

PLANNING COMMISSION

June 20, 2019

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- 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

Allan Zimmerman, P.E., Applicant's Engineer, reviewed the proposed permeable paver section of the shared driveway, seeking recommendation as to whether to alter or remove it. After discussion with the members of the Planning Commission and the Borough Engineer it was determined that the permeable paver section would not function as designed, by collecting water directly under it – rather the stormwater water would flow to a pipe that drains into an underground basin.

No action (e.g. Recommendation) was made by the Planning Commission, rather the Commission provided feedback to the Applicants and their professional consultants to aid in submitting an application to be heard by the Malvern Zoning Hearing Board. Joseph Hyduke stated he intends to submit his application before the end of summer 2019.

4. NEW BUSINESS

a) MALVERN PREPARATORY SCHOOL – TRAIL DESIGN – REVIEW #1

Ted Caniglia, Chief Finance Officer, and Jim Bannon, P.E. were present on behalf of the proposed project.

Jim Bannon stated that the construction of a walking trail was a condition of approval contained in Resolution No. 737. This resolution approved the land development application for the S.T.E.M. (e.g. Science Building) expansion on the Malvern Preparatory School property.

A motion was made by Lynne Frederick, seconded by Carroll Sinnett, to recommend approval of the Sketch Plan with the following trail-specific conditions:

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- 1) Surface to be comprised of asphalt
- 2) Location is to be entirely contained within the fifty-foot (50 ft.) Right-of-Way on South Warren Avenue
- 3) Maintenance to be in accordance with Chapter 179, Article V 179-28, Borough Standards for Snow and Ice Removal

Chris Mongeau made a motion to amend the recommendation of approval by making the trail surface be made of concrete, there was no second to the motion.

Dave Knies called for the original motion from Commissioner Frederick.

A motion was made by Lynne Frederick, seconded by Carroll Sinquett, to recommend approval of the Sketch Plan, dated September 24, 2018 as prepared by Nave Newell, and carried by a vote of 5-1 to recommend approval of the trail with the following conditions:

- 1) Surface to be comprised of asphalt
- 2) Location is to be entirely contained within the fifty-foot (50 ft.) Right-of-Way on South Warren Avenue
- 3) Maintenance to be in accordance with Chapter 179, Article V 179-28, Borough Standards for Snow and Ice Removal.

Chris Mongeau voted 'Nay' for the reason that the proposed trail meets the definition and terms to be defined as a sidewalk and therefore should be held the standards that the Borough Code outlines.

b) COMMISSIONER RESIGNATION – LYNNE FREDERICK

Dave Knies stated that Commissioner Frederick submitted her letter of resignation from the Planning Commission. Lynne Frederick stated her resignation was made with mixed emotions, however it is necessary as she will be purchasing the Malvern School of Music and will not have the time to dedicate to serving on the Planning Commission.

c) JULY 3rd MEETING – QUORUM

Dave Knies stated since there will not be a quorum available for the Wednesday, July 3, 2019 meeting, and there are no new or open agenda items for review by the Commission, the meeting has been cancelled. Neil Lovekin stated he will update the Borough's website and send a Constant Contact email announcing the meeting cancellation. The next scheduled meeting of the Planning Commission is Thursday, July 18, 2019.

5. OPEN ZONING HEARING BOARD APPLICATIONS

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

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6. BOROUGH COUNCIL UPDATE

Carroll Sinquett stated at the June 18, 2019 meeting of the Borough Council, items discussed included an analysis of the Zoning Ordinance by the Brandywine Conservancy and Borough Officials, specifically Councilors Finkbiner and himself, and the Borough Manager and Assistant Manager/Zoning Officer. The Borough Council has advised staff to forward the zoning analysis to the Planning Commission for review and comment. The Planning Commission should be receiving this documentation in the near future from Neil Lovekin as Planning Commission Secretary.

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.

No Public Comment was heard.

8. 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 10:09 p.m.

Respectfully submitted by,

Neil Lovekin
Planning Commission Secretary