

1. CALL TO ORDER

PRESENT:

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

ABSENT:

Staff & Professionals Present:

Dan Daley, P.E., Borough Engineer
Kenneth Kynett, Esq., Borough Solicitor
Christopher Bashore, Borough Manager
Neil Lovekin, Assistant Borough Manager/Secretary

2. UNFINISHED BUSINESS

a. MALVERN VETERINARY HOSPITAL – Review #3

Owner/Applicant: Joseph & Carolyn Hyduke	Application #19-02
Lot Size: 1.38 acres	Zoned: R-1
	Tax Parcel: 2-7-42

Joseph & Carolyn Hyduke, Owner/Applicant, and Allan Zimmerman, P.E., Engineer, were present on behalf of the proposed land development project.

Discussion focused on the Borough Engineer's review letter #3, dated January 31, 2020, as well as the proposed preliminary/final land development plan prepared by Commonwealth Engineers, Inc. dated November 4, 2019, last revised January 24, 2020.

Allan Zimmerman, P.E. stated that the flow test from Aqua is being completed. Allan Zimmerman, P.E. stated that the applicant is working with an arborist for the Malvern Retreat House in order to finalize the plantings for the necessary screening. Allan Zimmerman, P.E., provided a list of the waivers from the Borough's Subdivision and Land Development Ordinance that are being requested as part of this application.

Carroll Sinquett asked if the right-of-way for Warren Avenue is centered. Dan Daley, P.E. stated that there would need to be six (6) feet of widening on the east side of Warren Avenue due to the existing roadway construction. Carroll Sinquett asked about the existing driveway slope. Dan Daley, P.E. stated that the slope is 14.1% in the public right-of-way and 16.7% outside of the public right-of-way. Mark Niemiec asked if the grade was an issue. Dan Daley, P.E. stated that was, but that this is an existing condition and is not uncommon.

The members of the Commission asked the applicant if there were ever any traffic issues on the site, noting the steep incline of the driveway, visibility on Warren Avenue, and the narrowness of the driveway. Joseph Hyduke stated that there have never been any issues. Zoe

Warner, Ph.D., asked if there was any signage for the driveway. Joseph Hyduke stated that there are some signs, but no issues.

Carroll Sinquett asked about the required number of street trees for the project. Dan Daley, P.E. stated that four (4) street trees would be required. Carroll Sinquett stated that since a large tree is proposed to remain, the most that could be required would be three (3) new trees. Christopher Bashore, Borough Manager, stated that he had spoken with the Chair of the Shade Tree Commission and that they were in agreement for a fee-in-lieu of street trees.

David Knies, Ph.D., discussed the potential for fees-in-lieu for the installation of curbs, sidewalk, and trees. Carroll Sinquett asked about a fee-in-lieu for road widening. David Knies, Ph.D. stated that they have not traditionally asked for a fee-in-lieu for road widening. Allan Zimmerman, P.E. asked how the fees for curb and sidewalk were calculated. Dan Daley, P.E. stated that there is a standard that is used and it is not site specific.

A motion was made by Chris Mongeu, seconded by Geoff Rubino, and carried by a vote of 6-0 to recommend, subject to conditions, the plan entitled "Preliminary/Final Land Development Plan for Malvern Veterinary Hospital" prepared by Commonwealth Engineers, Inc. dated November 4, 2019, last revised January 24, 2020, signed and sealed by Victor Kelly, Jr., P.E., Registered Professional Engineer, proposing the demolition of the existing veterinary hospital building and construction of a new 3,589 sq. ft. veterinary hospital, a new 864 sq. ft. garage, and a reconfigured parking area, pursuant to the Malvern Borough Subdivision & Land Development Ordinance of 2006 ("Land Development Ordinance") for the development of certain property ("Property") in the Borough of Malvern ("Borough"), Chester County, Pennsylvania, in the R-1 Residential District. The motion recommended granting the following waivers from the Land Development Ordinance:

1. **Section 300. C.** – to allow the plans to be submitted as Preliminary and Final Plan.
2. **Section 503.C** - for relief of the requirement to widen the existing cartway (existing width ==22' +/-, required width== 34').
3. **Section 513.B** [Existing non-conforming condition] – to maintain the existing sight distances noted to be 120'+/- to the right and 100' +/- to the left where required safe sight distances per Title 67 of the PA Code for a 35-mph road are 350' to the right and 440' to the left.
4. **Section 513.L. 1** [Existing non-conforming condition] – from driveway slope requirements to allow existing driveway to remain which does not comply with the Borough's driveway slope requirements (within the right-of-way - max grade 4%, outside the right-of-way - max grade 8%). The existing driveway is 14.1 % in the right-of- way and 16.7% outside the right-of-way (max).
5. **Section 513 .L.2** [Existing non-conforming condition] – from driveway width requirements where the existing driveway does not comply with the Borough width requirements (minimum existing width is 11.4-feet, required is 20-feet with 20-foot radii).

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6. **Section 514.A** – from installation of curbs along the property frontage of South Warren Avenue.
7. **Section 514.B** – from the requirement to install curbs along the existing parking area.
8. **Section 515.A** – from the requirement to install sidewalk along S. Warren Avenue.
9. **Section 525.C.1** – from the requirement to plan street trees along the entire length of a public street.

The motion recommended that the following conditions be included:

1. The recommendation on a waiver from section 181 – 514.A. shall be conditioned on the applicant posting a fee-in-lieu of the installation of curbs. The fee amount shall be determined by the Borough Engineer.
2. The recommendation on a waiver from section 181 – 515.A. shall be conditioned on the applicant posting a fee-in-lieu of the installation of sidewalk. The fee amount shall be determined by the Borough Engineer.
3. The recommendation on a waiver from section 181 – 525.C.1. shall be conditioned on the applicant posting a fee-in-lieu of the installation of street trees. The fee amount shall be determined by the Borough Engineer.
4. Compliance with the Borough Engineer’s review letter dated January 31, 2020.
5. Compliance with the Borough Fire Marshal’s review letter dated December 3, 2019.
6. Applicant shall ensure recording of the final plan consisting of seven (7) plan sheets.

b. 523 MONUMENT AVENUE – Review #2

Owner/Applicant: Robert & Kristen Coughlin

Lot Size: 1.0 acres

Zoned: R-2

Application #19-03

Tax Parcel: 2-6-37

Robert Coughlin, Owner/Applicant, and Mark Padula, P.E., Engineer, were presented on behalf of the proposed subdivision and land development project.

Discussion focused on the Borough Engineer’s review letter #2, dated January 31, 2020, as well as the proposed preliminary/final land development plan prepared by Padula Engineers dated October 21, 2019, last revised January 17, 2020.

The Commission reviewed the latest review comments from Dan Daley, P.E. Mark Padula, P.E. stated that he will be revising the plan to indicate the waiver for this to be a preliminary/final plan. It was determined that the members of the Commission were familiar with the site and that a site visit was not needed.

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Discussion turned to road widening and sidewalk for the associated project. Dan Daley, P.E. stated that the applicant's proposal for road widening and sidewalk installation is adequate. Zoe Warner, Ph.D. asked about the possibility of installing a crosswalk. Dan Daley, P.E. did not recommend installing a crosswalk as that would create a mid-block crossing.

Mark Niemiec asked about the installation of a property line fence. Robert Coughlin stated that he will be installing a fence down the middle to separate that two (2) parcels and that he will own and maintain the fence.

A motion was made by Chris Mongeau, seconded by Mark Niemiec, and carried by a vote of 6-0 to recommend, subject to conditions, the plan entitled "Preliminary/Final Subdivision Plan for Robert P. and Kristen M. Coughlin, 523 Monument Avenue, Malvern, PA 19355" prepared by Padula Engineering Co. dated October 21, 2019, last revised January 17, 2020, signed and sealed by Mark Joseph Padula, P.E., Registered Professional Engineer, proposing the subdivision an existing 38,975 sq. ft. lot (net) into two (2) lots and to construct one (1) new single-family detached dwelling unit (existing dwelling proposed to remain), pursuant to the Malvern Borough Subdivision & Land Development Ordinance of 2006 ("Land Development Ordinance") for the development of certain property ("Property") in the Borough of Malvern ("Borough"), Chester County, Pennsylvania, in the R-2 Residential District. The motion recommended granting the following waivers from the Land Development Ordinance:

1. 300.C. – To allow plans to be submitted as a preliminary and final plan.
2. 301.E. – Pertaining to the four-step design process.

The motion recommended that the following conditions be included:

1. Compliance with the Borough Engineer's review letter dated January 31, 2020.
 2. Compliance with the Borough Fire Marshal's review letter dated November 4, 2019.
 3. Applicant shall ensure recording of the final plan consisting of seven (7) plan sheets.
3. NEW BUSINESS

There were no items of New Business for discussion.

4. MINUTES

A motion was made by David Knies, Ph.D., seconded by Mark Niemiec, and carried by a vote 6-0, to approve the minutes from the January 2, 2020 meeting of the Planning Commission as submitted.

5. UPDATES

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- Borough Council

Christopher Bashore stated that Borough Council recently authorized the submission of a grant application to the Chester County Vision Partnership Program for the update to the Borough's Comprehensive Plan.

- Randolph Woods Master Plan Committee

Mark Niemiec stated that the Randolph Woods Master Plan Committee held their first public meeting on January 22, 2020. Mark Niemiec noted that a survey is now active and encouraged the members of the Commission to complete the survey and forward it to their neighbors.

- Departure of Neil Lovekin

The members of the Planning Commission discussed the upcoming departure of Neil Lovekin, Assistant Borough Manager, who recently accepted the position of Township Manager with East Marlborough Township. The members of the Commission thanked Neil Lovekin for all his efforts and work with the Planning Commission during his tenure with Malvern Borough. The Commission noted that Neil Lovekin will be greatly missed and wished him luck in his new position.

6. PUBLIC COMMENT

Carroll Siquett 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.

No public comment was heard.

7. ADJOURNMENT

All business having been discussed, a motion was made by David Knies, seconded by Mark Niemiec, and carried by a vote of 6-0 to adjourn the meeting at 8:33 p.m.

Respectfully submitted by,

Christopher Bashore
Borough Manager