

RESOLUTION NO. 834

BOROUGH OF MALVERN CHESTER COUNTY, PENNSYLVANIA

WHEREAS, 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 Subdivision Plan The applicant is proposing to consolidate and subdivide parcel 2-6-29 (owned by Paoli Memorial Grounds) and parcel 2-6-30 (owned by Renehan Building Group) into two lots and construct two single-family dwellings. The Applicant has revised the plan set to adjust the lot line for parcel 2-6-31 (owned by P. Markowski) as part of this subdivision. The parcels are located at the corner of Sugartown Road and Monument Avenue. Access for Lot 1 is proposed to be off of Sugartown Road (PennDOT road) and access for Lot 2 is proposed to be off of Monument Avenue and no new improvements are proposed for Lot 3 (parcel 2-6-31). The plan proposed is pursuant to the Malvern Borough Subdivision & Land Development Ordinance of 2006 ("Land Development Ordinance") for the development of certain property ("Property") in the Borough of Malvern ("Borough"), Chester County, Pennsylvania, in the R-2 Residential District.

BACKGROUND

WHEREAS, Renehan Building Group (the "Applicant") has filed an application with the Borough for approval of a Preliminary/Final Land Development Plan prepared by JMR Engineering LLC dated March 7, 2022, last revised September 19, 2022, consisting of eight (8) sheets (the "Plan"). This Resolution No. 834 is the Borough's written decision on the Application and Plan.

WHEREAS, the Plan proposes the subdivision of an existing 74,648 (+/-) sq. ft. lot at 551 Sugartown Avenue Monument totaling three (3) tax parcels. The applicant is proposing to consolidate and subdivide parcel 2-6-29 (owned by Paoli Memorial Grounds) and parcel 2-6-30 (owned by Renehan Building Group) into two lots and construct two single-family dwellings. The Applicant has revised the plan set to adjust the lot line for parcel 2-6-31 (owned by P. Markowski) as part of this subdivision. The parcels are located at the corner of Sugartown Road and Monument Avenue. Access for Lot 1 is proposed to be off of Sugartown Road (PennDOT road) and access for Lot 2 is proposed to be off of Monument Avenue and no new improvements are proposed for Lot 3 (parcel 2-6-31). The plan proposed is pursuant to the Malvern Borough Subdivision & Land Development Ordinance of 2006 ("Land Development Ordinance") for the development of certain property ("Property") in the Borough of Malvern ("Borough"), Chester County, Pennsylvania, in the R-2 Residential District.

The Plan was reviewed by the Borough Engineer and the Planning Commission. At the Planning Commission meeting on September 15, 2022, 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 September 8, 2020, including the requested waivers referenced in the Applicant's September 15, 2022 letter, the grant of said

waivers to include payment to the Borough of a fee-in-lieu for the waiver of sidewalks and curbs, and pursuant to the conditions outlined in the Shade Tree Commission's email dated October 3, 2022. Revised plans were submitted on September 15, 2022 and reviewed by the Borough Engineer with comments contained in the Borough Engineer's review letter dated September 27, 2022.

MATTERS RESOLVED

WHEREAS, 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 herein below.

WAIVERS

WHEREAS, 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 300(C)(b) to submit the plans as a preliminary/ final application. **GRANTED**
2. Section 300(C)(c) to approve the design process as submitted. **GRANTED**
3. Section 503 to approve the street standard as presented regarding the right-of-way and cartway widths. **GRANTED**
4. Section 503 to approve the street standards as presented reading not accepting dedication of the right-of-way for Sugartown Road, a PennDOT owned roadway. **GRANTED**
5. Section 514(A) to approve for no curbing to be installed. **GRANTED**
6. Section 515(A) to approve a fee-in-lieu of for sidewalks. **GRANTED**
7. Section 519(G)(5) to approve the lateral lengths as proposed. **GRANTED**


WHEREAS, 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 Borough Engineer's review letter dated September 27, 2022.
2. Prior to Plan recordation, Applicant shall execute a Stormwater Controls and Best Management Practices Operations and Maintenance Agreement (which shall be recorded with evidence thereof provided to the Borough), a Developer's Agreement, 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.

Applicant shall ensure recording of the final plan consisting of eight (8) plan sheets with evidence thereof provided to the Borough.


RESOLVED this 4th day of October, 2022 by Borough Council:

this 4th day of October, 2022.


Amy Finkbiner, PhD, President

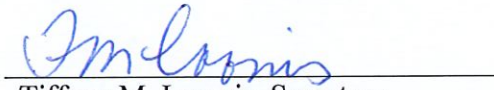
Approved by the Mayor,

this 4th day of October, 2022.


Zeyn B. Uzman, Mayor

Enacted,

This 4th day of October, 2022.


Tiffany M. Loomis, Secretary

I, Tiffany M. Loomis, duly qualified Secretary of the Borough of Malvern, Chester County, PA, hereby certify that the forgoing is a true and correct copy of a Resolution duly adopted by a majority vote of the Borough of Malvern Council at a regular meeting held October 4th, 2022, and said Resolution has been recorded in the Minutes of the Borough of Malvern and remains in effect as of this date.

IN WITNESS THEREOF, I affix my hand and attach the seal of the Borough of Malvern, this 4th day of October, 2022.

Tiffany M. Loomis, Secretary