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

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

2. APPROVAL OF MINUTES:

   A motion was made by Lynne Frederick, seconded by Carroll Sinquett and carried by a vote of 5-0, to approve the minutes of Thursday, January 18, 2018 as submitted.

3. OLD BUSINESS:

   a) VACANCY INTERVIEWS

   Planning Commissioners were in agreement to postpone making a recommendation to fill the vacancy until all members of the Commission are present. On January 18, 2018, the Planning Commission interviewed three (3) candidates for the vacancy, no new applications have been submitted as of tonight’s meeting.

   b) ORDINANCE REVIEWS

   Dave Knies stated the Borough Council, at its January 16th Meeting, charged the Planning Commission with reviewing the R3a, R3b, and R4 Residential Zoning Districts, specifically side-yard setbacks.

   Chris Mongeau stated creating larger side-yard setbacks may lead to new homes being long and narrow, which may not align with the Comprehensive Plan. An option may be to look at the cubic footage for building coverage as a means to manage new construction sizes.

   Ari Christakis is not aware of a municipality that uses cubic footage, rather the Borough may want to consider a maximum floor area ratio to constrain overall new construction footage.

   After a brief discussion, the Planning Commission determined to recommend the Borough Council hire a consultant to conduct a thorough review of the zoning districts, citing making changes to one section of the Zoning Ordinance will likely (unintentionally) affect another section.

   c) ZONING HEARING BOARD – DETERMINATIONS
No determinations rendered by the Zoning Hearing Board since the January 18th Meeting of the Planning Commission.

4. **NEW BUSINESS:**

   a) **545-551 SOUTH WARREN AVENUE – SKETCH PLAN – REVIEW #1**

   Owners/Applicants: Joseph & Carolyn Hyduke  Application #: N/A
   Lot Size: 1.38 acres  Zoned: R1  Tax Parcel: 2–7–42

   Applicants intend to construct a new veterinary hospital and are present before the Planning Commission to review their plans to determine if the Commission would be receptive to the land development project. On October 24, 2011, the Malvern Zoning Hearing Board granted a Special Exception for enlargement of the non-conforming use (i.e. Veterinary hospital), and Variances for: 1) Side-yard encroachment, and 2) Expansion of building coverage, with conditions of the premises being operated in the same historical manner (e.g. Operating hours and building uses), and eliminating the outdoor run. Since the Hydukes did not submit a land development application or a permit application within six (6) months of the decision made by the Zoning Hearing Board, the approval has expired, and the Hydukes must appear before the Board for approval. The new veterinary hospital proposes a second floor for office space and a staff lounge, and a dedicated euthanasia area. The property is a nonconforming lot.

   Joseph & Carolyn Hyduke, Owners/Applicants, were present on behalf of the project.

   Mark Niemiec asked where access to the veterinary hospital is located. Joseph Hyduke stated access for both his home and veterinary hospital are accessed off of South Warren Avenue.

   Mark Niemiec asked how many animals are hospitalized on average at any given time. Mr. Hyduke estimated that 5-6 animals are hospitalized, most are dogs and cats.

   Mark Niemiec inquired about the construction sequence for the new hospital. Mr. Hyduke indicated the new hospital will be built while keeping the old hospital open. One garage will be removed and one garage will be kept. New parking will go in front of the old hospital once it is demolished. The time when both the old and new hospital coexist, Mr. Hyduke estimates that he will be down 3-4 parking spaces.

   Lynne Frederick questioned how many parking spaces are proposed by the end of the project. Mr. Hyduke estimated fourteen (14) parking spaces.

   Carroll Sinquett inquired how much room will be between the old and new hospital while they coexist. Mr. Hyduke estimates ten (10) feet. Carroll Sinquett recommended Mr. Hyduke verify with his engineer what the distance between buildings will be, since the current Sketch Plan shows 3-4 ft.
Carroll Sinquett requested clarification of ownership for the fence located along Mr. Hyduke and Doug Mottin, 253 Paoli Pike, property line. Mr. Hyduke stated the fence is on Mr. Mottin’s property and Mr. Hyduke has no concerns with it.

Carroll Sinquett asked the Hydukes if they are engineering there new veterinary hospital to account for the steep slopes. Joseph Hyduke stated they will be working with an engineering firm to insure all factors related to building construction are addressed.

Carroll Sinquett asked if the RV shelter will remain on the property. Mr. Hyduke does not have any definite plans for the RV shelter, it may or may not stay. Mr. Sinquett recommended Mr. Hyduke make sure with his engineer that he will still meet any zoning requirements with the new, larger veterinary hospital and existing structures.

Chris Mongeau asked Mr. Hyduke if his driveway will be widen as it appears to be too narrow to safely have two (2) vehicles pass each other when traveling in opposite directions. Mr. Hyduke said there is a turnaround area by the veterinary hospital and vehicles traveling towards South Warren Avenue are able to see incoming vehicles and wait for them to pass. He has not had any vehicle accidents with vehicles using his driveway.

Ari Christakis stated that his law firm has a conflict in representing the Borough, as his firm has represented the Hydukes in previous matters. In addition, conflict counsel for the Borough has represented the Hydukes, therefore, a third law firm will need to represent the Borough.

Ari Christakis stated the land development plan is classified by the borough’s Subdivision and Land Development Ordinance as a ‘Sketch Plan,’ therefore no action is required by the Planning Commission.

b) OPEN ZONING HEARING APPLICATIONS

i. Applicant: Renehan Realty, LLC  
   Application #: ZHB-17-07  
   Location: 324/328 E. King ST  
   Tax Parcels: 2-4-294/293  
   Zoned: C3  
   Relief Sought: Variance from Section 220-2501.D.9.E. requiring aisles within parking lots separating rows of parking spaces shall be a minimum of 24 ft. in width for 2-way use. A variance is requested to provide a lesser width. In addition, the applicant is seeking relief from any other section of the zoning ordinance that may be realized as being required during the zoning hearing process.

   After discussion, the Planning Commission was in agreement that the applicant’s materials do not clearly depict the parking configuration and traffic flows, and Dan Daley, Borough Engineer, review letter dated January 31, 2018, identified similar inconsistencies with the project.

   A motion was made by Carroll Sinquett, seconded by Lynne Frederick, and carried by a vote of 5-0, to recommend to Borough Council that they send the Borough Engineer and the Borough Solicitor on behalf of the Borough to ensure the parking configuration and traffic flow.
inconsistencies per Dan Daley, Borough Engineer, review letter dated January 31, 2018, are addressed by the Applicant.

   ii. Applicant: Joseph Willis/JMW Enterprise, LLC  Application #: ZHB-18-01  
   Location: 11 Griffith Avenue  Tax Parcel: 2–3–25  Zoned: R3a  
   Relief Sought: Variance from Section 220-602.A.1. requiring a minimum lot area of 12,000 sq. ft. Granting this variance will eliminate the need to reduce the right-of-way on West King from 30 feet to 29 feet.

At the December 7, 2017 Meeting of the Planning Commission, Mr. Willis requested the Commission review a Sketch Plan for a subdivision and land development project. The Commission recommended the applicant apply to the Zoning Hearing Board for relief from any and all zoning instead of requesting waivers from the Borough’s Subdivision and Land Development Ordinance.

The Planning Commission was in agreement that there appears to be no planning issues regarding the application, subject to it complying with applicable zoning and land development requirements for which no relief is requested and/or granted.

A motion was made by Mark Niemiec, seconded by Lynne Frederick, and carried by a vote of 4-0-1, Carroll Sinquett abstained stating he had recently completed work for Mr. Willis, to recommend to Borough Council to not sent the Borough Engineer and/or Borough Solicitor on behalf of the Borough.

d) BOROUGH COUNCIL UPDATE

Carroll Sinquett stated that Borough Council has not met since the last Planning Commission Meeting held on Thursday, January 18, 2018.

5. 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. John Buckley, 165 Church Street, requested the Planning Commission Agenda be posted at the Malvern Post Office in the wall case. Dave Knies stated Mr. Buckley should bring his request to the Chris Bashore, Borough Manager.

b. Danny Fruchter, 234 Channing Avenue, stated the current borough ordinances do not accurately reflect the goals and objectives of the Borough’s Comprehensive Plan.

6. ADJOURNMENT:

All business having been discussed, a motion was made by Lynne Frederick, seconded by Carroll Sinquett, and carried by a vote of 5-0, to adjourn the meeting at 8:53 p.m.
Respectfully submitted,

Neil Lovekin
Assistant Borough Manager/Secretary