

1. CALL TO ORDER

PRESENT:

David Knies, Chair
Mark Niemiec, Vice-Chair
Chris Mongeau, Commissioner
Geoff Rubino, Commissioner
Zoe Warner, Commissioner

ABSENT:

Carroll Siquett, Commissioner

Staff & Professionals Present:

Kenneth Kynett, Esq., Borough Solicitor
Neil Lovekin, Assistant Borough Manager/Zoning Officer

2. APPROVAL OF MINUTES

A motion was made by Geoff Rubino, seconded by Zoe Warner, and carried by a vote of 5-0 to approve the minutes from the June 20, 2019 meeting of the Planning Commission, as submitted.

3. UNFINISHED BUSINESS

- a) No 'Unfinished Business' was on the agenda for discussion.

4. NEW BUSINESS

- a) MALVERN VETERINARY HOSPITAL – ZONING HEARING BOARD APPLICATION

Dr. Joseph & Lyn Hyduke, Owners/Applicants, Gina Gerber, Esq., Legal Counsel, and Allan Zimmerman, P.E., Engineer were present on behalf of the application for the Zoning Hearing Board.

The applicant is proposing to demolish the existing veterinary hospital building and construct a new 3,589 sf veterinary hospital, a new 864 sf garage, and a reconfigured parking area.

Discussion focused on the application for Malvern Veterinary Hospital, prepared by Commonwealth Engineers, Inc. dated March 21, 2019, consisting of 7 plan sheets, as well as the Borough Engineer's Review #2 letter, dated June 13, 2019.

Allan Zimmerman said that after the June 20th meeting of the Planning Commission, the proposed land development plans have been revised by removing the porous section of driveway and replacing it with asphalt.

Gina Gerber, Applicant's Legal Counsel, summarized the application for the Zoning Hearing Board. The applicant is seeking the following relief from the Zoning Hearing Board:

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- Special Exception pursuant to section 220-2702.B. pertaining to the extension or enlargement of a nonconforming use
- Variance from section 220-2702.B.(2) in order to increase the area devoted to the nonconforming use beyond 25%
- Variance from section 220-2702.B.(3) in order to exceed the area and bulk regulations in the R-1 zoning district
- Variance from section 220-2702.B. in order to enlarge a nonconforming use

In the alternative to the requested special exception, the applicant is seeking the following variances from the Zoning Hearing Board:

- Variance from section 220-402.D. in order to allow for a side yard less than 30 feet
- Variance from section 220-402.F. in order to exceed the maximum of 10% building coverage
- Variance from section 220-402.G. in order to exceed the maximum of 20% lot coverage
- Variance from section 220-2501.D.(9)(e) in order to have parking lots separating rows of parking spaces by less than 14 feet for one-way use and 24 feet in width for two-way use

Liz Deal, 337 West First Avenue, requested clarification concerning what zoning relief is being requested in correlation with the specific sections of the Zoning Ordinance. Ms. Gerber provided a summary of the requested relief and an explanation for each variance requested.

A motion was made by Chris Mongeau, seconded by Geoff Rubino, and carried by a vote of 5-0 to recommend that Borough Council authorize the Borough Solicitor attend the hearing for the Malvern Veterinary Hospital for oversight due to the complexities of the zoning relief sought. The Planning Commission has no planning issues related to the application.

b) 107 MOUNTAIN LAUREL LANE – ZONING HEARING BOARD REVIEW

Brian Murphy, Owner/Applicant, was not present on behalf of the Zoning Hearing Board Application.

The applicant is seeking variances from section 220-602 (maximum lot coverage) and/or 220-2408 (Cluster residential development standards) of the Malvern Borough Zoning Ordinance in order to connect two (2) existing patios.

Zoe Warner stated she viewed the property from the street and has concerns with stormwater runoff. Mrs. Warner would like to recommend to Borough Council that the Borough Solicitor attend the hearing to ensure Mr. Murphy addresses stormwater runoff anticipated from the patios.

A motion was made by Chris Mongeau, seconded by Zoe Warner, and carried by a vote of 5-0 to recommend that Borough Council authorize the Borough Solicitor to attend the hearing for 107 Mountain Laurel Road to ensure stormwater runoff is addressed in the hearing. The Planning Commission has no planning issues related to the application.

c) ZONING ORDINANCE – BRANDYWINE CONSERVANCY ANALYSIS

Meredith Mayer, Associate Planner with the Brandywine Conservancy, and John Snook, Consultant, were present to review with the zoning ordinance analysis. Ms. Mayer reviewed a PowerPoint presentation which summarized the recommendations and the impacts of existing zoning in several residential zoning districts made by a Committee consisting of borough staff, Councilors Finkbiner and Sinquett, and John Snook and herself. The Committee focused on the impacts of new residential construction that often seems out of character or scale with existing neighborhood context. The Committee analyzed existing zoning definitions, lot coverage and building coverage limitations, yard area setbacks, and building height, with a view not to curtail new construction and improvements, but to protect neighborhood character. None of the recommended zoning amendments will affect existing residences, except where additions or new construction are proposed.

Ms. Mayer stated the Committee's initial findings were:

- 1) Yard area and height nonconformities are relatively limited because limitations are relatively generous.
- 2) 93% of all parcels are not using the full allowance of building coverage.
- 3) Full-height buildings (35' average roof elevation) are currently permitted as little as 5' from the property line.
- 4) The conclusion is that the current zoning leaves ample opportunity for major expansions or teardowns/replacements.

Mr. Snook further stated the findings revealed:

- 1) Generous building coverage and narrow side-yards appear to be the most significant issues.
- 2) Modest reduction in building coverage did not create an undue number of new non-conformities.
- 3) A new nonconformity is not an issue for property owners who want to stay in place in their home as-is.
- 4) Building coverage may be reduced by right but given back through conditional use approval subject to design review to promote neighborhood fit.
- 5) Height reduction in narrowest side yards would reduce impacts to neighbors from new maximum height residences.

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Chris Mongeau said the Borough previously tried to perform a similar height restriction based on setbacks in the Commercial Districts and it was unsuccessful. Mr. Mongeau expressed concern that existing homes will have to contend with additional restrictions to construct additions. Mr. Snook stated the restrictions would apply to the construction of new residential homes only, whether it be a teardown and replace, or a new home on a newly created or vacant lot.

Zoe Warner is in favor of the proposed height restrictions as it would provide a visual/aesthetic appeal to the residential districts.

Mark Niemiec asked Ms. Mayer and Mr. Snook to work with borough staff in collecting data from the past five (5) years of all residential homes built and see how the proposed zoning ordinance amendments would have affected those homes. Ms. Mayer and Neil Lovekin agreed to compile the data and to report their findings to the Planning Commission in a future meeting.

The Planning Commission tabled this agenda item for discussion until additional data is compiled by the Brandywine Conservancy and borough staff.

d) COMPREHENSIVE PLAN – STATEMENT OF WORK – BRANDYWINE CONSERVANCY

Meredith Mayer reviewed a potential scope of work for a grant application to the Chester County Vision Partnership Program. Previously, the Borough received funding through this program in order to complete the *Malvern Borough-wide Multimodal Transportation Study*. The proposed application would be an update to the Borough's 2012 Comprehensive Plan, with an update of the 2009 Revitalization Plan (Critical for County's Urban Center Grant Funds). In order to complete the application, a proposal was requested from the Brandywine Conservancy to determine a rough cost estimate for the application.

Borough Council has asked for the Planning Commission's feedback to reduce the scope of work to a more manageable list of deliverables.

Dave Knies stated he will schedule a meeting with Chris Bashore, Borough Manager, and Neil Lovekin, Assistant Borough Manager/Zoning Officer, to narrow down the items for the Scope of Work and will discuss the outcomes of that meeting with the Planning Commission at the September 5, 2019 meeting.

The Planning Commission tabled this agenda item for discussion until its September 5, 2019 meeting, when Dave Knies will review the outcomes of his meeting with borough management.

5. OPEN ZONING HEARING BOARD APPLICATIONS

Neil Lovekin stated that there are no new Zoning Hearing Board applications.

6. BOROUGH COUNCIL UPDATE

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Dave Knies stated that since Carroll Sinquett is absent from tonight's meeting that there will be no update for the August 6, 2019 meeting of the Borough Council.

7. PUBLIC COMMENT

David Knies advised all present citizens/taxpayers that Public Comment is the time to offer comments on any item not on the agenda and to bring any issues/concerns before the Planning Commission.

Mark Niemiec stated the Randolph Woods Ad Hoc Committee has received proposals from firms to draft the Master Park Plan for Randolph Woods. The Committee will be reviewing the proposals at its next meeting scheduled for Wednesday, September 11, 2019.

8. ADJOURNMENT

All business having been discussed, a motion was made by Chris Mongeau, seconded by Geoff Rubino, and carried by a vote of 5-0 to adjourn the meeting at 9:18 p.m.

Respectfully submitted by,

Neil Lovekin
Planning Commission Secretary