

## **Borough of Malvern**

### **Planning Commission Regular Meeting Minutes**

**January 17, 2013**

#### **Approved Minutes**

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A regular meeting of the Planning Commission was held on Thursday, January 3, 2013 at the Malvern Municipal Building. Members present included: Amy Finkbiner, Dave Knies, Chris Mongeau, Cecelia Oswald and Carroll Sinquett

Chairman Mongeau called the meeting to order at 7:34 pm.

#### **Approval of Minutes**

Minutes for January 17, 2013 approved as corrected.

#### **Old Business**

##### **Aras - Buffering & Screening Plan for Pennsylvania Ave. – Old Mulch and More**

Ronald M. Agulnick LLC, Attorney at Law

Mr. Agulnick reported that the fence that has been installed is not in the location identified on the plan previously submitted to the Planning Commission. The fence company had to install the fence closer to the Aras Property than planned because the ground at the planned location had a sharp drop off, and could not accommodate the fence. The fence still functions as planned. In addition, the installed fence is facing the wrong way. These issues were not discovered until after the fence was installed.

The fence is located on AMTRAK property. Permission was secured from AMTRAK via email, although no formal contract exists for this permission.

Cecelia Oswald noted that at least three additional trees are needed per Zoning Ordinance Section 2309 C.4 Industrial Buffer Standards.

Further action by the Planning Commission is postponed pending a site visit by the Planning Commission, further documentation from Bill Wilfong, and the drawing corrected to show the additional trees as they will be placed and removal of the barriers. The applicant will return to the Planning Commission in two weeks with a cleaned-up plan.

## **Major Subdivision – 217 South Warren Ave. & 2<sup>nd</sup> Street**

Tom Galbally, TAG Builders

Roman W. Dychdala, PE, Inland Design

Letter from Daniel H. Daley PE to Sandra Kelley, Borough Manager dated January 11, 2013 was reviewed, as well as a point-by-point response letter from the applicant.

### **Zoning Ordinances**

1. Section 701 & 702 – Developer will comply with recommendations.
2. Section 2309 – Cecelia Oswald stated that she would prefer plant buffering to a fence. Mr. Galbally asked if the buffering could be installed on the Borough property. Borough Council will have to decide. *The Planning Commission will recommend a buffering plan to the Council and Mr. Galbally will install and pay for it.*

### **Subdivision Ordinance**

1. Section 300.C – *The Planning Commission will review the Preliminary and Final Subdivision Plans separately. The Planning Commission notes that a waiver of the Four-Step design process has been requested.*
2. Section 301.C – *a site visit will be scheduled by the Planning Commission*
3. Section 400.B - Developer will comply.
4. Section 402.B.2.d – Developer will comply.
5. Section 402.B.2.e – Developer will comply.
6. Section 402.B.2.j – Developer will comply.
7. Section 402.B.2.t – Developer will comply.
8. Section 402.B.4.a – Developer will comply.
9. Section 402.B.4.f – Developer will comply.
10. Section 403.B.6 – Developer will comply.
11. Section 403.B.12 – Developer will comply.

12. Section 501.A – This will be a private alley. There will be no homeowners association. Owners will take care of alley. *Amy Finkbiner and Cecelia Oswald prefer that the Borough own the alley.* If owned by the Borough, the alley would have to be built to Borough standards.

13. Section 503 Street Standards –

a. South Warren Avenue is classified as a Minor Collector street per the Borough’s Comprehensive Plan. Minor Collectors are required to have a minimum right-of-way width of 60-feet and a minimum cartway of 34-feet.

i. Developer will comply.

ii. The current roadway width is approximately 22-feet (variable). The applicant has requested a waiver from the requirement to widening South Warren Avenue. *The applicant must review this waiver request with the Borough Planning Commission and the Borough Council.*

b. Second Avenue is classified as a Local street per Borough’s Comprehensive Plan. Local streets are required to have a minimum right-of-way width of 50-feet and a minimum cartway width of 28-feet.

i. The current right-of-way is indicated on the plan as 50-feet therefore no additional right-of-way is required to be dedicated.

ii. The current roadway width is approximately 17-feet (variable). The applicant has requested a waiver from the requirement to widening Second Avenue for the full width of the parcel. Widening is proposed for an approximate 100-foot distance from the intersection with South Warren Avenue. The width of the widening must be labeled on the plan. *The applicant must review this waiver request with the Borough Planning Commission and Borough Council.*

As per section 503.B of the SALDO, additional and/or reductions in right-of-way and cartway width may be required by the Borough. The applicant must present data indicating justifications for these waivers. In evaluating the waiver requests, the Borough Planning Commission and Council should consider the future plans, if any, for Second Avenue and South Warren Avenue, need for on-street parking, and plans for pedestrian access.

*Chris Mongeau will ask Sandra Kelley about the plans are for surfacing and storm water on 2<sup>nd</sup> Avenue.*

14. Section 506.E – Developer will comply.

15. Section 506.G – Developer will comply.

16. Section 506.H – Developer will comply.

17. Section 508-Alleys – The applicant is proposing to construct five (5) single family detached dwellings with frontage on South Warren Avenue and Second Avenue. All lots are proposed to have the frontage on existing streets per the Zoning Ordinance requirements. Access is proposed off of Gables Alley for three of the five lots. The use of an alley in this application for rear access appears to meet the Borough requirements.

- a. Alleys shall have a minimum right-of-way width of twenty (20) feet and a minimum width of 16-feet for two-way traffic. The proposed alley meets these requirements.
- b. No turn around access is proposed at the end of the alley. The applicant must detail the plan for trash service for Lots 1, 2, and 5. Trash vehicles will not enter the alley. Trucks can back in. Developer will comply.

18. Section 509 – Street Construction

- a. Developer will comply.
- b. Developer will comply.
- c. Developer will comply.

19. Section 510 – Developer will comply.

20. Section 513 – Driveways

- a. Section 513.B&C – Developer will comply.
- b. Section 513.E – Private driveways, whether individual or common, on corner lots shall be located at least forty (40) feet for local roads and one hundred (100) feet for collector roads from the point of intersection of the nearest street right-of-way lines. Lot 3 does not appear to comply with this requirement. *Developer is requesting a waiver.*
- c. Section 513.K – Developer will comply.
- d. Section 513.K.5 – Where feasible, new driveways shall provide for a safe turnaround area outside of the right-of-way, and shall be designed so that vehicles will not be required to back into the adjoining street. Backing out onto Second Avenue will be a problem. *Developer states this is not feasible.*
- e. Section 513.K.6 – Developer will comply.
- f. Section 513.M – Concrete aprons shall be provided for all driveways with concrete sidewalks. Aprons are not used in the absence of sidewalks. Second Avenue will need to be widened to accommodate curbing. *This will be discussed farther following the site visit*

21. Section 514 – Curbs. Per the SALDO requirements, curbs are required to be installed along the frontage of S. Warren Avenue and Second Avenue. The applicant is not proposing to install curb on either roadway. No curb exists on S. Warren or Second Avenue in this area. The applicant must install the curb or obtain a waiver from this requirement. The Planning Commission prefers that Warren not be widened and that curbing be installed. Widening Warren will only make traffic move faster. *Discussion will continue after site visit.*

22. Section 515 – Sidewalks and Trails. Sidewalk is proposed to be constructed on both S. Warren and Second Avenue.

a. The S. Warren Avenue proposed sidewalk is located at the top of the existing embankment, in lieu of directly adjacent to the roadway. Borough Engineer recommended a typical cross section or two of the S. Warren Avenue roadway, embankment and sidewalk be prepared to assist with the Borough's evaluation of the location of the walk. The location should also be reviewed with the Planning Commission to obtain their input. *Applicant needs to discuss with Planning Commission.*

b. The Second Avenue proposed sidewalk is proposed to be located five (5) feet off the existing or proposed edge of roadway. This location must be reviewed with the Borough Planning Commission. *Developer needs to discuss with Planning Commission.*

c. Developer will comply.

d. Developer will comply.

e. The Borough Comprehensive Plan references proposed trail improvements along S. Warren Avenue and Second Avenue. The applicant should contact the Borough Manager to review the proposed plans to see if any of the improvements are located on this parcel or any provisions such as crosswalks should be implemented into the plan of this development. Developer will comply. *Planning Commission will discuss with Sandra Kelley, Borough Manager.*

23. Section 516 – Olde Towne Malvern Design Standards

The Olde Towne Malvern Design Standards shall generally apply throughout the Borough. Specific application of any standard shall be at the discretion of Borough Council. The applicant shall review the need for any Olde Towne design features such as lights and sidewalk. No street lights are currently planned. *Developer wants to discuss lights and Olde Towne sidewalk with Planning Commission.*

24. Section 517 – Stormwater Management. Compliance with the Borough's Stormwater Management Ordinance of 2005 is required.

a. Developer will comply.

b. Developer will comply.

c. Developer will comply.

d. Developer will comply.

- e. Developer will comply.
- f. Developer will comply.
- g. Developer will comply.
- h. Developer will comply.
- i. Developer plans to put the storm pipe under the sidewalk. Mr. Dychdala spoke with the Borough Engineer today. Mr. Daley is afraid that the pipe might be damaged by a utility dig. *Developer will work out placement with Borough Engineer.*

25. Section 519 – Sewage Disposal

- a. Developer will comply.
- b. Developer will comply.
- c. Developer will comply.
- d. A sewer main extension is proposed as part of this project. Based upon the grades of Second Avenue, the sewer main is proposed to be installed at a shallow depth (0.75-ft of cover at low side). Borough Engineer recommended that the applicant schedule a meeting with him and the Borough Public Works to review this design. A low pressure sewer is a possibility. There is a manhole shown on the drawing. *Developer will work out with Borough Engineer and Borough Public Works.*

26. Section 520 –Water Supply

- a. Developer will comply.
- b. Developer will comply.
- c. Developer will comply.
- d. Developer will comply.

27. Section 521 – Other Utilities

Developer will comply.

28. Section 522 – Monuments and Markers

Developer will comply.

29. Section 525 – Landscaping, Screening and Street Trees

- a. Developer will comply.
- b. *Cecelia Oswald asked that Developer add additional species of trees.*

30. Section 701.B

Developer will comply.

31. Section 705

Developer will comply.

*Borough Engineer recommended that the Developer meet with Borough Council. Chris Mongeau suggested that the Developer due this before he returns to the Planning Commission. Council meets on February 5 and Planning Commission on February 7.*

**Public Comment**

Tom Tomachesky, Church Street

Parking on Second Avenue may become a problem. Traffic has already increased as a result of the King Street Project.

Danielle Whalen, Woodland and Second Avenue

Mr. Whalen asked why there would not be a homeowners association. Mr. Galbally explained that an HOA is not practical for a small number of owners. The sidewalks and sewer pipes would be a homeowner's responsibility.

Bill Dowdy, Woodland Avenue

Mr. Dowdy asked if there would be brick in the sidewalks and about storm water runoff. Mr. Galbally described the construction method that will be used to capture, hold and put the run off back into the ground. He stated that method had already been approved by the Borough Engineer.

Susan Cook, Highland Avenue

Ms. Cook proposed a rounded entrance to the alley to make backing- in easier. She asked if the plan had been approved by the Fire Chief. (It will be.)

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A resident asked if a grinder pump and gravity flow can be combined. It can. The steep slopes on the property are man-made and the one in the interior will be removed. The speaker stated that Second Avenue and Channing Street has become a bypass for King Street. The proposed buffer between the new development and the Borough property and its maintenance were discussed. Native trees and plants and a rain garden were suggested. The developer will have an 18 month commitment to maintain the plantings.

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The speaker stated that he would like no curbing on Warren. However, if there is no curbing on Second cars will run over the grass.

Danny Fruchter, Second Avenue

Mr. Fruchter's property is adjacent to the proposed development on Second Avenue. He stated that no waivers would be needed if 4 houses rather than 5 were built. He does not feel that the size and appearance of the proposed houses is in keeping with the character of the neighborhood. Mr. Fruchter questioned the accuracy of the surveyor's report. His pin placements do not match the survey that Mr. Dychdala had completed. There is no fence or vegetation barrier between his property and the new construction. Noise standards have not been evaluated. No environmental review has been done. The property is the former site of a greenhouse whose owner used herbicides at a time when there were no regulations. Traffic is a problem.

Mr. Dychdala explained that any issues with the survey would be corrected. Phase 1 environmental testing results are pending. Cecelia Oswald explained the Phase 1 process and noted that the state will review the results. The developer will be required to remediate any problems identified.

Cecelia Oswald asked which green building practices will be used during the construction.

The general discussion among those present included: the character of the neighborhood, traffic and the safety of children, number and size of proposed houses, lot size after widening of streets, proposed use of a three way stop sign at Warren and Second Avenues, and possible existence of underground streams.

The Developer met with several of the residents after the Public Comment period was completed.

The meeting was adjourned at 10 pm.

Recorded by Marty Laney