

1. CALL TO ORDER

PRESENT:

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

ABSENT:

Carroll Siquett, Commissioner

Staff & Professionals Present:

John Snook, Planning Consultant  
Neil Lovekin, Assistant Borough Manager/Zoning Officer

2. APPROVAL OF MINUTES

A motion was made by Chris Mongeau, seconded by Geoff Rubino, and carried by a vote of 5-0, to approve the minutes from the September 5, 2019 meeting of the Planning Commission, as amended.

3. UNFINISHED BUSINESS

a) ZONING ORDINANCE ANALYSIS – BRANDYWINE CONSERVANCY

John Snook, Planning Consultant reviewed with the Commission data compiled by Neil Lovekin, consisting of twenty-seven (27) new homes that have been built in approximately the past five (5) years, data included: 1) Zoning District, 2) Percentage of Building Coverage Allowed, 3) Percentage of Building Coverage Proposed, 4) Setbacks Allowed, and 5) Setbacks Proposed.

Zoe Warner questioned if builders could get around the proposed height restrictions by employing split gable roofs. Mr. Snook stated that a builder could build a split gable roof to encroach into the proposed height restricted setbacks.

Chris Mongeau would like to see architectural drawings of how the homes would look if held to the proposed Zoning Ordinance standards. The two homes built on Church Street by TAG Builders fit the neighborhood in both architectural style and dimensions of the older homes. These homes were built based on the current Zoning Ordinance adopted in 2003.

Mr. Snook discussed his findings of how the suggested amendments would have impacted the twenty-seven (27) properties that were constructed in the past five (5) years. Two key remaining issues relative to the suggested zoning amendments:

- 1) If the building coverage exceeds the proposed by-right limit, a Conditional Use approval would have been required. This would not have precluded the same

ultimate building coverage, but would have injected a design review process. Out of the 27 properties surveyed, a Conditional Use would have been required for 10 homes that reside on Raffaella Drive, Old Lincoln Highway, Griffith Avenue, Prospect Avenue, South Warren Avenue, and West First Avenue.

- 2) If the building extends into the suggested "Reduced Height Area," then that portion of the building would have been limited to 18 feet in height, instead of 35 feet, which the majority of the building could still be. In most cases, it would appear that this would not have been much of an issue because, if they had been subject to this regulation, they could have adjusted the side yards at least to minimize the impact to one-side.

From the numbers provided, it would appear that 19 out of 27 properties would have been subject to the reduced height provisions for a small part of the building, at least on one side, without adjusting the side yards that are on Raffaella Drive, Ruthland Avenue, Lovers Lane, Channing Avenue, Old Lincoln Highway, Griffith Avenue, Prospect Avenue, South Warren Avenue, and West First Avenue. Mr. Snook does not believe it is necessary to identify the exact heights of each of these homes for the reason that in most cases it is very unlikely that the built height is under 18 feet on any appreciable portion of the building in the side-yard setback. Only 2 of the homes were teardowns and rebuilds, while the rest went through the Subdivision and Land Development process.

Geoff Rubino suggested amending the Malvern Zoning Ordinance to require new constructed homes to be setback further away from existing homes by increasing the side yard setbacks. Mr. Snook said that side yard setbacks could be increased with a caveat that property owners/developers could apply for a variance to encroach closer to the side yard setbacks.

Chris Mongeau does not see a single solution to address the concerns that have been brought up by residents over the years. He is concerned with the outcome(s) that may arise with any zoning changes in regards to property values. He recommended a single, straightforward amendment of increasing the side yards setbacks from 5 feet to 8 feet.

Dave Knies would like to reduce the allowable building and lot coverages to aid in addressing growing stormwater concerns.

Zoe Warner wants to know how any proposed zoning amendments may affect affordable housing verse the existing housing stock.

At the recommendation of John Snook, the Planning Commissioners were in agreement to request Neil Lovekin coordinate with Mr. Snook and Meredith Mayer, Associate Planner with the Brandywine Conservancy, in conducting a site survey in the Borough of the new homes that were constructed in the past five (5) years.

Geoff Rubino suggested that the site survey include 326 Old Lincoln Highway, as it is an example of a structure that is long, narrow and high in comparison to the narrow lot to show how side-yard setbacks affect the neighborhood aesthetics.

4. NEW BUSINESS

No 'New Business' was on the agenda for discussion.

5. ZONING HEARING BOARD APPLICATIONS

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

6. BOROUGH COUNCIL UPDATE

Dave Knies stated at the September 17, 2019 meeting of the Borough Council, items discussed included: 1) Review of Crest Avenue for Roadway/Sidewalk Improvement Project at the request of Andrew Lowe, 34 Crest Avenue; 2) Borough Council Committee Reports; and 3) Historical Preservation Award, as presented by the Malvern Historical Commission.

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 Chris Mongeau, seconded by Geoff Rubino, and carried by a vote of 5-0 to adjourn the meeting at 9:30 p.m.

Respectfully submitted by,

Neil Lovekin  
Planning Commission Secretary