

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

Also Present: Dan Daley, P.E., Borough Engineer
Ari Christakis, Esq., Borough Solicitor
Neil Lovekin, Assistant Borough Manager/Secretary

2. APPROVAL OF MINUTES:

A motion was made by Carroll Siquett, seconded by Amy Finkbiner and carried by a vote of 6-0, to approve the minutes of Thursday, May 4, 2017.

3. 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 that an easel for the applicants be placed in-between the dais where Neil Lovekin is seated and the applicant table for plans to be displayed.

Dave Knies stated the Planning Commission will take Mr. Buckley's request under advisement and will do their best to accommodate.

4. NEW BUSINESS:

a) PROPOSED FLOODPLAIN OVERLAY DISTRICT – ZONING ORDINANCE AMENDMENT

Dan Daley provided a summary of the proposed floodplain overlay district, specifically:
1) The Pennsylvania Flood Plain Management Act of 1978 that delegated the responsibility to local governmental units to adopt floodplain management regulations to promote public health, safety, and the general welfare of its citizenry; 2) Encourages the utilization of appropriate construction practices in order to prevent or minimize flood damage in the future; 3) Minimizes danger to public health by protecting water supply and natural drainage; 4) Reduces financial burdens imposed on the community, its governmental units, and its residents, by preventing excessive development in areas subject to flooding.

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Dan Daley stated the zoning amendment was drafted by a state contractor, Leslie Rhodes, who is overseeing the statewide implementation of municipal floodplain overlay districts. The borough should adopt a floodplain overlay district no later than September 2017.

Ari Christakis requested the Planning Commission recommend approval of the draft amendment so Borough Council may begin the adoption process.

A motion was made by Carroll Sinquett, seconded by Mark Niemiec and carried by a vote of 5-0, Amy Finkbiner abstained as she was not comfortable recommending adoption of an amendment that she had not read, to recommend approval of the proposed Floodplain Overlay District.

5. OLD BUSINESS:

a) 148 S. WARREN AVE. – MALVERN PREP – PRELIMINARY/FINAL PLAN

Owner/Applicant: Malvern Preparatory School	Application #: 17-01	
Lot Size: 99.63 acres	Zoned:I-1	Tax Parcel: 2-3-7-34

Applicant proposes construction of two new buildings on its campus, specifically the construction of a new middle school building to be located between the existing Duffy Arts Center and Dougherty Hall and a STEAM expansion (identified as the proposed Augustine Center) to connect the existing Carney Hall and Sullivan Hall.

Nicholas Rakowski, P.E., Nave Newell Engineering, and Kevin Traynor, Eagle Advisors, LLC. were present on behalf of the Malvern Preparatory School.

Carroll Sinquett asked Dan Daley if any trees will need to be replaced per the Borough Code. Dan Daley stated the trees listed on the plan do not meet the replacement criteria.

Mark Niemiec asked Kevin Traynor if students walk to school from the train station. Mr. Traynor stated the students are shuttled from the train station to school and shuttled back to the train station when school is dismissed.

Carroll Sinquett stated he has seen the Malvern Prep Cross-Country Team run on South Warren Avenue, which in his opinion is a safety concern due to the traffic volume and speeds.

Mark Niemiec asked Mr. Traynor when groundbreaking is anticipated for the two (2) new buildings. Mr. Traynor stated the School is projecting to start construction in March 2018.

Mark Niemiec asked Mr. Traynor if a traffic study has been completed as part of the application submission. Mr. Traynor stated a traffic study was not conducted. Mr. Lovekin stated the borough is conducting a borough-wide traffic study as part of grant received from the Chester County Vision Partnership Program. South Warren Avenue is expected to be studied in September 2017 when school is back in session.

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Mark Niemiec asked if a '15 MPH School Zone' could be instituted at the entrance/exit of the school along South Warren Avenue. Ari Christakis stated in order for a '15 MPH School Zone' to be posted a road must meet warrants set by the Pennsylvania Department of Transportation (PennDOT).

Neil Lovekin stated the ninety (90) day review period is set to expire on June 13, 2017 and a waiver extension will be requested.

A motion was made by Dave Knies, seconded by Carroll Sinquett and carried by a vote of 6-0, to recommend approval of the Preliminary / Final Land Development Plan for Malvern Preparatory School Augustine Center and Middle School, revision date of April 28, 2017 based on: 1) Borough Engineer's review letter, dated May 11, 2017; 2) Post Construction Stormwater Management Report for Malvern Preparatory School, Augustine Center and Middle School Building, last revised April 28, 2017; 3) Preliminary / Final Land Development Waiver Request List, dated April 28, 2017; and 4) Malvern Planning Commission's conditions as follows: safe pedestrian access to the Malvern Preparatory School athletic fields, such as a sidewalk / trail; and soil stabilization as recommended in the Malvern Fire Marshal's review letter, dated April 2, 2017.

b) 323 OLD LINCOLN HIGHWAY – PRELIMINARY/FINAL PLAN

Owner/Applicant: Lewis Sheetz

Application #: 17-02

Lot Size: 0.89 acres

Zoned: R3-B

Tax Parcel: 2-4-38

The applicant is proposing to subdivide 323 Old Lincoln Highway (35,614 square feet-gross) into three (3) lots and construct one (1) two-family semi-detached dwelling. The existing single family dwelling is proposed to remain. The parcel is located off of the north side of Old Lincoln Highway, between Miner Street and Raffaella Drive. Access to the proposed two-family semi-detached dwelling is proposed via a private road.

Dave Hopkins, Developer/Equitable Owner and John Robinson, Engineer were present on behalf of the project.

Dave Knies stated per the Pennsylvania Municipal Planning Code, the Planning Commission is 'Accepting' the plan titled, "Preliminary / Final Plan of Property for 323 Old Lincoln Highway, prepared by JMR Engineering, LLC., dated April 4, 2017, last revised April 27, 2017" to begin the ninety (90) day review period.

Dave Knies recommended members of the Planning Commission review their availability to perform a site visit to the proposed project location.

Carroll Sinquett asked what utilities are proposed to be installed underground. Dave Hopkins stated gas is the only proposed underground utility. John Robinson stated the two-family semi-detached dwelling are proposed to be serviced via a private easement for all utilities, except gas as a way to not tie-in to the private drive utilities knowing the history with the court orders that have been enacted over the years.

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Ari Christakis stated a utility easement will have to be obtained from Gerald Vaughn, 321 Old Lincoln Highway, for service to be provided to lot #2 and lot #3. Dave Hopkins stated he will look into obtaining the necessary utility easement.

Phil Mellusi, 343 Old Lincoln Highway, inquired if the Borough might get involved in the private drive, located off of Old Lincoln Highway since homes continue to be built that use it for access. Ari Christakis stated the Planning Commission is not the appropriate forum for this discussion and directed Mr. Mellusi to reserve comments to matters specific to 323 Old Lincoln Highway. Mr. Christakis mentioned that the Pennsylvania Department of Environmental Protection is the authority dictating sewer connections to the sewer line located within the private drive.

Salvatore & Virginia Guglielmi, 331 Old Lincoln Highway, expressed their concerns with the cartway width of the private drive.

Ari Christakis encouraged Dave Hopkins and John Robinson to meet with the property owners of the private drive / paper road so discussions may be done during the planning phase of the application, as oppose to potential litigation later on.

Dan Daley reviewed his letter dated, May 12, 2017 with the Planning Commission specifically referencing: 1) Encroachments including fences, driveways (lot 1), and propane tanks located on the property. The applicant is to clarify if and how those encroachments will be addressed; and 2) Access to the site is proposed to be off of Old Lincoln Highway via a 50-foot wide right-of-way.

The Planning Commission recommended Dave Hopkins and John Robinson ensure that the proposed subdivision and improvements are consistent with Dan Daley's review letter, citing the County Court orders and/or settlement agreements; and proper design specifications are meet for water supply, sewage disposal, grading, landscaping, erosion/sedimentation control, and driveway easements.

b) RANDOLPH WOODS AD HOC COMMITTEE - UPDATE

Mark Niemiec stated the Randolph Woods Ad Hoc Committee has begun to conduct subcommittee meetings as a way to tackle action items specified in Resolution NO. 726. The Committee's next meeting is scheduled for Wednesday, May 31, 2017 at 6:00 p.m.

Mark Niemiec stated he completed the Master Planner Program offered by the Chester County 2020 Foundation/ Pennsylvania Municipal Planning Education Institute.

c) ZONING HEARING BOARD – OPEN APPLICATION

Neil Lovekin stated the Zoning Hearing Board will be conducting a hearing on Monday, May 22, 2017 to review a variance application to allow for additional 266 sq. ft. (2.4%) maximum lot coverage for expansion of a rear-yard deck at 5 Raffaella Drive, owned by Jerome & Patty Heppelmann.

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d) 2017 INITIATIVES

Commissioners were in agreement to table discussion.

e) BYLAWS

Dave Knies stated Ari Christakis will draft a mission and vision statements for the Planning Commission to review instead of reviewing the By-Laws.

f) BOROUGH COUNCIL UPDATE

Carroll Siquett stated at its Tuesday, May 16, 2017 Meeting, Borough Council filled the vacancy created by Christian Arena's resignation by electing Amy Finkbiner to fill the unexpired term.

g) ZONING HEARING BOARD - DETERMINATIONS

No pending determinations at this time.

6. ADJOURNMENT:

All business having been discussed, a motion was made by Carroll Siquett, seconded by Mark Niemiec and unanimously carried by a vote of 6-0, to adjourn the meeting at 10:26 p.m.

Respectfully submitted,

Neil G. Lovekin
Assistant Borough Manager/Secretary