

Malvern Planning Commission

Planning Commission Bylaws

Article I. Name of Commission

The name of this organization shall be **Malvern Borough Planning Commission**.

Article II. Authorization

The authorization for the establishment of this planning commission is set forth under Section 201 of the Pennsylvania Municipalities Planning Code, Act 247 of July 31, 1968,

ARTICLE II

Planning Agencies

Section 201: Creation of Planning Agencies. *The governing body of any municipality shall have the power to create or abolish, by ordinance, a planning commission or planning department, or both. An ordinance which creates both a planning commission and a planning department shall specify which of the powers and duties conferred on planning agencies by this act; each shall exercise and may confer upon each additional powers, duties and advisory functions not inconsistent with this act. In lieu of a planning commission or planning department, the governing body may elect to assign the powers and duties conferred by this act upon a planning committee comprised of members appointed from the governing body. The engineer for the municipality, or an engineer appointed by the governing body, shall serve the planning agency as engineering advisor.*

and supplements thereto. Powers and duties are delegated to the Planning Commission by the **Borough Council of Malvern Borough by Ordinance No. 254 of 1975** and **Ordinance No. 2012-4** in accordance with the above-mentioned enabling law.

Article III. Membership

Membership shall consist of **five (5) persons** to be appointed by the Borough Council. The term of office of members shall be four (4) years or until a successor is appointed, except that the terms of the members first appointed shall be so fixed that on a commission of eight (8) members or less no more than two (2) shall be reappointed during any future calendar year, and on commissions of nine (9) members, no more than three (3) shall be so reappointed or replaced. In the event of vacancies the governing body shall appoint a member to fill the unexpired term. Members whose terms have expired shall hold office until their successors have been appointed. **All members of the said Commission shall reside within the Borough of Malvern.** Each member shall be entitled to one vote.

Article IV. Officers and Duties

Section 1. The Officers of the Planning Commission shall consist of a Chairperson, Vice-Chairperson, Secretary, and Treasurer.

Section 2. The Chairperson shall preside at all meetings and hearings of the Planning Commission and shall have the duties normally conferred by parliamentary usage on such officers.

Section 3. The Vice-Chairperson shall act for the Chairperson in his / her absence.

Section 4. The Secretary shall keep the minutes and records of the Commission, and with the assistance of such staff as is available, shall prepare the agenda of regular and special meetings under the direction of the Chairperson, provide notice of all meetings to commission members, arrange proper and legal notice of hearings, attend to correspondence of the Commission and such other duties as are normally carried out by a Secretary.

Section 5. The Treasurer shall maintain and keep records of all receipts and disbursements, which records shall be audited annually by an Auditing Committee of three appointed by the Chairperson. A copy of the annual audit shall be furnished to each member of the Commission and others as directed by the Chairperson.

Election of Officers

Section 1. An annual organization meeting shall be held at the first January Planning Commission meeting of each calendar year.

Section 2. Nominations shall be made from the floor at the annual organization meeting and election of the officers specified in Section 1 of Article IV shall follow immediately thereafter.

Section 3. A candidate receiving a majority vote of the entire membership of the Planning Commission shall be declared elected, and shall serve for one year or until his successor shall take office.

Section 4. Vacancies in office shall be filled immediately by regular election procedure.

Article V Attendance Policy

Section 1. Members of the Malvern Planning Commission are expected to attend all scheduled regular public monthly and special Commission meetings, as well as all the meetings of committees to which they are assigned. Members whose attendance record within a twelve (12) month period is less than 65% of meetings actually held may be asked to resign their position in order that the Commission remains effective in carrying out its duties and responsibilities.

Section 2. In the event that illness or other extenuating circumstances prevent such attendance, the member is expected to communicate such reasons to the Commission Chairperson for consideration. When attendance levels cannot be maintained but the member chooses not to resign, it shall be the duty of the Chairperson to contact the member, discuss the matter with the member, and report the matter to the Commission which shall determine whether it should recommend to Borough Council that the member be replaced.

Article VI. Meetings

Section 1. Meetings will be held on the first and third Thursdays of each calendar month, 7:30 PM at Malvern Borough Hall, 1 East 1st Avenue. In the event of conflict with holidays or other events, a majority at any meeting may change the date of said meeting. A full-year meeting schedule shall be published on the Malvern Borough website, www.malvern.org.

Section 2. A quorum shall consist of **three (3)** members. The number of votes necessary to transact business shall be three (3). Voting shall be by roll call. A record of the roll call vote shall be kept as a part of the minutes.

Section 3. Special meetings may be called by the Chairperson. It shall be the duty of the Chairperson to call a special meeting when requested to do so by a majority of members of the Commission in writing not less than five days in advance of such special meeting.

Section 4. All meetings or portions of meeting at which official action is taken shall be open to the general public. However, the Commission may meet in closed session for discussion purposes.

Section 5. Unless otherwise specified, Robert's Rules of Order shall govern the proceedings at the meetings of this Planning Commission.

Article VII. Order of Business

Section 1. The order of business at regular meetings shall be:

- a. Roll call
- b. Reading of minutes of previous meeting and action thereon.
- c. Communication and bills.
- d. Reports of Officers and Committees
- e. Old Business
- f. New Business
- g. Adjournment

Section 2. A motion from the floor must be made and passed in order to dispense with any item on the agenda.

Article VIII. Employees

Section 1. Within the limits imposed by the funds available for its use, the Commission may employ such staff personnel and/or consultants as it sees fit to aid in its work. Appointments of staff personnel and/or consultants shall be made by a majority vote of the entire Commission membership.

Article IX. Hearings

Section 1. In addition to those required by law, the Commission may hold public hearings when it decides that such hearings will be in the public interest.

Section 2. Notice of the time and place of such hearings, when on matters of widespread interest, shall be published once a week for two successive weeks in at least one newspaper of general circulation in the territorial jurisdiction of the Commission not earlier than 30 days and not less than 14 days prior to the hearing. For matters of limited territorial interest, notice shall be given in such manner as is deemed appropriate by the commission.

Section 3. The matter before the Commission shall be presented in a summary by a member of the Commission designated by the Chairman, and parties in interest shall have the privilege of the floor.

Section 4. No record or statement shall be recorded or sworn to as evidence for any Court of Law without notice to the parties.

Section 5. A record shall be kept of those speaking before the Commission at such hearings. If the governing body has delegated the power to administer the subdivision ordinance to the planning commission, this article may be expanded to describe the procedure for planning commission activity can be expedited by adoption of a clear cut, step by step procedure. Details of the procedure will of course be specified in the subdivision regulation ordinance. However, the procedure might well be outlined in the planning commission by-laws.

Article X. Amendments

These by-laws may be amended by a majority vote of the entire membership of the Planning Commission.

Adopted this date,

June 21, 2012

Attested:

Planning Commission Secretary

Planning Commission Chairperson

Malvern Planning Commission – Member Expectations

Background

Individual residents of the Borough of Malvern are appointed to the Malvern Planning Commission (MPC) by Malvern Borough Council for four year terms. The MPC plays a central role in maintaining and enhancing the quality of life in Malvern by:

- making recommendations to the Borough Councils on all land development and subdivision applications that are submitted to the Borough,
- developing the Borough's Comprehensive Plan,
- developing the Borough's Revitalization Plan, and
- maintaining Subdivision and Land Development ordinances (SALDO) up to date and in compliance with Pennsylvania's Municipalities Planning Code.

Members have a substantial and time-sensitive workload in dealing with MPC matters. This document makes explicit the expectations for member performance with regard to that workload.

MPC Meeting Attendance

Members are expected to attend and actively participate in the two monthly MPC meetings. If a member cannot attend a specific meeting, he / she should inform the Chairperson of the anticipated absence as early as possible, so the Chairperson can determine whether or not a quorum can be obtained for that meeting.

Review of Documents and Materials

Members are expected to review all materials relevant to items of the agenda for an MPC meeting, and to prepare comments and questions to facilitate discussions with applicants at that meeting. Documents and materials **to be reviewed prior to meetings** include:

- the meeting agenda,
- draft – version minutes of prior meetings (to identify changes needed),
- SALDO application packages,
- the most recent Case Log, and
- such other items pertaining to MPC activities that may appear on a meeting agenda.

To facilitate these reviews, Borough Management prepares individual packets of materials-for-review and makes them available to members roughly four days before

each MPC meeting. Members are expected to retrieve their packet several days before the meeting to allow ample time to conduct reviews

Communication

Members are expected to check daily for email and / or voicemail messages from the Chairperson or fellow MPC members. Frequently, emails will have MPC-related documents attached.

MPC Subcommittees and Borough Task Forces

The MPC Chairperson may establish a subcommittee to deal with a specific planning matter or issue and report back to the full MPC. Similarly, the Borough Council President appoints Task Forces to deal with a substantial Borough-wide needs that are at least partially planning-related. Members are expected to occasionally serve in this additional volunteer capacity when called upon to do so.

Master Planner Certification

MPC members are expected to complete a Master Planner Program conducted by the Pennsylvania Municipal Planning Education Institute and the Pennsylvania State Association of Boroughs within their first four-year term. This thirty hour program consists of three ten-hour courses in the fundamentals of community planning, zoning, subdivision and land development review as practiced in Pennsylvania. Members are encouraged to take additional relevant planning courses offered by PMPEI or other accredited institutions.

Malvern Planning Commission

Basic Operations

The Malvern Planning Commission (MPC) is a group of seven members appointed by Borough Council for four year staggered terms. The MPC holds two meetings per month: a work session on the first Thursday of each month, and a regular meeting on the third Thursday of each month. The public is invited to attend these meetings, held at 7:30 PM, prevailing time, at the Malvern Municipal Building, 1 First Ave.

The MPC makes recommendations to Borough Council on all land development and subdivision applications that are submitted to the Borough. The MPC plays a lead role in developing the Borough's Comprehensive Land Use Plan and Revitalization Plan as well as keeping the Subdivision and Land Development ordinances up to date and in compliance with Pennsylvania's Municipalities Planning Code.

The MPC reviews:

- Subdivision and land development plans (SALDO),
- Conditional use applications,
- Requests for lot line changes, and
- Other cases deemed appropriate by Borough Council or Borough Management .

The MPC, developers, and other applicants follow a process which typically includes these steps when a plan (or application or request) is submitted to Malvern Borough:

- Presentation of proposal and drawings of sketch, preliminary or final plans to Borough staff
- Review of plans by MPC at regular public meetings
- Borough Engineer review of plans relative to ordinances and determination of technical completeness
- Borough Manager and staff determine compliance to existing ordinances
- Appeal to Zoning Hearing Board for variances
- Additional reviews by MPC resulting in recommendations to Borough Council
- Submission of final plans to Borough Council for approval and / or public hearings.

Because planning is a continuous process that shapes and guides the physical growth of Malvern Borough in harmony with its social and economic needs, the MPC encourages Malvern Borough residents to attend its meetings and offer their input.

Project Review Procedures

Applicants who desire to bring a Sketch Plan before the MPC may do so at the meeting on the first Thursday of the month.

Applicants who are seeking recommendations from the MPC for lot line revisions, waiver requests, subdivision and land development plan guidance and recommendations must have previously submitted initial plans to the Borough and received a review letter from the Borough Engineer prior to formal agenda-based attendance at an MPC meeting.

Meetings

The MPC meets on the **first** and **third Thursday** of each month at 7:30 PM. Meeting agenda are posted on the Malvern Borough website, www.malvern.org.

- The first Thursday meeting is a **Work Session**. At this meeting, plans, waiver requests, lot line revisions, SALDO's, etc., will be reviewed and motions for recommendations to Borough Council **may** be formulated. **No recommendations will be adopted and forwarded to Borough Council from these work sessions.**
- The third Thursday meeting is a **Regular Meeting**. Written recommendations for approval, formulated at the Work Session are reviewed and adopted by the Commission, and a formal recommendation is forwarded to Borough Council. **Recommendations will be adopted only if plans have been reviewed at a prior meeting.**

Documents

MPC **requirements** for submitting documents (drawings, engineering letters, etc.) for review are as follows:

- All documents must be submitted to the Borough **no later than 5:00 PM on the Thursday preceding the date that the project is on the MPC Agenda.**
- **Nine copies of the material should be submitted** to the Borough Manager for distribution to the MPC. Materials should also be submitted in an electronic format – PDF format is preferred – for archival purposes.

There is no assurance that materials will be reviewed **unless received by 5:00 PM on the Thursday one week prior** to the date of the MPC meeting.

SALDO Project Reviews

SALDO projects will be reviewed by the MPC only if:

- An engineering review has been **completed by the Borough Engineer** and,
- The engineering review **has been documented** in a letter that has been received by the MPC no later than the Thursday preceding the date of the meeting.

Information Available to the Public

In an effort to maintain an MPC process that is highly transparent, there is an emphasis on providing open access to MPC – related information. The following table lists MPC information items that are available and sources:

Information Item	Source
Meeting Agenda	www.malvern.org
Meeting Minutes	www.malvern.org
Case Log	www.malvern.org
Ordinances	www.malvern.org
Public Hearing Notices	www.malvern.org
Applicant Plans and Drawings	Malvern Borough Offices*
Major Study Reports	www.malvern.org
Comprehensive Plans	www.malvern.org
Revitalization Plans	www.malvern.org

* Applicant materials are subject a pricing schedule for reproduction and handling.