

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 - Late
Council Member Smith
Council Member Vike - Late
Mayor McGlone

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 public comments.

3. RESOLUTION NO. 588 – HIBERNIA HOMES – LOT LINE CHANGE:

A motion was made by Council Member Smith and seconded by Council Member Crawford to approve Resolution No. 588, a Resolution approving, subject to conditions, the Amended Title Plan, Subdivision of Lands – Jacob Yasgur & Christian Levis, as submitted by Hibernia Homes, prepared by Dunlap and Burrell, LLC, dated May 4, 2008, last revised May 15, 2008, amending the previously approved final plan prepared by John Smirga, P.E., dated February 20, 2007, last revised September 8, 2007 as an Amended Final Subdivision Plan, pursuant to the Malvern Borough Subdivision and Land Development Regulations of 2006, as amended, for the development of certain property located in the Borough of Malvern, Chester County, Pennsylvania, which property is located along Bridge Street and Longford Avenue in the R-3b Zoning District.

(Council Member Lynch arrived.)

Council President Van Sciver explained that Hibernia Homes had approval to build, but they began building in an incorrect location. They submitted a revised plan for a lot line change that conformed to the Borough ordinances.

Following discussion, the motion carried by a vote of 5-1.

4. RESOLUTION NO. 589 – SMALL BORROWING FOR CAPITAL PURPOSES:

A motion was made by Council Member Smith, seconded by Council Member Lynch and unanimously carried by a vote of 6-0, to approve Resolution No. 589, a Resolution authorizing small borrowing for capital purposes under Section 8109 of the LGUDA.

5. OTHER BUSINESS:

a. LaGrie Subdivision and Land Development – Ryan Costello, Esq., and Nick Vastardis, P.E., presented to Council the LaGrie, LLC, Subdivision/Land Development Plan. Mr. Costello explained that they were requesting five waivers as follows:

- Eliminate four-step process as applicant has conducted site visits with the Planning Commission members and Borough Engineer, and revised plans to reflect input from site visit and numerous Planning Commission meetings.
- Reduce right of way width from fifty (50) feet to forty-five (45) feet and reduce cartway width from twenty-eight (28) feet to twenty-four (24) feet. The proposed cartway width has been deemed acceptable to the Fire Marshall.
- Relief from compliance with the eight percent (8%) center line grade for existing street grade which is as high as 9.8%.
- Applicant proposes 1155 linear feet of cul-de-sac (maximum length of a cul-de-sac is 500 linear feet)
- Sidewalks on one side of street only

(Council Member Vike arrived.)

Comments from the audience were as follows:

Stephanie Gunderson, 21 Raffaella Drive –feels they are trying to put too many homes into too small an area. She feels it doesn't fit and is a bad thing. She is opposed to it. She feels the sidewalks are an issue being only on one side of the street. There are a lot of people who exercise and would like to walk.

Mr. Costello explained that the waiver requests will not result in increased density. There are design standards that relate to the property themselves. They don't lend themselves to increasing the amount of density. By developing with the eight homes, in lieu of developing the three individual lots, the residents on the private street will have lights, larger cartways, public sewer, trash removal, etc.

Duane McCrory, 34 Raffaella Drive- stated that he is an existing property owner and the developers are converting his lot into a reverse frontage lot. He stated that he will now have two fronts. The front part of your house is typically the public part of your yard. You expect some privacy in your backyard. There is no proposed buffering to provide him any privacy. The developer hasn't offered any remedy and he would like the Council to take that under consideration.

Adele Millhimes, 36 Raffaella Drive – stated her property is probably the most affected and her property will also have two reverse frontage lots. If the new development comes that close, they will lose their trees. They will be surrounded by that development. She believes that the no parking restriction will not be enforced.

Philip Mellusi, 343 Old Lincoln Highway – stated that regarding the parking situation, there are two waivers being requested; for the length and width of the cartway. He feels that if Council grants a variance for the cul-de-sac, it is not a good idea to reduce the cartway.

Council President Van Sciver asked Mr. Mellusi what the benefit would be, if any, of having that private road improved. Mr. Mellusi responded that having it accepted by the Borough would be a big improvement. They would have trash pick-up, snowplowing, etc.

Duane McCrory, 34 Raffaella Drive – stated that clearly he thinks that approving this plan at all without the Borough accepting the road for dedication makes a bad situation worse. He stated that he can sympathize with the people taking their trash to Old Lincoln Highway. When you put in a road and improve it to this level, you have to deal with water. If you add another four feet of impervious, the water they have to deal with in the back basin is huge. Eight lots would have to escrow money to maintain that basin.

Donna Morrissey, 242 Miner Street – stated that water is an issue with her. It doesn't take a lot of water for her basement to take in water. She feels she will get more water and wildlife in her basement if this development is approved.

Joseph Eagle, 262 Miner Street – stated that he feels it is an unwise plan. They would not have to ask for all these waivers if it was a good plan.

Jonathan Flint, 266 Miner Street – asked if there was ever an environmental impact study completed before this was ever put together.

Council President Van Sciver responded that there are provisions for that sort of thing in the four-step process.

John Rossetti, 231 Miner Street – stated that he does not know how they can put these big homes on these small lots. He feels we need all the open space we can get.

Council President Van Sciver stated that he believes this parcel first came before the Planning Commission ten years ago. There are three lots. They already have three lots and can build three homes. It sounds as if the suggestion was if they only built three homes, there wouldn't be any money to improve the existing road. Council President Van Sciver asked if granting waivers would offset the improvements being made to the private roadway.

Donna Morrissey, 242 Miner Street – would have no objection to three lots.

Duane McCrory, 34 Raffaella Drive - There is a lot of contention on that private road. For the folks that do abut that road, in order to get Borough services, the road would require improvements.

The developer is asking for many waivers and we have to ask how it will affect our community as a whole. We want everything to stay the same but know that it cannot. The belief is that this plan is over-reaching. The crux comes down to whether or not the Borough will accept dedication of the roadway.

Council President Van Sciver explained that a request for waivers was not uncommon. He feels that if only the three lots were being developed, because of the lay of the land, waivers would also be requested.

Lynne Hockenbury, 7 Raffaella Drive – asked that if those three properties were to be developed, could that roadway be the correct width for dedication?

Ryan Costello responded that the three individual parcels would only require a building permit application. The cartway width would not come into play. The municipality would not have the ability to require sidewalks, street lights, cartway width, etc. In addition, you would still have the Guglielmi parcel.

Mr. Mellusi, 343 Old Lincoln Highway – suggested some middle ground between developing the eight properties and developing three on the existing parcels, not counting the Guglielmi property. He would like to see something that eases the amount of impact on the neighboring homes that would make it more comfortable for everyone.

b. E. King Street Planners – proposals were received from three land planners – Tom Comitta, Kenneth Amey and Ray Ott. Council Member Smith stated that he was very impressed with Mr. Ott's proposal.

Council Member Vike felt that Mr. Comitta's proposal dealt completely with the aesthetics. Council Member Vike was looking at the financials and Mr. Ott hit it right on the head. In terms of looking at the proposals, he stated that he would want them to critique our documents, and to get an understanding of our ordinances to get a feeling of what we want. He felt that Mr. Ott's proposal provided an in-depth analysis of the proposed amendment. In his proposal, Mr. Ott stated that he would be the one at every single meeting and would not send others in his organization. Council Member Vike felt Mr. Ott's proposal was the best fit for us.

Council Member Crawford stated that he would have to defer to others with more planning experience in determining a consultant, but after listening to Council Member Vike's comments, he would be in favor of hiring Mr. Ott.

Mr. Bramwell, 203 Monument Avenue, asked what this report from the land planner was supposed to tell us. Council Members Van Sciver and Vike explained to Mr. Bramwell the process and reasoning for hiring a land planner.

Council President Van Sciver feels that because this project is going to be so involved with the Planning Commission, the Borough Council, etc., he feels a Task Force should be established and members of the Task Force will be named within the next two weeks.

Council Member Edge asked if, within the Task Force, Council would want to speak to Willistown Township as this project will impact them, as well. Council President Van Sciver responded in the affirmative.

c. Monument Avenue Traffic Calming – Mr. Bramwell, 203 Monument Avenue, reported that speeding continues on Monument Avenue, people are passing school buses, etc. Enforcement has improved but a lot more should be done.

Mayor McGlone stated that the Chief has been in touch with UPS about the trucks and they are going to talk to their drivers coming through Malvern.

6. ADJOURNMENT:

All business having been discussed, a motion was made by Council Member Raymond, seconded by Council Member Smith and unanimously carried by a vote of 6-0 to adjourn the meeting at 9:04 p.m.

Respectfully submitted,

Sandra L. Kelley
Secretary/Manager