

1. CALL TO ORDER: David Knies, Chair
Amy Finkbiner, Vice-Chair
Lynne Hockenbury, Commissioner
Chris Mongeau, Commissioner
Mark Niemiec, Commissioner (Absent)
Geoff Rubino, Commissioner
Carroll Sinquett, Commissioner

Also Present: Dan Daley, Borough Engineer
Ari Christakis, Borough Solicitor
Neil Lovekin, Assistant Borough Manager/Secretary

2. APPROVAL OF MINUTES:

A motion was made by Lynne Hockenbury, seconded by Carroll Sinquett and carried by a vote of 6-0, to approve the minutes of Thursday, July 20, 2017 as amended.

3. PUBLIC COMMENT:

Dave Knies informed all present that copies of the agenda are available at the front entrance. Citizens/taxpayers were advised that Public Comment is the time to offer comments on any item on the agenda to bring any issues/concerns before the Planning Commission.

- a) No audience member had comments.

4. NEW BUSINESS:

- a) 51 RUTHLAND AVENUE – PRELIMINARY/FINAL PLAN

Owner/Applicant: Richard & Walter Haly, III	Application #: 17 – 04
Lot Size: 0.85 acres	Zoned: R4
	Tax Parcel: 2 – 4 – 38

Richard and Walter Haly, Owners/Applicants, and Steve Hamel, Engineer, were present on behalf of the proposed land development.

Ari Christakis disclosed that his firm must recuse itself from representing the borough on this application review as he has represented the Halys in prior legal matters. Prior to the start of the meeting, Mr. Christakis has spoken with the applicant and Chris Bashore, Borough Manager and all are in agreement that he may provide review guidance for purposes of this meeting. The borough will have to notify its conflict counsel of the open application and provide legal representation.

Danny Fruchter asked Walter Haly if the applicants will also be the developers/builders. Mr. Haly stated they will be the builders and have family members interested in one (1) or more of the twin homes.

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Steve Hamel inquired how to obtain street addresses for the new homes. Neil Lovekin stated the Borough Manager coordinates with the county in assigning address numbers for new development.

Steve Hamel asked for assistance of how to obtain the easement language that was drafted for the Malvern Fire Company driveway access. Ari Christakis stated it should be with the Malvern Fire Company's land development application and recorded in the deeds.

Carroll Sinquett asked if the applicant will be able to meet the cartway width requirements. Steve Hamel stated a waiver will be requested. Dave Knies stated applicants should try to avoid or at a minimum limit the number of waivers sought.

Ari Christakis stated the private access drive that was granted to the Malvern Fire Company, as defined in the Malvern Borough Subdivision and Land Development Ordinance is a 'Driveway' and not a 'Private Street' as previously mentioned. The borough owns the 'Driveway' and has granted the Malvern Fire Company access to use and maintain. Dan Daley stated that based on the definition the applicant is required to provide a five (5) foot setback from the driveway.

Lynne Hockenbury recommended and Carroll Sinquett agreed that a twenty-five (25) foot setback should be provided to act as a safe distance/buffer between the proposed new homes and the emergency vehicles. Richard and Walter Haly were in agreement and instructed Steve Hamel to update the plans to include a twenty-five (25) foot setback.

Dave Knies asked if the new twin homes will be rentals or sold to homeowners. Richard Haly stated the homes will be sold, with one (1) or more being acquired by family members.

Neil Lovekin stated the plan review period expires on October 5, 2017.

b) ZONING HEARING BOARD – OPEN APPLICATION

Neil Lovekin stated there were no new applications received by July 31st, therefore the August 28th Hearing has been cancelled. The next scheduled hearing is Monday, September 25th.

5. OLD BUSINESS:

a) 100 QUAKER LANE – PRELIMINARY/FINAL PLAN

Owner/Applicant: McMour Limited Partnership
Lot Size: 1.1 acres

Zoned: LI-1

Application #: 17-02
Tax Parcel: 2-3-3.1

Applicant proposes to construct an approximate 6,300 sq. ft. warehouse addition to the existing warehouse/office space on a 1.1 acre lot.

George McHugh, Applicant, and Nick Vastardis, Engineer, were present on behalf of the project.

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Dave Knies asked Dan Daley to go through his review letter dated, July 28, 2017 regarding the proposed plan. Items discussed, included: 1) Exterior lighting; 2) Curbs; 3) Fee-in-lieu of sidewalks; and 4) Installation of four (4) parking stalls at the rear of the proposed addition. Access is proposed off of the existing driveway to the Joebry LP parcel (2-3-5) and is located in an existing easement area. The applicant must provide a copy of the existing easement agreement to the Borough Solicitor to ensure the applicant has rights to this easement.

Neil Lovekin stated a revised set of plans were received on August 1, 2017 from Nick Vastardis that address Dan Daley's review, dated July 28th. However, since Dan Daley has not had an opportunity to review the revised plans, neither Dan nor the Planning Commission should publicly review the plans for the first time this evening.

Neil Lovekin stated the current plan review extension expires on September 11, 2017.

Planning Commissioners were in agreement that they would like George McHugh and Nick Vastardis to return to the August 17th Planning Commission Meeting, after Dan Daley has had time to review the revised set of plans and draft his review letter.

b) 346 EAST KING STREET – PRELIMINARY/FINAL PLAN

Owner/Applicant: Robert & Patricia Chambers
Lot Size: 0.25 acres

Zoned: C3

Application #: 16 – 02

Tax Parcel: 2 – 4 – 297

The applicant has submitted a revised land development plan for proposed improvements at 346 E. King Street located at the corner of East King Street and Ruthland Avenue. Improvements include a building addition and a twelve (12) space parking lot. The proposed building use is noted as follows: 1) First Floor – 2,000 sf of commercial retail space; and 2) Second Floor – seven (7) one bedroom apartments (one (1) existing / six (6) proposed).

Bob & Patricia Chambers, Owners/Applicants, Richard Covatta, Architect, and James Tupitza, Attorney, were in attendance to review the Preliminary/Final Plan Application.

Dave Knies directed Dan Daley to go through his review letter dated, July 28, 2017 regarding the proposed plan. Items discussed, included: 1) Relief of the requirement to widen East King Street to a 40-foot wide cartway and Ruthland Avenue to a 28-foot wide cartway; 2) Relief of the requirement to install additional street trees; 3) Approval of the Sewage Planning Module by PA Department of Environmental Protection; 4) Review by the Shade Tree Commission of the revised plans, particularly the proposed location of the red maple at the southeast corner of the property; and 5) Finalized and borough-approved easement agreement with the adjacent property owner, David Campli, located at 338 East King Street.

Neil Lovekin stated on Tuesday, August 1st the borough received a confirmation letter from the PA Department of Environmental Protection that exempts this project from Act 537 – Sewage Facilities Planning. In addition, the Shade Tree Commission will provided comments for the current plans in the coming week(s).

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James Tupitza stated the easement agreement with David Campli, 338 East King Street, will be a Non-Exclusive version and neither party is claiming adverse possession.

Carroll Sinquett asked Dan Daley if any sight triangle issues could arise from the proposed tree plantings. Dan Daley stated there should be no issues with proper maintenance.

Carroll Sinquett asked for clarification of whether the utilities will be above or below ground. Dan Daley stated the plans show the utilities will be placed underground.

Chris Mongeau questioned if granting a twenty-eight (28) foot cartway could pose any safety issues. Dan Daley stated the revised set of plans show room for opposing two (2) vehicles to pass one another. To widen Ruthland Avenue, both sides of the road would have to be equally increased, which this land development project would not be required to do.

Bob Chambers stated he will provide the borough with a thirty (30) day extension for completing its review period. Neil Lovekin stated the current extension ends on August 25, 2017, therefore the new deadline will be September 24, 2017.

A motion was made by Chris Mongeau, seconded by Lynne Hockenbury and carried by a vote of 6-0, to recommend approval of the Preliminary/Final Plan for Robert and Patricia Chambers at 346 E. King Street, prepared by RHC Design, LLC., dated February 18, 2016, last revised July 19, 2017, located at the corner of East King Street and Ruthland Avenue. The Planning Commission's recommendation is centered on the Borough Engineer's review letter dated, July 28, 2017, specifically citing four (4) waivers to be granted: 1) Section 300.C – A waiver to allow the plans to be submitted as preliminary / final; 2) Section 301.E – A waiver for relief of the requirement to submit maps indicating the findings of each step of the Four-Step Design Process; 3) Section 503 – A waiver for relief of the requirement to widen East King Street to a 40-foot wide cartway and Ruthland Avenue to a 28-foot wide cartway; and 4) Section 525 – A waiver for relief for planting additional street trees along E. King St. and Ruthland Ave. The Planning Commission recommends the following conditions be contingent upon approval: 1) Compliance with the comments contained in the Borough Engineer's Review Letter, dated July 28, 2017; 2) Compliance with Shade Tree Commission comments on the latest plan, specifically the proposed location of a Red Maple to be planted at the southeast corner of the property; 3) Review and approval by the Borough Solicitor and Borough Engineer of an Easement Agreement to be finalized between the Chambers and David Campli at 338 East King Street; and 4) Agreement to a fee-in-lieu agreement for street trees not planted per SALDO 181-525. Terms of the agreement to be established by the Borough Engineer.

c) 2017 INITIATIVES

Commissioners were in agreement to table discussion.

d) BY-LAWS

Ari Christakis is drafting a mission and vision statements for the Planning Commission to review instead of reviewing the By-Laws.

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e) BOROUGH COUNCIL UPDATE

Carroll Sinquett stated at the August 1st Borough Council Meeting, council took the following action: 1) Adopted Resolution No. 739, commemorating Patricia Ann Rossiter and her contributions and service to the Borough of Malvern; 2) Adopted Resolution No. 740, establishing Meridian Bank as a depository for the Borough of Malvern; 3) Adopted Resolution No. 742, establishing four (4) authorized signers on all bank accounts of the Borough of Malvern and requiring three (3) signatures on all checks on Borough accounts; and 4) Announced on Tuesday, August 8th a bench dedication in Burke Park will occur for Paul Wilkins a former member of the Malvern Fire Company.

f) ZONING HEARING BOARD - DETERMINATIONS

Carroll Sinquett stated a hearing was conducted on Monday, July 31st for Thomas and Jamie Bemiller, 227 Monument Avenue, who were seeking a variance to allow more than one (1) supplemental dwelling unit on a lot. The applicants were requesting authorization to use an existing structure as an additional supplement dwelling unit. There is an existing garage apartment and cottage on the lot. The Board voted to overrule the Zoning Officer's determination that the second supplemental dwelling unit on the property could not be used without variance relief. The Board held that the Applicants provided sufficient evidence to prove that the nonconforming use of the second supplemental dwelling unit had not been abandoned and, therefore, could continue without variance relief.

6. ADJOURNMENT:

All business having been discussed, a motion was made by Lynne Hockenbury, seconded by Carroll Sinquett and carried by a vote of 6-0, to adjourn the meeting at 9:36 p.m.

Respectfully submitted,

Neil G. Lovekin
Assistant Borough Manager/Secretary