

1. CALL TO ORDER: David Knies, Chair  
Amy Finkbiner, Vice-Chair  
Mark Niemiec, Treasurer (Absent)  
Geoff Rubino, Secretary  
Lynne Hockenbury, Commissioner  
Chris Mongeau, Commissioner  
Carroll Siquett, Commissioner

Also Present: Dan Daley, Borough Engineer  
Ari Christakis, Borough Solicitor  
Neil Lovekin, Assistant Borough Manager/Secretary

2. APPROVAL OF MINUTES:

A motion was made by Lynne Hockenbury, seconded by Geoff Rubino and carried by a vote of 6-0, to approve the minutes of Thursday, June 16, 2016, with Amy Finkbiner's amendment.

3. PUBLIC COMMENT:

Dave Knies informed all present that copies of the agenda are available at the front entrance. Citizens/taxpayers were advised that Public Comment is the time to offer comments on any item on the agenda to bring any issues/concerns before the Planning Commission.

- a) No public comment.

4. NEW BUSINESS:

- a) 183 PENNSYLVANIA AVENUE – PRELIM./FINAL LAND DEVELOPMENT

A motion was made by Chris Mongeau, seconded by Carroll Siquett and carried by a vote of 6-0, to recommend approval, subject to conditions, the plan entitled "2016 Preliminary/Final Major Land Development Plan prepared for 183 Pennsylvania Avenue, LLC" prepared by G.D. Houtman & Sons, Inc., dated March 31, 2016, last revised June 21, 2016 as a preliminary/final plan ("Plan"), submitted by Mark DeRita ("Applicant") pursuant to the Malvern Borough Subdivision and Land Development Regulations of 2006, as amended ("Land Development Ordinance") for the development of certain property located in the Borough of Malvern ("Borough"), Chester County, Pennsylvania, in the LI zoning district.

Recommendation for Preliminary/Final Land Development Approval is contingent upon four (4) waivers requested by the Applicant, with borough conditions and one exclusion:

1. A waiver of the four-step design process and submission of a Preliminary Plan (SALDO Section 300.B.2 & C and 301). No conditions proposed.

2. A waiver of the requirement to provide curbs on all parking areas (SALDO Section 514.B). No conditions proposed.
3. A waiver of the requirement that sidewalks be provided on existing streets (SALDO Section 515.A and B). One (1) condition proposed: Applicant pay a fee-in-lieu for the cost to install sidewalks on both Pennsylvania Avenue and Quaker Lane.
4. A waiver of the requirement to provide street trees on Pennsylvania Avenue and Quaker Lane (SALDO Section 525.C). One (1) condition proposed: Applicant plant one tree on the property at a location of his choosing. The tree is to conform to SALDO Section 525 and the list of acceptable trees in Appendix A of the Borough Zoning Ordinance.
5. An exclusion from Engineering Review Letter #2, Item 16.b. SALDO Section 525.D.5.a and b deals with replacement trees. One (1) exclusion proposed: One tree required to be removed on the property was confirmed as 'dead' during the MPC site visit conducted May 9, 2016. Therefore, the tree should not be replaced as it was identified as being 'dead' prior to land development.

b) ORDINANCE UPDATES

Ari Christakis, Borough Solicitor provided a proposed amendment to the Borough's Zoning Ordinance. This ordinance would amend Article XXIV, section 2423 of the Borough's Zoning Ordinance pertaining to Upper Floor Dwelling Units. In the Opinion and Order for the variance application for 346 E. King St., the Zoning Hearing Board determined 2016, determined that the inclusion of the term "Residential Conversion" in the language of several of the incorporated provisions of Section 2422 made those sections inapplicable to Upper Floor Dwelling Units, or created an ambiguity which is required to be solved.

A motion was made by Amy Finkbiner, seconded by Carroll Siquett and carried by a vote of 6-0, to recommend the Borough Council authorize the amended ordinance be sent to the Chester County Planning Commission for review and comment pursuant to the requirements of the Municipalities Planning Code.

c) ZONING HEARING BOARD – OPEN APPLICATIONS

i. Dave Knies stated there is one application pending for the Zoning Hearing Board for a property located at 203 East Broad Street. This application is for a variance from Article IX, Section 902.F. of the Zoning Ordinance, lot coverage in order to add a deck to an existing building.

A motion was made by Amy Finkbiner, seconded by Carroll Siquett and carried by a vote of 6-0, to recommend the Borough Council direct the Borough Solicitor to attend the public hearing to obtain clarification as to the extent of total lot coverage and dimensions for the proposed shed.

5. OLD BUSINESS:

a) PLAN REVIEW PROCESS

Planning Commission unanimously agreed to table discussion until a later date.

b) BOROUGH COUNCIL UPDATE

No update was presented.

c) ZONING HEARING BOARD - DETERMINATIONS

i. 346 East King Street (Bob Chambers)

Dave Knies provided a summary of the Zoning Hearing Board's determination for 346 East King Street to the Commission. In its decision, the Zoning Hearing Board determined that the applicant did not meet the burden of establishing a hardship for either exceeding the maximum building height or establishing a 12-foot wide access driveway. The request for variances was denied.

No action was taken by the Planning Commission.

6. ADJOURNMENT:

All business having been discussed, a motion was made by Carrol Siquett, seconded by Chris Mongeau and unanimously carried by a vote of 6-0 to adjourn the meeting at 9:54 p.m.

Respectfully submitted,  
Neil G. Lovekin  
Assistant Borough Manager/Secretary