

**SWARTHMORE BOROUGH
DELAWARE COUNTY, PENNSYLVANIA**

RESOLUTION 2020-09

A RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF SWARTHMORE, DELAWARE COUNTY, PENNSYLVANIA, GRANTING PLAN APPROVAL FOR THE PROPOSED MINOR SUBDIVISION PLAN OF CAVALIER HOMES FOR 686 NORTH CHESTER ROAD, SUBJECT TO CERTAIN CONDITIONS

WHEREAS, Cavalier Homes (hereinafter referred to as the “Applicant”) is the owner or equitable owner of a real property located at 686 North Chester Road containing a single residential dwelling unit (the “Property”); and

WHEREAS, the Applicant desires to demolish the existing dwelling unit on the Property and subdivide the Property into two (2) building lots; and

WHEREAS, the Applicant has therefore applied for final plan approval from the Borough of Swarthmore for the Minor Subdivision Plan for 686 North Chester Road, consisting of two sheets; the Site Plan for 686 N. Chester Road – Lot 1, consisting of two sheets; the Site Plan for 686 N. Chester Road – Lot 2, consisting of two sheets; the Drainage Area Plans – Lot 1, consisting of one sheet; the Drainage Area Plans – Lot 2, consisting of one sheet; the Post Construction Stormwater Management Narrative & Report – Lot 1, the Post Construction Stormwater Management Narrative & Report – Lot 2, all dated June 25, 2020, last revised October ___, 2020 and prepared by JMR Engineering, LLC, (the “Plan”) pursuant to Section 508 of the Pennsylvania Municipalities Planning Code; and

WHEREAS, an earlier draft of the Plan containing irregular shaped Lots and requiring a waiver with respect to a side property line that was not at a right angle as is required, in general, by the Subdivision and Land Development Ordinance was reviewed by the Swarthmore Borough Planning Commission which recommended approval, subject to certain conditions; and

WHEREAS, upon review of the Plan by Borough Council, it was determined that the irregularly shaped Lots were not desirable, and accordingly the Applicant revised the Plan to eliminate the request for a waiver as to the side property line; and

WHEREAS, the earlier draft of the Plan was reviewed by the Delaware County Planning Commission which recommended approval, with certain recommendations; and

NOW THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Swarthmore, Delaware County, Pennsylvania, that the Plan is hereby approved subject to the following terms and conditions:

1. Prior to execution of the Plan by the Borough, the Applicant shall address all of the comments in the Pennoni Associates, Inc. review letter dated August 2, 2020 to the satisfaction of the Borough Engineer.

2. Developer shall execute and deliver to the Borough a perpetual maintenance agreement relating to the stormwater management facilities on Lots 1 and 2, as required and in accordance with the Borough’s stormwater ordinance. The maintenance agreement shall be recorded against Lots 1 and 2.

3. Approval of the Plan is conditioned upon Developer obtaining sewer module approval or a waiver therefrom from the Pennsylvania Department of Environmental Protection.

4. Approval of the Final Plan is conditioned upon Developer obtaining an NPDES Phase 2 Permit from the Delaware County Soil Conservation District, if required.

5. Approval of the Final Plan is conditioned upon Developer obtaining a highway occupancy permit from the Pennsylvania Department of Transportation for any work on the North Chester Road frontage of Lot 2.

6. The Subdivision shall be completed in strict accordance with the contents of the Plan, notes on the Plan, this Approval Resolution.

7. The cost of accomplishing, satisfying and meeting all of the terms and conditions and requirements of the Plan, notes on the Plan and this Approval Resolution shall be borne entirely by the Applicant and shall be at no cost to the Borough.

8. Consistent with the MPC Section 509, prior to the Borough's execution of the Plan, the Developer shall submit financial security for site improvements (including, without limitation, shade trees, sidewalks street walls, street lights, and landscaping) in an amount satisfactory to the Borough Engineer and in a form satisfactory to the Borough Solicitor. Additionally, the Developer shall execute a Development Agreement and a Financial Security Agreement to govern the terms of the financial security pursuant to the MPC and subject to the satisfaction of the Borough Solicitor.

9. Under the provisions of the MPC the Applicant has the right to accept or reject conditions imposed by the Borough Council upon final approval. In the absence of an appeal filed in writing within thirty (30) days from the date of this resolution, the conditions set forth herein shall be deemed to have been accepted by the Applicant. If the Borough receives written notice of an appeal or rejection of any of the conditions set forth herein within thirty (30) days from the date of this resolution, this approval shall be deemed to have been rescinded and the application denied.

DULY ADOPTED this 5th day of October, 2020, by the Borough Council of the Borough of Swarthmore, Delaware County, Pennsylvania, in lawful session duly assembled.

Mary J. Walk
Council President

ATTEST:

Jane C. Billings
Borough Manager/Secretary