

Borough of Malvern

Planning Commission Regular Meeting Minutes

March 20, 2014

Approved Minutes

A regular session of the Planning Commission was held on Thursday, March 20, 2014 at the Malvern Municipal Building. Members present included: Tom Burns, Dana Carosella, Amy Finkbiner, Dave Knies, Chris Mongeau, and Carroll Siquett.

Also present: Dave Burton, Mayor; Neil Lovekin, Assistant Borough Manager; and Wendy McLean, Borough Solicitor.

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

Minutes: February 20, 2014 approved as distributed

March 6, 2014 approved as corrected

Public Comment:

Dave Knies relayed a request from Woody VanSciver to speak to the Planning Commission about the results of the Transit-Oriented Development (TOD) Study. Amy Finkbiner suggested the first meeting in May, so that all Planning Commission members might be available.

Dave Knies requested that unapproved minutes be given a “DRAFT” watermark and page numbers. In the future, unapproved minutes may be packaged with the next meeting's agenda, as is done for Borough Council.

Ordinance Amendment: By-Right Yield Plans

Wendy McLean explained that the Planning Commission/Borough Council can grant waivers, but are not required to do so. This ability was intended as a way to give municipalities more power over plans, and the ability to make common-sense decisions. Originally, written ordinances throughout Pennsylvania were simple, but they have become complex over time.

The Commission can always request a yield (or by-right) plan as part of a subdivision plan. If yield plans become part of the ordinance, one would have to be submitted with every plan application.

Ms. McLean noted that waivers are often technical in nature and do not affect the good planning process. She recommended that the Borough Engineer be allowed to handle the technical waivers. She warned against “running up against the Constitution.” She noted that yield plans are more common in big rural developments that contain conservation plans.

Ms. McLean stated that, as a rule of thumb, she calculates lot size by first taking 20% off the proposed lot size submitted by the developer to allow for other requirements.

The difference between variances and waivers was discussed. Variances apply to the Zoning Ordinance and are decided by the Zoning Hearing Board. Waivers apply to the Subdivision and Land Development Ordinance and are decided by the Planning Commission/Borough Council. Chris Mongeau noted that if a developer gets zoning relief it becomes part of the by-right plan. Dave Knies stated that the Planning Commission has not been asked to comment on variance requests.

Wendy McLean described a free web site that is a source of information about zoning codes. <http://www.newpa.com/local-government/publications> A higher standard is required for the granting of zoning variances. Hardship must be proved. SALDO ordinances are subject to interpretation and need to be revised over time.

Chris Mongeau asked if Ms. McLean could share an example of a time that requesting a by-right plan was detrimental to the planning process. She could not off hand, but agreed to report back. Mr. Knies stated that he flips back and forth on the need for the ordinance.

Amy Finkbiner stated that what the Planning Commission seems most interested in is a variance-free plan, not a waiver-free one. Bulk issues are the problem, not waivers. Carroll Sinquett asked if the ordinance could read “variance/waiver-free.” Ms. McLean said that she would have to think about it.

Dave Knies stated that the Commission wants additional useful information without burdening the developer. Carroll Sinquett stated that a sketch plan would be sufficient. Amy Finkbiner stated that the plan needs to be sufficiently detailed for the Borough Engineer to verify measurements and bulk requirements.

Dave Knies noted that a developer can get a variance without the Commission even knowing that a zoning hearing is scheduled. Ms. McLean suggested that the Commission speak to Borough Council about these issues surrounding the internal procedural process.

Wendy McLean will redraft the proposed ordinance.

2014 Planning Initiatives – Starter List for Discussion

Dave Knies and Amy Finkbiner made revisions to the original list. Mr. Knies noted that many of the items will require communication with Borough Council and coordination with others. The items will be prioritized and an action plan developed at the next meeting.

Tom Burns and Dana Carosella will be at training during the next scheduled meeting. There is only one meeting in April.

The meeting was adjourned at 8:55 pm.

Recorded by Marty Laney