

RESOLUTION NO. 715

**BOROUGH OF MALVERN
CHESTER COUNTY, PENNSYLVANIA**

A Resolution approving, subject to conditions, the plan entitled "2016 Preliminary/Final Major Land Development Plan prepared for 183 Pennsylvania Avenue, LLC" prepared by G.D. Houtman & Sons, Inc., dated March 31, 2016, last revised June 21, 2016 as a preliminary/final plan ("Plan"), submitted by Mark DeRita ("Applicant") consisting of five (5) sheets pursuant to the Malvern Borough Subdivision and Land Development Regulations of 2006, as amended ("Land Development Ordinance") for the development of certain property located in the Borough of Malvern ("Borough"), Chester County, Pennsylvania, in the LI zoning district.

BACKGROUND

Applicant has filed an application ("Application") with the Borough for approval of a Preliminary/Final Plan prepared by G.D. Houtman & Sons, Inc. dated March 31, 2016, last revised June 21, 2016 ("Plan"). This Resolution No. 715 is the Borough's written decision on the Application and Plan.

183 Pennsylvania Ave. is a lot consisting of 0.839 acres and is the site of the DeRita Woodworking business. Applicant proposes to construct an approximate 5,400 square foot storage building expansion to an existing office & shop building located off of Pennsylvania Avenue. In addition, parking improvements and stormwater management improvements are proposed to be construction.

Applicant has submitted the Application to the Borough and now requests approval of the Plan.

The Application was reviewed by the Borough Engineer and the Planning Commission. At the Planning Commission meeting on July 7, 2016, the Planning Commission recommended that the Plan, be approved as a preliminary/final plan contingent on the comments contained in the Borough Engineer's review letter #2 dated June 30, 2016.

The June 21, 2016 version of the Plan was reviewed by the Borough Engineer, who provided a review letter dated June 30, 2016. The June 30, 2016 review letter supersedes the May 5, 2016 review letter.

On July 19, 2016, Borough Council approved the Application at the public meeting subject to conditions as set forth herein. This is the written decision documenting that approval.

MATTERS RESOLVED

Borough Council hereby RESOLVES that the Plan is approved, as a Preliminary/Final Major Land Development Plan, pursuant to the Land Development Ordinance and subject to the waiver relief and conditions set forth hereinbelow.

This approval grants the following waivers, with conditions, from the Land Development Ordinance:

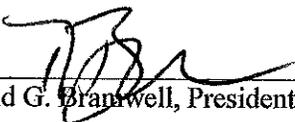
1. Section 300.B.2, C., and 301 – requiring a four-step design process and submission of a Preliminary Plan.
2. Section 514.B. – Requiring that curbs be provided on all parking areas.
3. Section 515.A, and B. – Requiring that sidewalks be provided on existing streets.

4. Section 525.C. – Requiring street trees to be installed on Pennsylvania Ave. and Quaker Ln.

This approval is also subject to the following conditions, which shall bind Applicant, the property owners and their heirs, successors and assigns:

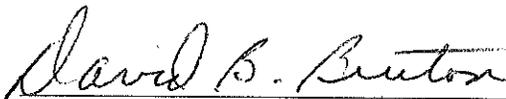
1. Prior to Plan recordation, Applicant shall satisfy all outstanding items included in the Borough Engineer's letter of June 30, 2016, with the exception of Item #16.b of the Borough Engineer's letter.
2. As a condition of receiving a waiver from section 525.C of the Land Development Ordinance, the Applicant shall plant one (1) tree on the property at a location of their choosing. The tree is to conform to section 525 of the Land Development Ordinance and the list of acceptable trees in Appendix A of the Borough Zoning Ordinance.
3. As a condition of receiving a waiver from sections 515.A. and 515.B. of the Land Development Ordinance, the Applicant shall pay a fee-in-lieu for the cost to install sidewalks on both Pennsylvania Ave. and Quaker Ln.
4. Prior to Plan recordation, Applicant shall execute and cause to be recorded a Drainage Easement instrument, and execute such collateral agreement(s) as may be required, in form(s) acceptable to the Borough Engineer and the Borough Solicitor, which shall provide for the Borough's inspection, maintenance, repair, and replacement of the pipe crossing beneath the Applicant's property which conveys water from Pennsylvania Avenue to Quaker Lane. The Borough of Malvern will bear the costs for preparation and recording of the Drainage Easement instrument.

Passed by Borough Council this 19th day of July, 2016.



David G. Branwell, President

Approved by the Mayor, this 19th day of July, 2016.



David B. Burton, Mayor

Enacted, this 19th day of July, 2016.



Christopher Bashore, Secretary