

RESOLUTION NO. 684

BOROUGH OF MALVERN CHESTER COUNTY, PENNSYLVANIA

A Resolution approving, subject to conditions, the plan entitled "2014 Preliminary/Final Subdivision Plan prepared for 347 Old Lincoln Highway Rubino Holdings, L.P." prepared by Yerkes Associates., dated June 6, 2014 as a preliminary plan, pursuant to the Malvern Borough Subdivision and Land Development Regulations of 2006, 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-3b zoning district.

BACKGROUND

Applicant has filed an application ("Application") with the Borough for approval of a Plan prepared by Yerkes Associates, Inc., dated June 6, 2014. This Resolution No. 684 is the Borough's decision on the Application and Plan.

347 Old Lincoln Highway is a lot consisting of 30,894 s.f. and presently vacant. The Applicant proposes to subdivide the property to construct three (3) new single family dwellings. The property has frontage along a 50-foot wide, unnamed private right-of-way that was the subject of a Quiet Title Action in the Court of Common Pleas in 2001-2002. Driveway access for two of the proposed lots is from the private right-of-way.

Zoning relief was obtained to establish the front yard setbacks for the lots.

Seven waivers were requested. The proposal was reviewed by the Borough Engineer and Planning Commission who recommended approval as a preliminary plan, subject to certain conditions and with six of the seven waivers. The request for a waiver for combined preliminary/final approval was not recommended for approval.

MATTERS RESOLVED

Borough Council hereby RESOLVES that the Plan is approved, pursuant to the Land Development Ordinance, as a preliminary Plan.

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

1. The following waivers are granted:
 - a) Section 300.C. & 301.E - waiver of the Four-Step design process;
 - b) Section 503.A - waiver of requirement to widen Old Lincoln Highway;
 - c) Section 503.A - waiver of requirement to widen the unnamed road to 28 feet. 18 feet is hereby required;
 - d) Section 511.C - waiver from the requirement that side lot lines shall be at right angles or radial to ultimate right of ways from the ultimate right of way to the rear

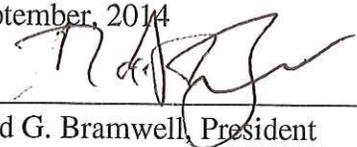
lot line;

e) Section 514.A - waiver from the requirement to install curbs along the unnamed road;

f) Section 515.A - waiver from the requirement to install sidewalks. The grant of this waiver is conditioned on the requirement that, in place of installing sidewalks along the private street, an equivalent length of sidewalk and curbing shall be installed, as a part of this land development plan, along the street frontage of Rubino Park. The plan for same shall be evaluated during final plan processing. At that time, should the Borough determine that storm water management or other factors make such Rubino Park sidewalk installation infeasible or undesirable, then the Applicant shall instead pay a fee in lieu of sidewalk installation in accordance with the Ordinance.

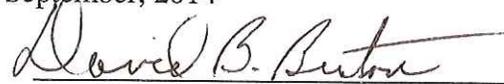
2. The Applicant shall satisfy all outstanding items included in the Borough Engineer's letters of July 31, 2014 and August 29, 2014.
3. The Applicant shall either prepare a grading easement for review by the Borough Solicitor or adjust the grading so as to not encroach on the neighboring lot to the east.
4. Prior to recording the final plan, the PA DEP approval for connection to public sewer must be obtained.
5. Prior to recording the final plan, the 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. The Applicant shall also contribute to the Municipal Stormwater Control and BMP Maintenance Fund for the future inspections of the private stormwater facilities.

Passed by Borough Council, this 16th day of September, 2014



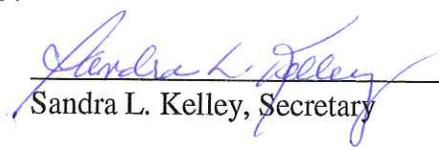
David G. Bramwell, President

Approved by the Mayor, this 16th day of September, 2014



David B. Burton, Mayor

Enacted, this 16th day of September, 2014



Sandra L. Kelley, Secretary