

1. CALL TO ORDER

PRESENT:

David Knies, Chair
Mark Niemiec, Vice-Chair
Chris Mongeau, Commissioner
Geoff Rubino, Commissioner
Carroll Sinquett, Commissioner
Zoe Warner, Commissioner

ABSENT:

Staff & Professionals Present:

Neil Lovekin, Assistant Borough Manager/Zoning Officer
Kenneth Kynett, Esq., Borough Solicitor

2. APPROVAL OF MINUTES

A motion was made by Carroll Sinquett, seconded by Mark Niemiec, and carried by a vote of 6-0, to approve the minutes from the October 17, 2019 meeting of the Planning Commission as amended.

3. UNFINISHED BUSINESS

a) ZONING ORDINANCE ANALYSIS – RECOMMENDATION TO BOROUGH COUNCIL

Discussion focused on the memorandum titled, “*Malvern Zoning Ordinance Amendment Recommendations*” as prepared by Meredith Mayer, Associate Planner of the Brandywine Conservancy and John Snook, Planning Consultant, dated October 30, 2019, as well as a letter titled, “*Malvern Zoning Ordinance Amendment Considerations*” as prepared by Amy Finkbiner, dated November 3, 2019.

Dave Knies summarized the key purpose of these recommendations is to lessen the impacts of new residential construction that often seems out of character or scale with the existing neighborhood context. The recommendations have been broken down into two (2) specific sections related to area and bulk: 1) Building Coverage, and 2) Minimum Side Yards & Reduced Height Zones.

A motion was made by Chris Mongeau, seconded by Dave Knies, and carried by a vote of 6-0, to recommend approval of the Malvern Borough Zoning Ordinance Amendments as follows:

- 1) Building coverage reductions for “By Right” (BR) and limits subject to Conditional Use (CU) approval as outlined in Table A

Table A - Building Coverage

Zone	Current	Proposed
R1	10% BR	7.5% BR
R2	20% BR	15% BR, 17.5% CU
R3a/b	25% BR	20% BR, 25% CU
R4	30% BR	25% BR, 30% CU
R5	35% BR	27.5% BR, 32.5% CU
R6	35% BR	27.5% BR, 32.5% CU

- 2) Application Submission Standards for Conditional Use approval to increase building coverage:
 - a. Site Plan
 - b. Architectural plans
 - c. Architectural renderings showing general design of new construction, focused on mass, scale, proportions, and roof height and form.
 - d. Applicants shall demonstrate to the satisfaction of the Borough that building mass, scale, proportions, and form of new construction including rooflines reflect that generally characteristic of Malvern, even if contemporary architectural design.
 - e. Applicants shall specifically demonstrate to the satisfaction of the Borough that building height shall not impose uncharacteristically upon, or out of scale with buildings, on adjacent properties.

- 3) The Planning Commission recommends that any variance request for yard area setback, building coverage, or building height require the same submission standards, and be considered by the Zoning Hearing Board.

- 4) The Planning Commission recommends requiring new homes/structures in the Reduced Height Zone (RHZ) to be stepped back five (5) feet from the front build-to line, only allowing the RHZ on one side, and requiring Conditional Use (CU) for use of the RHZ. The MPC recommends the following “Reduced Height Zones” (RHZ) and limits subject to Conditional Use (CU) approval as outlined in Table B.

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Ken Kynett, Borough Solicitor, reiterated why the Developer has requested a waiver from section 181-513.F. of the Malvern Borough Subdivision and Land Development Ordinance, stating in order to have the proposed driveways less than less than five (5) feet from the side or rear lot lines, as required by the Malvern Borough Subdivision and Lane Development Ordinance, an amendment has to be done that grants the waiver and is re-recorded with the Chester County Recorder of Deeds.

Mark Niemiec recalled a prior draft plan that depicted a shared-drive in the rear of the dwellings, and questioned why the shared-drive was replaced with individual driveways. Carroll Sinquett stated that the shared-drive design caused the lots to exceed the allowable impervious coverages by having to create an easement, thereby causing a large amount of land to be netted out of total lot coverage calculations.

Dave Knies recalled that in the initial review process, the driveway turnarounds were removed against his wishes, as the majority of the Planning Commissioners were fine not requiring the driveway turnarounds.

Matt Bush said the Downingtown Borough's Zoning Ordinance has a section that requires a 'Visual Impact Plan' for new land development projects. Mr. Bush agreed to forward the zoning ordinance language to Neil Lovekin, so he may share it with the Planning Commissioners.

Amy Finkbiner, 121 Woodland Avenue, recollected a discussion from her time on the Planning Commission that during the review process of relocating the proposed crosswalk at the intersection with Ruthland Avenue and Raspberry Street, either to the north or south side of the intersection. Dave Knies recalled that there was no strong opinion of the Commissioners at the time.

Zoe Warner and Mark Niemiec agreed that they were not pleased with having to make a recommendation to amend an approved plan because a Developer made a mistake.

A motion was made by Mark Niemiec, seconded by Carroll Sinquett, and carried by a vote of 6-0, to recommend granting waiver from section 181-513.F. of the Malvern Borough Subdivision and Land Development Ordinance in order have the proposed driveways less than less than five (5) feet from the side or rear lot lines as depicted on the Revised Plan for Ruthland Properties LLC, as prepared by JMR Engineering, LLC, dated June 30, 2017, last revised October 24, 2019 (the "Revised Plan").

5. ZONING HEARING BOARD APPLICATIONS

Neil Lovekin stated there are no new applications for discussion.

6. BOROUGH COUNCIL UPDATE

Carroll Sinquett stated at the November 6, 2019 meeting of the Borough Council, items discussed included: 1) Appointing a new member to the Historical Commission; 2) Appointment

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of a consulting firm to draft the Randolph Woods Master Plan; 3) Discussions of ‘Christmas on King’ with Lisa O’Neill who is organizing the event; and 4) Malvern Preparatory School’s request to use the football field lights as part of a student recruitment activity.

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.

Amy Finkbiner, 121 Woodland Avenue, stated there are two sample led retrofit heads installed in borough street lights, one is in the borough parking lot adjacent to the Malvern Pizza, and the other is in front of the Wolfe’s Baldwin Brass Center.

Mark Niemiec, member of the Randolph Woods Ad Hoc Committee, stated at the last scheduled meeting of the Committee, a consulting firm was recommended to Borough Council to approve the drafting of the Master Plan for Randolph Woods.

8. ADJOURNMENT

All business having been discussed, a motion was made by Mark Niemiec, seconded by Chris Mongeau, and carried by a vote of 6-0 to adjourn the meeting at 9:06 p.m.

Respectfully submitted by,

Neil Lovekin
Planning Commission Secretary