
Borough of Malvern

Planning Commission Regular Meeting Minutes

September 5, 2013

Approved Minutes

A regular meeting of the Planning Commission was held on Thursday, September 5, 2013, 2013 at the Malvern Municipal Building. Members present included: Amy Finkbiner, Dave Knies, Chris Mongeau, Cecelia Oswald and Carroll Sinquett.

Chairman Mongeau called the meeting to order at 7:33 pm.

Approval of Minutes

Tabled

Old Business

217 S. Warren Avenue, TAG Builders – Final Approval

Tom Galbally, Developer

Roman Dychdala, Inland Design

Lauren Galbally, TAG Builders

Daniel H. Daley, Borough Engineer

A letter from Daniel H. Daley P.E. to Sandra L. Kelley, Borough Manager, dated August 30, 2013 was reviewed.

Lauren Galbally presented the project as currently proposed including drawings of the houses, the 5 lot subdivision including 4 houses on Warren Road and one house on 2nd Avenue, the common driveway and the sidewalk on Warren Avenue.

Roman Dychdala described the planned porous driveway surface and the buffering for the Stutt and Fruchter properties. There will be no buffering planted on Borough property.

Section 2309 – Buffering and Screening

The size of the Spruce trees was questioned by Carroll Sinquett. He was concerned that they might present a problem for emergency vehicles. Dave Knies asked about the driveway width which tapers from 16 feet at the entrance to 2nd Avenue to 10 feet at lot 1. Cecelia Oswald noted

that the diameter of the scrubs and trees needs to be noted on the plan. She recommended a native species of arborvitae be planted. Ms. Oswald expressed concern that planting a single species of tree and scrub may not be acceptable to the Shade Tree Commission and that the plans include a variety of tree species.

Section 501.A

The common driveway is located on lot #1. There will be an easement agreement for other lots to use the driveway. Lot #1 is not a corner lot.

Cecelia Oswald asked about maintenance of the driveway surface, requirements and responsibility for maintaining the driveway. This is a legal issue.

Carroll Siquett expressed concern for the integrity of the driveway surface in the heat and if trucks backed on to it.

The configuration of the driveway and need for a waiver was discussed. Guest parking, space for emergency vehicles and parking on 2nd Avenue were also discussed. Amy Finkbiner recommended a “Private Driveway” sign and Cecelia Oswald recommended “No Parking” signs for the 2nd Avenue and the driveway.

Section 513

A waiver is being requested for the 40-foot setback from the intersection of the right-of-way. Chris Mongeau stated that he wasn't sure that a waiver was needed.

Section 515 – Sidewalks and Trails

Mr. Dychdala reported that the Borough would like to redesign the intersection at First Avenue and Warren Avenues. Cecelia Oswald strongly felt the sidewalk should be extended to the intersection at Warren and 2nd Avenues to comply with recommendations of the sidewalk study for connectedness.

Section 516 – Olde Towne Malvern Design Standards

Dan Daley recommended the installation of three small street lights with shielding along Warren Avenue.

Section 519 – Sewage Disposal

Carroll Siquett asked if elbows could be eliminated. Dan Daley and Roman Dychdala will discuss whether or not additional casing is needed.

Section 520 – Water Supply

Aqua PA approval is pending.

Section 702.B

The houses will have a staggered frontage. Chris Mongeau noted that the language in the ordinance is confusing. The PC asked that the setbacks be added to the plan. Zoning and legal approval is needed.

Section 515.D.5 – Design grades must be provided for the handicap ramps at Gables Alley.

The Developer's Engineer will coordinate this with the Borough Engineer.

Section 525 Landscaping/Section 2204 (Zoning)

Cecelia Oswald directed the Developer's Engineer to include the type, number, location and diameter of the trees on the plan. An inventory of the existing trees needs to be included. Are ordinance ratios complied with? Will existing trees be damaged by construction?

Mr. Dychdala stated that they will try to save the existing trees.

Section 518 – Erosion and Sedimentation Controls

Developer will comply with Mr. Daley's recommendation if additional disturbance occurs.

Zoning Section 702.E&F

Dan Daley won't know the percent of Lot and Building Coverage until the permits are requested. Cecelia Oswald noted that as currently proposed no additional structures can be built on the lot 1. She thinks that any potential buyer should be made aware of this fact.

Cecelia Oswald has reviewed the developer's green building practices as shared with her and is comfortable with the level of these.

The Fire Marshall has indicated he had a problem with the tapering driveway due to access to Lot 1.

Mr. Galbally will address all the issues discussed and return to the Planning Commission on the 19th.

Public Comment

John Finkbiner questioned the species of trees to be planted.

Pat Marrozzi, 221 Channing noted that Norway Spruces grow very large. She agrees that their roots may become a problem for any underground pipes.

David Burton, 19 Powelton likes the sidewalk plan.

Danny Fruchter

Mr. Fruchter will put his comments in writing to the Planning Commission. He is still requesting copies of the plan. He is aware that this is copyrighted material and is requesting that the developer waive his copy right. Mr. Fruchter believes that the common driveway is a street. He does not believe that the pervious coverage will work. His objections include the buffer of arborvitaes. He believes that he has made his objections clear to Borough Council and that nothing has changed. He wants the lot #5 driveway to enter 2nd Avenue so that the house can be moved further away from his property.

Progressive Housing Ventures LLC
North Warren Avenue – Birchall Property

Sarah Peck

Sean O’Neill, Borough Solicitor

A cover letter from Louis J. Colagrecro, Jr. to Sandra L. Kelley, Borough Manager, dated September 3, 2013 was reviewed. Enclosed with the letter were copies of a revised text/map amendment incorporating many of Sean O’Neill’s suggestions.

Ms. Peck described the site. The property to the east of Warren Avenue will be left undeveloped. The west side would be rezoned residential. The property is convenient to transportation. A new zoning ordinance is proposed. Several neighboring parcels are now under contract. There are 5 acres. The applicant intends intends to improve the stream. Additional parking has been added. Multi level town houses with shallow foot prints are planned. They have four levels, three above the garage.

Sean O’Neill explained “spot zoning” and the overlay concept for a specific piece of land. The proposed amendment can be challenged within 30 days of its being published by Borough Council. The differences between this proposed ordinance and the current townhouse ordinance were discussed. The proposed ordinance would put the steep slope encroachment decisions in the hands of the Planning Commission rather than the Zoning Board. Mr. O’Neill explained the process that is used to pass such an ordinance.

Sidewalks and application of overlay throughout the borough were discussed at Borough Council. Borough Council is concerned that other developers might want to use the proposed ordinance. They voted to proceed.

Ms. Peck is requesting that the Planning Commission recommend the proposed ordinance to Borough Council. She believes that restrictions can be added to the ordinance to limit its use to her proposed project.

The proposed ordinance was reviewed by the Planning Commission.

The proposed ordinance will be refined for the next Planning Commission Meeting.

Public Comment

John Finkbiner asked about the plan.

All business before the Commission being completed, the meeting was adjourned at 10:30 pm.

Recorded by Marty Laney