

REGULAR MEETING
BOROUGH COUNCIL
MALVERN BOROUGH

FEBRUARY 19, 2008
7:30 P.M.

PRESIDING: Woody J. Van Sciver, President

INVOCATION: Gerard J. McGlone, Mayor

PLEDGE OF ALLEGIANCE TO THE FLAG

1. ROLL CALL:
 - Council President Van Sciver
 - Council Vice President Raymond
 - Council Member Crawford
 - Council Member Edge
 - Council Member Lynch - ABSENT
 - Council Member Smith
 - Council Member Vike
 - Mayor McGlone

PRESIDENT VAN SCIVER ANNOUNCED THAT COUNCIL HAD MET IN EXECUTIVE SESSION PRIOR TO THIS PUBLIC MEETING TO DISCUSS A PERSONNEL MATTER

2. PUBLIC FORUM:

Council President informs all present that copies of the agenda are available at the press desk. This is a Public Session of Council. Should any citizen/taxpayer wish to offer comments on any item on the agenda, now is the time to bring those comments before Council. Are there any citizens/taxpayers who wish to bring before Council any item not on the agenda?

There were no comments from the public.

3. APPROVAL OF MINUTES:

A motion was made by Council Member Smith, seconded by Council Vice President Raymond and unanimously carried by a vote of 6-0, to approve the minutes of the Reorganization Meeting held on Monday, January 7, 2008 and the Regular Meeting of Tuesday, January 15, 2008, as submitted.

4. APPROVAL OF REPORTS:

A motion was made by Council Member Crawford, seconded by Council Member Edge and unanimously carried by a vote of 6-0, to approve the Treasurer's Report, the Committee Reports for Finance and Administration, Public Safety, Public Works and the Chief of Police Report, the Code Enforcement Officer's Reports (Building Inspector's Report, Housing and Property Maintenance Report and Zoning Report), the Superintendent of Public Works Report and the Manager's Report for the month of January 2008 as submitted.

5. AUTHORIZE OFFER OF EMPLOYMENT TO POLICE OFFICER CANDIDATE
PATRICK DOUGHERTY:

A motion was made by Council Member Crawford, seconded by Council Vice President Raymond and unanimously carried by a vote of 6-0, to authorize the Chief of Police to make an offer of employment to Patrick Dougherty, effective at the March 4th Council meeting.

6. OTHER BUSINESS:

a. Presentation by Eli Kahn and David Dellaporta re. E. King Street redevelopment – Eli Kahn and David Dellaporta presented their proposal for the redevelopment of E. King Street. They reported that they had reviewed the Borough’s Comprehensive and Revitalization Plan and found that the Borough desires to develop industrial sites, desires to make a gateway to the community and desires to stay with the character and history of the area. They feel their project will accomplish the borough’s desires. Their plan includes the following:

- underground parking with a mix of retail and residential behind and above
- wide sidewalks
- street trees
- wider setbacks
- pedestrian-friendly environment
- proposing some parallel parking on King Street

Mr. Kahn reported that the architectural firm they are working with is from Alexandria, Virginia. Representatives from the firm have been to Malvern to take pictures and they are trying to pick up the architecture in town and blend this project in with the town. The intent is to make the new buildings feel like a series of smaller buildings with the varying heights and setbacks to make it more interesting than one big mass. Malvern’s current zoning is pretty close to being able to get this project accomplished.

Messrs. Kahn and Dellaporta met with the Fire Chief and the Chief felt confident with this level of design. The building would be 100% sprinklered, and the Chief felt he had enough ladder height for a four-story building. His only concern was the underground parking and equipment that would be needed to protect an underground parking structure.

Mr. Kahn stated that he would provide a traffic impact study and a financial impact study to the Council.

The project is expected to have 1.75 parking spaces per unit with additional parking for the 20,000 square feet of retail space. Mr. Kahn reported that since the time this plan was presented to the Planning Commission, he has had five calls from retailers who are actually considering Worthington and would like to consider this as an option to Worthington.

Council President Van Sciver stated that the Comprehensive Plan’s primary statement is to maintain our small town atmosphere and character. The Zoning Ordinance recognized that industrial usage was not going to be the future of the Borough and redevelopment would be considered. The new Zoning Ordinance increased density dramatically and if this area was developed in conformance with the Code, it would be the densest area in the Borough. The Zoning Ordinance allows for a four-story structure or fifty foot maximum height structure as long as a building of this height is tiered so the higher sections are further from the street. The

proposed plan does not meet this requirement. The Zoning Ordinance established a build-to line so there are no parking lots between the street and the building. The proposed plan does embrace this provision. The community needs to ask themselves if this is built as proposed, are we maintaining the small town atmosphere.

Mr. Kahn explained that the first building closest to Sheffield will have approximately 70-80 units and the second building closest to Willistown's border would have approximately 120 units. It is expected the Willistown building, if approved, would have approximately 25 units. They envision both rental and sale units with approximately 50-60% being 2BR, 2B, 20% being 1BR, or 1BR w/Den and 10-20% being 3BR. They want to appeal to every demographic except families with children and they want to be able to hit as many potential renters/owners as possible. This type of development would appeal to singles, young marrieds and empty nesters. You can walk to services, the units would be maintenance-free and amenities would be inside the building.

Mr. Kahn explained that the height issue is the issue they are faced with today. In years past, people were comfortable with eight-foot ceilings. People now want higher ceilings to give the feeling of more space. Contemporary selling and retail also want higher ceilings. It is only an extra floor, but the height is greater. They want their development to be different than the existing residential and retail environment in town.

Comments from the public were as follows:

Vicki Sharpless, Broad Street, reported that one thing she didn't realize at the time that the presentation was made to the Planning Commission, was that some of the units were going to be rental units. Ms. Sharpless asked if they were envisioning their company owning and managing the rentals. Mr. Dellaporta responded that they would continue to own the property and would be controlling the on-site management company.

Ms. Sharpless stated that she lives behind this project and expressed concern about what it would look like from their side of the railroad tracks. Mr. Kahn responded that that was a great comment and they understand the concern but they haven't thought about that yet.

Zae Usman, Charleston Greene, stated that he is an engineer and likes what they have put together. He expressed concern with how the four-story vs. three-story buildings will fit in with the area. He expressed concerns about the traffic during the 8:00 a.m. and 5:00 p.m. rush hour and what impact this development would have on the traffic on King Street.

Mr. Kahn responded that this is not a greenfields site. He explained that there has always been traffic on that site with trucks delivering and picking up from both Fisher Feed and Amerigas. They are having a traffic impact study prepared. They are adding additional parking and getting rid of the loading that came with the industrial uses. It will be Council's decision to decide if this development will be better than another use. Mr. Kahn explained that they needed this level of density to make this project economically feasible. If it is going to be less, they will have to keep it what it is.

William Noll, Rafaella Drive, stated that his biggest concern is parking. He feels this is a major site and if we attract a thriving commercial business, people will be parking all over the place. He suggested that Council may want to look into some off-site location to address this issue. He feels this could be the biggest problem we would face.

Jack Wikert, Monument Avenue, asked if there was any idea on price points. Mr. Dellaporta responded that they were thinking in the range of \$300,000-\$600,000.

Dave Knies, Warrington Way, asked that when looking at the C-4 Zoning, what were the disparities that they have seen so far.

Mr. Kahn responded that they have seen disparities in the setback, height issue and how it is measured in the Borough, and no first floor residential. When considering the height issue, he stated that at the Fisher Feed property, the rear of the property is about ten feet lower than the front of the property. Regarding the issue of no first floor residential, they are concerned about proposing more retail than Malvern can support. Mr. Kahn stated that the last thing they would want to have happen is empty storefronts. They are trying to concentrate the retail closer to town towards Sheffield, with less retail near Greene Country.

Joe Bones, High Street, asked if they had considered burying utilities and Mr. Dellaporta responded that they planned to do that.

Vicki Sharpless, Broad Street, stated that since this development was going to be directly across the street from the entrance to the Malvern Fire Company, perhaps the developers could help improve that entrance where the emergency vehicles come out onto King Street.

Mayor McGlone, Crestside Way, asked the developers what makes them think they would be able to lease this 20,000 sq.ft. of retail.

Mr. Kahn responded that if he was just proposing to build 20,000 sq. ft. of retail, he would be very nervous; but, retailers want to be where something is happening. The excitement is around Worthington right now, but if this project is successful, he has a group of customers right here. He stated that he has heard for years about restaurateurs who are successful. Quality development breeds quality. The last thing he would want to do is build retail and parking and not be able to lease it. He feels that if they present this plan to the market place, he's confident it will be successful.

Terry DePietropaolo, Ruthland Avenue, asked how much overall parking there would be. Mr. Dellaporta responded that they were not sure at this time, but around 325-350 spaces.

Rowley Watson, Malvern Business & Professional Association, asked if there was still a plan for a four-story parking complex at the train station.

Council President Van Sciver responded that the Revitalization Plan located the suggested lot on the north side of the tracks at a considerably lower elevation than King St.. The Revitalization Plan was a visioning process.

Sarah Bones, High Street, asked if this project would be considered one development and what are the advantages of this being considered one development rather than three different developments.

Council President Van Sciver responded that this development would be considered one development for the two proposed buildings. The third building would be in Willistown Township. The advantage is to look at all the parking, setbacks, height restrictions, etc., at one time for the entire site. He also stated that we, as a community, have to decide if 65 feet of building still makes us the small town community as we know Malvern to be.

Kristin Thomas, E. Broad Street, stated that her family moved back to the Borough several years ago because they were hoping that something like this would happen. She asked if the entrances to the buildings would be from the rear of the property and if there would be a lot of bright lights that would shine on the Broad Street properties.

Mr. Dellaporta responded that this development would have to meet the municipal requirements for lighting. Their idea is to keep it very residentially scaled and have covers over the lights to keep the light on the property. Their desire is not to light it up like a parking lot.

Gwen Van Sciver, Monument Avenue, asked how many units they are talking about losing with the setback issue.

Mr. Kahn responded that neighbors came out and said they wanted the development to blend in with the rest of the community. He explained that it becomes a different theme with the setbacks. The issue is whether four-stories makes that big of a difference.

Gwen Van Sciver, Monument Avenue, stated that certainly there was a lot of thought behind the zoning ordinance.

Mr. Kahn asked that the community look at architecture. Sometimes you look at issues and they make sense, but sometimes you have to take it to the next step to see what a building would look like with those setbacks. With a building of this height, the setbacks or steps will not be as aesthetically pleasing as they would be in a higher, more modern looking building, similar to what you see in downtown Philadelphia. When you are talking about heights, you are sometimes talking about roofs. A roof can make a difference in the look of a building and, depending on the type of roof, it can require more height.

Connie Scanga, Woodland Avenue, stated that she is concerned about the density increase and the impact it will have on the traffic situation. She feels that traffic will be a very big issue on that end of town. She is also concerned about the solid monolithic wall as it seems to her to be like a barricade along the street. It doesn't fit in with the character of the town to have an unbroken expanse.

Mr. Dellaporta responded that there is some relief from that that is not shown on the renderings.

Jack Wickert, Monument Avenue, asked if they were talking about the same height as Holloway in Wayne and if there was any kind of entrance into Malvern being planned that would be more grandiose.

Mr. Kahn responded that they would love to do that here. They really want to make a spectacular entrance. Mr. Kahn stated that the buildings on the south side of King Street are easily, from the street level, in the sixty foot range because of the elevations.

Joe Bones, High Street, asked if the height in Willistown would be lower.

Mr. Kahn responded that Willistown is the tail of this project. The proposal to Willistown would be very similar. Urban redevelopment requires height in today's development to make the economics work.

Sally Bernardine, King Road, stated that she thinks the whole concept is fabulous.

Mr. Kahn stated that they are hoping that Willistown gets on the bandwagon to help Malvern.

Suzanne Clancy, Broad Street, stated that from their side on King Street, they have to take their lives in their hands to cross the street from the east side of Bridge Street to the sidewalk on the west side of Bridge Street. She is concerned about the additional traffic to this area. She does feel, however, that the whole project is exciting.

Casey Bernardine, E. King Road, stated that she is in full support of this project and when we all think about it, it is really exciting for the Borough of Malvern. She thinks it will be awesome and hopes everyone can keep an open mind.

Council Member Vike stated that he would like to see the occupants of this development be residents of Malvern Borough and King Street and not see a separate community from the rest of the town with separate key cards, etc. He would not want to structure something where people in this development aren't interacting with others in the community. He would like to see

the developers talk about and express through their design elements how they will integrate these people into our community.

Mr. Dellaporta stated that they want to be a part of the existing town. The last thing they want to do is create something that separates it and makes it a stand-alone community. Saying that, you have to address security concerns of the residents who purchase these units.

Mr. Kahn explained that in most other types of urban developments, there has to be created amenities. In Malvern, you don't need that. You already have shops and restaurants. A retailer can create a fitness center for use by the residents of these units as well as the residents of the Borough. Amenities already exist in Malvern.

Ken Furlong, Woodland Avenue, stated that what Mr. Kahn and Mr. Dellaporta are doing is a great thing and he thinks the borough should approve it.

Lynne Hockenbury, Rafaella Drive, stated that she is hearing a lot of great things. She requested that the Planning Commission and the Borough Council remember that our town is what it is because of what has taken place over the years. She thinks we need it to look like what our pictures are. She needs to hear that the exterior of the buildings are going to fit into the look of the town. She thinks the renderings are beautiful and she supports it.

Paul Hockenbury, Rafaella Drive, stated that he would not like to see a four-story building right on the side of the road. He feels it would create a cavern effect.

Mike Dudas, Miner Street, stated that he likes the concept. He believes it really shows what the members of the Zoning Ordinance Task Force wanted to achieve years ago. He likes the idea of the wide sidewalks because it gives the pedestrians a sense of security. He is not convinced about the parking in front of the retail space. The idea of putting the parking underneath in the back is great. He stated that we are all talking about coming into the Borough from Paoli, but when coming in from the west end, the traffic bogs down at the traffic light. Traffic will go south on Warren Ave. and Warren Ave., as well as, Bridge Street, will be crucial. That will be a design nightmare. Making that transition and crossing over the Bridge on Bridge Street is very difficult. It is a two-way hazard. Cars are going down Bridge Street to Route 30. He recommends that the plan be modified to include a vast improvement at the Bridge.

Ms. Clancy stated that when you are talking about the pedestrian traffic, there are a lot of people walking to the train station from E. Broad to W. Broad Street.

Council President Van Sciver stated that the Borough looked at traffic from many different perspectives and determined we could not modify our streets to enable large volumes of pass through traffic and maintain our small town atmosphere. The Borough's overall assessment of traffic was to promote traffic which either originates or terminates in the Borough, rather than modifying intersections and streets to accommodate pass through traffic. His hope would be that the added traffic congestion from any new residents would only displace existing pass-through traffic congestion.

Sarah Bones, High Street, asked if the developer has considered incorporating green elements?

Mr. Kahn responded that they certainly are going to look at green elements and incorporate them into their development. They feel it is the right thing to do.

Council President Van Sciver feels that Borough Council should meet jointly with the Planning Commission and come up with some ideas. He asked that everyone remember that development of this area essentially was crafted and incorporated into the existing Zoning Ordinance.

Mr. Dellaporta stated that Council set the vision and they are just trying to effectuate it for us.

Council Member Vike informed the public that the C-4 Zoning District was on the website as well as the two renderings that were presented this evening. Council Member Vike asked that the developer send the site plan as well so that it could be placed on the website. Council Member Vike also asked about the restrictions between the first floor retail space and the residential living space above the retail space.

Mr. Kahn responded that the way this building will be constructed is that you build these buildings to deal with noise, odors, ventilation, etc. Also to be considered for this development is the noise from the train tracks. The thickness of the windows will be considered to cut down on this noise.

Council President Van Sciver thanked Mr. Kahn and Mr. Dellaporta for their presentation to Council.

b. No Parking Ordinance for Channing Ave. and Roberts Lane – the Manager presented the proposed Ordinance to Council and brought to Council’s attention the fact that six parking spaces would be lost. Council President Van Sciver stated that he would like to see a diagram of the site and where the parking spaces would be lost and will postpone discussion of the proposed Ordinance until the next meeting.

c. Reallocation of Budget Line Items – the Manager asked that Council consider approving a reallocation of funds entered into the Miscellaneous Income budget line item account. She explained that the Auditors had received a telephone call from DCED in Harrisburg regarding another municipality who had a significant amount of funds allocated to the Miscellaneous Income budget line item. It was explained that no more than one percent (1%) of the General Fund Revenues should be placed into the Miscellaneous Income account. For example, if a municipality has General Fund Revenues of \$2M, no more than \$20,000 should be in a Miscellaneous Income account. The Auditor suggested that revenue from traffic tickets be reallocated to the Motor Vehicle Code Violations budget line item and that two new line items be created for revenues received for Police Special Duty Detail, under a heading of Public Safety and Recycle Trash Rebates, under a heading of Sanitation Services. The reallocation of these funds will have no impact on the bottom line of the 2008 Revenue Budget.

Following discussion, Council unanimously agreed to the reallocation of the General Fund Revenues, as recommended by the Borough Auditor, William J. Rossiter, CPA.

d. Malvern Fire Company – Council Member Edge reported that, as liaison to the Malvern Fire Company, he met with the Board of Directors at their meeting in February. He reported that they didn’t have a whole lot to say, but have promised that they are working on the request about trying to realign their By-laws to allow non members of the Fire Company on the Board to help with their financial situation.

Council Member Smith also reported that he had sent an e-mail to John Rychlak reminding him of their conversation last year and requested dates and times to meet. He also asked for an update on the status of the bylaws and items being considered.

Council Member Edge stated that the Fire Company must change their By-laws. The Board of Directors know what is required by the Borough and that they must keep the Borough Council apprised of what is going on. John Rychlak is heading that project.

Council President Van Sciver asked if they have embraced the desire of the Borough. Council Member Edge responded that he didn't say they embraced it, but they know what must be done. They have always been very political in trying to get grants and have been successful. They are working on what we have asked them to do.

It was questioned whether the issue of bringing back the voting to the fire company building was discussed. It must be brought to Voter Services with a letter from the Fire Company or the Borough saying this is the change we would like to see for the November election. It is too late to make a change for the April election. The Fire Company will be contacted to ask if they will allow voting at their facility for future elections.

Ken Furlong, Woodland Avenue, stated that the Borough may have to assist with police officers in keeping the station open if voting is to be held at the fire company in November.

6. ADJOURNMENT:

A motion was made by Council Member Raymond, seconded by Council Member Edge and carried unanimously by a vote of 6-0 to adjourn the meeting at 9:40 p.m.

Respectfully submitted,

Sandra L. Kelley
Secretary/Manager