

Borough of Malvern

Planning Commission Regular Meeting Minutes

May 2, 2013

Approved Minutes

A regular meeting of the Planning Commission was held on Thursday, May 2, 2013 at the Malvern Municipal Building. Members present included: Amy Finkbiner, Dave Knies, Chris Mongeau, Cecelia Oswald and Carroll Sinquett.

Also in attendance Louis J. Colagreco, JR, Riley, Riper Hollin & Colagreco' Attorneys at Law representing the Borough.

Chairman Mongeau called the meeting to order at 7:37 pm.

Approval of Minutes

Minutes for April 18, 2013 approved as corrected.

Old Business

217 S. Warren Avenue Development

Tom Galbally, developer.

Andrew D. H. Rau, Unruh, Turner Burke & Frees, Attorneys at Law

Letter from Daniel H. Daley, P.E. to Sandra Kelley dated March 29, 2013.

Letter from Andrew D. H. Rau to Louis J. Colagreco dated May 1, 2013.

Mr. Rau discussed the waivers addressed in his May 1, 2013, letter to Louis Cloagreco.

1. SALDO 301.E/200.C. Four Step Design Process

The Four Step Design Process has been followed. No waiver is required. To the extent a waiver is determined to be required by the Borough, a waiver is requested.

2. SALDO 511.F. Putative requirement that: "depths of lots shall generally not exceed their width by more than two and one-half (2-1/2) times."

If the 5 lots are taken as a whole the average is 2.68. The developer believes that he will generally meet the requirement of 2-1/2 times. If he does not a waiver is requested.

3. SALDO 503.A Street Standards and Cartway Width / Warren Avenue and Second Avenue

Development plan for Second Avenue will comply with cartway widths for a local road. At the request of the Planning Commission Warren Avenue will not be widened.

4. SALDO 513.E Lot 5 Driveway

There is no driveway on Second Avenue and no waiver is required. To the extent the Borough nonetheless requires a waiver, it is hereby requested.

5. SALDO 514 Curbs

Curbs will be provided on Second Avenue. A waiver is requested for Warren Avenue. Sidewalks will be constructed on both Warren and Second Avenues.

6. SALDO 201. Definitions / Alley

SALDO defines an alley as “a service roadway providing a secondary means of vehicular access to the side or rear of two (2) or more properties.” If the planned alley is deemed not to provide secondary access, a waiver is requested.

Discussion included whether the proposed design was in sync with the vision of the community as described in the Comprehensive Plan. Mr. Colagreco noted that failure to comply with the Comprehensive Plan is not a reason for denial. Cecelia Oswald stated that she did not agree with this interpretation. Mr. Colagreco stated that the Comprehensive plan may be relevant to the waiver discussion.

Amy Finkbiner noted that the lots are not all “regularly shaped”. She would like to see the alley treated as a common driveway. Mr. Colagreco stated that it was not designed as a common driveway. A waiver is needed in either case.

Phase I environmental testing was discussed. The results are not available because the testing has not been completed. The developer does not want to spend additional money on the testing if the design will not be approved. Permits cannot be granted until this is completed and the property meets State and Federal Standards.

In his May 2, 2013 letter, Dan Daley asked for landscaping and tree protection information. Cecelia Oswald requested a drawing that includes both trees and the buildings on the same drawing.

Cecelia Oswald noted that the lot line between this property and that owned by Danny Fruchter is in dispute. The developer would want to settle this by the time for approval of the final plan.

Public Comment

Steve Stuut, Partner of Bartley Investments LLC and owner of 218 Channing Street

Mr. Stuut believes that the alley is a zoning issue. Mr. Colagreco stated that it is a SALDO issue.

Charlie Whalen, Woodlyn Avenue

Mr. Whalen noted that if the lot line dispute is settled in Mr. Fruchter's favor "Mr. Tag" will lose square footage.

Syd Baglini

Ms. Baglini asked if the planned buffering is on the Borough's property. Mr. Mongeau stated that it was. Ms. Baglini asked why the Borough should give up use of some of its land. Mrs. Oswald noted that if the Borough were constructing the building today they would have to provide this buffering. The proposed buffering would be maintained by the HOA. Carroll Sinquett stated that the buffering is recommended but not required. The Planning Commission noted that it had suggested that it be placed on the Borough property. Ms. Baglini asked that the Planning Commission use the tools at their disposal to deny the waivers if they cannot use the Comprehensive Plan to deny the plan. She asked that they protect the public interest and remember the issue of house volume to the size of the lots.

Danny Fruchter, Channing Avenue

Questioned buffering, the alley and driveways.

Danielle Whalen, Woodland Avenue

Ms. Whalen discussed the issues around the environmental testing and the ability of the developer to borrow money for the project. She thinks there may be an underground stream on this property.

A resident of Channing Avenue asked if driveways could go on Warren. Chris Mongeau stated that they could.

Another resident expressed the opinion that the houses Mr. Galbally built on Monument Avenue improved the appearance of the neighborhood and increased home values in that neighborhood.

Michelle McTague, 162 Church Street, stated that she is not anti builder or anti new homes, but that five houses 'are a stretch'.

Tom Teti, 115 West Broad, asked how many waivers had been requested. The Planning Commissioners stated that six waivers have been requested.

Amy Finkbiner moved and Cecelia Oswald seconded a motion to waive SALDO 301.E/200.C Four Step Design Process as submitted with the addition of a map of the trees and houses on one drawing. The motion passed unanimously.

Chris Mongeau moved and Carroll Sinquett seconded a motion to waive SALDO 511.F, the requirement that the “depths of lots shall generally not exceed their width by more that two and one-half (2 ½) times.” The motion passed with two conditions: (1) developer pursues changing the alley to a common driveway designation, and (2) lot 5 be made a conforming shape. The motion passed 3-2

Chris Mongeau moved and Amy Finkbiner seconded a motion to waive SALDO 503.S Street Standards and Cartway Width / Warren Avenue and Second Avenue. The motion passed unanimously with two conditions: (1) that the developer put aside money for a future Four (4) foot bike path on Warren Avenue, and (2) the developer widen Second Avenue all the way to Channing Ave.

SALDO 513.E. Lot 5 Driveway. A waiver from compliance is not needed since the developer agreed at the meeting to put the garage in the rear of Lot 5 and connect the driveway to the common drive, which would eliminate the need for the waiver.

Chris Mongeau moved and Dave Knies seconded a motion to waive SALDO 514 Curbs. The developer will construct curbs on Second Avenue but will not construct curbs on Warren Avenue. The motion passed unanimously

Chris Mongeau moved the waiver of SALDO 201. Definitions / Alley. There was no second. The item was tabled.

Chris Mongeau moved and Dave Knies seconded a motion to recommend that the proposed alley be designated a common driveway. All five driveways are to enter this common driveway. The motion passed unanimously.

Chris Mongeau moved and Carroll Sinquett seconded a motion to recommend to Borough Council that the Preliminary Plan dated December 13, 2012, and last revised March 13, 2013, be approved subject to the conditions of the Engineer’s letter dated March 29, 2013, waiver relief and the recommendations of the Planning Commission. The motion was denied. 3-2

New Business

551 South Sugartown Road

Bill Dondero, Builder

Mr. Dondero is working with In Land Design. He proposed to purchase the lot next to his and subdivide the combined property into 4 lots. There is an existing driveway on Sugartown Road and three more will be added on Monument Avenue. The two lots will be slightly less than 60,000 square feet. The proposed houses will be Tudor style. This is not a corner property as the park currently owns the edge along Monument Ave..

The Planning Commission asked Mr. Dondero to consider the grade on the property, removal of the diagonal lot lines to create conforming lots, enlarging lot 2, equalizing the size of the lots, and driveway placement. Sidewalks will be required on Monument Avenue.

All business before the Commission being completed, the meeting was adjourned at 10:07 pm.

Recorded by Marty Laney