

1. CALL TO ORDER: David Knies, Chair  
Amy Finkbiner, Vice-Chair  
Lynne Hockenbury, Commissioner (Absent)  
Chris Mongeau, Commissioner (Absent)  
Mark Niemiec, Commissioner  
Geoff Rubino, 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 Carroll Siquett, seconded by Mark Niemiec and carried by a vote of 5-0, to approve the minutes of Thursday, August 4, 2016 as submitted.

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) John Buckley, 165 Church Street, had three (3) comments: 1) Installation of sidewalk on South Warren Avenue on the side of the Malvern Preparatory School; 2) Sidewalk installation on the East-side of the bridge on Bridge Street; and 3) Installation of a fence on his property with a waiver from the Borough to not have to pay for the required fifty-dollar (\$50) Zoning Permit.

4. NEW BUSINESS:

a) CLASSIC TOWNS PRESENTATION

Chris Bashore, Borough Manager provided an overview of the Delaware Valley Regional Planning Commission's program titled, "Classic Towns". He stated four (4) boroughs in Chester County participate: 1) West Chester; 2) Oxford; 3) Phoenixville; and 4) Kennett Square. A full list is available on the program's website: [www.classictowns.org](http://www.classictowns.org). Benefits include:

- i. A personalized town page on [www.classictowns.org](http://www.classictowns.org)
- ii. Opportunities to be featured on its social media accounts, including Twitter, Facebook, and Instagram
- iii. Featuring local events on its events calendar
- iv. Potential to be featured in one of its seasonal videos

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- v. Potential for the town to be featured as a stop on one of its in-person Trolley Tours
- vi. Local design toolkit including instructions on how to incorporate the Classic Towns logo into ongoing or new community promotions
- vii. Online and print advertisements promoting the benefits of moving to the community

Chris Bashore mentioned based on what the program offers, it could create an opportunity for different community organizations, including: 1) the Malvern Business & Professional Association; 2) Malvern Farmer's Market; 3) Paoli Battlefield Preservation Fund; and 4) Paoli Memorial Association, to further promote their events. It may also assist in promoting Borough businesses.

A motion was made by Mark Niemiec, seconded by Geoff Rubino and carried by a vote of 5-0, to recommend Borough Council approve Borough Administration to apply to the Delaware Regional Planning Commission to become a "Classic Town".

b) 346 EAST KING STREET – SITE PLAN

Owner/Applicant:	Robert & Patricia Chambers	Zoned: C3 - Commercial
	323 E. King St.	Tax Parcel: 2-04-0297
	Malvern, PA 19355	

Robert Wager, Engineer and Robert Chambers, Owner for 323 E. King Street presented a site plan, dated February 18, 2016 for constructing a residential conversion on an existing commercial structure consisting of four (4), one-bedroom apartments with shared access and individual rooftop patios.

Dave Knies asked what the dimensions are for the rooftop patios. Mr. Wager stated they are 10 ft. x 15ft. (i.e. 150 sq. ft.), each with a designated storage shed/closet.

Carroll Sinquett asked what the ceiling heights will be. Mr. Chambers stated the ceiling heights will be 9 ft. high.

Dave Knies questioned Dan Daley if the site plan depicts the correct number of parking spaces, per the Borough's Zoning Ordinance. Mr. Daley stated the site plan does meet the parking requirements.

Dave Knies inquired if the first floor, currently a commercial use, may be converted to a residential use thereby making the entire building a three-story apartment complex. Ari Christakis stated the first floor must remain commercial, per the Zoning Ordinance, in order for the upper-level dwelling units to be allowed (i.e. Residential Conversion).

Ari Christakis advised the Planning Commission that the submitted site plan is considered a Preliminary Plan, if Robert Chambers submits the necessary waiver requests and a revised plan.

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At the direction of Dave Knies, the members of the Planning Commission along with Robert Chambers agreed to conduct a site visit of the property on Tuesday, September 13<sup>th</sup> at 6:30 p.m.

Amy Finkbinder asked if the Malvern Historic Commission should review the site plan to insure it meets the Historical Ordinance requirements. Ari Christakis stated the Malvern Historical Commission does not have to review the plan as none of the structures are listed on the list of historical properties. In addition, the home facing East King Street is not proposed to be demolished or have its exterior renovated.

Ari Christakis asked Mr. Chambers if the business -facing King Street (i.e. Vape Shop) will remain open during construction. Mr. Chambers stated that he will keep the business open.

Carroll Sinquett questioned Mr. Chambers on whether the existing yoga studio on the first floor would lose space due to the proposed residential conversion, to accommodate the installation of load-bearing walls. Mr. Chambers stated his engineer has insured him that based on his calculations, the existing structure will be able to support the four (4) apartments.

Planning Commission recommended Mr. Chambers instruct his engineer to address Dan Daley's comments in his review letter dated, August 26, 2016 and include all waivers, then resubmit his plan as a "Final" Submission, per the Borough's Subdivision and Land Development Ordinance.

As a matter for future plan submissions, Dave Knies informed Borough Administration that the Planning Commission should receive large-format (i.e. Full size) plans for its review purposes, as opposed to the smaller 11" x 17" size.

### c) ACT 537 – SUPPLEMENT FOR WILSON ROAD FORCE MAIN

Dan Daley provided a summary of his findings regarding the Act 537 Supplement. Specifically, Malvern Borough's sewage is conveyed to the Valley Forge Sewer Authority Wastewater Treatment Plant via the Wilson Road Force Main. The Act 537 Supplement is the current sewage plan for the Wilson Road Force Main and includes: 1) An analysis of the capacity of the existing Wilson Road Force Main and the rehabilitated Force Main (currently under construction); 2) An analysis of the current service areas and the projected service areas for the partner communities; and 3) An analysis of the partner community population projections and projected sewer flows. The conclusion of the Act 537 Supplement is the rehabilitated Force Main has sufficient capacity to handle the sewage flows of Malvern Borough and the partner communities for a 25-year planning horizon.

Dave Knies asked if the County should review the Act 537 Supplement. Dan Daley stated the County is not involved in public sewer systems, rather only on-lot septic systems. The PA Dept. of Environmental Protection (DEP) is the regulatory agency. The County is the driving force behind stormwater management.

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Carroll Sinquett asked if the Borough's Act 537 is up-to-date in accurately forecasting buildout and meeting regulatory requirements. Dan Daley stated he would have to review his records and DEP's guidelines in order to provide a correct answer. Dan Daley will review his files and report back to the Borough.

Mark Niemiec questioned if future technology advances in public sewer systems could drastically reduce the operating costs and capacity needs of the Borough. Dan Daley stated the technology continues to improve, however, he does not foresee it making a noticeable impact in reducing quantity or capacity needs. Volumes may never be reduced, rather better conveyed and processed.

Ari Christakis advised the Planning Commission to make a recommendation to Borough Council to approve the supplement based on Dan Daley's review letter.

A motion was made by Carroll Sinquett, seconded by Amy Finkbiner and carried by a vote of 5-0, to recommend Borough Council approve the Act 537 Supplement for the Wilson Road Force Main, as recommended by Dan Daley's review letter dated, August 25, 2016.

### 5. OLD BUSINESS:

#### a) ORDINANCE(S) REVIEW

##### i. Front-Yard Setback Requirements – Zoning Ordinance Amendment

Planning Commission unanimously agreed to recommend Borough Council adopt the amendment as drafted by the Borough Solicitor without incorporating the comments of the Chester County Planning Commission as it would negate the amendment's intent.

##### ii. Upper-Floor Dwelling Unit – Zoning Ordinance Amendment

Planning Commission unanimously agreed to recommend Borough Council adopt the amendment as drafted by the Borough Solicitor. The Chester County Planning Commission was in agreement with the proposed amendment – had no comments.

#### b) PLAN REVIEW PROCESS

Tabled.

#### c) BOROUGH COUNCIL UPDATE

August 16<sup>th</sup> Meeting of Borough Council was cancelled - no update.

#### d) ZONING HEARING BOARD – OPEN APPLICATIONS

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Dave Knies reminded Commissioners of the upcoming hearing for 203 East Broad Street regarding the variance request for exceeding maximum lot coverage. The Hearing is scheduled for Tuesday, August 16, 2016 at 5:00 p.m.

e) ZONING HEARING BOARD - DETERMINATIONS

No determination pending.

6. ADJOURNMENT:

All business having been discussed, a motion was made by Geoff Rubino, seconded by Amy Finkbiner and unanimously carried by a vote of 5-0 to adjourn the meeting at 10:10 p.m.

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