

RESOLUTION NO. 750

**BOROUGH OF MALVERN
CHESTER COUNTY, PENNSYLVANIA**

A Resolution approving, subject to conditions, the plan entitled "Preliminary/Final Plan of Property for 51 Ruthland Avenue," prepared by JMR Engineering, LLC, dated June 30, 2017, last revised October 20, 2017, consisting of seven (7) sheets, pursuant to the Malvern Borough Subdivision and Land Development Ordinance, as amended ("Land Development Ordinance") for the development of certain property ("Property") located in the Borough of Malvern ("Borough"), Chester County, Pennsylvania, in the R-4 zoning district.

BACKGROUND

Applicant has filed an application ("Application") with the Borough for approval of a Preliminary/Final Plan prepared JMR Engineering, LLC, dated June 30, 2017, last revised October 20, 2017 ("Plan"). This Resolution No. 750 is the Borough's written decision on the Application and Plan.

51 Ruthland Avenue is a lot consisting of 0.85 acres, is the former site of a nursery and greenhouses, and is currently improved with an apartment building, which is proposed to be removed. Applicant proposes to subdivide the Property into five (5) lots and construct four (4) single-family semi-detached dwellings and one (1) single-family detached dwelling. The proposed dwelling units will be served by public sewer and water.

The Application was reviewed by the Borough Engineer and the Planning Commission. At the Planning Commission meeting on November 16, 2017, the Planning Commission recommended that the Plan be approved as a preliminary/final plan conditioned upon compliance with all items in the Borough Engineer's review letter of November 10, 2017 and placement of a pedestrian crossing sign at the northwest corner of the intersection of Ruthland and Raspberry Avenues.

On December 5, 2017, 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 Plan, pursuant to the Land Development Ordinance and subject to the waiver relief and conditions set forth hereinbelow.

WAIVERS

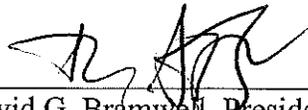
Borough Council determines that the following waivers from the Land Development Ordinance are in the public interest and will, subject to the conditions imposed herein, substantially secure the objectives of the standards or requirements so modified:

1. Section 181-300.C requiring separate preliminary and final plans for a Major Subdivision and Land Development application;
2. Section 181-301.E regarding the requirement to submit maps indicating the findings of each step of the Four-Step Design Process;
3. Section 181-503.C regarding the requirement to expand the cartway width of Ruthland Avenue to 28 feet (which would require an additional four feet of widening); and
4. Section 181-513.K5 regarding the requirement that new driveways provide a safe turnaround area outside the road right-of-way, where feasible, and be designed so that vehicles will not be required to back into the adjoining street.

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

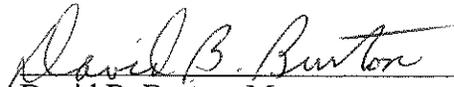
1. Prior to Plan recordation, Applicant shall satisfy all outstanding items included in the Borough Engineer's letter of November 10, 2017.
2. Prior to Plan recordation, Applicant shall provide to the Borough copies of all permits and approvals for the subdivision, including but not limited to, the Act 537 Sewage Planning Module approval from the Pennsylvania Department of Environmental Protection. Should the permits or approvals cause the relocation of lot lines or improvements otherwise depicted on the Plan, Applicant shall present an amended final plan to Council for review and approval.
3. Prior to Plan recordation, Applicant shall add to the Plan a pedestrian crossing sign to be installed as part of the subdivision at the northwest corner of the intersection of Ruthland Avenue and Raspberry Avenue, satisfactory to the Borough Engineer.
4. Prior to Plan recordation, Applicant shall prepare and submit an easement agreement for the drainage easement on Lot 5 that benefits Lot 4, and shall execute said easement agreement (which will be recorded), in a form satisfactory to the Borough Solicitor.
5. Prior to Plan recordation, Applicant shall execute a Stormwater Controls and Best Management Practices Operations and Maintenance Agreement (which will be recorded), a Financial Security Agreement, and a Subdivision and Land Development Agreement, together with the posting of adequate escrow to guarantee the required public improvements, in form satisfactory to the Borough Solicitor.
6. Applicant shall contribute to the Municipal Stormwater Control and BMP Maintenance Fund for the future inspections of the private stormwater facilities.

Passed by Borough Council this 5 day of December, 2017.



David G. Bramwell, President

Approved by the Mayor, this 5 day of December, 2017.



David B. Burton, Mayor

Enacted, this 5 day of December, 2017.



Christopher Bashore, Secretary