

**MIDDLETOWN TOWNSHIP STATEMENT ON NOTICE OF DEEMED APPROVAL
OF TENTATIVE PLAN OF ELWYN OF PENNSYLVANIA AND DELAWARE
AND ROCKY RUN DEVELOPMENT, LLC
FOR PLANNED RESIDENTIAL DEVELOPMENT AT THE SLEIGHTON FARM
SCHOOL PROPERTY**

On March 16, 2023, Elwyn of Pennsylvania and Delaware and Rocky Run Development, LLC (collectively, the “Developers”) published a “Notice of Deemed Approval” in the Delaware County Daily Times claiming that a Tentative Plan for a proposed Planned Residential Development (“PRD”) submitted to the Township on September 13, 2021 and providing for the development of 60 residential units and other related improvements on an approximately 25.77 acre parcel of land located on Valley Road in Township, being a portion of the former Sleighton Farm School property, and now identified as Delaware County Folio No. 27-00-00628-01, has been deemed approved as of March 12, 2022 as a result of the Township’s alleged failure to take action on the Tentative Plan within the time periods required under the Pennsylvania Municipalities Planning Code. A copy of the Notice of Deemed Approval is attached hereto. The Township disputes the Developers’ claim of a deemed approval of the Tentative Plan and intends to take all appropriate action necessary to vigorously challenge this claim.

Under the law applicable to alleged deemed approvals, however, the Township may be limited in the scope of its challenge of the Developers’ claimed deemed approval. The law permits any party opposing the Developers’ alleged application for approval of the Tentative Plan to file their own appeal separately from any potential action taken by the Township wherein such opposing party may be permitted to challenge the merits of the Developers’ Tentative Plan, including whether the Tentative Plan, and the development proposed therein, meets the specific requirements of the Township’s PRD Ordinance, and raise other procedural issues related to the alleged approval claimed by the Developers. Any such appeal must be filed with the Court of Common Pleas of Delaware County (Media, Pennsylvania) within 30 days of the issuance of the public notice of the Notice of Deemed Approval.

If you have questions or would like additional information, you may contact the Township at (610) 565-2700.

NOTICE OF DEEMED APPROVAL



NOTICE OF DEEMED APPROVAL NOTICE is hereby given under and pursuant to the Pennsylvania Municipalities Planning Code ("MPC"), 53 P.S. §10101 et seq., of a deemed approval of an application (the "Application") filed by Elwyn of Pennsylvania and Delaware and Rocky Run Development, LLC (collectively, the "Applicants") with the Township Council of Middletown Township (the "Township"). The Application was filed on September 13, 2021, and sought Tentative Plan approval of a planned residential development providing for 60 residential units on a certain parcel of land situate on Valley Road in Middletown Township. Section 709 of the MPC requires the Township to, within 60 days of the conclusion of the public hearing on the application or within 180 days after the filing of the application, whichever occurs first, (1) grant tentative approval of the development plan as submitted, (2) grant tentative approval subject to specified conditions not specified in the development plan as submitted, or (3) deny tentative approval to the development plan. The Township failed to take action, and failed to provide written notice of any action, in compliance with Section 709 of the MPC within 180 days following the filing of the application, or March 12, 2022. This is to advise that an appeal of the approval to a court of competent jurisdiction must be filed within thirty (30) days of the publication of this notice. Duane Morris LLP Attorneys for Applicants DCT: Mar. 16, 23. a-1

Post Date: 03/16 12:00 AM

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