

1. CALL TO ORDER:

PRESENT:

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

ABSENT:

Staff & Professionals Present:

Ari Christakis, Borough Solicitor  
Chris Bashore, Borough Manager  
Neil Lovekin, Asst. Borough Manager/Secretary

2. APPROVAL OF MINUTES:

A motion was made by Chris Mongeau, seconded by Carroll Siquett, and carried by a vote of 7-0, to approve the minutes of Thursday, June 21, 2018, as submitted.

3. UNFINISHED BUSINESS:

a) BUILDING AND LOT COVERAGE – ZONING ORDINANCE AMENDMENT

Ari Christakis summarized the amendment, which clarifies calculating Building Coverage and Lot Coverage. When calculating such calculations the subsequent areas are excluded:

- i. Any existing or proposed public streets or public street rights-of-way and railroad rights-of-way; and
- ii. Any easement, right-of-way, or other similar interest which satisfies all of the following criteria:
  - (1) The easement or right-of-way runs with the land, is not personal to the grantee, and is not terminable upon the occurrence of any event beyond the control of the grantee; and
  - (2) The easement or right-of-way is described in a recorded instrument, a decision or order of the Courts, or otherwise a matter of public record; and
  - (3) The extents and dimensions of the lands encumbered by the easement are specifically described and are not conterminous with the encumbered parcel; and

(4) The easement or right-of-way is intended to either:

- (a) permit ingress, egress, or regress by the grantee over the surface of land; or
- (b) to provide for the conveyance of utility services by the grantee over the surface of the encumbered parcel, solely to the general public or parcels other than the encumbered parcel.

A motion was made by Chris Mongeau, seconded by Lynne Frederick, and carried by a vote of 7-0, to recommend Borough Council adopt the draft amendment to the Borough of Malvern Zoning Ordinance regarding calculating Building Coverage and Lot Coverage.

b) BACKYARD POULTRY – ZONING ORDINANCE AMENDMENT

Ari Christakis reviewed the Chester County Planning Commission's review letter dated, August 15, 2018 with the Planning Commission and the changes he made in the draft amendment based on the County's review.

Amy Finkbiner, 121 Woodland Avenue, asked for clarification of the term, 'Enclosure'.

Ari Christakis stated the term is meant to include the coop and the run, as one structure or enclosure.

Amy Finkbiner, 121 Woodland Avenue, recommended the Commissioners consider the Penn State Extension's recommendation for a twenty-five (25) foot setback from lot lines and dwelling structures.

After some discussion, the Commissioners agreed to set a twenty-five (25) foot setback from dwelling structures, thereby creating a buffer to adjacent neighbors' yards.

Pat Marcozzi, 221 Channing Avenue, is concerned that the amendment does not address public health safety.

Ari Christakis stated that provisions relating to the keeping of feed and various sanitary conditions are addressed in a separate, companion ordinance amending Chapter 68 of the Borough's Code of Ordinances.

Geoff Rubino would like to see a minimum lot size requirement to allow for the keeping of poultry.

Discussion by the Commission included, the slaughtering of poultry shall only be permitted indoors. The Planning Commission does not recommend permitting the incidental sale of eggs.

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Ari Christakis will incorporate the comments received this evening into a revised amendment that the Planning Commission will review at a future meeting.

A motion was made by Chris Mongeau, seconded by Mark Niemiec, and carried by a vote of 5-1-1, to recommend Borough Council adopt the amendment to the Malvern Borough Zoning Ordinance, with the following revisions: 1) The term 'enclosure' to include a coop and run, 2) The incidental sale of eggs shall not be permitted, and 3) A minimum distance of twenty-five (25) feet between the enclosure for the keeping of poultry and any neighboring dwelling structure, including dwelling structures upon other properties. Geoff Rubino voted against the recommended motion, and Carroll Sinquett abstained due to being an adjacent property owner of an owner in violation of the keeping of backyard poultry, as well as being a member of Borough Council.

c) ALTERNATE PLANNING COMMISSIONER

Dave Knies polled the members of the Commission, it was determined that the Commission would like to add an alternate to its membership.

Ari Christakis will draft an ordinance amendment to the Malvern Borough Code to allow the Planning Commission to add one (1) alternate to its membership.

4. NEW BUSINESS:

- a) 146 CHANNING AVENUE – FIRST BAPTIST CHURCH – CONDITIONAL USE  
Owner/Applicant: First Baptist Church of Malvern                      Application #: CU18-02  
Combined Lot Size: 3.6 acres                      Zoned: I4                      Tax Parcels: 2-4-231

Dave Knies announced that the Planning Commission will now open a Public Information Meeting to consider a request for a Cultural Center use for 146 Channing Avenue, First Baptist Church of Malvern, in cooperation with the Coatesville Cultural Society and the Malvern Arts Center, regarding the use incentive outlined in the Historic Resource Protection Standards, of the Malvern Borough Zoning Ordinance.

The Notice of Public Information Meeting was published in the August 20, 2018 and August 27, 2018 editions 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.

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

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

Ari Christakis informed the Commissioners that he and his colleagues are not aware of another municipality that has a Public Information Meeting provision. In addition, conducting such a meeting requires significant administrative time and adds substantial financial fees, including, but not limited to, advertising in the Daily Local, legal services, and court stenographer.

A motion was made by Geoff Rubino, seconded by Chris Mongeau, and carried by a vote of 7-0, to recommend Borough Council remove the Public Information Meeting provision from the Borough's Zoning Ordinance.

a) BOROUGH COUNCIL UPDATE

No update was provided due the time allotted to the Public Information Meeting.

b) OPEN ZONING HEARING APPLICATIONS

Neil Lovekin stated there are no new applications, therefore the Monday, September 24, 2018 hearing has been cancelled.

5. 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.

No member of the audience had any comments for the Planning Commission.

6. ADJOURNMENT:

All business having been discussed, a motion was made by Carroll Sinquett, seconded by Chris Mongeau, and carried by a vote of 7-0 to adjourn the meeting at 11:01 p.m.

Respectfully submitted,

Neil G. Lovekin  
Assistant Borough Manager/Secretary