations on building cover and impervious cover as hereinbelow discussed).

b. A variance from the maximum height of an accessory structure of 50% of the maximum building height (in this instance, 60 feet being the maximum building height) is hereby GRANTED, in order to authorize construction of an accessory microwave tower to a height not to exceed 150 feet, such facility being an accessory component of a data center.

c. A variance from the minimum parking area setbacks from the tract perimeter is hereby GRANTED, to enable the Applicant to provide areas for the proposed "green parking" spaces, as referenced in the Parking Study admitted into the Record as Exhibit "A-9," at a distance of 5 feet from the portions of the perimeter on the north, east and south of the Subject Property, and 0 feet along the interior lot-line (i.e., the west boundary of the tract coinciding with the Township boundary line between East Whiteland and West Whiteland Townships).

3. A variance from the requirement with regard to the ownership and management of open space areas, as set forth in Section 200-18 of the Zoning Ordinance, is hereby GRANTED to the Applicant, to enable the open areas of the tract (including all landscaped areas and the "green" parking spaces) to be owned and managed by the Applicant.

4. A variance from the requirement of Section 200-69.F governing parking location and design is hereby GRANTED to the Applicant, such that no perimeter landscaping will be required on the east, south or west boundaries of the Property.

5. A variance from the requirement of Section 200-69.G, requiring interior landscaping in parking areas, is hereby GRANTED, such that no interior landscaping in the paved parking area (to constitute approximately 72 parking spaces) is required.

6. A variance from the requirement for a number of parking spaces, as set forth in Section 200-70 is hereby GRANTED to the Applicant, as there is no specific requirement for parking for data centers. In light of the Parking Study submitted into the Record as Exhibit "A-9," there shall be one paved parking space for each 10,000 square feet of building floor area (i.e., 72 paved parking spaces), and there shall be an additional total of 458 "green" parking spaces, as outlined in the Parking Study submitted as Exhibit "A-9." Both the paved and the green parking spaces shall be specifically delineated on the final land development plans for development of the data center.

7. In light of the fact that there are no specific buffering or landscaping requirements for data centers, as set forth in Article XI of the Zoning Ordinance, a variance therefrom is GRANTED to the Applicant, subject to further review and approval by the Township Planning Commission and Board of Supervisors of landscaping and buffering requirements in general.

8. In lieu of a variance from the requirement of Section 200-115.J of the Zoning Ordinance, the Zoning Hearing Board interprets the requirement for the six-month "sunset" of variance relief to not be applicable where, as is here proposed, the proposed use of the Subject Property constitutes a land development, such that there is no need for an extension of variance relief where a preliminary land development plan is submitted within six months of the date of this Order.

The following variance requests are hereby DENIED:

a. The Applicant's request for a variance from the maximum building coverage of 30%, in order to authorize a total of 40% building coverage of the tract, is hereby DENIED, as the Applicant's land development plan is accommodated within the 30% maximum building cover limitation.

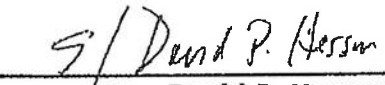
b. The Applicant's request for a variance from the 60% Impervious coverage limitation, in order to authorize a total of 75% maximum Impervious coverage

of the tract, is hereby DENIED, as the Applicant's land development plan is accommodated within the 60% maximum impervious cover limitation.

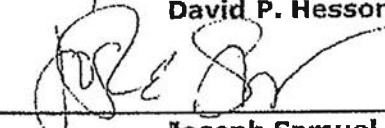
The variances herein granted are expressly subject to the Applicant's compliance with the following conditions:

1. The development of the Subject Property for data center usage shall be substantially in accordance with the testimony and exhibits submitted to the Zoning Hearing Board, including, but not limited to the maximum floor area of the proposed two buildings shall not exceed 720,000 square feet in the aggregate (without prejudice to the Applicant's right to request further relief in the future, if warranted and granted by the Zoning Hearing Board).

BY ORDER THE ZONING HEARING BOARD



David P. Hesson



Joseph Samuel

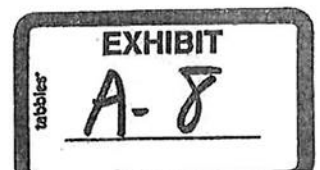


Jay Levin

SUMMARY OF VARIANCE RELIEF

<u>Section of Ordinance</u>	<u>Required</u>	<u>Proposed</u>
200-45	Permitted Uses	Data Centers
200-46.b	70 acres minimum lot size	44.4 acres
200-46.c	30% max Building Coverage	40% maximum Building Coverage
200-46.d	60% maximum Impervious Coverage	75% maximum Impervious Coverage
200-46.f	Maximum height of an Accessory Structure – 30 feet	Proposed 150 foot accessory microwave tower. ¹
200-46.g	Perimeter setback	5 feet perimeter with 0 along interior lot lines
200-10.D	Maximum height of outdoor lighting of 16 feet	Maximum height of outdoor lighting of 20 feet
200-18	Ownership of open space by an Association	Ownership of open space by landowner
200-69.F	Perimeter landscaping of Parking areas	No buffer on the east, south or west boundaries
200-69.G	Interior parking lot landscaping	None in pervious parking lot
200-70	1 space/250 sq. ft.	1 space/10,000 sq. ft.
Article XI	Buffers	Buffers as suitable
200-115.J	6-month expiration of variances	Extension to allow submission of subdivision and land development plans

¹ An accessory microwave tower is permitted to be 150 feet with conditional use approval per Section 200-92.D.



Lydia Fisher

From: Zachary Barner
Sent: Friday, September 17, 2021 6:01 PM
To: Scott Lambert; Rich Orlow; Sue Drummond
Cc: John Nagel; Donna Wikert; Steven Brown; Brittany Carosello
Subject: FW: Planning Commission - September 22, 2021 CANCELLED
Attachments: PC Minutes 08.25.2021_.docx

Board Members,

Please see below and attached related to the Planning Commission meeting which was scheduled for next week.

If you have any questions, please let Brittany or I know!

Thanks,

Zachary Barner

Phone: 610-897-4265

Email: zbarner@eastwhiteland.org

From: Zachary Barner
Sent: Friday, September 17, 2021 5:59 PM
To: dcabel88@gmail.com; tca (tca@infionline.net) <tca@infionline.net>; jeffbroadbelt (jeffbroadbelt@gmail.com) <jeffbroadbelt@gmail.com>; jlaumer (jlaumer@comcast.net) <jlaumer@comcast.net>; petefixler (petefixler@gmail.com) <petefixler@gmail.com>; djbradleylaw (djbradleylaw@gmail.com) <djbradleylaw@gmail.com>; Kelly, Timothy J CIV USARMY CENAP (USA) <Timothy.J.Kelly@usace.army.mil>
Cc: Steven Brown <sbrown@eastwhiteland.org>; Ted Locker <tlocker@eastwhiteland.org>; Brittany Carosello <bcarosello@eastwhiteland.org>; Becker, Darrell (Darrell.Becker@arroconsulting.com) <Darrell.Becker@arroconsulting.com>; Joseph McGrory (jmcgrory@hrmml.com) <jmcgrory@hrmml.com>; 'bkearney@hrmml.com' <bkearney@hrmml.com>; Stephen Anella <SAnella@hrmml.com>
Subject: Planning Commission - September 22, 2021 CANCELLED

All,

Next week's Planning Commission meeting has been cancelled since there are currently no development plans or ordinances which require review and discussion. The School District, for example, is in the process of revising their plans for the 5/6th Grade Center. The engineer intends to resubmit in time for the October meeting.

In the meantime, please see attached minutes for your review.

Have a nice a weekend and enjoy your evening off next week!

Thanks,

Zachary Barner, AICP

Director of Planning & Development

East Whiteland Township

Phone: 610-897-4265

Email: zbarner@eastwhiteland.org

East Whiteland Township
Planning Commission
Wednesday – October 27, 2021

*This meeting will be held in-person (not virtually) at the East Whiteland Township Building.
Masks are required for all in-person attendees regardless of vaccination status.*

Agenda
(agenda items linked to online documents)

Call to Order:

Regular Meeting beginning at 7:00 p.m.

Minutes:

Consideration of the **August 25, 2021** meeting minutes (*no meeting in September*)

Conditional Use Applications:

1. CU-10-2021 for Disturbance of Steep Slopes at 10 South Malin Road (10 Malin Road Associates) – Conditional Use application pursuant to §200-57.F(4) to permit driveways and parking lots within areas of steep slopes for the construction of an 11,000 s.f. office and warehouse / flex building. The project will require subsequent land development approval. The property, located at 10 South Malin Road, is within the I (Industrial) Zoning District.

Miscellaneous:

2. Consider Rescheduling of November Meeting due to Thanksgiving Holiday
3. Staff Updates regarding Development Projects

Public Comment:

~ Next Meeting ~
Wednesday – November 24, 2021
(*may be subject to rescheduling due to Thanksgiving*)

East Whiteland Township

Planning Commission

Wednesday – August 25, 2021

Minutes

Members Present: Deb Abel, Chair; Todd Asousa, Vice-Chair; Peter Fixler; and Jeff Broadbelt

Members Absent: John Laumer; Dante Bradley; and Tim Kelly

Also Present: Zachary Barner, Director of Planning & Development; Brittany Carosello, Deputy Director of Planning; Joe McGrory, Township Solicitor; Steve Anella, Deputy Township Solicitor; and Darrell Becker, Township Engineer.

Call to Order:

Ms. Abel called the meeting to order at 7:03 p.m. and led the Pledge of Allegiance.

Minutes:

Ms. Abel requested a motion to consider approval of the **July 28, 2021** meeting minutes.

Action: Mr. Broadbelt made a motion, seconded by Mr. Asousa, to approve the July meeting minutes as drafted. The motion carried unanimously **(4-0)**

Sanitary Sewer Planning:

1. **Land Use Consistency Letter** associated with an Application by Aqua Pennsylvania Wastewater, Inc. (Aqua) before the Pennsylvania Public Utility Commission (PUC) to approve the right to offer, render, furnish, or provide wastewater service to the public in East Whiteland Township.

Mr. Barner explained that the letter is needed as a part of Aqua's application to the PUC for purchase of the Township's sanitary sewer system. The letter is a standard land use consistency letter, similar to what is required for permits from outside agencies.

Action: Mr. Broadbelt made a motion, seconded by Mr. Asousa, to authorize Deb Abel, Chair of the Planning Commission sign the Land Use Consistency Letter on behalf of the Planning Commission. The motion carried unanimously **(4,0)**

Development Applications:

2. **WLD-09-2021 for Vanguard Salt & Equipment Shed** (The Vanguard Group) – Request for Waiver of Land Development to construct an accessory structure for storing materials and equipment for winter maintenance operations. The property, located at 31-33 Morehall Road, is within the O/BP (Office/Business Park) Zoning District.

Mike Kissinger of Pennoni Associates, Engineer for the Applicant, explained that the project would be adjacent to the Neptune Building on Vanguard's Malvern West Campus. The storage shed would be built adjacent to an existing parking lot and would be used for storage of salt and winter equipment (snow blowers, plow blades etc.). The shed would be 2,100 square feet with a concrete floor and be built as a dome structure, approximately 16-20 ft. in height.

Action: Mr. Fixler made a motion, seconded by Mr. Asousa, to recommend approval the requested waiver of land development to the Board of Supervisors.

3. **LD-07-2021 for Great Valley School District 5/6 Grade Center** (Great Valley School District) – Preliminary Subdivision & Land Development application to construct a new 160,000 square foot 5th and 6th Grade School along with associated improvements for vehicular parking and circulation, playfields, a multi-use trail, sanitary sewer, and stormwater management. The plan also calls for the consolidation of four (4) existing lots into two (2) lots. The property, located at 354 Swedesford Road, is within the NS (Neighborhood School) and OS (Open Space) Zoning Districts.

Dr. Daniel Goffredo, Superintendent for Great Valley School District (GVSD), introduced the School District and Design Team in attendance: Chuck Peterson, Director of Business Affairs for GVSD; David Schrader, Schrader Group; Chris Jensen, T&M Associates; Zach Ranstead, T & M Associates; and Guy DiMartino, Traffic Planning and Design. Dr. Goffredo explained new student projections are on the rise and are already exceeding the current projections. A new 5/6 Center would help alleviate crowding in the K-5 schools by removing 5th grade. It would also help alleviate crowding at the middle schools by removing 6th grade. This year alone there are 140 new school students that were not in the District last year. The middle school is currently over capacity. The new 5/6 Center would be two stories and 160,000 square feet.

Mr. Schrader presented a video model of what the interior and exterior of the future school may look like when completed. Mr. Schrader explained that the District and his design team recently presented to the Historic Commission and received full support for the project. The School District has also presented to the Planning and Development Subcommittee as part of their initial Feasibility Study.

Mr. Fixler asked about proximity to the PECO electrical transmission lines? The new school would be located approximately 150' from the lines.

Mrs. Abel asked about the District's timeline. The building is projected to be completed and ready for students by the fall 2024 school year. Dr. Goffredo explained that as enrollment grows, so does the need for additional staffing. It would be very hard to navigate the anticipated growth over the next few years without a new building.

Chris Jensen, lead engineer for the project, provided an overview the land development plan and explained what is currently existing at the site and what is proposed as part of the new 5/6 Center. The site is currently 4 parcels and contains the K.D. Markley Elementary School as well

as the District Administration Building. There is also a 14 acres parcel across Swedesford Road opposite K.D Markley which would continue to be used for stormwater management.

Mr. Jensen explained how the traffic would circulate through the site. There would be separate bus loops that would not interfere with parents dropping off or staff coming to and from the building. Currently administration is unsure of where they will relocate the District Administration Office (which is located in the historic school) since it will be displaced by the new building. The District is currently evaluating options.

Mr. Jensen explained that there is a planned trail connection to be installed on the site which would connect to the Chester Valley Trail. Overflow parking on the Swedesford Road baseball fields was also discussed. This parking would be used only for event parking if needed and would otherwise remain in a grass condition (not paved).

Guy DiMartino of Traffic Planning & Design provided a brief update on traffic planning. A scoping study has been provided for review by both PennDOT and the Township. A traffic impact study will be completed after the project has been reviewed by PennDOT.

Mr. Fixler asked if the school district would be subject to the Act 209 Traffic Impact Fee? Mr. Barner explained that the fee would apply to this project since it is located within the Service Area. He added that the Church Road and Swedesford Road intersection is on the Capital Improvement Plan and that the intersection will likely be improved in some form. The improvements and any potential traffic signals will need to be reviewed by PennDOT. Sight line visibility at Mill Lane and Swedesford Road was discussed. This area will be evaluated to improve visibility for vehicles turning onto Swedesford from Mill Lane.

Conditional Use Applications:

4. **CU-08-2021 for Disturbance of Steep Slopes at 9 South Malin Road** (10 Malin Road Associates)
– Conditional Use application pursuant to §200-57.F(4) to permit driveways and parking lots in areas of steep slopes for construction of a landscape contracting facility (which will require subsequent land development approval). The property, located at 9 South Malin Road, is within the I (Industrial) Zoning District.

Jack Robinson, engineer for the project, introduced the site and the proposed improvements. The property is 6 acres, however the development on the property would be consume only about 1.5 acres. The proposed building would be 6,000 square feet. The site is served by public sewer and water. The user of the property, Brad Brooks, has an agreement with the current owner to purchase the property. The future use would be for Mr. Brooks business, Evergreen Landscaping. Mr. Brooks landscaping business is headquartered in King of Prussia. This property would be used as a second site. There would be little to no noise and activity at this site as it will be for storage and for workers to meet to start their workday.

Mr. Robinson explained how this site is particularly difficult as there are wetlands, setback requirements, a sewer easement, and moderate slopes. A tree survey will be done prior to the Conditional Use hearing.

Action: Mr. Broadbelt made a motion, seconded by Mr. Fixler, to recommend Conditional Use approval to the Board of Supervisors contingent upon resolution of all comments in the ARRO review letter. The motion carried unanimously **(4-0)**

Zoning Hearing Board Applications:

5. **ZHB-11-2021 for Data Center** (Green Fig Land, LLC) – Sketch Plan proposal pursuant to §200-115.D(5), which states that the Planning Commission shall review all Zoning Hearing Board applications which are required in conjunction with applications for land development. The Applicant requests variance relief related to the use as a data center, various landscaping requirements, and required parking. The properties, located at 954 Swedesford Road and 15 South Bacton Hill Road, are within the INS (Institutional) and I (Industrial) Zoning Districts.

Lou Colagreco attorney for the applicant, explained the relief requested by his client. This property previously received zoning relief in 2018 for the use of a data center. The 2018 approval only pertained to 44 acres of the property. The requested relief would be expanded to the larger 70 acre tract.

In addition to expanding the data center use, the applicant is also asking for relief from various landscaping requirements and the amount of required parking. Landscaping cannot be placed or planted within the area of the protective membrane around the remediated environmental area, which is located under the solar fields. There are also various easements surrounding the property that must be kept clear of improvements. There is potential to plant additional trees along Swedesford Road to account for the landscaping that would otherwise be required throughout the site.

Stormwater will be managed primarily by a basin located in West Whiteland, while other portions of the site will flow to a facility on the solar field site.

Charlie Lyddane, on behalf of Green Fig, stated that the amount of power consumed by a data center of this size would be enough to power a city of 30,000 people.

Mr. McGrory advised that previous projects proposed at the site would have been required to remediate the existing sanitary sewer treatment lagoons which serve Malvern Hunt. The Applicant has agreed to accept that same responsibility.

Mrs. Abel asked if the fire department would need any special training to deal with a data center use? Mr. Lyddane advised that special training will not be required. Additional discussions and review of the development plan will occur with emergency services personnel.

Action: Mr. Asousa made a motion, seconded by Mr. Broadbelt, to recommend support of the requested variances by the Board of Supervisors, with the condition that the applicant be required to decommission of the existing sanitary sewer lagoons. The motion carried unanimously **(4-0)**

Public Comment

Nancy Dore of the Historical Commission made a public comment in support of the School District's 5/6th Grade Center. The District and their consultants have satisfied the Commission's previous concerns regarding the preservation of the historic school building.

Adjournment:

Ms. Abel adjourned the meeting at 8:55 p.m.

~ Next Meeting ~
Wednesday – September 22, 2021

Lydia Fisher

From: Ted Locker
Sent: Wednesday, September 8, 2021 4:04 PM
To: Brittany Carosello
Subject: FW: Public Notice - East Whiteland Township ZHB [UTBF-WestChester.FID286028]
Attachments: Public Notice for 09 27 2021.DOCX

Brit,
FYI

From: Michelle Cushman <mcushman@UTBF.Com>
Sent: Wednesday, September 8, 2021 3:55 PM
To: legals@dailylocal.com
Cc: Andrew Rau <arau@UTBF.Com>; handy1743@gmail.com; Ted Locker <tlocker@eastwhiteland.org>; David Hesson <dhesson@eastwhiteland.org>; Kathleen Laubenstein <klaubenstein@eastwhiteland.org>; Joseph Samuel <jsamuel@eastwhiteland.org>; Jay Levin, Esquire <jlevin@eastwhiteland.org>; Karen Milner <kmilner@eastwhiteland.org>; Zachary Barner <ZBarner@eastwhiteland.org>; Donna Wikert <dwikert@eastwhiteland.org>; mhagerty@chesco.org
Subject: Public Notice - East Whiteland Township ZHB [UTBF-WestChester.FID286028]

Attn: Legal Advertising Representative,

Attached please find a Public Notice which I would appreciate your advertising in the Daily Local News on Monday, September 13, 2021 and Monday, September 20, 2021.

Please forward the invoice and proof of publication to:

Ted Locker, Zoning Officer, East Whiteland Township, 209 Conestoga Road, Frazer, PA, 19355

Please confirm receipt of this notice by return e-mail.

Thank you.

Michelle Cushman | Legal Assistant to
John K. Fiorillo, Esq. | Andrew D.H. Rau, Esq.
Unruh Turner Burke & Frees
P.O. Box 515 | West Chester, PA 19381
P: 610.692.1371 | F: 610.918.1361
mcushman@utbf.com | www.utbf.com

This message and the attachment(s), if any are confidential and intended only for the person to whom this is addressed. If you are not the intended recipient or have received this message in error, please delete and destroy this message and any attachments immediately and notify us at the above address or phone number. Attorneys and law firms which have inadvertently received this message are subject to the provisions of RPC 4.4(b). Thank you.

This communication is not intended or written to be used, and it cannot be used, for the purpose of avoiding penalties that may be imposed by the Internal Revenue Service under United States federal tax laws.

NOTICE IS HEREBY GIVEN that the East Whiteland Township Zoning Hearing Board will hold an in-person public meeting and hearing at 7:15 p.m. on Monday, September 27, 2021 at the East Whiteland Township Building, 209 Conestoga Road, Frazer, Pennsylvania, to consider the following application:

Appeal No. 2021-13: Application of Paul and Alice Choi for a variance pursuant to Section 200-20.B, Attachment #3 of the Township Zoning Ordinance, to permit the installation of a motorized Pergola, to allow building coverage in excess of 16% on the subject property located at 25 Accord Drive, Malvern, PA (UPI 42-4-617) situated within the R-1 – Low Density Residential Zoning District.

Appeal No. 2021-11: Application of Green Fig Land, LLC and / or Whiteland Holdings LP for relief as follows: A variance 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; a variance from Section 200-46, Attachment 11, Table of Development Standards, maximum height, accessory structure. A variance to allow one 150' accessory microwave tower was previously granted. Applicant is requesting a variance to allow a second accessory microwave tower at a height of 150 feet; a variance 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 seeks to extend this relief to new parking areas proposed on the east and south sides of the Subject Property; a variance 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 seeks to extend this relief to new pervious parking areas; a variance from Section 200-70, 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 seeks to extend this ratio to the new parking areas; and a variance 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 seeks to have this relief apply to the new plan, on portions of property currently owned by Whiteland Holdings, LP, located on the south side of Swedesford Road, Malvern, PA 19355 (UPI 42-3-128, 42-3-130, 42-3-130.1 and 42-3.130.2) located within the Institutional (INS) - Continuing Care Retirement Community (CCRC) District and I District.

The Board may also conduct such other business as may come before it.

Anyone with a disability requiring a special accommodation to attend the meeting should notify Ted Locker, Zoning Officer, at 610-648-0600. The Township will make every effort to provide a reasonable accommodation.

Andrew D.H. Rau, Esquire
Zoning Hearing Board Solicitor

Lydia Fisher

From: Zachary Barner
Sent: Friday, August 27, 2021 2:15 PM
To: Scott Lambert; Rich Orlow; Sue Drummond
Cc: John Nagel; Donna Wikert; Steven Brown; Ted Locker; Brittany Carosello; Joseph McGrory (jmcgrory@hrmml.com); Stephen Anella
Subject: Green Fig - Discussion/Presentation from PC Meeting
Attachments: Green Fig at 8.25.21 PC.m4a; Landscape_Overall Schematic Landscape Plan.pdf; Landscape_Section A-A.pdf; ZHB Application Addendum.pdf

Board Members,

Attached are a handful of materials related to the Zoning Hearing Board application by Green Fig for your review:

- Recording of the discussion from the Planning Commission meeting on 8/25/21. This is a large audio file so it may be best to save it to your computer before attempting to play the recording.
- ZHB Application Addendum outlining the requested relief with code references.
- Landscaping "Schematic" showing areas where buffering currently exists, where new landscaping is proposed, and the various constraints, rights of way, etc. that prompted the requested relief.
- Cross-section showing the relative elevation and existing/proposed improvements as you look east along Swedesford (i.e. from West Whiteland into East Whiteland).

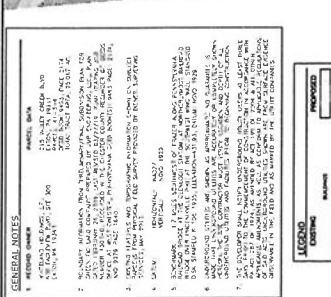
Overall, the Planning Commission was supportive of the application. The members present felt that the focus of landscaping efforts should be centered on the lagoon property, but that the details could be determined during the land development process with the assistance of LandConcepts.

If you have any trouble opening the audio file, please let us know!

Thanks,

Zachary Barner, AICP
Director of Planning & Development
East Whiteland Township
Phone: 610-897-4265
Email: zbarner@eastwhiteland.org

SHEET NO. **1 OF 1**
ZONING EXHIBIT
 FILED
 MAY 20 1984
 MAY 20 1984
 MAY 20 1984



ENGINEERING, LLC
PROFESSIONAL CIVIL ENGINEERING & LAND PLANNING SERVICES
155 ROBERT DRIVE - DOWNTOWN, PA 15113
TEL: 412.326.1234
FAX: 412.326.1235
WWW.ENRPA.COM

ENGINEERING, LLC
PROFESSIONAL CIVIL ENGINEERING & LAND PLANNING SERVICES
155 ROBERT DRIVE - DOWNTOWN, PA 15113
TEL: 412.326.1234
FAX: 412.326.1235
WWW.ENRPA.COM

DRAFT

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PLAN REVISIONS

NO.	DATE	DESCRIPTION
1	10/1/00	ISSUED FOR PERMIT

ENGINEERING, LLC
PROFESSIONAL CIVIL ENGINEERING & LAND PLANNING SERVICES
155 ROBERT DRIVE - DOWNTOWN, PA 15113
TEL: 412.326.1234
FAX: 412.326.1235
WWW.ENRPA.COM

SITE PLAN
FOR
GREEN FIG
LAND COMPANY

TAX PARCEL NUMBER:
43-3-37

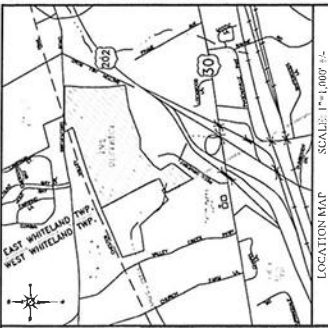
GREEN FIG LAND COMPANY
600 EAGLEVIEW BLVD, STE 200
EASTON, PA 18041

ZONING EXHIBIT

1

DATE: 10/1/00

BY: [Signature]



GENERAL NOTES

1. ALL DIMENSIONS ARE IN FEET AND DECIMALS THEREOF.
2. THE PROPOSED LOTS ARE TO BE SUBDIVIDED INTO LOTS OF APPROXIMATELY 10 ACRES EACH.
3. THE PROPOSED LOTS ARE TO BE SUBDIVIDED INTO LOTS OF APPROXIMATELY 10 ACRES EACH.
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10. THE PROPOSED LOTS ARE TO BE SUBDIVIDED INTO LOTS OF APPROXIMATELY 10 ACRES EACH.



ZONING DATA - DIS-C-EE

ZONE	PERMITTED USES	PERMITTED BUILDING HEIGHTS	PERMITTED LOT COVERAGE	PERMITTED LOT AREA	PERMITTED LOT WIDTH	PERMITTED LOT DEPTH	PERMITTED LOT AREA	PERMITTED LOT WIDTH	PERMITTED LOT DEPTH
DIS-C-EE	Single-Family Detached	35' Max	40%	10,000 Sq Ft	100' Min	100' Min	10,000 Sq Ft	100' Min	100' Min
DIS-C-EE	Single-Family Detached	35' Max	40%	10,000 Sq Ft	100' Min	100' Min	10,000 Sq Ft	100' Min	100' Min
DIS-C-EE	Single-Family Detached	35' Max	40%	10,000 Sq Ft	100' Min	100' Min	10,000 Sq Ft	100' Min	100' Min

INTERVENING CALCULATIONS - DIS-C-EE

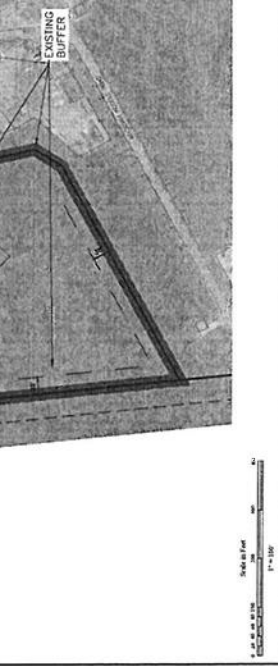
ITEM	VALUE	UNIT
1. LOT AREA	10,000	SQ FT
2. LOT COVERAGE	40%	%
3. LOT AREA	10,000	SQ FT
4. LOT COVERAGE	40%	%
5. LOT AREA	10,000	SQ FT
6. LOT COVERAGE	40%	%
7. LOT AREA	10,000	SQ FT
8. LOT COVERAGE	40%	%
9. LOT AREA	10,000	SQ FT
10. LOT COVERAGE	40%	%

LEGISLATIVE SUMMARY

The following summary is provided for the purpose of providing a general overview of the legislative process. It is not intended to provide a detailed description of the legislative process or the specific provisions of the legislation.

LEGISLATIVE SUMMARY

The following summary is provided for the purpose of providing a general overview of the legislative process. It is not intended to provide a detailed description of the legislative process or the specific provisions of the legislation.



**EAST WHITELAND TOWNSHIP
ZONING HEARING BOARD APPLICATION ADDENDUM**

**APPLICATION OF:
GREEN FIG LAND, LLC**

June 30, 2021

- 7. Indicate by number the section(s) of the Zoning Ordinance under which you feel the special exception, variance or other relief requested may be allowed, and state your reasons why it should be granted.**
- 8. What additions to or improvements in the property do you intend to make under this application? Please describe as completely as possible.**

Green Fig Land LLC ("Applicant") is equitable owner of property situated on the south side of Swedesford Road and identified as UPI Nos. 42-3-130, 42-3-130.1, 42-3-130.2 and 42-3-128 ("Subject Property").

On February 22, 2018, Whiteland Holdings LP received variance relief from the East Whiteland Township Zoning Board ("Board") to allow for construction of a data center on the Subject Property as defined in the Board's Opinion and Order for Appeal No. 2018-2 dated February 26, 2018 ("Decision"). (The "Subject Property" was subdivided after the issuance of the Decision, but is still being treated as one tract for purposes of the proposed development described in this new Application.) The Board imposed the following condition on the grant of that variance relief:

The development of the Subject Property for data center usage shall be substantially in accordance with the testimony and exhibits submitted to the Zoning Hearing Board, including, but not limited to the maximum floor area of the proposed two buildings shall not exceed 720,000 square feet in the aggregate (without prejudice to the Applicant's right to request further relief in the future, if warranted and granted by the Zoning Board).

Applicant now seeks further relief to expand the size of the data center to 1,895,865 sq. ft. square feet and to add an additional microwave tower on the Subject Property. In so doing, other variances granted in conjunction with the Decision would need to be extended to accommodate the additional building square footage and attendant parking.

Accordingly, Applicant is requesting the following variances:

- A variance 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.

- A variance from Section 200-46, Attachment 11, Table of Development Standards, maximum height, accessory structure. A variance to allow one 150' accessory microwave tower was previously granted. Applicant is requesting a variance to allow a second accessory microwave tower at a height of 150 feet.
- A variance 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 seeks to extend this relief to new parking areas proposed on the east and south sides of the Subject Property.
- A variance 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 seeks to extend this relief to new pervious parking areas.
- A variance from Section 200-70, 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 seeks to extend this ratio to the new parking areas.
- A variance 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 seeks to have this relief apply to the new plan.

The reasons why this application should be granted will be presented at the hearing.

Lydia Fisher

From: Zachary Barner
Sent: Tuesday, July 6, 2021 12:28 PM
To: Ted Locker
Cc: Brittany Carosello
Subject: INS-CCRC
Attachments: Whiteland Village - INS DIST. Ordinance Amendments.DOC

Thanks,
Zachary Barner, AICP
Director of Planning & Development
East Whiteland Township
Phone: 610-897-4265
Email: zbarner@eastwhiteland.org

EAST WHITELAND TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA

ORDINANCE NO. 181-2006

**AN ORDINANCE OF THE TOWNSHIP OF EAST
WHITELAND, CHESTER COUNTY,
PENNSYLVANIA, AMENDING THE CODE OF EAST
WHITELAND TOWNSHIP, CHAPTER 200, TITLED
“ZONING” SPECIFICALLY BY CREATING A NEW
INS-INSTITUTIONAL DISTRICT WITH AN
OVERLAY FOR A CONTINUING CARE
RETIREMENT COMMUNITY BY CONDITIONAL
USE SUBJECT TO SPECIFIC AREA AND BULK
REQUIREMENTS AND DESIGN STANDARDS
ADOPTED HEREIN.**

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Board of
Supervisors of East Whiteland Township, that Chapter 200 of the East Whiteland
Township Code, titled, “Zoning”, shall be amended as follows:

Section 1. Section 200-7 shall be amended to add the following definitions:

“Antenna” – Any system of wires, poles, rods, reflecting discs, or similar devices used for the transmission or reception of electromagnetic waves located out of doors or attached to the exterior of any building.

“Antenna, accessory” – A standard UHFVHF television antenna, a standard FM/AM radio antenna, and a dish-type antenna no larger than eighteen (18) inches in diameter, provided that only two (2) accessory antennas shall be permitted on any one lot.

“Assisted living facility” – A facility for the housing and personal care of persons age 55 or older who require only intermittent care to maintain the basic needs of daily living, including hygiene, cooking, cleaning, eating, nutrition, ambulatory care, recreation, community activities, and mobility, general safety, and similar activities of everyday living. An assisted living facility does not include a nursing home, retirement community, halfway house, drug or alcohol rehabilitation center, or similar facilities.

“Buffer” – A strip of land within a required setback, which shall be planted and maintained in turf-grass and deciduous or evergreen trees and shrubs to establish a visual separation between lots where required by the terms of this Ordinance, and which may contain an effective screen when specified but shall not, in itself, constitute such a screen. The buffer shall be installed in accordance with plans and specifications prepared by a registered landscape architect and shall be compatible with the other landscaping on the lot.

“Cemetery” – Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbariums, mausoleums, and mortuaries when operated in conjunction with and within the boundaries of such cemetery. Crematories are excluded from the definition of cemetery.

“Clinic” – A building designed and used for the diagnosis and treatment of human patients that does not include overnight care facilities.

“Continuing Care Retirement Community” – a residential community designed to provide independent and assisted living arrangements for person(s) aged 55 years and older as part of a planned community that also provides nursing services, medical services, and other health-related services pursuant to an agreement effective for the life of the resident.

“Convalescent Home” – A facility that provides a temporary residence and nursing care for persons recovering from an illness or injury. A convalescent home does not include a halfway house, drug or alcohol rehabilitation center, or similar facilities.

“Crematorium” – A facility used for the disposal of human remains by cremation.

“Rest home” – A facility for the care of persons aged 55 or older, or persons with a physical condition that renders them frail and unable to care for themselves, and providing skilled or unskilled nursing care, common dining, recreation, and the like.

Section 2. Section 200-9 is hereby amended by amending the Zoning Map of East Whiteland Township to include the following parcel of real property within the INS-Institutional District: Chester County Uniform Parcel Identification No. 42-3-130; owned by Frazer Exton Development LP. The amended Zoning Map is attached hereto and is hereby incorporated by reference thereto.

Section 3. Section 200-9 is hereby amended by amending the Zoning Map of East Whiteland Township to include the following parcel of real property within the CCRC Overlay District of the INS-Institutional District: Chester County Uniform Parcel Identification No. 42-3-130; owned by Frazer Exton Development LP. The amended Zoning Map is attached hereto and is hereby incorporated by reference thereto.

Section 4. Section 200-8 is hereby amended by adding the INS-Institutional District, including a CCRC overlay, to the classes of districts.

Section 5. A new Article XXXI, titled, “INS-Institutional District” shall be added and shall provide as follows:

§200-249. Use Regulations. The following use classification shall govern uses within the INS-Institutional District:

Educational, cultural, religious, civic, philanthropic, social and fraternal uses, including places of worship and adjunct administrative and residential uses, schools, libraries, museums, day care, and similar uses.		P
Institutional residence or care or confinement facilities, such as hospitals, clinics, nursing homes, rest homes, convalescent homes, and similar uses.		CU
Assisted living facilities		P
Public schools, or private schools with a curriculum substantially the same as ordinarily given in public elementary and high schools, and having no rooms regularly used for housing or sleeping rooms.		P
Cemeteries		P
Crematoriums		SE
Non-accessory antennas		SE
Continuing Care Retirement Community (within a CCRC overlay district)		CU

P Permitted
SE Special Exception
CU Conditional Use

§200-250. Special Exception Uses. The Zoning Hearing Board is authorized to grant special exceptions for uses specified in Section 200-249 for applications meeting the following criteria:

- A. The use shall not generate high levels of vehicular traffic, nor noise, noxious odors, air pollution, or glare;
- B. The manner, location, and hours of operations and of deliveries to the premises shall be compatible with the daily cycle of active and quiet periods associated with any adjacent residential uses.

§200-251. Conditional Uses. The Board of Supervisors is authorized to grant conditional uses for uses specified in Section 200-249 in accordance with Sections 200-263 and 200-264.

§200-252. Accessory Uses. The following accessory uses are permitted in the INS-Institutional District:

- A. Private garage, storage garage, carport, driveway, parking space;
- B. Open space;
- C. Storage building, private greenhouse;
- D. Private sports court, such as for tennis or basketball;
- E. Office;
- F. Wireless communications facilities in accordance with Section 200-200;
- G. Fence or wall in accordance with Section 200-186;

§200-253. Off-Street Parking and Loading. Off-street parking and loading shall be designed in accordance with Section 200-177.

§200-254. Buffering. The following buffers shall be provided in the INS-Institutional District:

- A. A buffer containing one (1) canopy tree per forty (40) linear feet shall be provided within the required street setback and along property lines abutting a single-family or two-family dwelling, or district in which such uses are permitted.

B. Existing Natural Buffers -- Retention. Wherever buffers are required every effort shall be made to retain existing natural buffers, such, as vegetation and topographic features.

C. Landscaping of Setbacks. All required setbacks, whether or not planted with trees, shrubs, or hedges shall as a minimum consist of grass, ground cover, and/or similar vegetative material or other natural landscaping materials.

D. Alternative Buffers. As an alternative to the potential for an excessively linear appearance brought about by strict conformance to the minimum buffer requirements, innovative, free-form buffers that may, in some cases, not be located entirely within the minimum required setback, are encouraged. Such alternative buffers may be authorized; the Zoning Officer may seek the advice of technical experts in the review of the alternative plans.

E. Maintenance Required. All buffers shall be maintained by the property owner at his expense, assuring that required trees, plantings, and vegetative materials are kept in good condition. Any such materials that die shall be replaced within six (6) months. Alternative buffers, as defined above, may be authorized in the context of buffer maintenance.

F. Recommended Buffer Plantings. The following planted materials are authorized for inclusion in buffers; other plantings may be authorized, subject to recommendations of the Planning Commission and the Township Engineer:

1. Canopy trees (three-inch caliper minimum):

Acer ginnala - amur maple
Acer rubrum - red maple
Acer saccharum - sugar maple
Betula alba - European white birch
Catalpa speciosa - northern catalpa
Celtis occidentalis - hackberry
Cercidiphyllum japonica - katsura tree
Diospyros virginiana - common persimmon
Fagus grandifolia - American beech
Fagus sylvatica - European beech
Fraxinus americana - white ash
Fraxinus pennsylvanica lanceolata - green ash
Ginkgo biloba - ginkgo (male only)

Gleditsia tracanthos inermis - thornless honey locust
Gymnocladus dioica - Kentucky coffee-tree
Nyssa sylvatica - sour-gum
Phellodendron amurense - amur corktree
Platanus acerifolia - London plane-tree
Prunus Yedoenis - yoshino cherry
Quercus alba - white oak
Quercus borealis - red oak
Quercus coccinea - scarlet oak
Quercus imbricaria - laurel or shingle oak
Quercus palustris - pin oak
Quercus phellos - willow oak
Robina pseudoacacia inermis - thornless black locust
Sophora japonica - Japanese pagoda tree
Tilia - linden - all species hardy to the area
Ulmus parviflora - Chinese elm
Zelkova serrata - Japanese zelkova

2. Flowering/ornamental trees (two-inch caliper minimum):

Amelanchier canadensis - shadblow serviceberry
Cornus florida - flowering dogwood
Cornus kousa - kousa dogwood
Cornus mas - cornelian cherry
Crataegus phaenopyrum Washington hawthorn
Koelreuteria paniculata - golden rain tree
Laburnum vossii - goldenchain
Magnolia soulangeana - saucer magnolia
Magnolia virginiana - sweetbay magnolia
Malus baccata - siberian crab
Malus floribunda - Japanese flowering crab
Malus hopy - hopy red - flowering crab
Oxydendrum arboreum sourwood
Pyrus calleryana Bradford - callery pear
Prunus kwansan - kwanzan cherry
Prunus yedoensis - yoshino cherry

3. Evergreens (six-foot-high minimum):

Ilex opaca - American holly
Picea abies - Norway spruce
Picea omorika - Serbian spruce
Picea pungens - Colorado spruce
Pinus nigra - Austrian pine
Pseudotsuga menziesii - Douglas fir
Tsuga canadensis - Canada hemlock
Pinus strobus - eastern white pine
X Cupressocyparis leylandii - Leyland cypress
Pinaceae Pinus virginiana - Virginia pine

4. Hedges (four-foot-high minimum):

Crataegus intricata - thicket hawthorn
Forsythia intermedia - border forsythia
Rhamnus frangula - tall hedge buckthorn
Syringa chinensis - Chinese lilac
Syringa vulgaris - common lilac
Viburnum alatum - viburnum
Maclura pomifera - osage orange
Crataegus crus-galli - cockspur thorn
Crataegus phaenopyrum - Washington hawthorn

5. Shrubs (eighteen-inch-high minimum):

Hamamelis virginiana - white hazel
Vaccinium sp. - blueberries
Lindera benzoin - spice bush
Rhododendron sp. - azaleas
Rhododendron sp. - rhododendrons

§200-255. Signs. Signs shall be permitted in accordance with Section 200-171 of Article XXII.

§200-256. Sewer and Water Facilities. All development in the INS-Institutional District shall be served by public or community water and sanitary sewer facilities acceptable to the Board of Supervisors and subject to the approval of the Pennsylvania Department of Environmental Protection or its successor agency and the appropriate municipal authority providing water or sewer facilities.

§200-257. Performance Standards. Any activity or use in the INS-Institutional District shall comply with the performance standards of Article XXIV.

§200-258. Natural and Landscaped Areas. All portions of a tract not occupied by buildings and required improvements shall be maintained as landscaped areas consisting of natural environmental features and/or planted vegetation.

§200-259. Permanent Open Space — Design Standards. Permanent Open Space to be provided in accordance with certain Sections of this Article, excepting, however, the open space within a CCRC, which shall be designed pursuant to Section 200-262, shall be designed in accordance with the following standards:

- A. Permanent Open Space shall be so designated on the submitted plans, and the plans shall contain a notation stating, "Permanent Open Space shall not be separately sold and shall not be further developed or subdivided";
- B. Permanent Open Space shall be contiguous to the development and shall not be a part of any lot within the development, except as a Conditional Use. Permanent Open Space may be separated from the development by existing streets;
- C. Each area of Permanent Open Space shall contain not less than ten thousand (10,000) square feet;
- D. Permanent Open Space areas shall be designed as a continuous system of open space and shall be interconnected with open space areas on abutting parcels whenever possible;
- E. Permanent Open Space shall be provided with safe and convenient access to the residentially-developed area of the tract by adjoining frontage on streets or easements capable of accommodating pedestrian, bicycle, and maintenance vehicle traffic. The Permanent Open Space shall contain appropriate access improvements and shall be provided with perimeter parking areas where appropriate;
- F. Permanent Open Space shall predominantly consist of natural environmental features or planted and maintained vegetation that may contain walking, biking, or equestrian trails. Permanent Open Space may also contain impervious surface areas such as tennis courts, clubhouses, or other active recreation facilities, but such active recreation facilities shall consist of less than twenty-five percent (25%) of the Permanent Open Space;
- G. Permanent Open Space shall be configured so as to create areas of adequate size and shape to permit a variety of uses, active or passive, throughout the system.

§200-260 Development Standards

Standards	INS
Maximum Tract Density (floor-area ratio [FAR])	0.4
Minimum Tract Area (acres)	5
Maximum Building Coverage (% of tract)	20
Maximum Impervious Coverage (% of tract)	30
Central Water & Sewer Facilities Required	Yes
Maximum Height - Principal Structures (feet)	35
Maximum Height - Accessory Structures	50% of the height of the tallest principal structure
Minimum Lot Width at Right-of-Way Line (feet)	200
Minimum Lot Width at Building Setback Line (feet)	300
Minimum setbacks from streets (feet):	
o Any building face to arterial street ultimate right-of-way	60
o Any building face to collector or local street ultimate right-of-way	60
o Any building face to common parking area	10
o Surface parking areas to arterial street ultimate right-of-way	30
o Surface parking areas to collector or local street ultimate right-of-way	20
Minimum principal structure setbacks from tract perimeter (excluding street frontages)(feet):	
o From other like-zoned tracts	35
o From any residential district boundary line	100
o From other district boundary lines	50
Minimum accessory structure setbacks from tract perimeter (excluding street frontages)(feet):	
o From other like-zoned tracts	15
o From any residential district boundary line	50
o From other district boundary lines	25
Minimum surface parking areas, driveways, interior roadways setbacks from tract perimeter (excluding street frontages)(feet):	
o From other like-zoned tracts	10
o From any residential district boundary line	40
o From other district boundary lines	20

§200-261. Intent. The intent of the INS-Institutional District is to provide appropriate locations and development standards for a wide range of types of institutions. Uses in this district may expect employees and clients from throughout the region; suitable locations for these uses should be limited to sites on arterial and major collector roads, easily accessible to regional highways.

§200-262. CCRC Regulations. A Continuing Care Retirement Community ["CCRC"] shall be permitted within the CCRC Overlay District in the INS-Institutional District in compliance with the development standards of this Section 200-262 and provided that, in the event of a conflict between the standards of this Section 200-262 and other standards in the INS- Institutional District, this Section 200-262 shall govern.

- A. A CCRC shall be designed to serve its residents and their guests only, except that nonresidents may receive care in the medical building.
- B. The CCRC shall be planned, developed, and operated according to a unified plan under the direction of a single owner or agent for the owner; any uses within and accessory to the CCRC shall be operated by the owner or provided under a direct contract with the owner.
- C. The property proposed for development as a CCRC shall be located on, or have access to, a collector road.
- D. A CCRC shall be operated by an entity holding a Certificate of Authority from the Commonwealth of Pennsylvania Insurance Department pursuant to 40 P.S. § 3201 *et seq.*
- E. The CCRC may provide dwelling units in any combination of Housing Types.
- F. A CCRC may include any of the following uses:
 - 1. Dining Facilities, including central kitchens for on-site preparation of meals and restaurants or taverns, provided that no tavern shall exceed 2,500 sq. ft. of gross floor area and there shall be no more than one (1) tavern for each 400 dwelling units within a CCRC;
 - 2. Medical facilities, providing treatment, nursing and convalescent care;
 - 3. Recreational facilities, including activity rooms, auditoriums; lounges and libraries;
 - 4. Office and retail service facilities, including, but not limited to, gift shops; coffee shops; barber or beauty shops; banks; convenience stores; and pharmacies, provided that any such service facility shall

not exceed 2,500 sq. ft. of gross floor area;

5. Health care facilities, including physical therapy facilities and services; exercise rooms/equipment; swimming pools; and the like;
 6. Day Care facilities for the supervision of children and adults;
 7. Indoor and outdoor recreational facilities, including, but not limited to, tennis courts; running/walking tracks; swimming pools; and multi-purpose fields;
 8. A CoGeneration (and Power Generating) Facility, which may be owned by the utility operating it provided that power is generated solely for use by the CCRC and not for sale to any other user, provided, however, that incidental sales of excess electricity to an electric utility company shall be permitted;
 9. Indoor storage for vehicles and property of residents; and
 10. Indoor storage of maintenance and other equipment used in the operation and maintenance of the CCRC.
- G. A minimum of 40% of the total site area shall be designated as and used exclusively for common open space. Ownership, maintenance, location, design and layout of common open space shall be in accordance with the following:
1. Areas agreed by the developer and the Township to be set aside for open space shall be suitable for the designated purpose and in any case shall be consistent with the Township's policy and plan for future land use.
 2. No structures shall be erected in the open space areas other than structures related to the purpose of open space and recreation.
 3. Open space areas shall be arranged and located so as to serve the residents adequately and conveniently, taking into consideration the characteristics of the site, and to preserve and enhance desirable natural features.
 4. Any land designated as common space shall be restricted to continued open space use by an appropriate covenant or deed restriction or other method approved by the Board of Supervisors.
 5. Storm water management facilities may be located in the open space.

6. If the intent is to provide active recreation, then open space areas shall be suitable for active recreational uses to the extent deemed necessary by the Board, without interfering with adjacent dwelling units, parking, driveways, and roads.
 7. No more than 30% of the total open space areas shall be comprised of environmentally sensitive lands (including floodplains, woodlands, slopes exceeding 20%, and surface waters except for storm water retention basins designed to be a surface water amenity).
 8. The preliminary and final plans shall designate the use of open space, the type of maintenance to be provided and a planting plan or schedule. In designating use and maintenance, the following classes may be used:
 - a. Lawn: a grass area with or without trees which may be used by the residents for a variety of purposes and which shall be mowed regularly to insure a neat and tidy appearance.
 - b. Natural area: an area of natural vegetation undisturbed during construction or replanted; such areas may contain pathways. Meadows shall be maintained as such. Maintenance may be minimal but shall prevent the proliferation of undesirable plants. Litter, dead trees and brush shall be removed and streams kept in free-flowing conditions.
 - c. Recreation area: an area designated for a specific recreational use, including, but not limited to, tennis, swimming, shuffleboard, play fields, and tot lots. Such areas shall be located and maintained in such a manner as not to create a hazard or nuisance and shall perpetuate the proposed use.
 9. Designated planting and recreation facilities within the open space area shall be provided by the owner of the CCRC. The owner/developer of a CCRC shall be required to submit to the Township a performance bond or other form of financial security to guarantee the cost of the installation of such planting and recreational facilities.
- H. The open space in a CCRC shall be owned and maintained by the operator of the CCRC pursuant to a written open space management plan in a form acceptable to the Township.

I. The following development standards shall apply to a CCRC:

Maximum Tract Density	12 dwelling units/acre
Minimum Tract Area (acres)	70
Maximum Building Coverage (% of tract)	30%
Maximum Impervious Coverage (% of tract)	60%
Central Water & Sewer Facilities Required	Yes
Maximum Height – Principal Structure Accessory Structure	5 stories or 60 feet 50% of height of tallest principal structure
Minimum Lot Width at Right-of-Way Line	400 feet
Minimum Lot Width at Building Setback Line	400 feet

Minimum setback from streets:

Building face to arterial street ultimate right-of-way	60 feet
Building face to collector or local street ultimate right-of-way	25 feet
Building face to common parking area and interior access drives	10 feet
Surface parking areas to arterial street ultimate right-of-way	30 feet
Surface parking areas to collector or local street ultimate right-of-way	20 feet

Minimum Principal Structure setbacks from tract
perimeter (excluding street frontages):

From other like-zoned tracts	35 feet
From any residential district boundary line	100 feet
From any other district boundary lines	50 feet

Minimum accessory structure setbacks
from tract perimeter (excluding street frontages):

From other like-zoned tracts	10 feet
From any residential district boundary line	35 feet
From any other district boundary lines	20 feet

Minimum surface parking areas, driveways,
interior roadways setbacks from tract perimeter
(excluding street frontages):

From other like-zoned tracts	10 feet
From any residential district boundary line	30 feet
From any other district boundary lines	15 feet

- J. A CCRC shall be landscaped pursuant to plans and specifications prepared by a registered landscape architect. All portions of the CCRC not occupied by buildings and required improvements shall be maintained as landscaped areas consisting of natural environmental features and/or planted vegetation and may contain walking or biking trails and impervious surface recreational areas, such as tennis courts or other active recreational facilities.
- K. Lighting shall be provided as required by Section 200-205.
- L. Parking shall be provided at a minimum of: one (1) parking space per single-family dwelling unit; one space per each employee of the CCRC/Medical Building on the shift of highest employment and the next largest shift.
- M. A CCRC shall be marketed and maintained so as to qualify for the exemption to the prohibition against discrimination in housing of the United States Fair Housing Act, 42 U.S.C. § 3601 *et seq.*
- N. Storage shall be subject to Section 200-196.

§200-263. Conditional Use Public Interest Criteria. In determining whether the allowance of a Conditional Use is contrary to the public interest, the Board of Supervisors shall consider whether the application, if granted, will:

- A) Be detrimental to appropriate use of adjacent properties;
- B) Cause undue congestion of pedestrian or vehicular traffic;
- C) Endanger the safety of persons or property by improper location or design of facilities for ingress or egress;
- D) Increase the danger of fire or otherwise endanger the public safety;
- E) Overcrowd the land or create an undue concentration of population;
- F) Impair an adequate supply of light and air to adjacent property;

G) Adversely affect transportation or unduly burden water, sewer, school, park, or other public facilities;

H) Adversely affect the public health, morals, safety, or general welfare;

I) Run counter to the spirit and purpose of this Ordinance.

§200-264. General Standards. In any instance where the Board of Supervisors shall consider a Conditional Use in accordance with the provisions of this Ordinance, the Board shall, where appropriate and among other things:

A) Consider the suitability of the property for the use desired and assure itself that the proposed change is consistent with the spirit, purpose, and intent of this Ordinance;

B) Determine that the proposed change will not substantially injure or detract from the use of neighboring property nor from the character of the neighborhood and that the use of the property adjacent to the area, including the proposed change or plan, is adequately safeguarded;

C) Determine that the proposed change will serve the best interests of the Township and the public welfare;

D) Consider the effect of the proposed change upon the logical, efficient, and economical extension of public services and facilities such as public water, sewers, police and fire protection, and public schools;

E) Consider the suitability of the proposed location of an industrial or commercial use with respect to probable effects upon highway traffic, and assure adequate access arrangements in order to protect all streets from undue congestion and hazard;

F) Be guided in its study, review, and recommendation by sound standards of subdivision practice, where applicable;

G) Impose such conditions, in addition to those specifically required in accordance with individual district regulations, as are necessary to assure that the intent of the Ordinance is complied with, which conditions may include, but are not limited to, harmonious design of buildings, planting and its maintenance as a sight or sound screen, the minimizing of noxious, offensive, or hazardous elements, and adequate standards of parking and sanitation;

H) Impose such conditions on the application for Special Exception or Variance as are necessary to assure that the Board has adequate information on which to base a decision, which conditions may include, but are not limited to, the submission of

traffic, water, storm drainage, sanitary sewer, and historic and environmental resources studies.

Section 6. **Severability.** If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts hereof. It is hereby declared as the intent of the Board of Supervisors that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

Section 7. **Repealer.** All Ordinances or parts of Ordinance conflicting with any provision of this Ordinance are hereby repealed insofar as the same affect this Ordinance.

Section 8. **Effective Date.** This Ordinance shall become effective five days after enactment as by law provided.

ENACTED AND ORDAINED this 14th day of June, 2006.

**BOARD OF SUPERVISORS
EAST WHITELAND TOWNSHIP**

John A. Mott, Chairman

P. Joseph Corrigan

Virginia McMichael

ATTEST:

Township Secretary

Lydia Fisher

From: Ted Locker
Sent: Friday, July 2, 2021 9:45 AM
To: Donna Wikert
Cc: Zachary Barner; Brittany Carosello
Subject: July 2021 BOS agenda ZHB Apps
Attachments: July 2021 BOS agenda ZHB Apps.docx

Donna,

Here is what I have for the July BOS Agenda. It's looking like the Green Fig ZHB application will likely be in August as opposed to July, but this will be confirmed on Wednesday this week when going over the agenda.

Thanks,

Ted

Zoning (TL):

- a) Consider Sending Township Solicitor to Zoning Hearing Board to Support or Oppose:
 - i. ZHB 10-2021 – Application of Main Line Armory, LLC for a Special Exception from Section 200-41 Attachment 8 to allow a recreational use, being a shooting range with educational training and retail sales. The property is located at 60 Three Tun Road, Malvern, PA. and is within the I, Industrial Zoning District.
 - ii. ZHB 11- 2021 – Application of Green Fig Land, LLC for Variances from sections 200-45, Attachment 10 to allow an extension of a previously granted data center, 200-46 Attachment 11 to allow an additional microwave tower 150 feet in height, 200-69.F to not require landscaping buffers on the east and south side of the proposed parking areas, as previously granted, 200-69.G, to not require landscaping on interior parking areas, as previously granted, 200-70, from the required number of parking spaces, Article XI, to not require all buffers, but will provide suitable buffering for the subject property. The property is located on Swedesford Road, identified as UPI Nos. 42-3-130, 42-3-130.1, 42-3-130.2 and 42-3-128, Malvern, PA. and is located within the INS-CCRC Institutional and I, Industrial Zoning Districts.

Lydia Fisher

From: Zachary Barner
Sent: Tuesday, July 13, 2021 10:54 AM
To: Joseph McGrory
Cc: Ted Locker; Brittany Carosello
Subject: RE: Green Fig - Zoning Hearing Board Decision
Attachments: ZHB 2021-11 Application Addendum.pdf; 2021-11 Application Green Fig Land 954 Swedesford 15 S. Bacton.pdf; 2021-11 Green Fig Data Center Sketch.pdf

Joe,

See attached current application.

Thanks,
Zachary Barner
Phone: 610-897-4265
Email: zbarner@eastwhiteland.org

-----Original Message-----

From: Joseph McGrory <jmcgrory@hrmml.com>
Sent: Tuesday, July 13, 2021 10:43 AM
To: Zachary Barner <ZBarner@eastwhiteland.org>
Subject: Re: Green Fig - Zoning Hearing Board Decision

Can I have a copy of the current application?

Sent from my iPhone

> On Jul 13, 2021, at 10:22 AM, Zachary Barner <ZBarner@eastwhiteland.org> wrote:
>
> Board Members,
>
> Please see attached previous Zoning Hearing Board Decision related to the data center proposal. Please contact Donna if you'd like to come in to review the paper file.
>
> A meeting has been scheduled with Staff, Solicitors Office, and Applicant's Team on Thursday afternoon to review their current zoning application as compared to the previous (what is proposed, the requested relief on their application, etc.)
>
> Thanks,
> Zachary Barner, AICP
> Director of Planning & Development
> East Whiteland Township
> Phone: 610-897-4265
> Email: zbarner@eastwhiteland.org<mailto:zbarner@eastwhiteland.org>
>
> <ZHB Decision.pdf>

**EAST WHITELAND TOWNSHIP
ZONING HEARING BOARD APPLICATION ADDENDUM**

**APPLICATION OF:
GREEN FIG LAND, LLC**

June 30, 2021

- 7. Indicate by number the section(s) of the Zoning Ordinance under which you feel the special exception, variance or other relief requested may be allowed, and state your reasons why it should be granted.**
- 8. What additions to or improvements in the property do you intend to make under this application? Please describe as completely as possible.**

Green Fig Land LLC ("Applicant") is equitable owner of property situated on the south side of Swedesford Road and identified as UPI Nos. 42-3-130, 42-3-130.1, 42-3-130.2 and 42-3-128 ("Subject Property").

On February 22, 2018, Whiteland Holdings LP received variance relief from the East Whiteland Township Zoning Board ("Board") to allow for construction of a data center on the Subject Property as defined in the Board's Opinion and Order for Appeal No. 2018-2 dated February 26, 2018 ("Decision"). (The "Subject Property" was subdivided after the issuance of the Decision, but is still being treated as one tract for purposes of the proposed development described in this new Application.) The Board imposed the following condition on the grant of that variance relief:

The development of the Subject Property for data center usage shall be substantially in accordance with the testimony and exhibits submitted to the Zoning Hearing Board, including, but not limited to the maximum floor area of the proposed two buildings shall not exceed 720,000 square feet in the aggregate (without prejudice to the Applicant's right to request further relief in the future, if warranted and granted by the Zoning Board).

Applicant now seeks further relief to expand the size of the data center to 1,895,865 sq. ft. square feet and to add an additional microwave tower on the Subject Property. In so doing, other variances granted in conjunction with the Decision would need to be extended to accommodate the additional building square footage and attendant parking.

Accordingly, Applicant is requesting the following variances:

- A variance 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.

- A variance from Section 200-46, Attachment 11, Table of Development Standards, maximum height, accessory structure. A variance to allow one 150' accessory microwave tower was previously granted. Applicant is requesting a variance to allow a second accessory microwave tower at a height of 150 feet.
- A variance 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 seeks to extend this relief to new parking areas proposed on the east and south sides of the Subject Property.
- A variance 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 seeks to extend this relief to new pervious parking areas.
- A variance from Section 200-70, 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 seeks to extend this ratio to the new parking areas.
- A variance 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 seeks to have this relief apply to the new plan.

The reasons why this application should be granted will be presented at the hearing.

EAST WHITELAND TOWNSHIP ZONING HEARING BOARD

APPLICATION FOR:

- ☐ SPECIAL EXCEPTION
- ☒ VARIANCE
- ☐ APPEAL FROM INTERPRETATION OR RULING OF THE
THE ZONING OFFICER
- ☐ VALIDITY CHALLENGE
- ☐ OTHER (SPECIFY BASIS)

(Submit eight copies of application and eight copies of plans)

Date: 6/30/21

1. Applicant's name and address: Green Fig Land, LLC, 10 Woodford Lane, Malvern, PA 19355
2. Who owns the real estate on which the proposed exception or variance is being requested?
Whiteland Holdings LP
3. Please give a brief description, state location of the real estate, and Tax Parcel Number on which the proposed special exception, variance or other relief is being requested:
 - (a) Address: 954 Swedesford Road and 15 South Bacton Hill Road
 - (b) Tax Parcel No. 42-3-130, 42-3-130.1, 42-3-130.2, 42-3-128
 - (c) Location & Description: South side of Swedesford Road, located west of South Bacton Hill Road.
4. What is the present zoning classification of the real estate involved?
INS-CCRC and I Districts
5. What buildings or other structures are now on the property? Vacant
6. What use is now being made of the property? Formerly occupied by Foote Mineral Company and was a superfund site for which remediation was previously completed.
7. Indicate by number the section(s) of the Zoning Ordinance under which you feel the special exception, variance or other relief may be allowed, and state your reasons why it should be granted:
See attached Addendum.

8. What additions to or improvements in the property do you intend to make under this application? Please describe below as completely as possible:
See attached Addendum.
9. Have you attached a plan and/or other graphic material? If so, please identify:
Site Plan prepared by JMR Engineering, LLC dated June 30, 2021.
10. In keeping with Section 200-116.B of the Township Zoning Ordinance, at least ten (10) days prior to the hearing the applicant is responsible for providing notice by regular first-class mail or hand delivery to the address of record as is on file at the Chester County Assessor's office to all owners of properties contiguous to and directly across the street from the affected tract. In addition, where the Zoning Officer believes, in his/her sole discretion, that the relief requested may affect the use and enjoyment of additional properties in proximity to the affected property, the Zoning Officer shall designate such additional property owners to receive written notice by the applicant to the public hearing.

Filing fee deposit (See: Current Fee Schedule)

Eight sets of site plans to be submitted with application.

Charles R. Lyddane - Managing Partner
Signature of Applicant or Authorized Representative Green FIG

Name of Contact for Applicant: Greg Walters
Phone Number: 610-331-7390
Email Address: gregwalters@thewalterscompany.com
Name of Engineer, Architect or Planner (if applicable) Jack Robinson, P.E.
Name of Attorney: Louis J. Colagreco, Jr., Esquire; Alyson M. Zarro, Esquire
Attorney's Email Address: lou@rrhc.com; alyson@rrhc.com

NOTE: All communications will be by email transmittal, unless you elect by regular mail:
If prefer communications by:

☒ Email
☐ Regular Mail

Green Fig Land Company
10 Woodford Lane
Malvern, PA 19355
610-357-8963

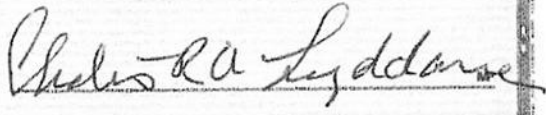
1160
60-848/G19

6.18 2021

Pay to the
Order of EAST WHITELAND TOWNSHIP \$ 1250.00

One thousand two hundred fifty -Dollars  Security features details on back.

Bryn Mawr Trust Company

For zoning application fee 

⑆03190848519107098206⑈ 1160

GUARDIAN SAFETY® YELLOW

SMALL SCALE

ZONING EXHIBIT

SHEET NUMBER

1 of 1

Plot Date: Wed Aug 26 2026
File Path: C:\Users\user\Documents\GIS\Zoning\Zoning Exhibit\Zoning Exhibit.mxd



Board of Supervisors

September 8, 2021

Minutes

Board Members Present: Scott Lambert, Chair; Rich Orlow, Vice-Chair; and Sue Drummond, Member

Staff Present: John Nagel, Township Manager; Steve Brown, Assistant Township Manager; Donna Wikert, Board Secretary; John Neild, Direct of Public Work; Zach Barner, Director of Planning and Development; Ted Locker, Zoning Officer; Chris Yeager, Police Chief; Joe McGrory, Solicitor; and Steve Anella from HRMML.

Mr. Lambert called the Zoom meeting to order at 7:15 P.M. Pledge of Allegiance

Board Briefings (SL):

Executive Session(s) were held on September 8 at 6pm (legal, personnel, and real estate) Bulk Trash Pickup – Tuesday, October 5 through Friday, October 8 Drop off Saturday October 9, 7am to 2pm)

Loren Nafziger briefed the Board on Hurricane Ida and Aqua's communication during this time. The acting Chief was able to staff the firehouse with additional staff and volunteers prior to the storm. They were able to staff multiple units and service all corners of the township. They handled over 20 incidents removing people from stranded cars and helping them get on their way safely. After the storm they were able to assess the damage and report immediately to the county. The county has set up a website to access all information on reporting damages.
www.chesco.org/ida

The Township declared an "Emergency Declaration" so that we are in-line for any aide that may be available. Residents are encouraged to visit the site and report their damage. The county set up a Multi-Agency Coordination Center in Thorndale for in person consultation. Please visit the website for dates and times. Loren thanked everyone involved for all the hard work and long hours they have kept over the past several days.

Receiving communication from Aqua has been difficult, not sure why it is so hard to get information from Aqua, hoping that it will be addressed in the future. Aqua is unable to give an estimate on repair time; please keep a watch on their website for all updates. The township will also keep our website updated with information as it is made available. There will be a water truck from Aqua available starting today at the firehouse, please bring containers to fill up with water.

Mr. Lambert thanked everyone involved with helping during Hurricane Ida. He mentioned the Public Works department helped residents pump out their basements and worked nonstop cleaning up debris and roads. It is very much appreciated.

Board Motions & Resolutions:

Approve Purchase of 2021 Dodge Durango (Police) from New Holland Dodge Chrysler Jeep

RAM through COSTARS for \$34,985 (\$54,000 Total); Board Previously Approved Purchase of 2021 Ford Explorer (Patrol 42-07)

Mr. Orlow made a motion to approve purchase. Ms. Drummond seconded the motion; the motion was approved 3-0.

Approve Proposal to Establish Friends of East Whiteland Township Parks (501(c)(3))

Mr. Brown asked the Board to approve this (501-c-3) which would work closely with Parks and Recreation. Details will need to be worked out, but this will allow the (501-c-3) to fund raise and accept donations for events whereas the Parks & Recreation department cannot. The cost to set this up would be in the range of \$3000 to \$4000.

Ms. Drummond made a motion to accept the proposal. Mr. Orlow seconded the motion; the motion was approved 3-0.

Mr. Brown explained the next three items are for Movie Night at Valley Creek Park October 1, 2021, 6:30 to 8:30 pm. "Shrek" will be the movie of choice.

Approve Agreement with Workspace for overflow parking for Movie Night in Valley Creek Park
Waive Alcohol Policy for Movie Night in Valley Creek Park

Approve Agreement for Township Indemnification with Locust Lane Brewery for Movie Night in Valley Creek Park

Mr. Orlow made a motion to approve the parking agreement, waiving the alcohol policy and amending the agreement with Locust Lane to include the movie night. Ms. Drummond seconded the motion; the motion was approved 3-0.

Approve Policy for Bench and Tree Donations for Parks. Mr. Brown explained currently there is not a policy regarding donation of memorial benches, plaques, and tree planting in memory of a loved one at the different parks in the Township. This would be a policy in place with rules and standards to apply by.

Ms. Drummond made a motion to approve. Mr. Orlow seconded the motion, the motion was approved 3-0.

Consider Approval to proceed with application to DCED for the project Yellow Springs/Sidley/Phoenixville Pike intersection

Mr. Barner explained that East Whiteland Township partnered with Charlestown Township to apply for a Multi-Mode Transportation fund grant. This grant is through the Department of Community Economic Development. Charlestown Township owns the signal light at Yellow Spring and Sidley Roads, but East Whiteland township owns the property. We have committed to

matching funds at our August 2021 Board of Supervisors meeting. Charlestown Township is the applicant. When they submitted for this application, the State came back with items to address, one being a letter of support that needs to be included in their application from East Whiteland Township, being the owner of the property. This is not a letter to proceed with the project, but an acknowledgement from East Whiteland Township, as the land owner.

Motion to Advertise:

For Sale on MuniBid – Township Vehicle(s) 2008 Ford Escape

Mr. Orlow made a motion to approve advertisement of sale on MuniBid. Ms. Drummond seconded the motion; the motion was approved 3-0.

2022 Heating Oil and Diesel Fuel Bid:

Ms. Drummond made a motion to approve to advertise for 2022 Heating Oil and Diesel Fuel Bids. Mr. Orlow seconded the motion; the motion was approved 3-0.

Public Hearings:

CU-08-2021 for Disturbance of Steep Slopes at 9 South Malin Road (10 Malin Road Associates) Conditional Use application pursuant to §200-57.F(4) to permit driveways and parking lots in areas of steep slopes for construction of a landscape contracting facility. The property, located at 9 South Malin Road, is within the I (Industrial) Zoning District.

Full details of the hearing are contained within the transcript prepared by a court reporter. The transcript is available to view at the township building. The hearing ended and Mr. McGrory reconvened into the regular Board meeting to vote upon Condition Use application.

Mr. Orlow made a motion to approve the CU-08-2021 request in accordance with the testimony and conditions presented. Ms. Drummond seconded the motion; the motion was approved 3-0.

Planning & Development:

Presentation given by Mr. David Schrader of Schrader Group, regarding Proposed 5/6th Grade Center at KD Markley School of Great Valley School District, (click link below)

GVSD - EWT Supervisors Presentation - 2021.09.08.pdf

This plan includes a new 160,000 square foot building, along with associated improvements for vehicular parking and circulation, playfields, a multi-use trail, sanitary sewer, and stormwater management. The plan also calls for the consolidation of four (4) existing lots into two (2) lots. The property, located at 354 Swedesford Road, is within the NS (Neighborhood School) and OS (Open Space) Zoning Districts.

Consider Rendering a Decision on the Following Development Applications:

LD-19-2020 for 20 Moores Road Office Building (Mountain Laurel Funding Company, LLC) – Preliminary/Final Land Development Application. The property, located at 20 Moores Road, is within the PO (Professional Office) District.

Mr. Orlow made a motion to approve LD-19-2020. Ms. Drummond seconded the motion; the motion was approved 3-0.

LD-01-2021 for Commons at Great Valley Lot 15 Parking Lot Expansion (1303 Wrights Lane Associates LP) – Preliminary/Final Land Development Application. The property, located at 83 General Warren Boulevard, is located within the O/BP (Office/Business Park) District.

Ms. Drummond made a motion to approve LD-01-2021. Mr. Orlow seconded the motion; the motion was approved 3-0.

Discussion of Route 30 Corridor Implementation, Review of Overall Land Use Recommendations, Consideration of Residential Uses and Potential Design Guidelines for Development Projects:

Mr. Barner gave a presentation regarding the Rt. 30 Corridor Master Plan, which was adopted in 2018. The presentation focused primarily on the Transportation and Land Use and Zoning Recommendations. The purpose of the presentation was to provide an overall refresher on the Plan and seek feedback from the Board as to how to proceed with implementation.

Mr. Barner provided an overview of some existing “properties of interest” along the corridor. These are locations that the Township is aware of that possess redevelopment potential or which the Township has received inquiries from developers and the public. Each property has its own mix of opportunities and constraints.

Further discussion is required to determine whether to include residential only within the MUCs or also within the ESC. There may be benefits to focusing commercial uses within the MUCs and allowing residential elsewhere.

Strike the balance of dwelling types and the impacts associated with each (i.e. apartments do not generate large numbers of school children compared to other dwelling types).

Focus on problem areas along the corridor, such as decrepit and vacant properties.

Avoid gentrification of lower income areas and reduce impact on existing residential areas. Draw from lessons learned on previous developments, such as the Linden Hall Townhouse development and Malvern Yards (a.k.a. GMH) apartment complex.

Need for transportation upgrades, especially at the intersection of Rt. 30/352. This is a priority intersection for existing and future traffic issues.

The Board expressed interest in moving forward with the general recommendations of the Plan, within further discussion required on where to allow residential uses. Staff will provide additional information for the Board to review and compare, including zoning maps and tables of permitted uses.

Zoning:

ZHB 11-2021 – Application of Green Fig Land LLC, for variances from the INS-CCRC and I Zoning Districts for two separate parcels at 954 Swedesford Road and 15 S. Bacton Hill Road. The applicant is requesting an extension of variances previously granted for one property and the same set of variances for the second parcel, which was previously not included in the application. These variances would allow: a second microwave tower, relief from perimeter landscaping of parking areas, relief from landscaping within parking lots, a reduced number of parking spaces from the ordinance requirement, and to modify otherwise required buffering.

Several questions from the Board were concerning Traffic studies, and possibly having a Fiscal Impact study. The fiscal impact study is not required, Mr. Calagrecio said they would be fine providing that, if necessary, when the time comes. Concerns with whether PECO can handle and will this impact East Whiteland Township in any way. Mr. Lyddane, the applicant has been conversing with PECO on this issue. Another concern was asked if this was going to have any impact on moving the Chester Valley Trail. Mr. Lyddane explained the only way it would is if it was a deal breaker to a major tenant concerning security. Only then would it the county look into possibly moving the trail. Ms. Drummond mentioned this has been discussed for years and it is a very low impact on traffic and strongly believes if this isn't a possibility it would be looked at for housing development. The Board all agreed.

Ms. Drummond made a motion to send the solicitor in support of this project to the Zoning Hearing Board. Mr. Orlow seconded the motion; the motions was approved 3-0.

ZHB 12-2021 – Application of Paul & Alice Choi for Variance from Section 200-20B., Attachment 3, to allow the construction of an aluminum motorized pergola. The addition of the pergola will increase the building coverage slightly over the allowable 16% coverage. The subject property is located at 5 Accord Drive, Malvern, and is within the R-1 Residential Cluster Overlay with 40% Open Space Zoning District. No need to send solicitor.

Public Comment:

Ms. Deb Mobile asked if there has been any update from DEP on when they will release documents and meet with the public. Mr. Brown said he has been advised by DEP that by month end they will provide information to the public and staff.

Consent Agenda (Consider Board Action):

- Approve Meeting Minutes from August 11, 2021
- Ratify Payment of Bills: \$572,797.96 (August 2021)
- Accept Treasurer's Report as of August 31, 2021
- Approve PennDOT Traffic Signal Maintenance Agreement
- Approve Purchase of Fire Pre-Planning Software from First Due (\$6,600 Start-up: \$5,000 Annual Maintenance)
- Approve Recommendation from Pension Trustees to Reduce Actuarial Assumption for Rate of Return to 7.25%
- Approve 2022 Minimum Municipal Obligations (Pension Act 205)
- Ratify the Emergency Declaration signed September 2, 2021
- Approve Bid from Steinbauter, Inc. for Gunkle's Mill Stonework \$7600

Ms. Drummond made a motion to approve Consent Agenda as red by Chair. Mr. Orlow seconded the motion; the motion was approved 3-0.

Meeting Adjournment 9:30

Donna Wikert
Board Secretary

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;

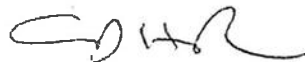
- A variance is granted from Section 200-46, Attachment 11, Table of Development Standards, maximum height, accessory structure. A variance to allow one 150 foot tall accessory microwave tower was previously granted. Applicant is now granted a variance to allow a second accessory microwave tower at an 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.

Louis J. Colagreco, Jr., Esquire
Riley Riper Hollin & Colagreco
November 16, 2021
Page 4

- 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

Lydia Fisher

From: Ted Locker
Sent: Wednesday, August 25, 2021 10:23 AM
To: Donna Wikert
Cc: Zachary Barner; Brittany Carosello
Subject: September BOS Agenda
Attachments: ZHB September 2021.docx

Donna,

Attached please find my ZHB items for the board meeting. You had changed the Green Fig wording, and I assume you have that from the Monday August 23 agenda.

Thanks,
Ted

Zoning (TL):

- a) Consider Sending Township Solicitor to Zoning Hearing Board to Support or Oppose:
 - i. ZHB 11-2021 – Application of Green Fig Land LLC, for a Variance from Section 200-45 Attachment 10, to allow an extension of the previously granted use variance for a data center to allow additional square footage. A Variance from Section 200-46 Attachment 11 to allow a second accessory microwave tower at a height of 150 feet. A Variance from Section 200-69.F for relief from perimeter landscaping of certain off-street parking areas, as previously granted. A Variance from Section 200-69.G for relief from landscaping in pervious parking areas, as previously granted. A Variance from Section 200-70 to reduce the parking ratio for the data center to a 1 space per 10,000 square foot of building area, as previously granted. A Variance from Article XI to provide buffering in certain areas and not provide as described in Article XI. The subject properties are located at 954 Swedesford and 15 S. Bacton Hill Roads is within the INS-CCRC and I Zoning Districts.
 - ii. ZHB 12-2021 – Application of Paul & Alice Choi for a Variance from Section 200-20.B., Attachment 3, to allow the construction of an aluminum motorized pergola. The addition of the pergola will increase the building coverage slightly over the allowable 16% coverage. The subject property is located at 25 Accord Drive, Malvern, and is within the R-1 Residential Cluster Overlay with 40% Open Space Zoning District.

Lydia Fisher

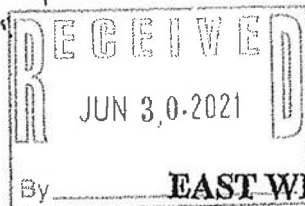
From: Brittany Carosello
Sent: Thursday, July 1, 2021 4:15 PM
To: Scott Lambert; Sue Drummond; Rich Orlow
Cc: John Nagel; Donna Wikert; Ted Locker; Steven Brown; Zachary Barner
Subject: Zoning Hearing Board Applications
Attachments: 2021-10 Mainline Armory 60 Three Tun.pdf; 2021-11 Application Green Fig Land 954 Swedesford 15 S. Bacton.pdf; 2021-11 Green Fig Data Center Sketch.pdf; ZHB 2021-11 Application Addendum.pdf

Good afternoon Board Members,

Please see the attached recently submitted Zoning Hearing Board applications.

Thank you,
Brittany

Brittany Carosello
Planning Coordinator
East Whiteland Township
209 Conestoga Road
Frazer, PA 19355
bcarosello@eastwhiteland.org



By _____

EAST WHITELAND TOWNSHIP ZONING HEARING BOARD

APPLICATION FOR:

- ☒ **SPECIAL EXCEPTION**
☐ **VARIANCE**
☐ **APPEAL FROM INTERPRETATION OR RULING OF THE
THE ZONING OFFICER**
☐ **VALIDITY CHALLENGE**
☐ **OTHER (SPECIFY BASIS)**

(Submit eight copies of application and eight copies of plans)

Date: 06/30/21

1. Applicant's name and address: Main Line Armory LLC
2. Who owns the real estate on which the proposed exception or variance is being requested?
60 Three Tun LLC
3. Please give a brief description, state location of the real estate, and Tax Parcel Number on which the proposed special exception, variance or other relief is being requested:
(a) Address: 60 Three Tun Rd. Malvern PA 19355
(b) Tax Parcel No. 4204 02970200
(c) Location & Description: Suite 2
4. What is the present zoning classification of the real estate involved?
Industrial
5. What buildings or other structures are now on the property?
Suite 1 - Closets by Design
6. What use is now being made of the property? Newly Constructed Shell Space.
7. Indicate by number the section(s) of the Zoning Ordinance under which you feel the special exception, variance or other relief may be allowed, and state your reasons why it should be granted:

Chapter 200-41 Attachement 8 - Table of Permitted uses for industrial zones.

This is a law enforcement and civilian training facility with several classrooms

and indoor range for practical hands on training. Retail sales will primarily supply the needed items for in classroom and range training.

The industrial zoning does not have verbiage for a facility like this.

8. What additions to or improvements in the property do you intend to make under this application? Please describe below as completely as possible:

Will be three classrooms for instructions. A members area with cigar room.

A large retail area for sales that will supply the training taking place.

An 8" concrete encased indoor range. Concrete will be lined with dura-panel rubber panels for industry leading safety and sound abatement. The filtration system meets or surpasses EPA, OSHA and NIOSHA requirements.

9. Have you attached a plan and/or other graphic material? If so, please identify:

See attached floor plan and layout

10. In keeping with Section 200-116.B of the Township Zoning Ordinance, at least ten (10) days prior to the hearing the applicant is responsible for providing notice by regular first-class mail or hand delivery to the address of record as is on file at the Chester County Assessor's office to all owners of properties contiguous to and directly across the street from the affected tract. In addition, where the Zoning Officer believes, in his/her sole discretion, that the relief requested may affect the use and enjoyment of additional properties in proximity to the affected property, the Zoning Officer shall designate such additional property owners to receive written notice by the applicant to the public hearing.

Filing fee deposit (See: Current Fee Schedule)

Eight sets of site plans to be submitted with application.


Signature of Applicant or Authorized Representative

Name of Contact for Applicant: Gregory D Butler (Owner/President)

Phone Number: 484-880-0029

Email Address: gbutler@mainlinearmory.com

Name of Engineer, Architect or Planner (if applicable) _____

Name of Attorney: _____

Attorney's Email Address: _____

NOTE: All communications will be by email transmittal, unless you elect by regular mail:
If prefer communications by:

☒ Email

☐ Regular Mail

**RE: EAST WHITELAND TOWNSHIP
ZONING HEARING BOARD**

APPEAL NO: _____

APPLICATION OF Main Line Armory LLC

I, Gregory D Butler, hereby confirm to the East Whiteland Township Zoning Hearing Board that on 06/30/2021, 2021, I provided written notice of this hearing (by either hand delivery or by regular first class mail) to the owners of all properties contiguous to and directly across the street from the property which is the subject of this application, being the following:

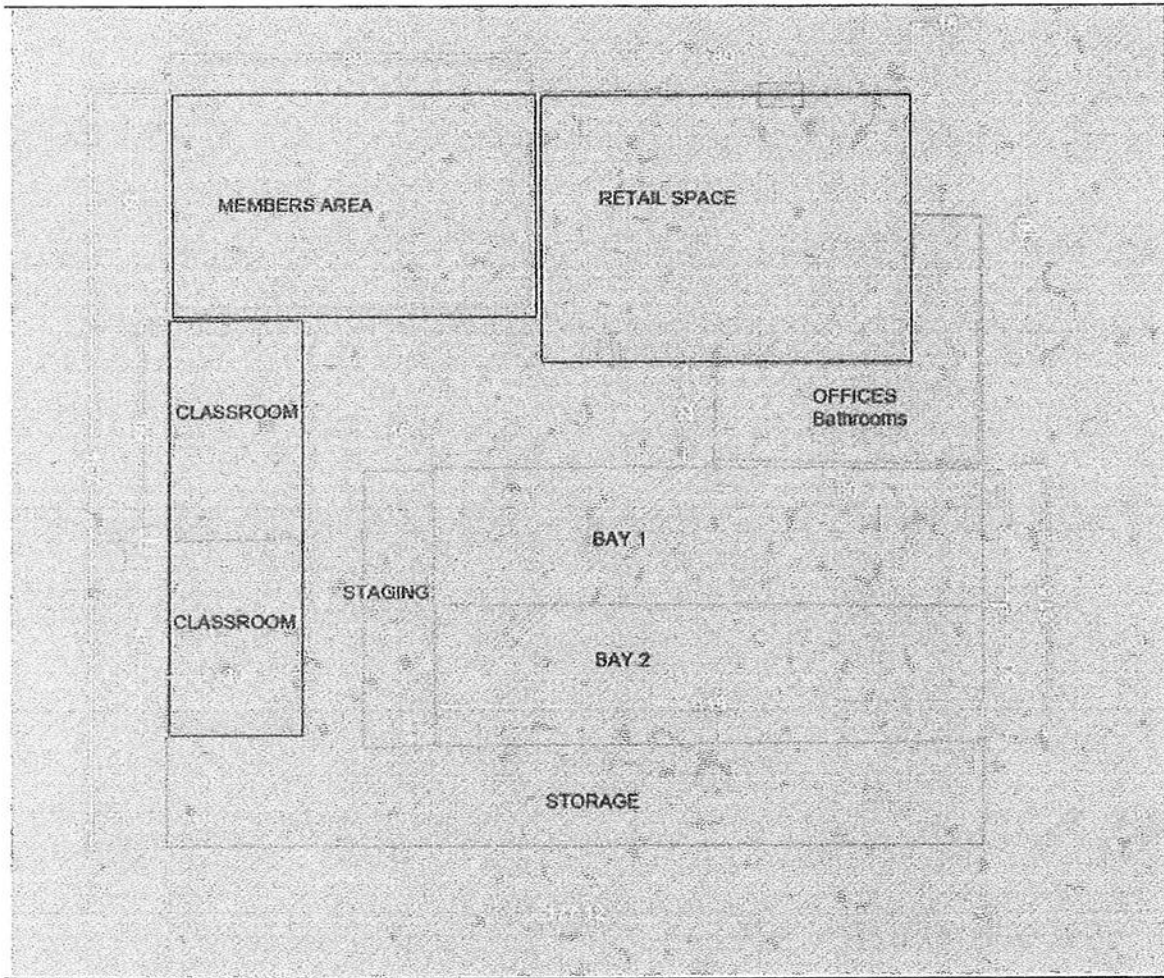
<u>Property Address:</u>	<u>Property Owner:</u>	<u>Tax Parcel No.</u>
30 Three Tun Rd Malvern PA 19355	Chester County Fund Inc	420402970000
2955 Market St Philadelphia PA 19104	National Railroad Passenger	42040294000E
Three Commercial PL Box 209 Norfolk, VA 23510	Pennsylvania Lines LLC	42040319000E

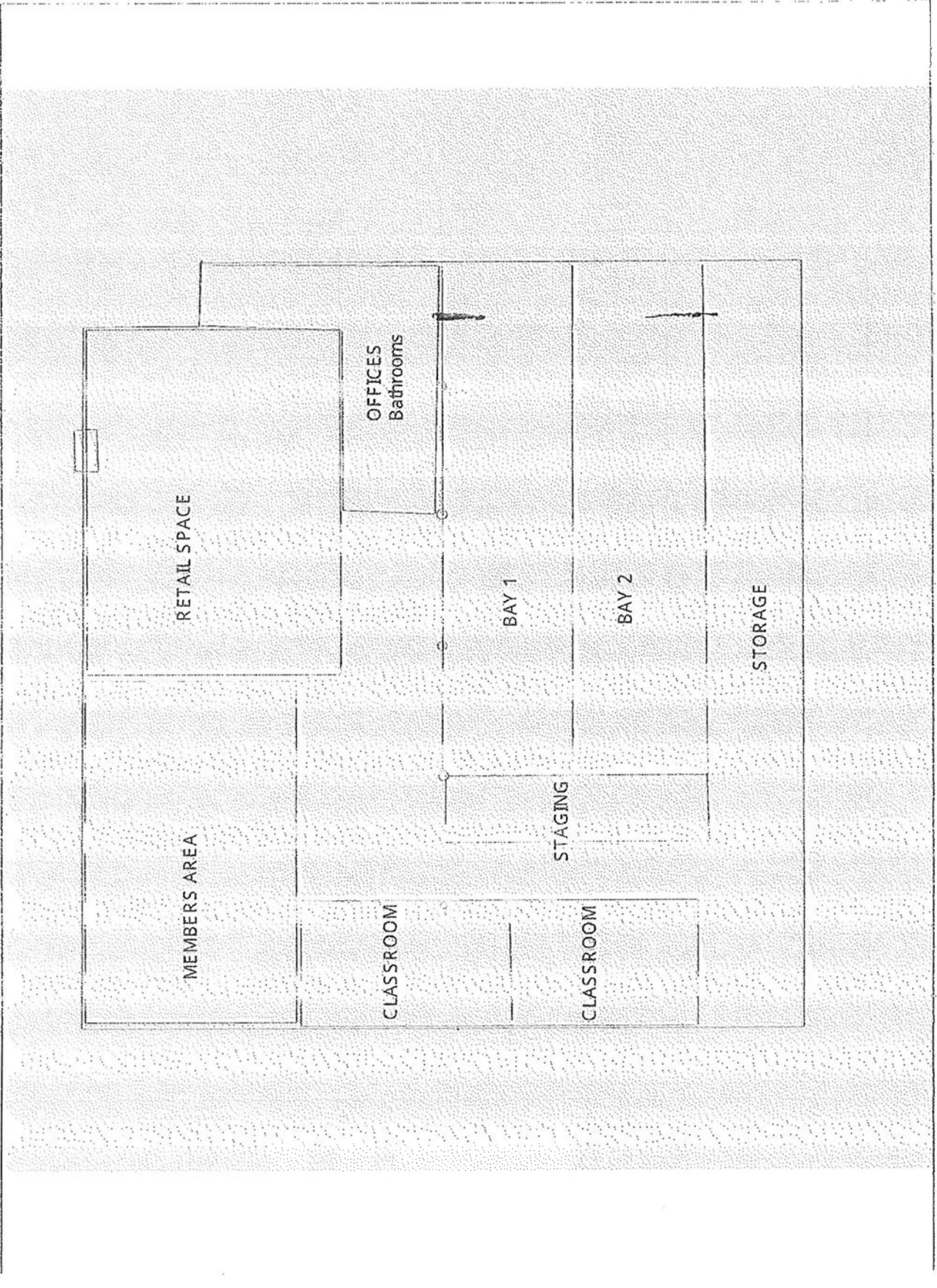
The undersigned understands that this statement is made subject to the penalties of 18 Pa.C.S. Section 4904 relating to unsworn falsifications to authorities.

Date: 06/30/2021



Applicant





EAST WHITELAND TOWNSHIP ZONING HEARING BOARD

APPLICATION FOR:

- ☐ SPECIAL EXCEPTION
- ☒ VARIANCE
- ☐ APPEAL FROM INTERPRETATION OR RULING OF THE
THE ZONING OFFICER
- ☐ VALIDITY CHALLENGE
- ☐ OTHER (SPECIFY BASIS)

(Submit eight copies of application and eight copies of plans)

Date: 6/30/21

1. Applicant's name and address: Green Fig Land, LLC, 10 Woodford Lane, Malvern, PA 19355
2. Who owns the real estate on which the proposed exception or variance is being requested?
Whiteland Holdings LP
3. Please give a brief description, state location of the real estate, and Tax Parcel Number on which the proposed special exception, variance or other relief is being requested:
 - (a) Address: 954 Swedesford Road and 15 South Bacton Hill Road
 - (b) Tax Parcel No. 42-3-130, 42-3-130.1, 42-3-130.2, 42-3-128
 - (c) Location & Description: South side of Swedesford Road, located west of South Bacton Hill Road.
4. What is the present zoning classification of the real estate involved?
INS-CCRC and I Districts
5. What buildings or other structures are now on the property? Vacant
6. What use is now being made of the property? Formerly occupied by Foote Mineral Company and was a superfund site for which remediation was previously completed.
7. Indicate by number the section(s) of the Zoning Ordinance under which you feel the special exception, variance or other relief may be allowed, and state your reasons why it should be granted:
See attached Addendum.

8. What additions to or improvements in the property do you intend to make under this application? Please describe below as completely as possible:
See attached Addendum.
9. Have you attached a plan and/or other graphic material? If so, please identify:
Site Plan prepared by JMR Engineering, LLC dated June 30, 2021.
10. In keeping with Section 200-116.B of the Township Zoning Ordinance, at least ten (10) days prior to the hearing the applicant is responsible for providing notice by regular first-class mail or hand delivery to the address of record as is on file at the Chester County Assessor's office to all owners of properties contiguous to and directly across the street from the affected tract. In addition, where the Zoning Officer believes, in his/her sole discretion, that the relief requested may affect the use and enjoyment of additional properties in proximity to the affected property, the Zoning Officer shall designate such additional property owners to receive written notice by the applicant to the public hearing.

Filing fee deposit (See: Current Fee Schedule)

Eight sets of site plans to be submitted with application.

Charles R. Lyddane - Managing Partner
Signature of Applicant or Authorized Representative Green Flc

Name of Contact for Applicant: Greg Walters
Phone Number: 610-331-7390
Email Address: gregwalters@thewalterscompany.com
Name of Engineer, Architect or Planner (if applicable) Jack Robinson, P.E.
Name of Attorney: Louis J. Colagrecro, Jr., Esquire; Alyson M. Zarro, Esquire
Attorney's Email Address: lou@rrhc.com; alyson@rrhc.com

NOTE: All communications will be by email transmittal, unless you elect by regular mail:
If prefer communications by:

☒ Email
☐ Regular Mail

Green Fig Land Company
10 Woodford Lane
Malvern, PA 19355
610-357-8963

1160
60-848/319

6.18 2021

Pay to the
Order of

EAST WHITELAND TOWNSHIP \$ 1250.-

One thousand two hundred fifty -Dollars



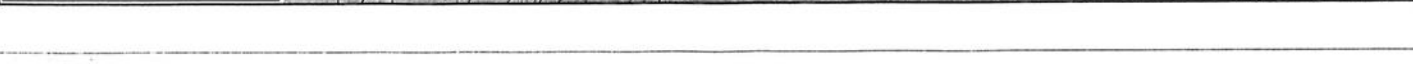
Bryn Mawr Trust Company

For

zoning application for Charles R. Lyddane

⑆031908485⑆9107098206⑈ 1160

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**EAST WHITELAND TOWNSHIP
ZONING HEARING BOARD APPLICATION ADDENDUM**

**APPLICATION OF:
GREEN FIG LAND, LLC**

June 30, 2021

- 7. Indicate by number the section(s) of the Zoning Ordinance under which you feel the special exception, variance or other relief requested may be allowed, and state your reasons why it should be granted.**
- 8. What additions to or improvements in the property do you intend to make under this application? Please describe as completely as possible.**

Green Fig Land LLC ("Applicant") is equitable owner of property situated on the south side of Swedesford Road and identified as UPI Nos. 42-3-130, 42-3-130.1, 42-3-130.2 and 42-3-128 ("Subject Property").

On February 22, 2018, Whiteland Holdings LP received variance relief from the East Whiteland Township Zoning Board ("Board") to allow for construction of a data center on the Subject Property as defined in the Board's Opinion and Order for Appeal No. 2018-2 dated February 26, 2018 ("Decision"). (The "Subject Property" was subdivided after the issuance of the Decision, but is still being treated as one tract for purposes of the proposed development described in this new Application.) The Board imposed the following condition on the grant of that variance relief:

The development of the Subject Property for data center usage shall be substantially in accordance with the testimony and exhibits submitted to the Zoning Hearing Board, including, but not limited to the maximum floor area of the proposed two buildings shall not exceed 720,000 square feet in the aggregate (without prejudice to the Applicant's right to request further relief in the future, if warranted and granted by the Zoning Board).

Applicant now seeks further relief to expand the size of the data center to 1,895,865 sq. ft. square feet and to add an additional microwave tower on the Subject Property. In so doing, other variances granted in conjunction with the Decision would need to be extended to accommodate the additional building square footage and attendant parking.

Accordingly, Applicant is requesting the following variances:

- A variance 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.

- A variance from Section 200-46, Attachment 11, Table of Development Standards, maximum height, accessory structure. A variance to allow one 150' accessory microwave tower was previously granted. Applicant is requesting a variance to allow a second accessory microwave tower at a height of 150 feet.
- A variance 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 seeks to extend this relief to new parking areas proposed on the east and south sides of the Subject Property.
- A variance 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 seeks to extend this relief to new pervious parking areas.
- A variance from Section 200-70, 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 seeks to extend this ratio to the new parking areas.
- A variance 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 seeks to have this relief apply to the new plan.

The reasons why this application should be granted will be presented at the hearing.