

## RESOLUTION NO. 746

### BOROUGH OF MALVERN CHESTER COUNTY, PENNSYLVANIA

A Resolution approving, subject to conditions, the plan entitled "Preliminary/Final Plan for 323 Old Lincoln Highway," prepared by JMR Engineering, LLC., dated April 4, 2017, last revised July 28, 2017, signed and sealed by John M. Robinson, P.E., Registered Professional Engineer, pursuant to the Malvern Borough Subdivision & Land Development Ordinance of 2006, as amended ("Land Development Ordinance") for the development of certain property ("Property") located in the Borough of Malvern ("Borough"), Chester County, Pennsylvania, UPI #2-4-37, in the R-3b Residential zoning district.

#### BACKGROUND

Providence One Builders, LLC C/O David Hopkins (the "Applicant") has filed an application with the Borough for approval of a Preliminary/Final Land Development Plan prepared by JMR Engineering, LLC, dated April 4, 2017, last revised July 28, 2017 (the "Plan"). This Resolution No. 746 is the Borough's written decision on the Application and Plan.

The Plan proposes to subdivide the property into 3 lots and construct 1 two-family semi-detached dwelling. The existing single family dwelling is proposed to remain. The subject property is located at 323 Old Lincoln Highway, Malvern, PA 19355, consists of 0.81 acres, and is located in the R-3b Residential zoning district.

#### MATTERS RESOLVED

Borough Council hereby RESOLVES that the Plan is approved, pursuant to the Land Development Ordinance and subject to the waiver relief and conditions set forth herein below. This approval grants the following waivers, with conditions, from the Borough's Subdivision and Land Development Ordinance:

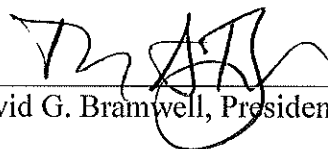
1. **Section 181-300.C** – Requiring separate Preliminary and Final Plan submissions.
2. **Section 181-301.E** – Requiring documentation for the Four-Step Design Process.
3. **Section 181-503** – Requiring a minimum cartway width of 32 feet for a distributor street and from requiring a minimum cartway width of 28 feet for a local street.
4. **Section 181-513** – Requiring no driveways to be situated within 5 feet of a side or rear property line, except where common driveways are utilized.
5. **Section 181-514.A** – Requiring curbs to be installed along both sides of all streets and shall be plain concrete curb.
6. **Section 181-515.A** – Requiring sidewalks to be provided on both sides of all existing and proposed streets

7. **Section 181-519.G.5** – Requiring sewer lateral lengths to be 150 feet maximum.

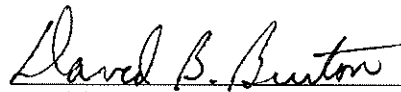
This approval is also subject to the following conditions, which shall bind Applicant, the property owners and their heirs, successors and assigns:

1. Complete compliance with the Borough Engineer's Engineering Review Letter for the Plan dated August 12, 2017.
2. Pavement restoration following utility improvements on Old Lincoln Highway are to extend from edge to edge of the roadway and are to be in accordance with Ordinance Section 179.17.I.1.(c).
3. Review and approval by the Borough Solicitor and Borough Engineer of Easement Agreements pertaining to this property.
4. Agreement to and compliance with fee-in-lieu for sidewalks. Terms to be established by the Borough Engineer.
5. The applicant shall install a fire hydrant, water line, and connections in accordance with SALDO 181-520.G.7, and at a location acceptable to both the Fire Marshal and the Borough Engineer.
6. The planting of one additional tree on the property as per the notation in waiver number 9.


Passed by Borough Council this 5 day of September, 2017

  
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David G. Bramwell, President

Approved by the Mayor, this 5 day of September, 2017

  
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David B. Burton, Mayor

Enacted, this 5 day of September, 2017.

  
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Christopher Bashore, Secretary