

1. CALL TO ORDER

PRESENT:

David Knies, Chair
Lynne Frederick, Commissioner
Chris Mongeau, Commissioner
Geoff Rubino, Commissioner
Carroll Sinquett, Commissioner
Zoe Warner, Commissioner (Arrived at 7:50 p.m.)

ABSENT:

Mark Niemiec, Vice-Chair

Staff & Professionals Present:

Alyson Zarro, Conflict Counsel
Mike Conrad, Conflict Engineer
Christopher Bashore, Borough Manager
Neil Lovekin, Asst. Borough Manager/Secretary

2. ELECTION OF OFFICERS

Dave Knies called for nominations for Chair of the Planning Commission. Chris Mongeau nominated Dave Knies. No other nominations were made.

A motion was made by Carroll Sinquett, seconded by Chris Mongeau and carried by a vote of 7-0, to close nominations. Dave Knies called for a vote on the nomination.

Dave Knies received the following votes from the Commission:

Lynne Frederick	Yea
Chris Mongeau	Yea
Geoff Rubino	Yea
Carroll Sinquett	Yea

By a majority vote of the Commission, Dave Knies was elected Chair of the Planning Commission.

Dave Knies called for nominations for Vice-Chair of the Planning Commission. Dave Knies nominated Mark Niemiec. No other nominations were made.

A motion was made by Dave Knies, seconded by Carroll Sinquett and carried by a vote of 5-0, to close nominations. Dave Knies called for a vote on the nomination.

Mark Niemiec received the following votes from the Commission:

Lynne Frederick	Yea
Dave Knies	Yea
Chris Mongeau	Yea

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Geoff Rubino Yea
Carroll Sinquett Yea

By a majority vote of the Commission, Mark Niemiec was elected Vice-Chair of the Planning Commission.

With no objection, Dave Knies stated Neil Lovekin will remain as the Secretary for the Planning Commission.

3. APPROVAL OF MINUTES

A motion was made by Carroll Sinquett, seconded by Lynne Frederick, and carried by a vote of 6-0, to approve the minutes of Thursday, December 6, 2018, as submitted.

4. UNFINISHED BUSINESS

a) 155-157 CHANNING AVENUE – PRELIMINARY/FINAL PLAN – REVIEW #2

Applicant:	Brad & Lorin Wolfe	Application #:	18-06
Location:	155-157 Channing Ave	Tax Parcel:	2-4-235
Lot Size:	0.62 acre	Zoned:	R4

Brad Wolfe, Applicant/Owner, intends to subdivide existing lot into two (2) lots – maintain the current rental property and build a new single-family home on the interior lot.

Brad Wolfe, Applicant/Owner, and Nick Vastardis, P.E., Project Engineer were present on behalf of the project.

Dave Knies asked Brad Wolfe to provide his short- and long-term plan(s) for the property. Mr. Wolfe stated he has no further plans to subdivide Lot #1 with the apartment complex as it does not have enough lot area to do so.

Brad Wolfe noted that the revised plans no longer have the two (2) off-street gravel parking lots noted on the plan as he was advised by his legal counsel.

Glenn Diehl, Esq., attorney for residences in close proximity of the proposed project, reviewed his letter dated, January 11, 2019, in which he challenges the lawful creation of the apartments in relation to the Malvern Borough Zoning Ordinances. Specifically,

Neil Lovekin, Zoning Officer, stated that on Wednesday, January 16, 2019, Mr. Wolfe showed evidence to demonstrate that the existing 4-unit multi-family dwelling unit is a legal nonconforming use.

Alyson Zarro, Borough Conflict Counsel, stated that the Malvern Historical Commission has found evidence that the structure on Lot #1 was a twin, therefore the creation of the multi-family dwelling cannot be defined as a ‘Residential Conversion.’

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Lynne Frederick said the Malvern Historical Commission reviewed its records and found a map of Malvern Borough from the 1930's that shows the property as a twin.

Mike Conrad reviewed his Plan Review #2, dated January 11, 2019 by line item, items of discussion included: 1) Utility easement, 2) Off-street parking for Lot #1, 3) Nonconforming use of apartments on Lot #1, and 4) New residence side yard setbacks on Lot #2.

Margaret Sidlick, 143 Channing Avenue, recalled that Planning Commission meeting minutes from either the 1970's or 1980's mention the nonconforming use on Lot #2. She recalls that when she purchased her home, someone told her that 155 Channing Avenue could not be subdivided.

Tom Neely, 150 Woodland Avenue, said he was told that 155 Channing Avenue could not be further subdivided when he purchased his home.

Kurt Leininger, 211 Channing Avenue, asked for clarification of what trees are planned to be removed.

Amy Finkbiner, 121 Woodland Avenue, identified herself as a present member of the Borough Council and as a former member of the Planning Commission, noted from her experience and based on the acreage and zoning provisions, the Applicant could demolish the apartment complex, subdivide the property into three (3) lots and build three (3) new homes. In her opinion, the current proposal is a best case scenario by leaving the existing complex that dates back to the early 1900's and having one (1) new home built.

Zoe Warner wants to see the off-street parking for Lot #1 because of the higher volume of vehicles and school buses on Channing Avenue for Saint Patrick's School. Brad Wolfe stated his tenants' vehicles are not present during the day, parked on Channing Avenue, as they have jobs during the school's hours of operation.

Danny Fruchter, 234 Channing Avenue, questioned the minimum five (5) foot setback for the right-side yard of Lot #2 and whether the applicant could move the proposed dwelling unit closer to the structure on Lot #1.

Isabel Leininger, 211 Channing Avenue, questioned why the borough allows waivers to be part of the land development approval process. Dave Knies stated waivers allow for compromises between applicants and the borough and it aides in addressing outdated sections of the borough's ordinances prior to their revisions.

Alyson Zarro, Conflict Counsel, stated the waiver is required since it is specifically outlined in the Borough's Subdivision and Land Development Ordinance.

The Planning Commission discussed the stormwater easement and swale proposed between Lots #1 and #2. After some discussion, Dave Knies asked each member to state how much additional lot width for Lot #2 they would like to have:

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Dave Knies	10 ft.	Lynne Frederick	5 ft.
Geoff Rubino	10 ft.	Chris Mongeau	10 ft.
Zoe Warner	10 ft.	Carroll Siquett	10 ft.

Brad Wolfe proposed to move the left-side yard setback of Lot #2 an additional seven (7) feet over towards Lot #1 for a total lot width of fifty-seven (57) feet.

Consensus among Planning Commissioners was the proposed additional seven (7) feet would be sufficient.

A motion was made by Chris Mongeau, seconded by Lynne Frederick, to recommend approval, subject to conditions, the plan entitled “*Wolfe Investment Properties, LLC – 155 Channing Avenue*” prepared by Vastardis Consulting Engineers, LLC, final revision date to be determined, last revised January 16, 2019, signed and sealed by Nicholas L. Vastardis, P.E., Registered Professional Engineer, proposed the subdivision of an existing 0.62 acre lot at tax parcel 2-4-235 into two (2) lots, with one (1) new single family detached dwelling unit proposed for construction and the existing four (4) unit apartment building proposed to remain pursuant to the Malvern Borough Subdivision and Land Development Ordinance of 2006. The Planning Commission recommends granting the one (1) waiver on lot #2 for Section 181-511.F. requiring that lot depth generally not exceed lot width by more than 2 ½ times.

A motion was made by Zoe Warner, seconded by Geoff Rubino, to amend the recommendation by adding a condition for the two (2) off-street parking spaces to be redrawn on the plan for Lot #1.

Dave Knies called for a vote on the motion to amend the recommendation for approval of the plan:

Geoff Rubino	Yea	Lynne Frederick	Nay
Zoe Warner	Yea	Dave Knies	Nay
		Chris Mongeau	Nay
		Carroll Siquett	Nay

The roll call vote ended in a 2-4 decision, the amendment to the recommendation was not approved.

Dave Knies called for a vote on the motion to recommend approval of the plan:

Lynne Frederick	Yea	Chris Mongeau	Nay
Dave Knies	Yea	Geoff Rubino	Nay
Carroll Siquett	Yea	Zoe Warner	Nay

The roll call vote ended in a 3-3 tie, the recommendation was not approved.

5. NEW BUSINESS

Dave Knies stated there were no items for discussion.

6. OPEN ZONING HEARING APPLICATIONS

Neil Lovekin stated no new applications have been submitted for the Zoning Hearing Board. The next scheduled hearing is for March 25, 2019, in which the property owner of 331 Old Lincoln Highway is appealing the determination of the Zoning Officer for violations of the Borough's Zoning Ordinance regarding the keeping of motor vehicle parts outdoors. As this application is an appeal to the Zoning Officer's determination, the Planning Commission does not need to review for any planning issues.

7. BOROUGH COUNCIL UPDATE

Carroll Sinquett said at the Tuesday, January 15, 2019 meeting of Borough Council, the items of discussion included: 1) Approval of the Saint Patrick's Parish – School Addition, 2) East King Street Pedestrian Signals, 3) Mold issues in the Police Department, and 4) Investment options for the borough's portion of funds received from the sale of the Valley Creek Sewer Trunk.

8. 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.

No member of the audience had any comments for the Planning Commission.

Dave Knies initiated a discussion among the Planning Commissioners to consider amending the Borough's Zoning Ordinance, specifically the section pertaining to Historical Resources and the need for the Malvern Historical Commission to have more oversight over designating historic buildings and collecting their historic significance. Lynne Frederick said the amendment should allow the Malvern Historical Commission to review all requests for a demo permit prior to its issuance.

9. ADJOURNMENT

All business having been discussed, a motion was made by Carroll Sinquett, seconded by Lynne Frederick, and carried by a vote of 6-0 to adjourn the meeting at 10:00 p.m.

Respectfully submitted,

Neil G. Lovekin
Assistant Borough Manager/Secretary