

PLANNING COMMISSION

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the plan depicts due to the location of the gas meters. The bay window, located above the gas meters acts as a guard and should remain.

Dan Daley stated he is awaiting the Shade Tree Commission's review of 156 West King Street. Neil Lovekin stated he will follow-up with the Commission regarding the status of its review.

Ari Christakis recommended the Applicant submit a zoning determination request to the Zoning Officer to identify if a hazardous condition exist with the large walnut and maple trees on the property.

Lynne Frederick encouraged the applicant to preserve the 'Second Empire Baroque' architectural style of the building when constructing the additional apartments.

b) ORDINANCE REVIEWS

No new discussions/updates.

c) ZONING HEARING BOARD – DETERMINATIONS

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.

Neil Lovekin stated the hearing was conducted on Monday, February 26, 2018 and the Board granted Jim Renehan, Applicant, time to revise his application and add greater plan detail so he may be heard at a later hearing.

ii. Applicant: JMW Enterprise, LLC (Joseph Willis) 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.

Neil Lovekin stated the hearing was conducted on Monday, February 26, 2018 and the Board granted a variance based on the testimony of Joe Willis, Applicant, for 90 square feet of relief.

5. NEW BUSINESS:

a) 400/412 EAST KING STREET – OUTDOOR CAFÉ

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Dave Knies announced that the Planning Commission will now open a Public Information Meeting to consider a request for an Outdoor Café for 400 East King Street Partners, LLC, in cooperation with Brick and Brew Restaurant, regarding the property located at 400 East King Street, Malvern, PA 19355.

The Notice of Public Information Meeting was published in the February 22, 2018 edition of the Daily Local newspaper as required.

Carroll Sinquett abstained from discussions as he will withhold his comments until the Borough Council reviews the application. Mr. Sinquett stated he is an elected member of Borough Council.

Dave Knies turned the Public Information Meeting over to Ari Christakis, Borough Solicitor.

Ari Christakis entered the following exhibits into the Public Information Meeting:

Exhibit PC-1: Public Legal Notice, as appeared in the *Daily Local News* on Thursday, February 22, 2018

Exhibit PC-2: Affidavit of Publication for Public Information Meeting Public

Exhibit PC-3: Public Legal Notice, spreadsheet of adjacent property owners' addresses that were mailed a copy of the legal notice, and map highlighting adjacent properties

TO OBTAIN A COPY OF THE OFFICIAL TRANSCRIPT AS PREPARED BY THE COUNTY COURT REPORTER, PLEASE CONTACT BOROUGH ADMINISTRATION.

At the conclusion of the Public Information Meeting, Ari Christakis turned the meeting back over to Dave Knies.

b) MALVERN PREPARATORY SCHOOL – WAIVER OF LAND DEVELOPMENT

Ari Christakis stated the Malvern Preparatory School is seeking a waiver from land development, as was granted in 2015, for similar temporary/modular classrooms, while the new middle school is constructed.

Ted Canigila, Chief Finance Officer for Malvern Preparatory School, Jim Bannon, Project Engineer, and Gina Gerber, Project Solicitor, were present on behalf of the project.

Gina Gerber stated Malvern Preparatory School will install six temporary trailers for a period of approximately 15 months during the expansion of the Augustine Center as part of a recently approved land development plan. The trailers will be arranged side-by-side as a single building, situated to the west of the Sports Center and north of the soccer/lacrosse field. The applicant requests waiver of land development for this activity.

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Carroll Sinquett asked if the temporary trailers will be placed on foundations.

Jim Bannon stated the temporary trailers will not be based on a typical foundation as seen with homes, instead they will be placed on pier blocks.

Mark Niemiec asked what the sequence of construction will be for the new buildings.

Ted Canigila said the S.T.E.M. (Science, Technology, Engineering, and Mathematics) building will be completed first and the Augustine Middle School is questionable as to whether it will be completed or not.

Carroll Sinquett asked what utilities will be necessary for occupying the temporary trailers.

Jim Bannon said that electricity is the only proposed utility for the temporary trailers.

Dan Daley encouraged Jim Bannon to reach-out to the Chester County Health Department to determine what, if any permits/conditions it may require. Jim Bannon stated he will reach-out to the Chester County Health Department.

Ari Christakis recommended to Ted Canigila to have the temporary trailer company, ModSpace, have a representative present at the scheduled Borough Council meeting to answer questions associated with the trailers. Mr. Canigila was in agreement and will ensure a representative is present at the scheduled Borough Council meeting.

Ted Canigila stated the time period for the temporary trailers to be used is anticipated to be from June 1, 2018 to May 31, 2019, depending on various internal and external controls.

A motion was made by Chris Mongeau, seconded by Geoff Rubino and carried by a vote of 7-0, to recommend approval of the SALDO wavier with the following conditions imposed:

- 1) Prior to the installation of the trailers or any grading activity, the Applicant shall submit one or more plans, satisfactory to the Borough Engineer, and in accordance with applicable laws, ordinances, and regulations addressing:
 - a) Grading
 - b) Stormwater Management
 - c) Erosion and Sedimentation Controls
 - d) Anchoring of the trailers so as to reasonably avoid the unplanned movement of the trailers due to wind or other dangerous conditions, as authorized by the Borough Buildings & Codes Enforcement Official.
- 2) The trailers shall be installed and used in accordance with all applicable regulations, including (without limitation) those regulations relating to the use and maintenance of water and sewage tanks.

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- 3) Applicant will remove the trailers and return the ground beneath them to its original state on or before a date fifteen (15) months from the first date when any of the trailers were delivered to the Property, or within thirty (30) days after the issuance of the Certificate of Occupancy, whichever comes first.
- 4) The Applicant consents and agrees to the applicability and jurisdiction of the Subdivision and Land Development Ordinance to the installation of the trailers.

c) OPEN ZONING HEARING APPLICATIONS

Neil Lovekin stated no new applications were submitted by the end of February as to be heard at the scheduled March 26, 2018 hearing date. Therefore, the March 26, 2018 Hearing will be canceled.

d) BOROUGH COUNCIL UPDATE

Carroll Sinquett stated at the February 20, 2018 meeting of Borough Council, discussion included: 1) Code of Conduct for Borough Council Meetings; 2) Historical Preservation Award; and 3) Board/Commission/Committee appointments.

6. 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 member of the audience requested to address the Commission.

7. ADJOURNMENT:

All business having been discussed, a motion was made by Dave Knies, seconded by Chris Mongeau, and carried by a vote of 7-0, to adjourn the meeting at 10:28 p.m.

Respectfully submitted,

Neil Lovekin
Assistant Borough Manager/Secretary