

RESOLUTION NO. 795

A RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF MALVERN, CHESTER COUNTY, COMMONWEALTH OF PENNSYLVANIA, APPROVING A REVISION TO THE APPROVED SUBDIVISION PLAN FOR 51 RUTHLAND AVENUE AND GRANTING A WAIVER FROM SECTION 181-513.F. OF THE MALVERN BOROUGH SUBDIVISION & LAND DEVELOPMENT ORDINANCE.

WHEREAS, the Borough Council of the Borough of Malvern adopted Resolution No. 750 on December 5, 2017 approving the subdivision and land development project at 51 Ruthland Avenue subject to conditions, and

WHEREAS, certain field changes occurred that were outside of the approval originally granted for the subdivision and land development project at 51 Ruthland Avenue, and

WHEREAS, Ruthland Properties LLC (the "Developer") has submitted a revised plan prepared by JMR Engineering, LLC, dated June 30, 2017, last revised October 24, 2019 (the "Revised Plan"), and

WHEREAS, the Revised Plan depicts the modification of the proposed location of the driveways to be less than five (5) feet from the side or rear lot lines as required by the Malvern Borough Subdivision and Lane Development Ordinance, and

WHEREAS, the Developer has requested a waiver from section 181-513.F. of the Malvern Borough Subdivision and Land Development Ordinance in order to have the proposed driveways less than less than five (5) feet from the side or rear lot lines, and

WHEREAS, the Malvern Borough Planning Commission reviewed this waiver request at their meeting on November 7, 2019 and recommend granting the requested waiver.

NOW, THEREFORE, BE IT RESOLVED, that the Borough Council of the Borough of Malvern hereby grants a waiver from section 181-513.F. of the Malvern Borough Subdivision and Land Development Ordinance in order have the proposed driveways less than less than five (5) feet from the side or rear lot lines as depicted on the Revised Plan.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that this approval is conditioned on the proposed crosswalk at the intersection with Ruthland Avenue and Raspberry Street being evaluated by the Borough Engineer to determine if it should be located on the north or south side of the intersection. The Borough Engineer shall have final determination on the location.

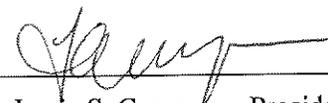
NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Revised Plan be recorded in the Office of the Chester County Recorder of Deeds, with evidence thereof provided to the Borough.

NOW, THEREFORE, BE IT FURTHER RESOLVED, all other conditions and requirements outlined in Resolution No. 750 shall remain in full force and effect.

Passed by Borough Council,
this 19 day of November, 2019.

Approved by the Mayor,
this 19 day of November, 2019.

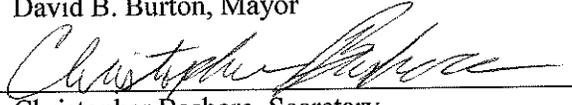
Enacted,
this 19 day of November, 2019.



Jamie S. Grossman, President



David B. Burton, Mayor



Christopher Bashore, Secretary