

Borough of Malvern

Planning Commission Regular Meeting Minutes

October 3, 2013

Approved Minutes

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

Chairman Mongeau called the meeting to order at 7:35 pm.

Approval of Minutes

The minutes for July 18, 2013 were approved.

Old Business

Final Approval - Tag Development @ South Warren Ave

Lauren Duffy

Chuck Dobson

Tom Galbally

Louis J. Colagreco, JR, Riley, Riper, Hollin & Colagreco Attorneys at Law

A letter from Daniel H. Daley PE to Sandra Kelley, Borough Manager, dated September 27, 2013 was reviewed.

A letter from Tony Dufour, Registered Landscape Architect, to Sandra Kelley, Borough Manager, dated September 26, 2013 was reviewed.

A letter from Ronald T. Bailey, AICP to Sandra Kelley, Borough Manager, and dated September 3, 2013 was reviewed.

Zoning Ordinance

Section 702.B

Mr. Colagreco met with Bill Wilfong and they agreed that the plan to stagger the fronts of the houses meets the intent of the ordinance.

Section 702

No change in setback is required.

Section 2309 – Buffering and Screening

Mr. Galbally explained that the Shade Tree Commissions recommendations have been implemented on the final plan. Cecelia Oswald stated that she spoke with Tony Dufour and he is recommending two cultivars. They are Nigra and Emerald Green.

Subdivision Ordinance

SALDO Section 513.D

Cecelia Oswald asked about the plan for maintaining the pervious driveway. Dan Daley stated that the plan meets the standard. Tom Galbally stated that there will be an HOA. Chuck Dobson explained that the driveway is an easement and the responsibility of the HOA. It will be vacuumed twice a year. No sand, melting agent or grit will be used to treat snow. The driveway will receive porous surface care. Applicant clarified that the driveway be considered pervious coverage in the storm water calculations.

Section 513.E

A waiver has been requested for Lot 4 and 5 to encroach in the setback. Cecelia Oswald requested that the driveway for Lot 5 be moved. The vote was 4 to approve the waiver and 1 opposed.

Section 515 – Sidewalks and Trails 516 – Olde Towne Malvern Design Standards

Item a. construction of the sidewalk and item d. borough light standards are still in progress per Dan Daley. Carroll Sinquett and Dan Daley discussed item c. the existing fence and retaining walls. Cecelia Oswald reminded Mr. Tag that the two trees that will be removed must be replaced somewhere else on the property. Cecelia Oswald noted that the position stated in the Chester County letter strengthens the Planning Commission's recommendation to extend the planned sidewalk on Warren Ave. to Second Ave.

Section 525 Landscaping

The arborist, Tony DuFour did not make a site visit but the Shade Tree Commission did make a site visit.

Comments to be addressed prior to Recording of Plans

Section 518 – Erosion and Sedimentation Controls

Questions raised by Carroll Sinquett about the sewer trench and seepage under the pavement were discussed.

Section 517 – Stormwater Management

Chuck Dobson discussed the ordinance and reviewed the calculations for rate and volume of runoff for 100 year storm.

Cecelia Oswald asked the developer to look into LEED Certification. She requested that a copy of the Phase I Environmental Study be made available to the Commission. The developer is not required to do this, but has agreed to do so when the study is complete.

Lynne Hockenberry representing the Historic Commission requested that photographs be taken of the elevations, footprints and buildings before demolition begins. The applicant agreed to comply with this request.

Amy Finkbiner reminded the Commission that the public had requested that the driveway for lot 5 be moved.

Dave Knies, Chris Mongeau and Carroll Sinquett stated that they were happy with the drawing.

Public Comment

Kurt Leininger, 211 Channing asked about load bearing on the porous driveway. Chuck Dobson described its construction and noted that it would be able to support a fire truck. Carroll Sinquett expressed concern the integrity of the surface on a warm summer day.

Mr. Leininger asked about archeological findings.

Alda Cortese stated that the current residents still preferred that four houses be constructed., not five.

Linda Burton, Chair of the Shade Tree Commission, noted that there are two specimen trees located adjacent to and along the property line but not on the Tag property, a white pine and a Hinoki. She recommends their preservation.

Chris Mongeau moved, and Carroll Sinquett seconded, a motion to grant a waiver from Section 513.E of the Malvern Borough Subdivision Ordinance to allow the driveways for Lots 4 and 5 to encroach on the 40 foot setback from the street right-of-way of Second Avenue. The motion was approved with 4 yes and 1 no vote from Cecelia Oswald.

Chris Mongeau moved and Carroll Sinquett seconded a motion to approve the Final Plan for South Warren Avenue with the following stipulations:

- Compliance with all items in Dan Daley's letter
- Replacement of all trees removed during demolition and construction
- Explorating of need for a fence between the Borough parking lot and the sidewalk
- Complying with all recommendations included in Tony Dufour's letter
- Providing the Phase I environmental results when completed to the Borough
- Providing pictures of the building elevations and locations to the Historic Commission

The motion was approved with 4 yes and 1 no vote from Cecelia Oswald.

Alba Restaurant – Conditional Use Application

Sean and Kelly Weinberg, owners of Alba Restaurant

A letter from Sean and Kelly Weinberg to Sandra Kelley, Borough Manager was reviewed. The letter was not dated.

Sean Weinberg described the proposed project including hours of operation and utilization of the proposed deck. There will be a gated emergency exit from the deck. The current HVAC system will be moved towards the west end of the property.

As long as the deck remains uncovered there is no storm water issue. If an awning or roof is added a storm water plan must be submitted. A parking agreement currently exists with Gallagher's. A verbal parking agreement was obtained from SEPTA. They will not put anything in writing.

A motion was made by Dave Knies and seconded by Carroll Sinquett to recommend approval of the Conditional Use Application. The owners must comply with the plan described in their letter and the letter needs to be dated. The Conditional Use Application was dated July 13, 2013.

The motion was unanimously approved.

New Business

Chris Mongeau outlined a Task Force that will be appointed to work with the developer of the proposed N. Warren Street project. Members of the Task Force will include:

- Planning Commission member
- Borough Council member
- Borough Solicitor
- Member of the Public and a
- Planning Professional

A task force of this type was used during the approval process for the King Street project.

All business before the Commission being completed, the meeting was adjourned at 9:45 pm.

Recorded by Marty Laney