

REGULAR MEETING  
BOROUGH COUNCIL  
MALVERN BOROUGH

June 1, 2010  
7:30 P.M.

PRESIDING: Woody J. Van Sciver, President

PLEDGE OF ALLEGIANCE TO THE FLAG

1. ROLL CALL:  
Council President Van Sciver  
Council Vice President Raymond  
Council Member Lynch  
Council Member Macaleer  
Council Member McCrory  
Council Member Sponenbergh  
Council Member Uzman  
Mayor McGlone - ABSENT

2. PUBLIC FORUM:

Council President informs all present that copies of the agenda are available at the front 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. PUBLIC HEARING - 237 KING PARTNERS, LLC:

Council President Van Sciver announced that Borough Council will now open the public hearing, continued from April 20, 2010, to consider and act upon the following conditional use application: Conditional Use Application of 237 King Partners, LLC as to 3.72 acres in the Borough (3.92 acre gross to title lines) on the north side of East King Street, extending west from the Malvern Borough Line, including tax parcels UPI 2-4-148; 2-4-150; 2-4-151; 2-4-152; 2-4-153; 2-4-158; 2-4-159; 2-4-160; 2-4-161; and 2-4-162, to permit a Multi-Use Development in the C-4 High Intensity Commercial District, pursuant to Malvern Zoning Ordinance Sections 1501 (C-4 Use Regulations); 2425 (Multi Use Development); 2910 (Conditional Uses) and related ordinance standards.

Wendy McLean, Esq., commented that the entire development team for 237 King Street Partners, LLC, was available to answer questions and hear comments from the public.

The hearing was opened at 7:33 p.m.

Andy Rau, Esq., marked as Exhibit A.18, a letter that Woody Van Sciver had written to the Planning Commission, and that Andy Rau had responded to, in advance of the June 3<sup>rd</sup> meeting before the Planning Commission. Mr. Rau stated that by the June 15<sup>th</sup> meeting he hopes to have the Planning Commission recommendation in hand and will have had an opportunity to review the other consultant materials that were received today.

Ms. McLean introduced Fronefield Crawford, Esq., who will be entering his appearance on behalf of the Malvern Borough Planning Commission.

It was also stated that at the June 15<sup>th</sup> hearing, the witnesses will be available.

Mr. Van Sciver reported that the letter included in Mr. Rau's Exhibit appeared to be an early draft and he will send Mr. Rau an updated version of the letter he sent to the Planning Commission that had been signed by him.

Several residents were in attendance and expressed support for this development.

Following public comment, the public meeting was closed at 7:47 p.m.

Mr. Rau stated that hopefully the Planning Commission process will conclude this week and that the applicant and Borough Council can consider their comments and recommendations at the June 15<sup>th</sup> Borough Council meeting.

The public hearing was continued to June 15<sup>th</sup> at 7:30 p.m.

Mr. Rau stated that as long as we are announcing the next date and time, he wanted everyone to know that there won't be additional legal advertising.

4. RESOLUTION NO. 622 – MALVERN-WILLISTOWN GREENWAY TRAIL PROJECT:

A motion was made by Council Vice President Raymond, seconded by Council Member Sponenbergh and unanimously carried by a vote of 7-0 to adopt Resolution No. 622, a Resolution approving the proposal of Land Concepts Group for Phase 1 of the Malvern-Willistown Greenway Trail Project.

5. OTHER BUSINESS:

a. Intersection at Sugartown Road & Monument Avenue – Council Member Sponenbergh stated that he lives south of Sugartown Road and Monument Avenue. As one of the items he would appreciate the Public Safety Committee looking at is what we might do to make this intersection safer. A number of serious accidents have occurred at this intersection. Motorists going west on Monument are trying to cross Sugartown and are being hit by traffic coming down the hill. The speed limit is 40 MPH. The sight line is a serious problem coming down that hill. Most of the difficulties are from the Willistown side because of the hill and the line of sight. Malvern has done everything they can to make our side of the road as safe as possible. We believe that Willistown has done the same on their side. Mr. Sponenbergh suggested that we make it a collective effort by having both Willistown and Malvern petition PennDOT to reduce the speed limit from 40 MPH to 25 MPH.

It was asked if a traffic light has been considered and it was answered that it has.

Chief McMahon reported on the number of reportable accidents at this location for the past six years as follows:

2003–1; 2004–3; 2005–2; 2006–1; 2007–0; 2008–1.

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The number of reportable accidents in Willistown over the past 3 years is as follows:  
2007-1; 2008-2; 2009-2.

Willistown has also conducted traffic studies.

Council Member Uzman stated that the sight distance is terrible. If the speed limit is decreased, it should lower the severity of the accidents. It appears that the accidents are from cars entering Sugartown Road from Monument Avenue.

Willistown sent a letter to a PennDOT Engineer inquiring into the safety of this intersection. As PennDOT is responsible for Sugartown Road, they stated they were bringing this matter to PennDOT's attention for any investigation and action that PennDOT would deem appropriate. We do not have PennDOT's response to Willistown.

Council Member Sponenbergh stated that he feels personally that to do nothing is not acceptable.

Council Member McCrory commended Council Member Sponenbergh for taking on this issue.

Council Member Sponenbergh stated that he would like to solicit Willistown's cooperation for assistance in petitioning PennDOT to lower the speed limit on this road.

Council President Van Sciver suggested that Council Member Sponenbergh learn more about it and present a position paper for Council's approval and then go and meet with the Willistown Supervisors and present the paper on behalf of Council. Council Members Lynch and Raymond offered to attend with Council Member Sponenbergh.

Council Member Macaleer suggested that Council Member Sponenbergh also get input from Rep. Milne and Sen. Dinniman.

b. Malin Road Feasibility Study – Council President Van Sciver reported that there is a meeting of the Study Advisory Committee tomorrow morning to discuss the Malin Road linkage. Council President Van Sciver presented a brief overview of the progress to date.

6. ADJOURNMENT:

All business having been discussed, a motion was made by Council Member Sponenbergh, seconded by Council Member Uzman and unanimously carried by a vote of 7-0 to adjourn the meeting at 8:30 p.m.

Respectfully submitted,

Sandra L. Kelley  
Secretary/Manager