

**Borough of Malvern  
Planning Commission Regular Meeting Minutes  
May 1, 2008  
Approved Minutes**

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A regular meeting of the Planning Commission was held on Thursday, May 1, 2008 at the Malvern Municipal Building. Members present included: Christopher Mongeau, William Coffey, James Vike, David Knies, Vicki Sharpless, Diantha Stevens and Cecelia Oswald. Also present: Mr. Dan Daley, Borough Engineer

**CALL TO ORDER**

Chairman Mongeau called the meeting to order at 7:33 p.m.

**APPROVAL OF MINUTES**

Motion made by Mr. Coffey and seconded by Dr. Knies and carried unanimously to approve the minutes, as amended.

**TREASURERS' REPORT**

Ms. Stevens reported spending for April was \$303.79 and the year to date spending is \$743.39.

**CHAIRMANS' REPORT**

- Mrs. Sharpless will continue to try to contact a representative from the Chester County Planning Commission for data and tools to be used on the pedestrian circulation project.
- Eli Kahn is continuing to move forward on the E. King Street project and will be on a future agenda of the Planning Commission

**CARRYOVER MATTERS**

- **LaGrie Subdivision** – Mr. Costello of OWM Law offices, representing LaGrie LLC, presented an overview of the Planning Commission meeting of April 17, 2008 for the benefit of the area residents who were in attendance. Mr. Costello stated that the procedure is for LaGrie to appear before the Planning Commission to request recommendation of preliminary plan approval from the Planning Commission and then for LaGrie to go to Borough Council to request preliminary plan approval. Following preliminary plan approval is received then LaGrie's engineer can proceed with addressing comments from the Borough Engineer before requesting final plan approval. The main issues related to this subdivision are: road width, improvements to roadway, sidewalks, lighting, trees and storm water drainage issues.
  - Mr. Dan Daley, Borough Engineer who was in attendance, explained that after reviewing the landscape plan there will have to be some revisions and that the plan needs to be reviewed by the Borough Shade Tree Commission.

- Ms. Stevens suggested that the landscape plan should go to the Shade Tree Commission prior to coming before the Planning Commission again, and that the Shade Tree Commission should forward their comments to the Planning Commission.
- Mr. Vike summarized for the residents in attendance that LaGrie is proposing building on eight lots with a 24 foot wide street, a sidewalk on the west side, an 8” water main, etc.

## **PUBLIC COMMENT**

Mr. Phil Mellusi of 343 Old Lincoln Highway asked whether the borough has any intention of accepting dedication of the road.

*The Planning commission stated that at this time the applicant has not asked the Borough to accept the road.*

Mr. Duane McCrory, of 34 Raffaella Drive, stated that “the proposal benefits the builder not the community”. He echoed Mr. Mellusi’s opinion that borough ownership of the road is important because this design is creating 8 homes from 3 lots and he is concerned with access for trash pick up, snow removal, fire trucks, parking. He believes that the plans do not seem to be consistent with Borough standards. If this subdivision is approved then his property will have two fronts. He feels that there will be additional traffic and that legally the road should not be extended.

*Mr. Dan Daley stated that trash trucks will be able to access the homes and turn around at the cul-de-sac.*

Mr. Bill Noll, of 16 Raffaella Drive, asked whether or not are there provisions for emergency access. Malvern Woods, the adjacent development has an emergency easement. Mr. Noll also commented that the Malvern Woods development, which consist of 32 homes, has a homeowners association and that the LaGrie Subdivision, which is proposing a home owner’s association, with few homes, may not be able to meet maintenance requirements.

*Mr. Dan Daley stated that per Chester County Planning Commission anything greater than 21 lots needs a secondary access for emergency purposes.*

Mr. Eagle, of 202 Miner Street, asked if it is too late to discuss whether this is a good idea. He is not in favor of this subdivision.

Mr. Kane, of 240 Miner Street, is concerned about water run off after removal of the trees. His lot and basement are dry and he would like them to remain dry.

*Mr. Dan Daley explained that the applicant has to meet storm water management standards and the plan must meet state and local agency approvals.*

Mr. Graboyes, of 36 Rafaela Drive, stated that there are 6 to 8 oak trees along the subdivision but up against his property line which he does not want removed.

*Mr. Dan Daley has recommended to the developer to consult with an arborist regarding disturbing root systems and to limit damage to the trees.*

Mr. Graboyes asked whether or not a waiver been requested on the grading of the road.

*Planning Commission responded that the compliance standard is 8% the proposed is 9.8%. The applicant is requesting a waiver for this.*

Ms. Morrissey, of 242 Miner Street, commented that she is concerned that this development does not benefit the Community. Her specific concerns are water issues, too many houses, and additional traffic.

Dr. Knies of the Planning Commission asked Mr. Daley, Borough Engineer the following question: If a roadway is constructed to Borough standards is the Borough obligated to maintain the roadway.

*Mr. Daley replied, no the borough is not obligated to maintain the roadway.*

Mr. Mellusi stated that the plans indicate that the proposed roadway is skewed to one side. Is the contractor is requesting a waiver for 45 feet instead of the 50 foot right-a-way?

Mr. McCrory asked "Can the borough enforce parking on a private road?"

*Planning Commission stated that there will be signage provided by the developer to restrict parking. The police department would have to be consulted on enforcement.*

Mr. Kane asked "How far from his property is the first home?"

*Planning commission responded that there is a 25 foot setback.*

Mr. Graboyes asked "When were the original plans submitted?"

*Planning Commission stated that the preliminary SLDO plans were submitted October 15, 2007.*

Ms. Millhimes, of 36 Raffaella Drive, asked "How close will the street be constructed in reference to her house; how this effect will the existing trees."

*Mr. Dan Daley explained that the distance from her house to the street would be 7 feet and if necessary the tree roots will be cut.*

Mr. Reilly, of 32 Raffaella Drive, believes that this development will negatively affect their property and requests that an environmental study be done.

*Mr. Dan Daley stated that there will be a review by state and local agencies. The state must give approval for a project to move forward.*

*Dr. Knies asked the residents in attendance, "what value is this project versus the business being run on the Guglielmi property."*

- Mr. Grayboes responded that there is not much disturbance from the business run on the Guglielmi property at this time. He feels there should be 3 not 8 properties on the LaGrie Subdivision. Few homes would mean that more trees could be preserved. He also believes that when more trees are removed the residents will hear more noise from Route 30.
- Mr. Mellusi responded that he is okay with not having the business at the Guglielmi property but would like to see Borough take responsibility for the road.
- Mr. McCrory believes there is a need for the Borough to accept dedication of the road.

Mr. Vike asked Mr. Costello what would be involved in the maintenance agreement southbound from the Guglielmi property to Old Lincoln Highway. Would this be determined by the Borough Solicitor and individual homeowners who would pay equally for improvements?

*Mr. Costello stated that the home owner's association agreement would be crafted and submitted to the borough solicitor for review. Upon his preliminary review, Mr. Costello believes that each resident who lives on the street would equally contribute, but at this time the details have to be worked out.*

Mrs. Sharpless understands Mr. Noll's concerns since Raffaella development had an effect on where she lives, however she asked him to think about the addition of trees to replace the ones that may be removed.

- Mr. McCrory stated that he doesn't need any more trees on his property.
- Mr. Grayboes stated that he doesn't want any trees removed from his property.

**Action:** Motion made by Ms. Stevens and seconded by Mr. Mongeau to recommend to Borough Council, subject to satisfaction of the issues stated in Mr. Dan Daley's review letter of April 11, 2008, preliminary approval of the LaGrie Subdivision and their waiver requests also noted in Mr. Daley's April 11, 2008 letter. We recommend to the Borough Council the following:

- Accept dedication of the private roadway that serves this development
- Accept the eight street lights evenly spaced along the entire length of the road.

- Make available for residents, an option to hook up to the public water system at homeowner's expense.
- That adjacent property owners be involved in discussion with an arborist regarding the removal/addition of trees.

This motion was approved by 3 to 1 with 3 abstentions.

In **Other business** Mr. Dan Daley, Borough Engineer, updated the Planning commission on other on going issues.

- **Malvern Prep Pond & Dam:** Malvern Prep will be coming in with a plan for improvements, Planting of trees and a buffer around the pond. Malvern Prep is also working with the Department of Environmental Planning on dredging the pond and working on the improving the dam.
- The development at Bridge Street, formerly known as the **Chelsea Brooke** development will meet with Mr. Daley regarding the subdivision regarding an amendment on the lot line adjustment.
- **Pedestrian Circulation Plan:** Mr. Daley presented a power point of GIS data that was purchased from Chester County by the Borough of Malvern. He can produce prints which can be used by the Planning Commission members to review the sidewalks in the Borough and will print some sample areas and produce a list of usable addresses and e-mail this information to members of the Planning Commission prior to the meeting on May 15, 2008.

Lastly, Jim Vike intends to resign effective June 5, 2008. He will submit a letter indicating this intent.

The meeting adjourned at 10:00 p.m.

Minutes taken by: Joan Fogarty

Minutes approved per the Chairperson on 6/5/08