

RESOLUTION NO. 2022-837

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 subdivide parcel 2-6-26 (owned by Rudolph and Anita Celli) into two lots and construct two single-family dwellings. The parcel is located at 626 Highland Avenue. Access for Lots 1 and Lot 2 is proposed to be off Highland Avenue. 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, Rudolph Celli (the "Applicant") has filed an application with the Borough for approval of a Preliminary/Final Land Development Plan prepared by Yohn Engineering LLC dated June 27, 2022, last revised September 20, 2022, consisting of eight (8) sheets (the "Plan"). This Resolution No. 837 is the Borough's written decision on the Application and Plan.

WHEREAS, the Plan proposes the subdivision of an existing 43,560 (+/-) sq. ft. lot at 626 Highland Avenue totaling two (2) tax parcels. The applicant is proposing to consolidate and subdivide parcel 2-6-26 (owned by Rudolph and Anita Celli) into two lots and construct two single-family dwellings. The parcels are located at 626 Highland Avenue. Access for Lot 1 and Lot 2 will be off Highland Avenue. 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 August 18, 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 August 12, 2022, including the requested waivers referenced in the Applicant's September 20, 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 in the Shade Tree Commission's recommendations at their October 17, 2022 meeting. Revised plans were submitted on September 20, 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 Highland Avenue, a Borough 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**


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 18th day of October, 2022 by Borough Council:

this 18th day of October, 2022.


Amy Finkbiner, PhD, President

Approved by the Mayor,

this 18th day of October, 2022.


Zeyn B. Uzman, Mayor

Enacted,

This 18th 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 18th, 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 18th day of October, 2022.

Tiffany M. Loomis, Secretary