

RESOLUTION NO. 688

BOROUGH OF MALVERN CHESTER COUNTY, PENNSYLVANIA

A Resolution approving, subject to conditions, the plan entitled “2014 Preliminary/Final Subdivision Plan prepared for 361 Old Lincoln Highway F. Joseph Rubino” prepared by Yerkes Associates, dated January 22, 2015 as a preliminary/final plan (“Plan”), submitted by F. Joseph Rubino (“Applicant”) pursuant to the Malvern Borough Subdivision and Land Development Regulations of 2006, as amended (“Land Development Ordinance”) for the development of certain 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 preliminary/ final approval of a Plan prepared by Yerkes Associated, Inc., dated January 22, 2015. This Resolution No. 688 is the Borough’s decision on the Application and Plan.

361 Old Lincoln Highway (“Property”) is a lot consisting of 40,539 s.f. and presently has two existing structures, a house and a garage, which are to be demolished as part of the Applicant’s redevelopment plan. The Applicant proposes to subdivide the Property to construct three (3) new single family dwellings. The property has frontage along both Old Lincoln Highway and Raffaella Drive. Driveway access for the three proposed lots is from Raffaella Drive.

The proposal was reviewed by the Borough Engineer and Planning Commission who recommended approval as a preliminary plan, subject to certain conditions and with four waivers. The request for a waiver for combined preliminary/final approval was recommended for approval.

MATTERS RESOLVED

Borough Council hereby **RESOLVES** that the Plan is approved, pursuant to the Land Development Ordinance, as a preliminary/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. The following waivers are granted:
 - a. § 300.C & 301.E - waiver of the Four-Step design process;
 - b. § 503.A - waiver of requirement to widen Old Lincoln Highway;
 - c. § 511.C - waiver from the requirement regarding side lot lines;
2. The Applicant shall satisfy all outstanding items in the Borough Engineer’s letter dated January 30, 2015.
3. The sidewalk design shall be that of Malvern Woods, subject to Borough Approval.

4. The Applicant shall provide a highlighted, color copy of the stormwater drainage area map for the Borough's files.
5. After any current tenants have moved out, but prior to the commencement of any demolition activities, the Applicant shall permit the Malvern Historical Commission or its agent(s) to enter the existing property and take photographs as a means of documenting the to-be-removed structure(s) and conditions.
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