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**Borough of Malvern**

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**Planning Commission Regular Meeting Minutes**

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**November 7, 2013**

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**Approved Minutes**

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A regular meeting of the Planning Commission was held on Thursday, November 7, 2013, 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 7:38 pm.

**Approval of Minutes**

The minutes for September 5, 2013 were approved as corrected.

The minutes for October 3, 2013 were approved as corrected.

**Old Business**

**Major Subdivision-Rubino Development on Old Lincoln Highway**

A. Joseph Rubino, owner of 347 Old Lincoln Highway

Two sketch plans were presented: 347 Old Lincoln Highway owned by A. Joseph Rubino and 361 Old Lancaster Highway owned by F. Joseph Rubino.

**361 Old Lincoln Highway**

Four homes are planned for 361 Old Lincoln Highway. The lots are zoned R3b. The minimum required lot size is 10,000 sq.-ft. The lots all are just exceed the 10,000 square feet required.

Each of the homes would be approximately 1800-2200 square feet. Mr. Rubino described the design as carriage style with first floor master bedrooms. They would be scaled down version of the existing houses on an adjacent development to which this proposed development abuts. A variance for the front yard set- back for the corner lot would be needed as the home is currently positioned. A second variance would be needed for either the rear yard setback or the driveway orientation. The driveway for the corner lot will exit onto Rafaela Drive.

Members of the Planning Commission were concerned with the need for a waiver on the corner lot. Cecelia Oswald suggested that constructing one house not two along Old Lincoln Highway would negate the need for the variance for the front yard setback requirement. David Knies

noted that the existing houses are not as close together as the proposed ones. Mr. Rubino stated that the lot sizes are different. The two tracts of land were zoned differently. Cecelia Oswald noticed that the corner house was not aligned in accordance with the zoning requirements. Ms. Oswald read from the Zoning Ordinance section 2303 which states” that the house built on the corner lot must be aligned in both directions”. Cecelia Oswald recommended that the Mr. Rubino discuss this matter with the Borough Engineer.

The houses are currently placed so that they are parallel with the property line not parallel to Old Lincoln Highway. Cecelia Oswald objected to this placement stating that it was not consistent with how the other houses on north side of Old Lincoln appeared to be placed on their lots. At a previous meeting, Mr. Rubino presented two different homes to property line sketches to the Planning Commission. Mr. Rubino asked the Planning Commission, at the time, which one they preferred. The Planning Commission believed that placing the homes parallel to the property line made more sense and produced more regularly shaped lots as a posed to trapezoidal ones.

Addresses for the houses were discussed and Mr. Rubino explained the Emergency Services process for numbering the houses.

### **347 Old Lincoln Highway**

Three houses are planned. A variance would be needed for the front yard set back of the corner house. Installing sidewalks on the private road and widening the road were discussed. Previous disputes regarding the accessibility and rights of the property owners who use/own the road has been decided by a court order. The legal issue of widening and placement sidewalks will have to be discussed with the Borough Solicitor. Amy Finkbiner stated that she likes the lot lines, as they are on the sketch plan and that many of the existing houses are not parallel with Old Lincoln Highway.

In conclusion, the Planning Commission recommended that the Mr. Rubino, the developer, build three houses not four on 361 Old Lincoln Highway. The Planning Commission is in favor of sidewalks on the private road, if possible. The developer should save the existing trees and consult the Solicitor about the issues surrounding the private road. Cecelia Oswald stated that she might be willing to live with this placement of the houses parallel to the lot line and not parallel to Old Lancaster if the total number of houses for both properties was reduced to six.

Cecelia Oswald and Dave Knies both stated that the plan was “too dense” and they would not approve it as currently presented.

## **Public Comment**

There were several citizens of borough in attendance. They had questions for both the Planning Commission and the developer. The majority of the questions centered on the following:

**Front Yard Set-back**-Cecelia told a questioner that the front yard setback is a zoning issue and Mr. Rubino would have to go through the Zoning Hearing Board for relief of the requirement and that he would have to prove hardship exists.

**Ground Water Run Off**-Chris Mongeau explained that the Developer must contain the run off on the property. Cecelia Oswald directed the questioner to the grading done on the new Tag development.

**Width of the Private Road**-Chris Mongeau stated that this issue has already been litigated and will ask the Borough Solicitor for their input.

### **Lynne Hockenberry, adjoining property owner**

Ms. Hockenberry wants to see only six houses built. She does not feel that there is a demand for this type of house based on past history. Larger houses could be built by reducing the number of houses to six. She described their lots as pie shaped. Amy Finkbiner said that she liked the lot lines as they are on the sketch plan and that all existing houses are not parallel to Old Lincoln.

### **Leslie Miller, Rafela**

Spoke in opposition to placement of houses on lots.

Chris Mongeau explained the different processes that an applicant can use to get relief from a Zoning or SALDO requirements. Mr. Mongeau further explained that Planning Commission recommends waivers and waivers are approved by Borough Council. The Zoning Hearing Board grants variances.

Cecelia Oswald said that the house on the corner of Rafela and Old Lincoln is the problem. She does not like the sight line on Rafaela. Cecelia Oswald told the Developer that any error would be a problem as the lots are barely 10,000 square feet. She described previous survey errors and an error in the placement of a foundation.

Dave Knies told the Developer that Borough Council would not approve the current plan. It is too dense. He stated that if the Developer built three houses not four, “we will work with you.”

**New Business**

None

All business before the Commission being completed, the meeting was adjourned at 9:15 pm.

Recorded by Marty Laney