

1. CALL TO ORDER – MEETING HELD VIA ZOOM CONFERENCING

PLANNING COMMISSION PRESENT:

Carroll Sinquett, Chair  
Zoe Warner, Ph.D., Vice-Chair  
David Knies, Ph.D., Commissioner  
Mark Niemiec, Commissioner  
Geoff Rubino, Commissioner  
Chris Mongeau, Commissioner

ABSENT:

Kenneth Kynett, Esq., MPC Solicitor -  
Excused by MPC Chairman

Staff & Professionals Present:

Christopher Bashore, Borough Manager  
Tiffany M. Loomis, Assistant Borough Manager & Zoning Officer

Chair Carroll Sinquett announced the following rules for conducting this meeting:

1. The applicant will present their information.
2. Questions will be given by the members of the Planning Commission.
3. The floor will be open to questions from the public.

The members of the Planning Commission agreed with the rules as specified. Chair Carroll Sinquett asked if anyone was recording the meeting besides Mr. Christopher Bashore for the purpose of preparing minutes. No additional recordings were taken.

2. NEW BUSINESS

- a. Appoint Tiffany M. Loomis as Secretary for Malvern Planning Commission

Chairman Carrol Sinquett called for a motion to appointment Tiffany M. Loomis as the Malvern Planning Commission Secretary.

A motion was made by Dr. David Knies, Ph.D., seconded by Mr. Mark Niemiec and carried by a vote 6-0, to appoint Tiffany M. Loomis as Secretary for Malvern Planning Commission as presented.

3. UNFINISHED BUSINESS

There were no items of Unfinished Business for discussion.

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### 4. MINUTES

Mr. Danny Fruchter asked how comments can be made on minutes that have not been released to the public.

Chairman Carrol Sinquett explained that it is a matter of procedure to ask for public comment prior to acting on the motion.

Mr. Danny Fruchter commented on the June 18, 2020 Planning Commission meeting minutes being made available to the public.

Chairman Carroll Sinquett and Mr. Christopher Bashore clarified that the approved June 18, 2020 minutes will be posted on the Borough Website the day following the meeting where the minutes were received and approved.

A motion was made by Mr. Mark Niemiec, seconded by Mr. Chris Mongeau, and carried by a vote 6-0, to approve the minutes from the June 18, 2020 meeting of the Planning Commission as presented.

### 5. PUBLIC COMMENT

Chairman Carroll Sinquett explained the three (3) minute speaking rules and emphasized the enforcement of all individuals staying within the parameters given. He asked for public comments at this time.

Mr. Danny Fruchter asked Ms. Tiffany Loomis regarding the King Street right-of-way, referenced in Appendix 234-2, that has been addressed in the Borough Engineer's review letter for Zoning Hearing Board Application #20-03 regarding the forty five feet (45') right of way and where to locate this ordinance section.

Ms. Tiffany Loomis responded that this section of the Borough's code will be forwarded to Mr. Danny Fruchter's attention tomorrow as requested.

Mr. Danny Fruchter asked Ms. Tiffany Loomis about the instructions for the Zoning Hearing Board Application regarding the Subdivision and Land Development information that is referenced in the instruction portion of the document.

Ms. Tiffany Loomis responded that this evening's meeting is not the appropriate place to address this matter given the applicant is not present to respond and that the Zoning Hearing Board hearing scheduled for July 27, 2020 is the time for this matter to be discussed on record.

Mr. Danny Fruchter asked about the Woodland Avenue project that was referenced by Chairman Carroll Sinquett and Dr. Dave Knies, Ph.D. at the last Planning Commission meeting.

Mr. Christopher Bashore notified Mr. Danny Fruchter that his three (3) minute speaking allotment had exhausted.

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Mr. Danny Fruchter expressed that he had not yet made his comments and asked the Chairman to allow him to make further comment.

Chairman Carroll Sinquett responded that the three (3) minutes time frame is to be used in the manner that the speaker deems fit.

Mr. Danny Fruchter asked a second time about the Woodland Avenue project's entrance and Chairman Carroll Sinquett and Dr. Dave Knies Ph.D.'s response at the last meeting.

Dr. David Knies, Ph.D. did not recall speaking to the matter at the last meeting.

Chairman Carroll Sinquett responded that he did not recall speaking to that matter; however, the reason he would be opposed is because the current Applicant does not have access to Woodland Avenue.

Dr. Zoe Warner, Ph.D. confirmed that this information is in the June 18, 2020 minutes and both Planning Members commented on the matter.

Mr. Danny Fruchter asked the Planning Commission why they recommended that the Borough Solicitor be sent to the Zoning Hearing Board to represent the Borough regarding Zoning Hearing Board Application #20-03 located at 128-142 East King Street without any specific instructions being attached to the recommendation.

Dr. Dave Knies, Ph.D. responded that the Planning Commission has always raised questions regarding this property addressing bulk, length, height, and parking. He further responded that the concerns are obvious in nature and this is why the Planning Commission recommend the Borough Solicitor attend the hearing.

Mr. Danny Fruchter asked if the purpose of sending the Borough Solicitor to the hearing is to ask the questions raised by the Planning Commission and public.

Dr. Dave Knies, Ph.D. responded that this is his understanding.

Chairman Carroll Sinquett clarified that the Planning Commission's main concern is the Applicant will not be providing enough parking spaces, and we do not want to start a trend where this kind of concern gets overlooked.

Dr. Zoe Warner, Ph.D. responded that she understood the Borough Solicitor is attending the hearing to also take into account the public's comments from the MPC June 18, 2020 meeting. Her understanding is that the Borough Solicitor will be reading the minutes, which include the concerns of the public, and then questioning on those concerns.

Chairman Carroll Sinquett explained that this decision is up to Borough Council's discretion.

Mr. Danny Fruchter asked if this information has been communicated to Borough Council.

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Chairman Carroll Sinquett responded that this information has not been communicated to Borough Council and the recommendation from the MPC June 18, 2020 meeting minutes stands as it is stated for Borough Council to decide as they see fit.

Ms. Sidney Baglini commented that the relief being sought by the Applicant for buffering, raised planted islands and the amount of parking provided amounts to limited compliance with the Borough's ordinances. All relief being requested poses major issues to the community and the Borough Solicitor needs to focus on proving the benefit that 15% compliance on the proposed parking has to Malvern Borough.

Ms. Isabel Leininger is concerned that the proposed building will be twenty five percent (25%) higher than typically allowed. She questioned how this increase in height will benefit Malvern Borough.

Ms. Michele McTague commented on the height of the proposed building being a huge concern to the community in addition to all the parking concerns made to date by the public.

Chairman Carroll Sinquett instructed residents with further concerns about the process to attend the Borough Council meeting on July 21, 2020 and, then thereafter, the Zoning Hearing Board hearing scheduled for July 27, 2020.

Dr. Zoe Warner, Ph.D., asked if a further recommendation can be made to direct the Borough Solicitor to act on the concerns raised by residents and reflected in the minutes from the previous meeting at the Zoning Hearing Board.

Chairman Carroll Sinquett responded that it is not appropriate to make another recommendation upon making one initially.

Mr. Christopher Bashore reviewed and reiterated the MPC's recommendation from their approved June 18, 2020 minutes.

Dr. Zoe Warner, Ph.D. commented on the process and asked how it can be assured that the Borough Solicitor be able to act on the concerns that were raised regarding this application.

Chairman Carroll Sinquett responded that if these items were not issues of concern then the Borough Solicitor would not be sent. He explained the process of formality.

Dr. Zoe Warner, Ph.D. commented that what is not clear is if the Borough Solicitor will act on the public comment made at the June 18, 2020 MPC meeting. She was concerned that the Borough Solicitor was being sent without any directions, which could create a slippery slope.

Chairman Carroll Sinquett gave the members of the Planning Commission leave to address these matters directly at the Borough Council meeting scheduled for July 21, 2020. He further clarified that another recommendation would not be made by the Planning Commission.

Dr. Zoe Warner, Ph.D. asked if there were any further comments from the Planning Commission to provide direction.

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Dr. Dave Knies, Ph.D. agreed there are issues with the proposed building, but the Planning Commission's role is not to provide direction and is to provide recommendations.

Mr. John Buckley commented on parking waivers that business owners received on King Street and how this is not fair either.

6. ADJOURNMENT

All business having been discussed, a motion was made by Dr. David Knies, Ph.D., seconded by Mr. Mark Niemiec, and carried by a vote of 6-0 to adjourn the meeting at 7:55P.M.

Respectfully submitted by,

Tiffany M. Loomis  
Assistant Borough Manager & Zoning Officer