

**RESOLUTION NO. 846**

**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 “Preliminary/Final Site Plans Malvern Preparatory School Athletic Facility Improvements at 418 S. Warren Ave.”, prepared by Terraform Engineering, LLC, dated February 7, 2023, last revised April 27, 2023, consisting of nineteen (19) sheets (the “Plan”). The applicant, Malvern Preparatory School (the “Applicant”), is proposing improvements to parcel 2-7-34, 418 S. Warren Avenue (the “Property”), Malvern, Pennsylvania, known as Malvern Preparatory School, to the athletic fields on the Property. The Applicant has submitted a plan to reconstruct two existing ballfields (grass field to synthetic turf field) and construct a 15-space parking lot on the Property. 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. 846 is the Borough’s written decision on the Application and Plan.

**WHEREAS**, the Plan proposes converting two grass athletic fields to synthetic turf, new bleachers and dugouts, a new parking facility, new walkways, and two underground stormwater basins. As stated above, the Plan proposed is pursuant to the Borough’s Land Development Ordinance.

**WHEREAS**, the Plan was reviewed by the Borough Engineer and the Borough Planning Commission. At its meeting on June 1, 2023, the Borough 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 May 25, 2023, including the revised requested waivers referenced in the Applicant’s April 14, 2023, letter.

**MATTERS RESOLVED**

**NOW, THEREFORE**, 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

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 and then final application. **GRANTED**
2. Section 301.E to waive the need for the four-step design process. **GRANTED**
3. Section 402.B(2)(k) to approve relief from 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 or tract on the plan. **GRANTED**
4. Section 402.B(4)(j) to approve relief from the requirement of having the location of existing and/or proposed sidewalks, paths, and trails throughout the property and on neighboring property within 100 feet. **GRANTED**

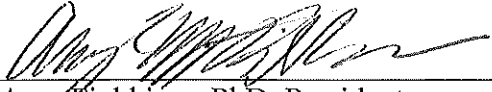
**WHEREAS**, this approval is also subject to the following conditions, which shall bind the Applicant, the property owners and their heirs, successors, and assigns:

1. Compliance with the Borough Engineer's review letter dated May 25, 2023.
2. The Applicant shall employ auxiliary police and other auxiliary traffic control resources, subject to the approval of the Chief of Police of the Borough, to mitigate potential traffic problems at larger events.
3. The Applicant shall submit a plan, at least once per academic year, to the Borough, identifying potential high-traffic and parking events and specifying the Applicant's plans for mitigation.
4. 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 Plan, consisting of nineteen (19) plan sheets, with evidence thereof provided to the Borough.

**RESOLVED** this 20<sup>th</sup> day of June, 2023, by Borough Council:

this 20<sup>th</sup> day of June, 2023.

  
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Amy Finkbiner, PhD, President

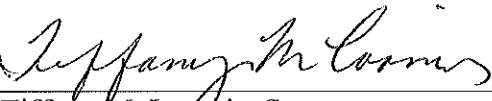
Approved by the Mayor,

this 20<sup>th</sup> day of June, 2023.

  
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Zeyn B. Uzman, Mayor

Enacted,

This 20<sup>th</sup> day of June, 2023.

  
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Tiffany M. Loomis, Secretary

I, Tiffany M. Loomis, duly qualified Secretary of the Borough of Malvern, Chester County, Pennsylvania, hereby certify that the forgoing is a true and correct copy of a Resolution duly adopted by a majority vote of the Borough of Council of the Borough of Malvern, Pennsylvania, at a regular meeting held June 20, 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 20<sup>th</sup> day of June, 2023.

Tiffany M. Loomis, Secretary