

**Borough of Malvern  
Planning Commission Regular Meeting Minutes  
June 21, 2012  
Approved Minutes**

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A regular meeting of the Planning Commission was held on Thursday, June 21, 2012 at the Malvern Municipal Building. Members present included: Amy Finkbiner, David Knies, Chris Mongeau, Cecelia Oswald, and Carroll Sinquett.

Chairman Mongeau called the meeting to order at 7:30 pm.

**Approval of Minutes**

Minutes for May 17, 2012 were approved as corrected.

Minutes for June 7, 2012 were approved as corrected.

**Old Business**

Malvern Veterinary Hospital

Dr. and Mrs. Hyduke

The following correspondence was reviewed: Letter dated 6-14-12 from Daniel H. Daley PE to Sandra Kelley, Borough Manager; Letter dated 6-20-12 from Joseph J. Hyduke DVM to Sandra Kelley, Borough Manager and memo dated 6-21-12 from Bill Willfong IV, Code Official to Malvern Borough Planning Commission.

Cecelia Oswald expressed concern for the way storm water is being handled, explaining that this property is at the headwaters of the Crum Creek. She stated that it would be good practice to control the storm water runoff.

Dr. Hyduke explained that storm water runoff currently goes into the ground through the gravel surface of the parking lot, and if he were to resurface the parking lot in the future he plans to use an impervious surface material. The staff parks behind the hospital and the parking alley only allows for a single car pass between the hospital and the garage.

David Knies suggested that signage be added delineating staff parking from client parking.

Chris Mongeau stated that the hospital is zoned R1 Residential District. The existing use is residential and commercial, a non-conforming use. The definition of residential buffering was reviewed. It was suggested that trees consistent with the residential buffering requirement be added along the 150 foot fence that separates the hospital from the adjacent property.

Carroll Sinquett noted that - on the drawing - the fence is on the neighbor's property. Dr. Hyduke stated that the property has been surveyed and the fence is on his property. According to Mr. Sinquett, Dan Daley's letter states that the fence "encroaches onto the right of way and neighboring property." The Planning Commission asked that Dr. Hyduke get a letter from his neighbor acknowledging that the fence is on his property and insure that the drawings accurately match the existing conditions.

A motion was made by David Knies and seconded by Carroll Sinquett that the Planning Commission recommend approval of the Final Plan for Malvern Veterinary Hospital subject to the recommendations from Daniel Daley's letter dated 6-14-12 and receipt of a letter from Dr. Hyduke's neighbor acknowledging that portions of the fence are on his property. The motion carried 4-1. The motion was approved.

Cecelia Oswald's commented that she did not vote in favor of approval of the Plan, as proposed, because she feels the storm water management component of the Plan is deficient. While she recognizes that there is no increase in impervious coverage in the Plan as proposed, this project is on a commercial property and provides an opportunity to collect storm water for over 1000 sq feet of impervious area. The applicant also said that the existing residence also drains onto the existing concrete pad, so a new storm water feature would also have the potential to contain the storm water from the 2200 sq feet (or a portion thereof) of constructed property. This house sits at the headwaters of Crum Creek and storm water management is an important responsibility of each property owner, particularly commercial properties with high amounts of impervious coverage.

### **Public Comment**

None

### **New Business**

Changes to the bylaws reflecting the change in the number of members of the Planning Commission as approved by Borough Council were passed unanimously.

The Case Log was reviewed by Dave Knies.

The meeting was adjourned at 9:08 pm.

Recorded by Marty Laney