

**Borough of Malvern  
Planning Commission Regular Meeting Minutes  
June 19, 2008  
Approved Minutes**

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A regular meeting of the Planning Commission was held on Thursday, June 19, 2008 at the Malvern Municipal Building. Members present included: Christopher Mongeau, David Knies, Cecelia Oswald, Vicki Sharpless and Diantha Stevens.

**CALL TO ORDER**

Chairman Mongeau called the meeting to order at 7:31 p.m.

**APPROVAL OF MINUTES**

Motion made by Mrs. Oswald and seconded by Dr. Knies to approve the minutes. There was 1 abstention.

**TREASURERS' REPORT**

- Ms. Stevens reported that year to date spending is \$762.34.

**NEW BUSINESS**

- **Possible Zoning Amendment and public hearing regarding East King Street Development**

Wendy McLean, Borough Solicitor, presented an overview of the above topic and answered questions from the Planning Commission members. Ms. McLean explained ordinance amendments as follows:

There are 4 possible reasons to evaluate zoning ordinance for amendments:

- Amendment request initiated by someone coming to the Planning Commission or a landowner or someone of interest suggesting how an ordinance can be changed
- Amendment review initiated by Planning Commission
- Landowner curative amendment
- Borough curative amendment
  - (it is easier to amend rather than change a zoning ordinance)

Ms. McLean emphasized that the King Street Development is not a curative amendment, which is a correction to the zoning ordinance necessitated by an unconstitutional element in the existing ordinance.

Ms. McLean further explained that under Municipal Law, a governing body, such as Borough Council, is a legislative body and can legislate on issues, for example regarding whether or not a speed bump is needed. With a Zoning Ordinance Amendment, the authority comes from the state

is in the governing body's plan. Zoning done in accordance with the Municipal Planning Codes needs to be followed very strictly.

Process to adopt an ordinance: the Solicitor has a level of advance work prior to a Borough Council meeting. Prior to the Planning Commission working on the proposed zoning ordinance amendment they need to advertise that there will be a public meeting specifically for that issue. After working with the developer, the Planning Commission will make a recommendation to the governing body, Borough Council. Borough Council then has a zoning hearing regarding the ordinance change. Borough of Malvern must also keep the County and adjacent town (eg. Willistown) informed. Since the proposed zoning amendments are a purely legislative act, there are no time constraints by statute on the Planning Commission; however, all parties should have good faith timelines.

After discussing the zoning amendment process, the Planning Commission asked Ms. McLean several additional questions. Some key points from these questions include:

- If there is a consultant involved for a particular project, the meeting does not have to be advertised, but does need to be open to the public.
- Casual discussions regarding a matter before the Planning Commission are appropriate, but no decision making can take place outside of a scheduled meeting.

Aesthetic issues are not currently sanctioned as part of Malvern's zoning.

To date, the developer of East King Street has not asked for a radical change to the existing zoning – if the height and density changes are not approved then the developer's Plan 2 would be a Box-like development.

- **Procedural**

- no word yet from Eli Kahn since the last meeting.
- per Borough Council, Mr. Ray Ott, a sole practitioner, is the consultant hired by the Borough for this project.
- per Ms. McLean, Borough Council will direct Mr. Kahn as to his next step.
- Ms. McLean suggested that the Planning Commission make a list of concerns and send the list to the consultant prior to him coming to a Planning Commission meeting.
- make sure if you are going to talk about the project that the developer is on the agenda.

- **Pedestrian Circulation Plan**

Mr. Dan Daley, Borough Engineer, provided an aerial map for the Planning Commission to use for this project. After working with the Chester County Planning Commission, Mrs. Sharpless reported the following in regards to this plan:

- refer to the goals listed in the comprehensive plan when the plan is published. Including bicycle traffic into the plan may increase the likelihood that monies may be available from the county for plan funding.

- During the block by block survey the condition curbing, lighting, benches and handicapped access should be noted.

The Planning Commission divided the Borough into the following sections for survey purposes:

<u>Zones</u>	<u>Commission Member</u>
7 and 18	Mrs. Sharpless
15, 16 and 17	Mrs. Oswald
10 and 11	Mr. Mongeau
4, 5 and 8	Dr. Knies
6 and 12	Ms. Stevens
1, 2, 3, 9, 13, 14	no sidewalks

Dr. Knies will e-mail a chart for each person to complete. All data should be returned by the second meeting in August which is 8/21/08. It was agreed by all members present that this will be referred to as Sidewalk Survey.

### OLD BUSINESS

- LaGrie Development

Mr. Mongeau will request a copy of the minutes from the Borough Council meeting regarding the recent developments with this proposed development and forward to Planning Commission members for their review

- There is a need for the Planning Commission to interview for a 7<sup>th</sup> person
- Dr. Knies will check with Mrs. Kelley regarding the status of a Task Force for the proposed East King Street development.

### PUBLIC COMMENT

- John Buckley had questions about the East King Street project. Since this proposed project is in the early stages, the Planning Commission was unable to answer his questions.

The meeting adjourned at 9:30 p.m.

Minutes taken by: Joan Fogarty

Minutes approved by the Vice Chairman on 7-17-08

