

1. CALL TO ORDER

PLANNING COMMISSION PRESENT:

Carroll Sinquett, Chair
Zoe Warner, Ph.D., Vice-Chair
David Knies, Ph.D., Commissioner
Mark Niemiec, Commissioner
Chris Mongeau, Commissioner
Scott Oswald, Commissioner
Brian Hamilton, Alternate Commissioner

ABSENT:

Geoff Rubino, Commissioner
Christopher Bashore, Borough Manager

Staff & Professionals Present:

Tiffany M. Loomis, Assistant Borough Manager & Zoning Officer
Kenneth Kynett, Esq., Planning Commission Solicitor

2. MINUTES

A motion was made by Dr. David Knies, Ph.D., seconded by Mr. Mark Niemiec and carried by a vote of 6-0, to approve the minutes from the February 18, 2021 meeting of the Planning Commission as submitted.

3. UNFINISHED BUSINESS

Zoning & Subdivision and Land Development Ordinance Amendments

- Street Tree and Plant Materials List

Chairman Carroll Sinquett introduced the Street Tree Ordinance Amendments and explained he attended the Shade Tree Commission meeting on Monday, May 17, 2021. The Shade Tree Commission Members did not have any further comments on the text of the proposed ordinance amendments. They are in the process of finalizing the plant material list and planning to do so at their scheduled meetings. He further explained that the plant material list is going to be organized where it is referenced as an Appendix to be adopted and amended by resolution from time to time, rather than incorporated directly in the ordinance text. This will provide Borough Council with greater flexibility to revise the Appendix, as necessary.

Vice Chairwoman Dr. Zoe Warner, Ph.D. commented that in a previous meeting the Planning Commission had discussed having native species exclusively on the plant list and currently non-native species are on the plant materials list. She had sent a list to Mr. Christopher Bashore marking the native species to be included in the list.

Chairman Carroll Sinquett further explained that the Shade Tree Commission's recommendation is to leave the plant materials list until they have further time to update accordingly.

Mr. Mark Niemiec asked if the plant materials list has been finalized.

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Chairman Carroll Sinquett responded that the reason for making the plant materials list an appendix is for it to be changed quickly by resolution versus by the ordinance amendment process, therefore the list does not need to be in finalized format to make a recommendation today.

Vice Chairwoman Dr. Zoe Warner, Ph.D. asked in the meantime when the ordinance is adopted if the current list will be utilized.

Chairman Carroll Sinquett responded that upon the ordinances being adopted the plant materials list can be changed accordingly by resolution and the current list would be used if an application were to be submitted.

Vice Chairwoman Dr. Zoe Warner, Ph.D. asked what guidance an individual will receive if they need to complete a replacement tree.

Chairman Carroll Sinquett responded that this matter would be reviewed and advised by the Shade Tree Commission.

Mr. Ken Kynett, Esq. explained there may be an opportunity for contemporaneous update of the plant materials list if the MPC decides to recommend the plant material list be updated by resolution due to the ordinance amendment having to be revised, reviewed and formally approved. This will give the Shade Tree Commission in the meantime the ability to update the plant materials list accordingly with their recommendations. The plant materials list that exists not would be what would be chosen from in the interim. The plant materials list needs to be adopted.

Dr. Dave Knies, Ph.D. asked why the tree and plant list have not been finalized by the Shade Tree Commission.

Chairman Carroll Sinquett explained that due to the list being divided up into three (3) groups among the Shade Tree Commission and one (1) group fell behind and the Commission has been meeting less due to the Pandemic.

Discussion and questions ensued among the MPC if ordinance amendments should be amended to include the tree and plant materials list be adopted by resolution from time to time versus ordinance amendment.

Mr. Ken Kynett, Esq. confirmed a street tree and plant materials list will need to be adopted as an appendix as the time of adoption of the ordinance amendments, however if the list has not been updated in parallel with the ordinance adoption, the current list can be adopted with that list being amended afterward. Amending from time to time by resolution avoids a cumbersome ordinance amendment process moving forward.

Dr. Dave Knies, Ph.D. asked where the street tree and plant materials would list be located.

Mr. Ken Kynett, Esq. explained the lists are part of the Borough's Ordinances and can also be placed on the Borough Website for access by the public in the same fashion as the ordinances.

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Chairman Carroll Sinquett explained that the mechanism to update the tree and plant materials list will be streamlined to save on time if permitted to be adopted by resolution.

Vice Chairwoman Dr. Zoe Warner, Ph.D. asked if the ordinance amendments can be recommended by the MPC to include exclusively native species due to non-native species currently being on the list.

Chairman Carroll Sinquett responded that anyone may attend the Shade Tree Commission meeting the third (3rd) Monday of every month to further discuss the questions and concerns with them. He is not comfortable with passing the recommendation including this language because he does not know enough about trees.

Mr. Scott Oswald is in agreement with Vice Chairwoman Dr. Zoe Warner, Ph.D. and wants the recommendation for native species to be passed as discussed by the MPC on February 18, 2021.

Chairman Carroll Sinquett explained this is Shade Tree Commission expertise and why the Commission exists.

Vice Chairwoman Dr. Zoe Warner, Ph.D. explained she is on the EAC and is well versed enough to be part of this process to make a recommendation to include exclusively native species.

Mr. Mark Niemiec asked how the process will move forward with making a recommendation this evening due to the ordinances proposed needing edits.

Mr. Ken Kynett, Esq. explained that a motion may be made to recommend the ordinance as generally written, but with the plant list to be adopted and amended by resolution of Borough Council, from time to time.

Mr. Mark Niemiec commented that it is the Shade Tree Commission's role to recommend if the list will be exclusively native species or not. He does not have any expertise in this area and supports the change of making the lists be adopted by resolution versus ordinance.

Mr. Scott Oswald is in favor of native species exclusively being included in the recommendation.

Vice Chairwoman Dr. Zoe Warner, Ph.D. commented that native species have a higher survival rate and are more resilient. She is in favor of native species exclusively being included in the recommendation.

Mr. Mark Niemiec, Mr. Chris Mongeau, and Chairman Carroll Sinquett are in favor of having the Shade Tree Commission advise on this matter due to this being their expertise and role of the Commission.

Discussion and questions ensued regarding native species pursuant to the plant materials list versus non-native species.

Vice Chairwoman Dr. Zoe Warner, Ph.D. will coordinate with the EAC to work with the Shade Tree Commission to assist in developing an exclusive native species list.

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The MPC is in agreement with this approach.

RECOMMENDATION(s):

A motion was made by Mr. Mark Niemiec, seconded by Mr. Chris Mongeau/ Mr. Dave Knies, Ph.D. and carried by a vote of 5-1, recommending the proposed Street Ordinance Amendment(s), generally as presented, but with the recommendation that street tree and plant materials list(s) be subject to adoption and amendment by Borough Council by resolution from time to time. Mr. Scott Oswald was in opposition of the recommendation(s).

- Outdoor Dining/ Café Regulations

This matter was tabled due to the outdoor dining/ care regulations not being final format to include Mr. Ken Kynett's revisions. Ms. Tiffany Loomis will coordinate these changes with staff and the Borough Solicitor in preparation of the MPC's June 3, 2021 meeting.

4. NEW BUSINESS

There were no items of New Business for discussion.

5. PUBLIC COMMENT

The following updates were given and discussed with the MPC:

- Plans to meet in person will be directed by the State of Pennsylvania. Currently meetings are being conducted under the Governor's Emergency Declaration. Mr. Christopher Bashore will be reaching out to all Commission Chair's to update accordingly.
- It is believed that 147 W. First Avenue was recently sold per the "Sold" sign located at the property. The Borough has not received confirmation of the transfer of title as of yet. It appears the "prior" owner will not be building the home that was the subject of the recent conditional use approval. The conditional use approval will run with the land upon new ownership.
- A sketch plan may be submitted for review by Malvern Borough regarding 128-142 E. King St. Ms. Tiffany Loomis will update the MPC accordingly.
- Malvern Borough was awarded a \$90k + grant for the bike pump track located at Randolph Woods.
- Planning & Zoning Series classes will be offered, potentially in person, by Chester County in the Fall 2021 and will be forwarded to all MPC members to schedule accordingly.

6. ADJOURNMENT

A motion was made by Mr. Dave Knies, Ph.D., seconded by Mr. Mark Niemiec, and carried by a vote of 6-0, to adjourn the meeting at 8:26 p.m.

Respectfully submitted by,

Tiffany M. Loomis
Assistant Borough Manager & Zoning Officer