

**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 and prepared by JMR Engineering, LLC, (the “Plan”) pursuant to Section 508 of the Pennsylvania Municipalities Planning Code; and

**WHEREAS**, the Plan requires a waiver from certain provisions of the Borough of Swarthmore Subdivision and Land Development Ordinance (the “SALDO”); and

**WHEREAS**, the Plan has been reviewed by the Swarthmore Borough Planning Commission which recommended approval, subject to certain conditions; and

**WHEREAS**, the Plans have been 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. Notwithstanding the twenty-five foot front yard setback under the Borough’s Zoning Ordinance, the Applicant agrees that any dwelling constructed on Lot 2 shall have a front yard setback of not less than 35 feet, for purposes of promoting development that is harmonious and consistent with the existing residential dwellings on North Chester Road.
3. 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.

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

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

6. 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.

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

8. 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.

9. 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.

10. 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.

11. The Borough approves and consents to the SALDO waivers set forth on Exhibit "A" attached hereto.

**DULY ADOPTED** this 5<sup>th</sup> 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

**EXHIBIT “A”**  
**Waivers**

1. SALDO Section 1288.04(b): “In general, side lot lines shall be substantially at right angles or radial to street liens and continue in a straight line from the front of the lot to the rear of the lot.” The proposed new side lot line that would separate the two lots is not at a right angle and does not extend in a straight line.