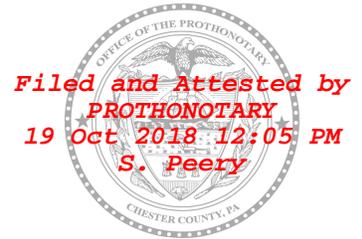


**KAPLIN STEWART MELOFF REITER & STEIN, P.C.**

By: Marc B. Kaplin, Esquire  
Gregg I. Adelman, Esquire  
Attorney I.D. Nos. 04465, 84137  
Union Meeting Corporate Center  
910 Harvest Drive  
P.O. Box 3037  
Blue Bell, PA 19422  
(610) 941-2552

Attorneys for Appellant  
Toll PA XVIII, L.P.



|  |   |                     |
|--|---|---------------------|
| IN RE: APPEAL OF THE FEBRUARY 12, 2018 | : | BEFORE THE COURT OF |
| DECISION OF THE WESTTOWN TOWNSHIP      | : | COMMON PLEAS OF     |
| BOARD OF SUPERVISORS DENYING           | : | CHESTER COUNTY, PA  |
| TOLL PA XVIII, L.P.'S CONDITIONAL USE  | : |                     |
| APPLICATION FOR A FLEXIBLE             | : | CASE NO. 2018-02620 |
| DEVELOPMENT OF CREBILLY FARM           | : | LAND USE APPEAL     |

**APPELLANT TOLL PA XVIII, L.P.'S**  
**CONCISE STATEMENT OF MATTERS COMPLAINED OF ON APPEAL**

Appellant Toll PA XVIII, L.P. (“Toll” or “Appellant”) hereby submits the following matters complained of on appeal from the October 1, 2018 Order and Opinion issued by this Court (the “Lower Court”):

a. The Lower Court erred by not reversing the Westttown Township (“Township”) Board of Supervisors’ denial of Toll’s conditional use application (“Application”) for a residential development of the Crebilly Farm property under the Flexible Development Regulations of the Township Zoning Ordinance [Article IX, Section 170-900 et seq.];

b. The Lower Court erred by not determining that Toll’s Application satisfied the applicable objective criteria under the Flexible Development Regulations and the Township Zoning Ordinance;

c. The Lower Court erred by determining that Toll is required to construct a “collector road” through the Crebilly Farm property and that Toll waived its ability to argue against such a requirement;

d. The Lower Court erred by determining that the intersection of Route 926

and S. New Street is considered “on-site”;

e. The Lower Court erred by determining that Toll is required to construct off-site intersection improvements at the PennDOT controlled intersection of Route 926 and S. New Street and that the Township has the authority to require such improvements;

f. The Lower Court erred by determining that Toll is required to revise its conditional use site plan to depict alternative site accesses discussed and evaluated during the hearings on the Application; and

g. The Lower Court erred by determining that Toll failed to address or depict “all lands visible from any adjacent public road” when the Conservation Design Regulations of the Township Zoning Ordinance [Article IX, Section 170-1617] require preservation of “*scenic views* from existing streets”, which the Court held is not an objective standard.

Respectfully submitted,

**KAPLIN STEWART MELOFF REITER &  
STEIN, P.C.**

Dated: October 19, 2018

By: /s/ Gregg I. Adelman, Esquire  
Gregg I. Adelman, Esquire

Attorneys for Appellant  
Toll PA XVIII, L.P.