

**Borough of Malvern**

**Planning Commission Regular Meeting Minutes**

**June 20, 2013**

**Approved Minutes**

A regular meeting of the Planning Commission was held on Thursday, June 20, 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 7:34 pm.

**Approval of Minutes**

Minutes for May 16, 2013 approved as corrected.

Minutes for June 6, 2013 approved as corrected.

**Old Business**

347 and 361 Old Lancaster Highway

Joseph Anthony. Rubino, 347 Old Lincoln Highway

Joseph Frances Rubino, 361 Old Lincoln Highway

Joseph A. Rubino described the proposed development of 347 Old Lancaster Highway. Three houses are planned. Lots will meet the 10,000 square foot requirement. The owner states the ground has been surveyed and he believes no one has contested the survey. Two of the three driveways will enter the private right of way that intersects with Old Lancaster. At least three other homes use this private right of way to access Old Lancaster. The architecture will match that of Malvern Woods. Variances will be needed for front yard setbacks.

Mr. Rubino told the Planning Commission that he had visited with 6 to 7 of his neighbors and discussed the proposed plan with them.

Letter from Daniel H. Daley, P.E. to Sandra Kelley dated March 14, 2013 was reviewed.

**Section 602.B.2 – Front Yard requirements**

Cecelia Oswald pointed out that the lots might not meet the bulk lot size requirement if the cart way of the private right of way is widened. She noted that the proposed houses are parallel to the

lot lines and at an angle to Old Lancaster Road. Existing houses on Old Lancaster are parallel to the road as are the house proposed for 361 Old Lancaster.

Dave Knies noted that the houses look a little bit “jammed up.” The existing lot sizes in the area are 15,000 – 16,000 square feet. Mr. Rubino stated that 347 is deeded for four lots. He is planning to build only three houses.

### Subdivision Ordinance

#### Article III

A waiver is being requested from the four-step design process. The Planning Commission requested that the existing house on 361 Old Lancaster be documented for the Historical Commission.

### Section 503 Street Standards

The private right of way was discussed including maintenance, improvement, road width and side walks.

### Section 511 – Blocks and Lots

A waiver may be required for side lots. As currently designed they are not at right angle to the right of way.

### Section 513 – Driveways

#### Section 513.E

The new plan corrects this problem.

#### Section 513.K.5

Completed.

### Section 515 – Sidewalks and Trails

The Planning Commission wants sidewalks along the private right of way.

### General Comments

Amy Finkbiner recommended the boundary issue be resolved with Dan Daley. Which plan is he citing?

Cecelia Oswald stated by the SALDO, that trees must be replaced on 347 Old Lincoln Highway which has been clear cut because the property was clear cut as part of a sud-division The trees need to be noted on the plan. She explained the process to Mr. Rubino.

Laurie Swigart, resident private right of way

Ms. Swigart stated that there is no consensus among owners on the care of the right of way. Each house located on the right of way owns that part of the road to the mid line that fronts their property.

She is concerned for the safety of the residents of Brian's House. There is a court order in effect concerning the right of way.

Cecelia Oswald requested that the Borough Solicitor come to a future Planning Commission meeting and explain the court order to the Commission.

### **Public Comment**

**Sam Guglielmi**, neighbor who lives across from 341

He stated that he thinks that it is a "great plan."

**Gerald Madden**, 337 E. Broad and a 56 year resident

He stated that he was at the meeting to support the plan.

**Lynne Hockenberry**, 7 Raffaella Drive

Ms. Hockenberry asked about the side property line requirements, exterior finishes and the size of the planned houses. Mr. Rubino described the side lot line requirements and stated that size of the houses and exterior finishes had not yet been decided. He is planning to build a house with a first floor master for himself. Ms. Hockenberry stated that she felt houses the size of those in Malvern Woods were too big for these lots. As Historical Commission Chair she reminded Mr. Rubino that they requested pictures of any house to be demolished.

Joseph F. Rubino, owner of 361 Old Lancaster, stated that the house is currently rented but cannot be preserved. He is planning to build four houses on that property.

Cecelia Oswald reminded the developers to include green building practices in their plans as it is recommended in the Comprehensive Development plan.

**Angie Chun**, Raffaella Drive

She stated that she feels it is too many houses for the size of the property.

**Laurie Swigart**

She stated that seven houses were "a lot." They will not conform with the existing houses on the private right of way. She is worried about the safety of the residents on the private right of way.

She believes that the Borough needs to take over the private road. She prefers two driveways on Old Lancaster and one on the private right of way.

**Joe \_\_\_\_\_**, private right of way

He stated that he is not opposed to the development of the property but wants it “done right.” He asked what the process was.

Dave Knies explained the sketch plan, preliminary plan, final plan and Borough Council’ role.

Mr. \_\_\_\_\_ asked about how this development fit into the Comprehensive Plan. Mr. Knies referred him to neighborhood planning areas 18 and 19 of the plan.

Cecelia Oswald stated that the developer has to show hardship to get variances. She noted that waivers might not be needed if fewer homes were built. She explained how storm water systems are designed.

**Paul Hockenberry, 7 Raffaella**

Mr. Hockenberry stated that he is not opposed to the project. He asked about the space between his home and the new development. He is concerned about the number of houses planned.

**Sam Guglielmi**

He stated that he does not think the proposed development is crowded and that it conforms with the current housing. He is “totally in favor” of the project.

Chris Mongeau discussed the adequacy of the current water main. The Planning Commission wants to see the private right of way made into a “real road.”

A copy of the revised Case Log was distributed to Commission members. Cecelia Oswald will contact Dan Daley to discuss how he currently calculates impervious surface. Other outstanding issues include the arborist, length to width of building lots and front lot line in relationship to other houses.

All business before the Commission being completed, the meeting was adjourned at 9:30 pm.

Recorded by Marty Laney