

REGULAR MEETING
BOROUGH COUNCIL
MALVERN BOROUGH

February 19, 2013
7:30 P.M.

PRESIDING: Woody J. Van Sciver, President

INVOCATION: Gerard J. McGlone, Mayor

PLEDGE OF ALLEGIANCE TO THE FLAG

1. ROLL CALL:
 - Council President Van Sciver
 - Council Vice President Raymond
 - Council Member Giandonato
 - Council Member Macaleer
 - Council Member McCrory
 - Council Member Sponenbergh
 - Council Member Uzman
 - Mayor McGlone

ANNOUNCE: COUNCIL MET IN EXECUTIVE SESSION PRIOR TO THE MEETING TO DISCUSS PERSONNEL ISSUES

2. PUBLIC FORUM:

Council President informs all present that copies of the agenda are available at the front desk. This is a Public Session of Council. Should any citizen/taxpayer wish to offer comments on any item on the agenda, now is the time to bring those comments before Council. Are there any citizens/taxpayers who wish to bring before Council any item not on the agenda?

- a. Mrs. Helen McDonnell, 322 E. King Street – parking on E. King Street – Mrs. McDonnell questioned the parking along E. King Street because now with the redevelopment it is difficult to park by her home.

Council President Van Sciver responded that the developer is providing the required amount of off-street parking for residents and merchants and providing additional on-street parking. During the approval process, there was much discussion about structured parking so that parking was available for merchants and merchant's customers. At the same time, the Borough also recognizes that as the project is completed and underway, we will probably have to implement a more careful parking system. We have permit parking in some of our public lots but may have to extend that out to the streets later. Without the project being complete, now may not be the time to do that.

Mrs. McDonnell stated that it has been better lately as they are parking in the garage but Tom Committa, in his report, said there is a high probability that residents will be displaced when the project is complete. Mrs. McDonnell asked if she could get permit parking now.

Chief Ercole responded that there is no permit parking in the Church Street Municipal lot. He stated that he had attended a contractors meeting this month and talked to them about parking

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in the garage and not on the street. The parking garage is open and they are parking there now. The concrete contractor has 40 employees and they need a place to park. He feels the on-street parking situation has gotten better and more contractors are parking in the garage.

Mrs. McDonnell stated that the construction is a short-term problem. She is more concerned with what is coming.

Council Member McCrory responded that Council wants to make sure we have a problem before we do anything.

Council President Van Sciver stated that we know we can regulate with parking permits and the Chief and Mayor will investigate that option.

Mrs. McDonnell asked about residential parking permits after 5:00 p.m. That could be considered.

b. Residents of Channing Avenue and Woodland Avenue were in attendance to discuss the development project at 217 South Warren Avenue. Pursuant to their rights, Mr. Fruchter presented to Council a signed petition from the Homeowners closest to the Gable property. They expressed concerns regarding the following items:

a) They are asking the Planning Commission to turn down the application if the development comes with five homes;

b) Request Borough Council and the Planning Commission to say no to the waivers and/or variances requested and let the builder go back to the seller and say the Borough said "no" to five homes.

c) Expressed concerns about safety and driveways being too close to the intersection. There were concerns about sight distances around the brick wall along the Retreat property at Second Avenue and how fast vehicles come around that bend.

d) They expressed concerns over the process and were told that if they wanted to have an impact on this development, they should have come to the meetings earlier in the process. They felt that if they attended the meetings when the preliminary plans were being discussed and public comment was being solicited, that was part of the on-going approval process.

e) They expressed concern over reference to the Agreement of Sale and five homes being permitted on this property. They feel the Agreement of Sale is between the builder and seller and should not be a concern to either the Planning Commission or Borough Council.

f) They are concerned over public safety and don't want this issue to slide by as the Borough may be open to liability. The waiver from the 100' driveway entrance is a public safety concern and should not be waived.

g) There is a zoning issue that the Planning Commission must address regarding the front yard setbacks. These setbacks are out of conformance. They also questioned the width of the alley and feel this, too, is a zoning issue.

h) Environmental concerns were expressed and the residents feel they deserve to know the results of the environmental impact study.

i) They stated that a preliminary plan has not been submitted.

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j) One resident stated that he would like to see duplexes at this location as they would have a lot more open land.

k) Concerns were expressed regarding the safety of the children in this area because of the speeding traffic from Warren Avenue onto Second Avenue and the clear roadway with no stop signs or speed bumps.

l) The residents asked if the Borough couldn't be known as a community that doesn't give in all the time to the developers and we should be more tough and not just give in to everything.

Council Member McCrory stated that he feels the residents are doing the right thing and he hopes they get the right result. Perhaps Council should consider the possibility of making Second Avenue a one way street.

m) The residents also questioned the buffering requirement and how the developer wants to take the public land and put buffering on that land instead of on his own property. If this is permitted, the Borough won't be able to do anything with that land.

n) It was noted that there is a steady stream of school buses on Channing Avenue and this is another traffic issue.

Mrs. McDonnell suggested a three-way stop at Warren and Second Avenues.

Mr. Fruchter asked for a straw vote from Council on this proposed development. He stated that he has been told by people who think they know that the problems are small, that this is a done deal, that we shouldn't bother and make a side deal rather than address the issues of everybody else. He stated that the developer was in his house this evening offering concessions. He knows with the relationships in the Borough that this is going to happen with five houses.

Council President Van Sciver stated that he would not be willing to participate in a straw vote. The normal process is that the Planning Commission reviews the proposed development plans, and makes a recommendation to Borough Council. The Borough Council has not seen a formal plan and Council President Van Sciver stated that the developer has not contacted him.

Council Member Giandonato stated that it is great that the residents came and spoke to Council about this development project.

Council Member Uzman stated that he has listened to the residents comments and understand the concerns. On the flip side, the first he heard about this project was two weeks ago. The comment that it was a done deal is concerning. Council Member Uzman stated that he takes this job very seriously, he likes the charm and he does everything he can for the Borough. The insinuation that we're circumventing the process is disturbing. He stated that he has not seen a plan and for you to come here and tell us and make the inferences that TAG's project is a done deal and you are insinuating that the people in the government are supporting the plan, you are saying that Borough Council is tainted.

Mr. Fruchter responded that two commissioners said it was a done deal and the manager said the waivers being requested were small issues.

Council Member Uzman stated that the Borough goes by regulations. He appreciates the resident's concerns, he's happy that they are here, but don't infer that Council's decisions have been made.

Mr. Fruchter stated that the preliminary plan has been withdrawn and the developer is coming in with another plan but that plan has not yet been submitted.

Mayor McGlone stated that the residents are by no means too late in the game. This is the normal process. The Planning Commission makes a recommendation, then Borough Council looks at the Plan and makes a final decision. Thank you for bringing to our attention the safety concerns at the intersection.

Council Member McCrory stated that we can't prevent the developer from building but we can prevent them from building outside of the subdivision and zoning ordinances.

Council Member Raymond stated that she does not have her mind made up.

3. APPROVAL OF MINUTES:

A motion was made by Council Member Macaleer, seconded by Council Vice President Raymond and unanimously carried by a vote of 7-0 to approve the minutes of the Regular Meeting held on Tuesday, January 15, 2013, as submitted.

4. APPROVAL OF REPORTS:

A motion was made by Council Member Uzman, seconded by Council Member Sponenbergh and unanimously carried by a vote of 7-0 to approve the Treasurer's Report, the Committee Reports for Finance and Administration, Public Safety, Public Works and the Chief of Police Report, the Code Enforcement Officer's Reports (Building Inspector's Report, Housing and Property Maintenance Report and Zoning Report), the Superintendent of Public Works Report and the Manager's Report for the month of January 2013, as submitted.

5. OTHER BUSINESS:

a. Review of TOD Progress – Council President Van Sciver reported that he is on the TOD Task Force. The land in the Industrial Center is 60's-70's low rise industrial buildings. The Borough was awarded a Transit Oriented Development grant for a study to look at this area because of its proximity to the train station. One of the components of the study is a market analysis detailing the kind of uses that could be supported in this area. These folks have come out and made a determination in draft form that indicates there is very significant interest in that area for redevelopment and that it could support 600 dwelling units. One of the things that we need to be able to wrestle with is a strong recommendation about how the borough can make sure it gets the infrastructure improvements if changes for land uses would be adopted and how it would make it more harmonious to the borough. There was a study done funded by an outside group about potentially increasing the accessibility of that area by extending Pennsylvania Avenue to Malin Road in East Whiteland Township. That road is a very expensive road, about \$15M, with very steep grades. When we had our first public review of the TOD study, some of the input from the attendees was that the Borough maintain our small town atmosphere. Other

comments included having other ways to access that area other than Warren Avenue. The study will take a strong look at recommendations that may be contemplated by the Borough and that would have to include some sort of infrastructure improvement.

Mrs. McDonnell asked why the study was being done. Is there interest in that?

Council President Van Sciver responded that the land is there and the market study has proven that it is very valuable with a change of use. Absent anything that the Borough could do, Borough Council thought they would enter into this agreement so that we could be in front of any actions by any developer.

Council President Van Sciver stated that he is asking Borough Council's permission to attend the next meeting of the Malvern Business & Professional Association to urge them if developers come forward, to hold off on any support until Council has had a chance to complete this study and understand the ramifications of what a change in land use could do for the Borough.

Borough Council gave Council President Van Sciver their approval to speak to the MB&PA.

b. Council President Van Sciver reported that the Borough had submitted an application to EEB Hub for the municipal building. The purpose of the EEB Hub is to promote advanced energy technologies. The borough responded to a request for submissions to them for a project to recommission, or retrofit, our municipal building. We received a call from EEB Hub that said this project would be wonderful for them to get involved in and is being considered as one of the twenty projects they were going to select to showcase. The grant they offered is \$150,000 worth of in-kind services to implement energy savings.

5. ADJOURNMENT:

All business having been discussed, a motion was made by Council Member Uzman, seconded by Council Member Giandonato and unanimously carried by a vote of 7-0 to adjourn the meeting at 9:04 p.m.

Respectfully submitted,

Sandra L. Kelley
Secretary/Manager