

RESOLUTION NO. 780

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 "Wolfe Investment Properties, LLC – 155 Channing Avenue" prepared by Vastardis Consulting Engineers, LLC, dated October 23, 2018, last revised January 21, 2019, signed and sealed by Nicholas L. Vastardis, P.E., Registered Professional Engineer, proposed the subdivision of an existing 0.62 acre lot at tax parcel 2-4-235 into two (2) lots, with one (1) new single family detached dwelling unit proposed for construction and the existing four (4) unit apartment building proposed to remain pursuant to the Malvern Borough Subdivision and Land Development Ordinance of 2006, as amended ("Ordinance") for the development of certain property ("Property") in the Borough of Malvern ("Borough"), Chester County, Pennsylvania in the R-4 Residential Zoning District.

BACKGROUND

Wolfe Investment Properties, LLC (the "Applicant") has filed an application with the Borough for approval of a Final Minor Subdivision & Land Development Plan prepared by Vastardis Consulting Engineers, LLC dated October 23, 2018, last revised January 21, 2019 (the "Plan"). This Resolution No. 780 is the Borough's written decision on the Application and Plan.

The Plan proposes the subdivision of an existing 0.62 acre parcel (UPI # 2-4-235) into two (2) lots. The existing 4-unit multi-family dwelling unit is proposed to remain on lot #1. A new single family detached dwelling unit is proposed for lot #2. No new construction is proposed for lot #1.

The Plan was reviewed by the Borough Engineer and the Planning Commission. At the Planning Commission meeting on January 17, 2019, the Planning Commission voted on the proposed Plan. The resulting vote was a tie, three (3) in favor and three (3) opposed.

MATTERS RESOLVED

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

WAIVERS

Borough Council determines that the following waivers from the 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:

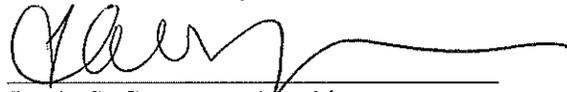
1. Section 181-511.F. requiring that lot depth generally not exceed lot width by more than 2 ½ times. This waiver pertains to lot #2 on the Plan.

CONDITIONS OF APPROVAL

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 January 29, 2019.
2. Prior to Plan recordation, Applicant shall obtain approval of a Declaration of Easement for the proposed sanitary sewer easement (which shall be recorded), in a form satisfactory to the Borough Solicitor.
3. Prior to Plan recordation, Applicant shall execute a Stormwater Controls and Best Management Practices Operations and Maintenance Agreement (which shall be recorded) and a Financial Security Agreement, together with the posting of adequate escrow to guarantee the required public improvements, in form satisfactory to the Borough Solicitor.
4. Applicant shall contribute to the Municipal Stormwater Control and BMP Maintenance Fund in the amount of one-thousand two-hundred dollars (\$1,200.00) for the future inspections of the private stormwater facilities.

Passed by Borough Council this 5 day of February, 2019.



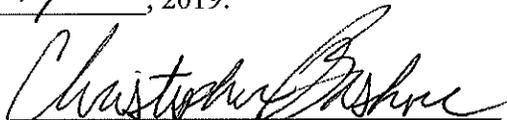
Jamie S. Grossman, President

Approved by the Mayor, this 5 day of February, 2019.



David B. Burton, Mayor

Enacted, this 5 day of February, 2019.



Christopher Bashore, Secretary