

RESOLUTION NO. 732

BOROUGH OF MALVERN CHESTER COUNTY, PENNSYLVANIA

A Resolution approving, subject to conditions, Sheet 8 of 11 of the plan entitled "Final Subdivision Plan – Landscape Plan for 217 S. Warren Avenue Greenstone Development II Corp.," prepared by InLand Design, dated December 13, 2012, last revised March 9, 2017, signed and sealed by Eric T. Leeson, Registered Landscape Architect, pursuant to the Malvern Borough Subdivision & Land Development Ordinance 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-4 zoning district. This is a revision to the previously approved landscaping plan approved by Borough Council through Resolution No. 695.

BACKGROUND

Greenstone Development II Corp. ("Applicant") has filed a revised landscaping plan entitled "Final Subdivision Plan – Landscape Plan for 217 S. Warren Avenue Greenstone Development II Corp.," (the "Plan"). The Plan consists of sheet 8 of 11. This Plan was required pursuant to the Land Development Ordinance due to the removal of trees from the Property that were required to remain as part of the approval granted through Resolution No. 695, adopted on September 15, 2015 by Malvern Borough Council. This Resolution No. 732 is the Borough's written decision on the Application and Plan.

217 S. Warren Avenue is a lot consisting of 1.085 acres and is the site of the former Gables Greenhouse business. Applicant has subdivided the Property into five (5) lots and proposes constructing one (1) single family detached dwelling on each of the five (5) lots. The proposed dwelling units will be served by public sewer and water. On July 2, 2013, Borough Council granted preliminary plan approval for the proposed subdivision with conditions along with seven (7) waivers from the Land Development Ordinance. On November 5, 2013 pursuant to Resolution No. 671, Borough Council granted final plan approval for the proposed subdivision with conditions along with one (1) additional waiver from the Land Development Ordinance.

On September 15, 2015, Borough Council approved a revised final plan at a public meeting subject to conditions as set forth in Resolution No. 695 ("Approved Land Development Plan").

On January 9, 2017, it was observed that certain trees were removed from the property in violation of the Approved Land Development Plan, Zoning Ordinance and Land Development Ordinance.

On January 10, 2017, a letter sent by the Borough Engineer directed the Applicant to submit a revised landscaping plan to document the trees that were removed and to outline the replacement trees as required by the Borough's Land Development Ordinance.

On January 19, 2017, a Stop Work Order (the "Order") was issued by the Borough for violations of the Land Development and Zoning Ordinances. The Order required that the Applicant submit a revised landscaping plan for review and approval by the Borough.

On February 6, 2017, the Plan was reviewed by the Borough's Shade Tree Commission, which submitted recommendations for the Plan.

On February 17, 2017, a modified Stop Work Order was issued to allow the Applicant to continue building work, while requiring that a revised landscaping plan be approved by Borough Council.

On March 16, 2017, the Plan was reviewed by the Borough's Planning Commission, which recommended approval of the Plan, subject to certain conditions.

On March 21, 2017, Borough Council approved the Plan at a public meeting, subject to conditions as set forth in Resolution No. 732. This is the written decision documenting that approval.

MATTERS RESOLVED

Borough Council hereby RESOLVES that the Plan is approved, pursuant to the Land Development Ordinance and subject to the conditions set forth hereinbelow.

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

1. All conditions of approval outlined in Resolution No. 695 are incorporated herein by reference and shall be adhered to by Applicant.
2. Applicant shall cause the Plan as well as the other 10 sheets of the Final Subdivision Plan to be recorded with Chester County in accordance with the Land Development Ordinance. The Final Subdivision Plan to be recorded shall reflect the Plan changes approved in this Resolution and all previous plan amendments required by the Chester County Conservation District and the Pennsylvania Department of Environmental Protection.
3. Prior to Plan recordation, Applicant shall satisfy all outstanding items included in the Borough Engineer's letter of March 10, 2017.
4. Within fourteen (14) days of the date of this Resolution, and prior to Plan recordation and prior to the issuance of any certificates of occupancy for any residential dwelling units constructed on the Property, Applicant shall post a fee-in-lieu of planting thirteen (13) trees on the Property in the amount of \$3,900.
5. Prior to Plan recordation and prior to the issuance of any certificates of occupancy for any residential dwelling units constructed on the Property, Applicant shall execute an amendment to the Subdivision/Land Development Improvement and Maintenance Agreement between the Borough and Applicant dated March 15, 2016 to guarantee the planting of the seven (7) additional trees on the Property pursuant to the Plan through application of \$2,100 of the 10% contingency already posted by Applicant with the Borough in a form satisfactory to the Borough Solicitor. By accepting the conditions of Plan approval set forth in this Resolution No. 732, Applicant acknowledges that \$2,100

of the 10% contingency already posted by Applicant with the Borough in connection with the Approved Land Development Plan is applied as financial security for the seven (7) additional trees to guarantee the installation of them by Applicant.

6. Applicant shall be required to comply with the following requirements for construction inspections:

- Whenever construction activity is occurring on the site that involves onsite improvements (e.g., sidewalk, tree clearing, lot grading, landscaping, erosion and sedimentation controls, and any other activity that disturbs land), Applicant shall be required to notify the Borough Engineer's office, E.B. Walsh & Associates, Inc., a minimum of 48 hours prior to the start of work in accordance with Section 181-702.C of the Land Development Ordinance and the requirements of the Subdivision/Land Development Improvement and Maintenance Agreement between the Borough and Applicant dated March 15, 2016.
- The Borough Engineer's office will meet the contractor and builder onsite to review the scope of work and ensure that all activities are being completed per the approved Final Subdivision Plan.
- The Borough Engineer's office will remain onsite to ensure that the approved Final Subdivision Plan is being followed and, if deemed necessary, complete follow-up inspections throughout the day.

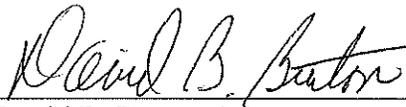
The cost of these inspections will be billed to the Applicant in accordance with the Pennsylvania Municipalities Planning Code and the Land Development Ordinance.

Passed by Borough Council this 21 day of March, 2017.



David G. Bramwell, President

Approved by the Mayor, this 21 day of March, 2017.



David B. Burton, Mayor

Enacted, this 21 day of March, 2017.



Christopher Bashore, Secretary

