

RESOLUTION NO. 687

BOROUGH OF MALVERN CHESTER COUNTY, PENNSYLVANIA

A Resolution approving, subject to conditions, the plan entitled “2014 Final Subdivision Plan prepared for 347 Old Lincoln Highway Rubino Holdings, L.P.” prepared by Yerkes Associates., dated January 26, 2015 as a final plan, pursuant to the Malvern Borough Subdivision and Land Development Regulations of 2006, as amended (“Land Development Ordinance”) for the development of certain property at 347 Old Lincoln Highway (“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 January 26, 2015. This Resolution No. 687 is the Borough’s decision on the Application and Plan.

347 Old Lincoln Highway is a lot consisting of 30,894 s.f. with various improvements to be, or which have already been, demolished and removed as part of the Applicant’s proposed development. The Applicant proposes to subdivide the property to construct three (3) new single family dwellings. The property has frontage along Old Lincoln Highway with an existing private driveway to the east of the Property. The Applicant proposes to demolish and widen the private driveway in order to service Lot #1 and Lot #2 (as designated on the Plan).

One zoning variance was granted (Resolution #684) permitting a front yard setback of 28 feet from the common private driveway servicing two of the to-be-subdivided parcels. Borough Council previously granted (Resolution #684 on September 16, 2014) six (6) additional waivers from the Subdivision and Land Development Ordinance (“SALDO”) as follows:

1. Section 300.C. & 301.E - waiver of the Four-Step design process;
2. Section 503.A - waiver of requirement to widen Old Lincoln Highway;
3. Section 503.A - waiver of requirement to widen the unnamed road to 28 feet. 18 feet is hereby required;
4. 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;
5. Section 514.A - waiver from the requirement to install curbs along the unnamed road;
6. 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 proposal was reviewed by the Borough Engineer and Planning Commission who both recommended approval as a preliminary plan, subject to certain conditions as described herein.

MATTERS RESOLVED

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

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

1. Applicant shall satisfy all outstanding items in the Borough Engineer's letter dated January 30, 2015.
2. The front of the house on Lot 1 shall face Old Lincoln Highway rather than the common private driveway and shall have a walkway to Old Lincoln Highway.
3. The Lot 2 sewer connection shall connect to the Old Lincoln Highway main rather than the private line.
4. The sidewalk design shall be that of Malvern Woods, subject to Borough Approval.
5. The Applicant shall provide a highlighted, color copy of the stormwater drainage area map for the Borough's files.
6. The Applicant shall comply with all relevant requirements imposed by the Pennsylvania Department of Environmental Protection in respect to connection(s) to the public sewer. (See SALDO § 519).
7. The Applicant shall execute a Subdivision and Land Development Agreement and a Financial Security Agreement in a form satisfactory to the Borough Solicitor. Pursuant to the terms of the Financial Security Agreement, the Applicant shall guarantee, in the form of a bond or the deposit of funds or securities in escrow, of sufficient value to cover the cost of the improvements.
8. Applicant shall prepare a Stormwater Management Operation and Maintenance (O&M) Agreement and submit the same to the Borough for review and approval. The Applicant shall cause the accepted O&M Plan and Agreement to be recorded as public record in Chester County, and shall also contribute to the Municipal Stormwater Control and BMP Maintenance Fund for the future inspection of the private stormwater facilities.

Passed by Borough Council, this 17th day of February, 2015

David G. Bramwell, President

Approved by the Mayor, this 17th day of February, 2015

David B. Burton, Mayor

Enacted, this 17th day of February, 2015

Sandra L. Kelley, Secretary