

RESOLUTION NO. 762

BOROUGH OF MALVERN CHESTER COUNTY, PENNSYLVANIA

A Resolution approving, subject to conditions, a waiver of the requirements of the Malvern Borough Subdivision and Land Development Ordinance based on the plan entitled "Waiver of Land Development Plan – Malvern Preparatory School Steam and Middle School" prepared by Nave Newell, dated January 31, 2018, signed and seal by Gregory C. Newell, P.E., registered professional engineer for the installation of six (6) temporary classroom trailers on the property of Malvern Preparatory School located in the Borough of Malvern (the "Borough"), Chester County, Commonwealth of Pennsylvania in the I1 – Institutional zoning district.

BACKGROUND

Malvern Preparatory School (the "Applicant") has filed a request to the Borough to waive the requirements of the Borough's Subdivision & Land Development Ordinance through the submission of a plan prepared by Nave Newell dated January 31, 2018 (the "Plan"). This Resolution No. 762 is the Borough's written decision on the granting of a waiver from the requirements of the Subdivision & Land Development Ordinance and the Plan.

The Plan proposes to install six (6) temporary trailers for a period of 12 months to be used as temporary classrooms during the construction of the expansion to the Augustine Center, which was approved as part of Resolution No. 737. The trailers will be arranged side-by-side as a single building, situated to the west of the Sports Center and north of the soccer/lacrosse field. The subject property is located at 418 S. Warren Ave., Malvern, Pa 19355, consists of 99.63 acres, and is located in the I1 – Institutional zoning district.

On February 1, 2018, the Plan requesting a waiver from the Malvern Borough Subdivision & Land Development Ordinance was submitted to the Borough.

On March 1, 2018, the Plan requesting a waiver from the Malvern Borough Subdivision & Land Development Ordinance was reviewed by the Borough's Planning Commission, which recommended approval of the waiver subject to conditions.

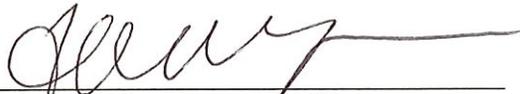
On April 3, 2018, the Borough Council approved the Plan requesting a waiver from the Malvern Borough Subdivision & Land Development Ordinance, subject to conditions, through the adoption of Resolution No. 762. This is the written decision documenting that approval.

MATTERS RESOLVED

Borough Council hereby RESOLVES that the terms of the Malvern Borough Subdivision & Land Development Ordinance are hereby modified such that the provisions of the Malvern Borough Subdivision & Land Development Ordinance are waived for the Plan subject to the following conditions, which shall bind Applicant, the property owners and their heirs, successors and assigns:

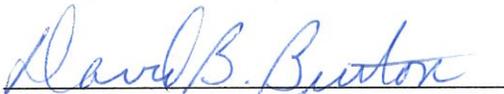
1. The Applicant consents and agrees to the applicability and jurisdiction of the Subdivision and Land Development Ordinance to the installation of the trailers.
2. Prior to the installation of the trailers or any grading activity, the Applicant shall submit one or more plans, satisfactory to the Borough Engineer, and in accordance with applicable laws, ordinances, and regulations addressing each of the following:
 - a. Grading
 - b. Stormwater Management
 - c. Erosion and Sedimentation Controls
 - d. Anchoring of the trailers so as to reasonably avoid the unplanned movement of the trailers due to wind or other dangerous conditions.
3. The trailers shall be installed and used in accordance with all applicable regulations, including (without limitation) those regulations relating to the use and maintenance of water and sewage tanks.
4. The Applicant will remove the trailers and return the ground beneath them to its original state on or before a date, which is fifteen (15) months from the first date when any of the trailers were delivered to the Property.

Passed by Borough Council this 3 day of April, 2018.



Jamie S. Grossman, President

Approved by the Mayor, this 3 day of April, 2018.



David B. Burton, Mayor

Enacted, this 3 day of April, 2018.



Christopher Bashore, Secretary