

RESOLUTION NO. 774

BOROUGH OF MALVERN CHESTER COUNTY, PENNSYLVANIA

A Resolution of the Borough Council of the Borough of Malvern, Chester County, Commonwealth of Pennsylvania, approving, subject to conditions, the plan entitled "Preliminary/Final Plan of Property for 13 Lovers Lane" prepared by JMR Engineering, LLC, dated July 13, 2018, last revised October 17, 2018, signed and sealed by John M. Robinson, P.E., Registered Professional Engineer, proposing the subdivision of an existing 1.03 acre lot at tax parcels 2-4-43.1 and 2-4-44 into three (3) lots, with two (2) new single family dwelling units to be constructed, pursuant to the Malvern Borough Land Development Ordinance of 2006, as amended ("Land Development Ordinance") for the development of certain property ("Property") in the Borough of Malvern ("Borough"), Chester County, Pennsylvania, in the R-3b Residential District.

BACKGROUND

Severn Properties, LLC (the "Applicant") has filed an application with the Borough for approval of a Preliminary/Final Subdivision and Land Development Plan prepared by JMR Engineering, LLC dated July 13, 2018, last revised October 17, 2018 (the "Plan"). This Resolution No. 774 is the Borough's written decision on the Application and Plan.

The Plan proposes the subdivision of tax parcels 2-4-43.1 and 2-4-44 (gross lot area of 44,764 square feet) into three (3) lots. Two (2) new single-family detached dwelling units along with stormwater management facilities will be constructed. The existing single-family detached dwelling unit on parcel 2-4-44 is proposed to remain. The proposed development is located off of the west side of Lovers Lane, which is a private road with access to Old Lincoln Highway.

The Plan was reviewed by the Borough Engineer and the Planning Commission. At the Planning Commission meeting on December 6, 2018, the Planning Commission recommended that the Plan be approved as a preliminary/final plan conditioned upon compliance with the comments contained in the Borough Engineer's review letter dated November 9, 2018.

MATTERS RESOLVED

Borough Council hereby RESOLVES that the Plan is approved, as a preliminary/final Plan, pursuant to the Land Development Ordinance and subject to the waiver relief and conditions set forth hereinbelow.

WAIVERS

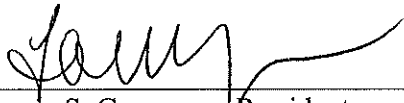
Borough Council determines that the following waivers from the Land Development Ordinance are in the public interest and will, subject to the conditions imposed herein, substantially secure the objectives of the standards or requirements so modified:

1. Section 181-300.C. regarding the requirement for separate preliminary and final plan submissions.
2. Section 181-301.E. regarding the requirement to submit maps indicating the findings of each step of the Four-Step Design Process.
3. Section 181-503.A. regarding the requirement to provide a minimum cartway width of 28 ft. and minimum right-of-way width of 50 ft. for a local roadway.
4. Section 181-503.C. regarding the requirement to widen the existing right-of-way from 40 ft. to 50 ft. and widen the existing cartway from 16 ft. to 28 ft.
5. Section 181-509. regarding street construction standards. Street construction will be completed as depicted on the plans.
6. Section 181-514.A. regarding the requirement for curbing to be installed along both sides of Lovers Lane.
7. Section 181-515.A. regarding the requirement for sidewalks to be provided on both sides of Lovers Lane. The applicant shall be required to pay a fee-in-lieu of sidewalk, with the fee to be determined by the Borough Engineer.
8. Section 181-519.A. regarding the requirement that the maximum length for a sewer lateral be 150 ft. (proposed lateral length for Lot #3 is 206 ft.).

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

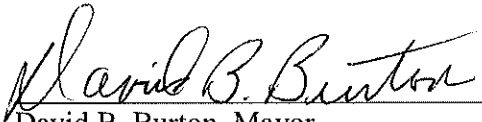
1. Compliance with the comments contained in the Borough Engineer's Engineering Review Letter dated November 9, 2018.
2. Payment of a fee-in-lieu for sidewalks as outlined in the waiver from section 181-515.A. Fee amount to be determined by the Borough Engineer.
3. Completion, review, and approval by the Borough Solicitor of the Access and Utility Agreement.
4. Prior to Plan recordation, Applicant shall execute a Stormwater Controls and Best Management Practices Operations and Maintenance Agreement (which shall be recorded), a Financial Security Agreement, together with the posting of adequate escrow to guarantee the required public improvements, in form satisfactory to the Borough Solicitor.
5. Applicant shall contribute to the Municipal Stormwater Control and BMP Maintenance Fund for the future inspections of the private stormwater facilities.

Passed by Borough Council this 19 day of December, 2018.




Jamie S. Grossman, President

Approved by the Mayor, this 18 day of December, 2018.



David B. Burton, Mayor

Enacted, this 18 day of December, 2018.



Christopher Bashore, Secretary