

RESOLUTION NO. 844

BOROUGH OF MALVERN CHESTER COUNTY, PENNSYLVANIA

WHEREAS, a Resolution of the Borough Council (“Council”) of the Borough of Malvern (the “Borough”), Chester County, Commonwealth of Pennsylvania, approving, subject to conditions, the plan entitled “Malvern Preparatory School Tolentine Building Addition”, prepared by Nave Newell, Inc., dated December 6, 2022, last revised March 13, 2023, consisting of twelve (12) sheets (the “Plan”). The applicant, Malvern Preparatory School (“Applicant”), is proposing an addition to the parcel 2-7-34, 418 S. Warren Avenue (the “Property”), Malvern, Pennsylvania, known as Malvern Preparatory School, to the Tolentine Hall Building. The Applicant has submitted the Plan to build a multi-story addition to Tolentine Hall, an open sided, covered walkway, connecting the building addition and Stewart Hall, and associated improvements to the space between Tolentine Hall and Stewart Hall. The Plan proposed is pursuant to the Malvern Borough Subdivision & Land Development Ordinance of 2006 (“Land Development Ordinance”) for the development of the Property located in the Borough in the I1- Institutional District.

BACKGROUND

WHEREAS, Applicant has filed an application (the “Application”) with the Borough for approval of the Plan. This Resolution No. 844 is the Borough’s written decision on the Application and Plan.

WHEREAS, the Plan proposes the addition of a multi-story building and covered walkway to be constructed on the existing 99.63-acre lot. The Applicant has demolished Good Counsel Hall and will construct a building addition to Tolentine Hall of approximately 5,573 square feet (footprint), along with a covered walkway connecting the Tolentine Hall addition to Stewart Hall. The Applicant has also outlined various asphalt and concrete walkway improvements around the building addition.

WHEREAS, The Plan was reviewed by the Borough Engineer and the Borough Planning Commission. At its meeting on April 20, 2023, 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 March 13, 2023, including the revised requested waivers referenced in the Applicant’s March 9, 2023, letter. Revised plans (included within the Plan) were submitted on March 13, 2023, and reviewed by the Borough Engineer with comments contained in the Borough Engineer’s review letter dated March 13, 2023.

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.B and 300.C to waive the requirement to submit the Plan as a preliminary/final application. **GRANTED**
2. Section 301.E to waive the need for the four-step design process. **GRANTED**
3. Section 400.B.(14) to approve relief for the submittal of photographs of the site including views of the proposed development site from all abutting public records. **GRANTED**
4. Section 400.B.(17) to approve relief of the requirement for an analysis of the site related to the orientation of the sun for use of solar resources. **GRANTED**
5. Section 400.B.(19) to approve relief to submit locations of viewsheds and scenic roads. **GRANTED**
6. Section 402.B.(2)(k) to approve relief of the requirement to show the locations and dimensions of all existing streets, railroads, sewers and sewage systems, water mains and feeder lines, fire hydrants, gas, electric, and oil transmission lines, watercourses, sources of water supply, easements, and other significant features within the property, or such driveways, intersections, and utilities, within 100 feet of any part of the subject lot of tract. **GRANTED**
7. Section 515.D.(4) to approve relief from the requirement that sidewalks shall be laterally pitched at a slope not less than 3/8 inch per foot to provide for adequate surface drainage. **GRANTED**
8. Section 517, the Stormwater Management Ordinance- 2014-6, adopted May 20, 2014, Section 177-311.C.12, to approve relief from the requirement to provide a minimum pipe size of eighteen (18) inches. **GRANTED**

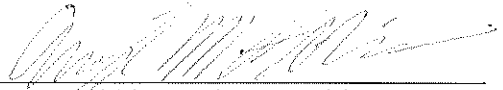
WHEREAS, this approval is also subject to the following conditions, which shall bind the Applicant, the property owners and their heirs, successors, and assigns:

1. Compliance with the Borough Engineer's review letter dated March 13, 2023.
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 twelve (12) plan sheets. with evidence thereof provided to the Borough.

RESOLVED this 2nd day of **May, 2023**, by Borough Council:

this 2nd day of **May, 2023**.



Amy Finkbiner, PhD, President

Approved by the Mayor,


this 2nd day of **May, 2023**.



Zeyn B. Uzman, Mayor

Enacted,

This 2nd day of **May, 2023**.



Tiffany M. Loomis, Secretary

I, Tiffany M. Loomis, duly qualified Secretary of the Borough of Malvern, Pennsylvania, hereby certify that the forgoing is a true and correct copy of a Resolution duly adopted by a majority vote of the Borough Council of the Borough of Malvern, Pennsylvania, at a regular meeting held May 2nd, 2023, 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 2nd day of **May, 2023**.

Tiffany M. Loomis, Secretary