

## **Borough of Malvern**

### **Planning Commission Working Meeting Minutes**

**September 6, 2012**

#### **Approved Minutes**

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A working meeting of the Planning Commission was held on Thursday, September 6, 2012 at the Malvern Municipal Building. Members present included: Amy Finkbiner, Dave Knies, Cecelia Oswald, and Carroll Sinquett.

Also in attendance:

- Ronald Agulnick, Attorney
- Charles Differ, Engineer
- Angelo Aras, Aras Rug
- Jayne Aras, Aras Rug
- John Buckley, 165 Church Street

Vice Chairman Knies called the meeting to order at 7:35 pm.

#### **Old Business**

##### **Review of Aras Rug / Mulch & More Landscape Plan**

Mr. Agulnick summarized the Stipulation of Consent to Amendment of the Order of the Board's Prior Order of August 30, 2011. Upon changing tenants, the applicant must seek a Certificate of Occupancy from the Zoning Officer. The Zoning Officer may issue a temporary Certificate of Occupancy so that compliance with noise standards can be verified *in situ*. The Zoning Officer may also require the Planning Commission to review the application.

The Stipulation has been reviewed with the Zoning Hearing Board and Borough solicitor. Borough Council approval is being sought, with recommendation by the Planning Commission.

There was discussion of what buffering and screening is necessary per the Zoning Ordinance, or useful given the topography of the site. The applicant stated an intent to build a 6-foot fence for the full 190-foot extent of the second use, with trees every 20 feet as stipulated for Industrial Use Buffers. The applicant also noted that they will be seeking a temporary Certificate of Occupancy. The Planning Commission suggested that the Zoning Officer should review the Certificate of Occupancy in January, when foliage will be minimal.

Cecelia Oswald made a motion to recommend approval of the Stipulation of Consent to Amendment of the Order of the Board's Prior Order of August 30, 2011 as written. Dave Knies seconded, and the motion was unanimously approved.

The following motion was made by Cecelia Oswald, seconded by Carroll Sinquett, and unanimously approved: The Planning Commission recommends the approval of the approximately 190ft of new 6-ft buffer fencing, as shown on the Existing Features Plan dated August 2, 2012, for the Jayne & Angelo Aras Property, with the addition of one modification and one monitoring requirement. The buffer requires the addition of tree plantings *in addition to the fencing*, at the frequency and type required in Section 2309.C.4 and Appendix A. The PC further recommends that the Zoning Officer perform a site visit in January 2013 to determine whether or not the existing deciduous tree-line provides adequate screening during winter months.

The PC further notes that the review of the buffer was performed at the request of Bill Wilfong, Zoning Officer, as part of Zoning Hearing Board proceedings. This review was not performed as part of Subdivision and Land Development application; therefore, this recommendation does not include input from Borough Engineer and Shade Tree Commission. Lastly, the PC notes that this buffer was evaluated solely for the purpose of visual screening. This buffer will not provide sound attenuation.

#### **Approval of Minutes**

Minutes for August 2, 2012 were approved as corrected.

#### **Public Comment**

Mr. Buckley inquired about Aras's Zoning Hearing Board application fee, the replacement of trees being taken down along King Street, and whether there is a tiebreaker for Planning Commission votes.

The meeting was adjourned at 9:04 pm.

Recorded by Amy Finkbiner