

**EAST GOSHEN TOWNSHIP
PLANNING COMMISSION**

Agenda

Wednesday, May 6, 2009

7:00 PM

- A. Call to Order / Pledge of Allegiance
- B. Review of Tracking Log / Determine need for Workshop Meeting
- C. Public Comment on Non-Agenda Items
- D. Approval of Minutes
 - 1. **April 1, 2009**
 - 2. **April 15, 2009**
- E. Acknowledge Receipt of New Applications
 - 1. **National Bank of Malvern, 2 West King Street, Malvern (V)**
 - 2. **Metro PCS, LLC, 1201 N. Chester Rd. (C/U)**
 - 3. **Vincent Angelini, 957 Cornwallis (S/D)**
 - 4. **Richard Miller, 16 Reservoir Rd, (V)**
- F. Subdivision Plans
 - 1. Sullivan's Grove, Green Hill Road
 - 2. Vincent Angelini, 957 Cornwallis (S/D)
- G. Land Development Plans
- H. Conditional Uses and Variances
 - 1. Malvern Institute (S/E)
 - 2. PA Leadership Charter School (C/U), 1585 Paoli Pike
 - 3. Cindy Speaker, 1418 Old W. Chester Pik (DV)
 - 4. National Bank of Malvern, 2 West King Street, Malvern (V)
 - 5. Metro PCS, LLC, 1201 N. Chester Rd, (C/U)
 - 6. Richard Miller, 16 Reservoir Rd, (V)
- I. Ordinance Amendments
 - 1. **Zoning – Conditional Use decisions**
- J. New Business
 - 1.
- M. Any Other Matter
- N. Meetings and Dates of Importance

May 5, 2009	Board of Supervisors ws	7:00 PM
May 6, 2009	Planning Commission	7:00 PM
May 7, 2009	Park & Recreation	7:00 PM
May 11, 2009	Municipal Authority	7:00 PM
May 12, 2009	Board of Supervisors	7:00 PM
May 13, 2009	Conservancy Board	7:00 PM
May 13, 2009	Zoning Hearing	7:30 PM
	Speaker	
	Nat'l Bank of Malvern	
	Decision on Chalfont	
May 14, 2009	Historical Commission	7:00 PM
May 18, 2009	Deer Committee	7:00 PM
May 19, 2009	Election Day – no meeting	
May 25, 2009	Memorial Day Observed – office closed	
May 26, 2009	Board of Supervisors ws	7:00 PM
May 27, 2009	Zoning Hearing	7:30 PM
	Miller	

- O. Correspondence:
- P.
- Q. Goals

**EAST GOSHEN TOWNSHIP
PLANNING COMMISSION**

Agenda

Wednesday, May 6, 2009

7:00 PM

1. Review the Parking Section of the Zoning Ordinance and make recommendations, if necessary.

R. Adjournment

- **Bold Items indicate that the Planning Commission has new information to review for that application.**

REMINDER – Newsletter Article Submission Due Date:

Article Due Date

Delivery date

May, 1, 2009

July 1, 2009

August 12, 2009

October 1, 2009

November 10, 2009

January 1, 2010

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**EAST GOSHEN TOWNSHIP
PLANNING COMMISSION
APPLICATION HISTORY
Wednesday, May 6, 2009
7:00 PM**

1. SUBDIVISION PLANS

Sullivan's Grove, Greenhill Road (S/D)

February 4, 2008	E.B. Walsh - Re-submission Plans
February 8, 2008	Yerkes – Review of Pre/Final Plan
February 2008	DEP – Sewage facilities
March 27, 2008	Landscape Plans
April 15, 2008	Yerkes, Landscape Review
May 2008	Sewage Facilities Planning Module
May 29, 2008	Extension letter until 7/15/08
June 13, 2008	e-mail from Conservancy Board
June 25, 2008	Extension letter until 9/20/08
September 4, 2008	Extension letter until November 30, 2008
September 2008	Plans – Landscape
September 11, 2008	CCCD – review
September 29, 2008	DEP – Discharge for Stormwater
October 29, 2008	Yerkes – Landscape Review
November 12, 2008	Wooldridge Construction – extension
January 27, 2009	Preliminary/Final Revised Landscape plan
January 28, 2009	Wooldridge – Extension period
February 25, 2009	Yerkes – Landscape Review

Vincent J. Angelini, 3-Lot Sudivision, 957 Cornwallis Dr. (S/D)

April 30, 2009	Plans
April 20, 209	H. MacCombie – Description of Easement
April 29, 2009	1,000' letter
April 30, 2009	Yerkes – Preliminary Subdiv Plan Review

2. CONDITIONAL USES/VARIANCES

Malvern Institute (S/E)

October 30, 2008	Application
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	Plans
November 21, 2008	Riley Riper Hollin – extension
November 25, 2008	Plans/pictures
November 26, 2008	memo – filed for a S/E
December 29, 2008	R. Smith reviewed application
February 17, 2009	Riley Riper Hollin – extension
April 24, 2009	Riley Riper Hollin - withdraws

PA Leadership Charter School (C/U)

January 27, 2009	Application Plans
February 25, 2009	Memo – Conditional Use

Cindy Speaker, 1418 Old W. Chester Pk (DV)

March 23, 2009	Application
April 9, 2009	1,000' notification

National Bank of Malvern, 2 West King Street, Malvern, (V)

March 31, 2009	Application Sketch Plan
April 9, 2009	1,000' notification

Metro PCS Pennsylvania, LLC, 1201 N. Chester Rd (C/U)

April 16, 2009	Application Plans
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Richard Miller, 16 Reservoir Rd, (V)

March 30, 2009	Application Plan
April 9, 2009	Richard N. Lipow, Atty, ZV application
April 9, 2009	1,000' notification

3. ORDINANCE AMENDMENTS

1. February 29, 2009 Interest Ordinance
2. February 26, 2009 memo – Act 39 of 2008
- 3.

4. ANY OTHER MATTER

1. Ordinance titled "Zoning" specifically "annual Report"
2. Ordinance titled "Zoning" specifically "Interest on Debts"

5. ZONING AMENDMENTS

**EAST GOSHEN TOWNSHIP
PLANNING COMMISSION MEETING
APRIL 1, 2009**

The East Goshen Township Planning Commission held their regularly scheduled meeting on April 1, 2009 at the East Goshen Township building. Chairman Senya Isayeff, Vice-Chair George Martynick and members Megann Hedgecock, Chuck Proctor, Sue Carty and Peter Mylonas were present. Also present were Township Zoning Officer Mark Gordon, Jason Young from the Historical Commission (HC), Ginnie Newlin from the Conservancy Board (CB), and Don McConathy and Marty Shane from the Board of Supervisors (BOS).

WORKSHOP SESSION – 7:00pm

Members noted a date correction on the tracking log for the Malvern Institute and that the State Ethics Commission forms are due by 5/1/09.

Members reviewed and corrected the minutes of March 4, 2009.

Rick noted that the township garment policy (as of June 2008) requires boards to submit a request in writing to the BOS for approval. Senya said it is only fair for all boards to have shirts if they want.

Senya shared a newspaper article on billboards. Senya shared a Daily Local News article on a recent survey of Chester County, listing 22% in favor of “open space; worst rated areas were lack of infrastructure and taxes/lack of resources. Marty mentioned an newspaper article that rated Chester County as #8 in the country for “most livable” and 21st for “adjusted gross income.” Senya also shared an article about declining land value and brought up the issue of its effect on taxes, specifically mentioning Avon Grove Charter School, Collegium and PALCS who are currently in court over assessments.

Cindy Speaker submitted a dimensional variance application for a rear addition to her home. Sullivan’s Grove will not be here tonight. Malvern Institute will not be here tonight and filed an extension through June. The use of methadone at this facility is in question. Marty has obtained police records for the past 3 years on Malvern Institute and will compile a list of incident reports, date and resolution for the Zoning Hearing Board’s (ZHB) review and consideration. A revised motion for PALCS has been received.

Senya mentioned potential weakness in the East Goshen Township’s (EGT) codes as they pertain to religious or adult entertainment uses. Members watched a short, related news video.

Keystone Foods’ appeal hearing will be on 4/6. There are some issues about the rooftop screening and how exactly they are interpreted. When Keystone was before the PC, they had the option of screening the entire rooftop or individual units. Senya reminded the board that their motions need to be all-inclusive to prevent future appeals by applicants. Peter noted that the applicant agreed to the terms during their meeting and suggested retrieving the minutes of that meeting for the ZHB, as it relates to “intent.” Marty thinks the decision of the township zoning officer is what is under appeal.

FORMAL SESSION

A. Call To Order/Pledge of Allegiance

Senya called the meeting to order at 7:30pm and welcomed back Mark Gordon, Township Zoning Officer, who recently returned from Iraq. He thanked him for his service to the country and asked Mark to lead those present in the Pledge of Allegiance.

Following the pledge, Mark thanked the PC and township for all the support; he is glad to be back.

1 **B. Public Comment on Non-Agenda Items**

2 Senya announced that the Chester County Planning Commission now has electronic updates available;
3 sign up at www.chesco.org/planning. Senya thanked Peter and Chuck for the newsletter article; copies
4 are available at tonight's meeting and on the website.
5

6 **C. Approval of Minutes**

7 George moved that the minutes of March 4, 2009 be approved as corrected in the workshop. Megann
8 seconded the motion. No further public comment or discussion was heard. The motion passed
9 unanimously with one abstention by Sue Carty.
10

11 **D. New Applications**

12 Senya announced the receipt of a new application by Cindy Speaker, 1418 Old West Chester Pike, for a
13 variance.
14

15 **E. Conditional Uses & Variances**

16 **Malvern Institute, 940 W. King Street (C/U)**

17 *No one was present for the applicant.*
18
19

20 Senya announced that the Malvern Institute has been granted an extension through June 30th. Senya
21 briefly summarized the history of the application, noting that a meeting with nearby residents was
22 supposed to be coordinated by the applicant but has yet to occur. Marty said residents will testify before
23 the ZHB. He is personally compiling a list of incidents (date/reason/resolution) over the past 3 years for
24 presentation to the board as well.
25

26 **F. Subdivision Plans**

27 **Sullivan's Grove, Green Hill Road**

28 *The applicant was not present.*
29
30

31 An extension has been filed until May, 2009.
32

33 **G. Conditional Uses & Variances**

34 **Cindy Speaker, 1418 Old West Chester Pike (V)**

35 *Jeffrey Speaker was present for the applicant.*
36
37

38 Mr. Speaker explained that he was the brother of the applicant and would be constructing the addition.
39 Their mother lives on the adjacent property. The property is located across from the flower shop, a little
40 west of Waterview apartments. The house is a little yellow Cape Cod set on a narrow lot; a variance to
41 build the house was received around 1987. The proposed addition is in conformance for square footage,
42 front/rear yard setbacks and impervious coverage, however they encroach on the side yard setback; in
43 order to conform the addition could only 9' wide, adding no value to the homeowner. They have spoken
44 with neighbors and they support the project. The addition, approximately 600 sq. ft., will be 2 stories and
45 tie into the existing roofline. Water can be an issue on the property so they will only have a crawlspace
46 underneath. Water flows from the back to the front of the property. There are several other properties in
47 the area that are long and narrow as well. An existing shed is on the property. One small maple tree
48 (about 3" in diameter) will need to be removed, moved or replaced. The house is serviced by public
49 sewer and well water.
50

51 The property was previously owned by a group of five people before it was sold to Mr. Speaker's sister.
52 Mark noted that there are more variances in this area than any other part of the township due to the large
53 number of narrow lots. Marty said hardship is based on the narrow lot, which makes it impossible to
54 develop without a variance.

Members discussed reviewing the application at their May 6th meeting or possibly during their workshop on 4/15 but Don pointed out that dimensional variance was the only issue before the PC at this point, therefore further review of stormwater recharge or house plans were irrelevant.

Peter moved that the Planning Commission recommend that the Board of Supervisors approve the dimensional variance application for Cindy Speaker at 1418 Old West Chester Pike based on the fact that the applicant has established unique physical conditions of the property which are not a self-induced hardship. The variance is not a detriment to public welfare and will be a benefit to the community. Sue seconded the motion. No further discussion or public comment was heard. The motion passed unanimously. The BOS will make a recommendation to the ZHB on 4/14 and schedule the ZHB meeting.

Pennsylvania Leadership Charter School (PALCS), 1585 Paoli Pike

Lou Colagreco, attorney with Riley Riper Hollin & Colagreco was present and represented the applicant, along with Jim Hanak, Director of the Cyber School, Jane Ferris, Director of the Gifted Program, Bill Wilson, Frank Tavani, Traffic Engineer with FTA and John Fuchs, owner of the IBM building.

Mr. Calogreco said they have received the letter from the CB and can answer any questions. He asked for a recommendation to approve their application to the BOS. The conditions of the proposed motion were discussed. The applicant would like to add a "Sunset Clause" on the condition of annual reporting. Members agreed but given the applicant's testimony that the student population will grow, they do not want to be short-sighted. Mr. Calogreco suggested 3 years after full occupancy is achieved.

Chuck is concerned about the applicant not exceeding 250 students and asked about future expansion of the basement space. Mr. Hanak foresees using the basement as storage space only. Mr. Fuchs said the basement is approximately 4000 sq. ft.; the total building is 15,000 sq. ft. It is Mr. Hanak's goal to create an attractive school for students/parents and does not want over-crowding to become an issue. Senya is concerned about possible expansion by a future tenant. Mr. Calogreco agreed to cap the number of students but wants the applicant to retain the right to revisit the issue under conditional use.

Given the age of the existing lighting, Mr. Calogreco said it would be difficult to covert it to a dimmer system. Previously the lights were on all night and no complaints were received by neighboring residents. They want to ensure the safety of the staff and building at night as the building will hold valuable equipment that could attract vandals. If this is not an issue, the applicant would prefer to leave the lighting as is. Given the number of surrounding lights (township building, WaWa, Swiss Farms) Senya sees this as a non-issue.

Mr. Calogreco pointed out that there has been no record of standing water in the basin and is concerned that adding a fence around this area will be unattractive and tempt children to climb on it. It is a detention not retention basin and has a gradual depression. Ginnie suggested improving plantings around the area and Mr. Calogreco agreed but they would like 1 yr. to install any additional landscaping as Ms. Ferris may want to incorporate it into the curriculum. Mark said there is a gradual elevation change in this area; he recommended leaving the area alone as any modifications could impact the stormwater recharge.

Public Comment:

Dan Dally, 904 Tallmadge – said he has been a resident since 1998 and has no objection to the lighting – they were on when they moved in and is not concerned about it. Also, he has never observed standing water in the basin (he is a civil engineer); at the most 1-2' of water is collected and drains quickly.

Chuck moved that the Planning Commission recommend that the Board of Supervisors approve the conditional use application of the Pennsylvania Leadership Charter School (PLCS) to operate a Cyber

1 Charter School Campus at the property at 1585 Paoli Pike (Property) (TPN 53-4-43) subject to the
2 following conditions.

- 3
- 4 1. A parking space shall be provided on the Property for each student of driving age and for each
- 5 teacher and/or staff member working at the school.
- 6 2. On or before the first day of school in any given year the PLCS shall provide the Township with
- 7 a census that lists the number of students of driving age or who will obtain driving age during the
- 8 school year, and the number of teachers and staff members. The PLCS acknowledges that
- 9 condition #1 may result in a limitation on the number of students of driving age that can attend
- 10 the school.
- 11 3. The PLCS shall be permitted to change the wording on the existing non conforming free
- 12 standing sign on the Property. The size of the sign shall not be increased.
- 13 4. The outside lighting on the Property shall be reduced to the minimum extent needed for security
- 14 during the hours the school is not open.
- 15 5. Students shall be dropped off and picked up at the rear (north side) of the building.
- 16 6. The PLCS shall prepare a student pick up/drop off procedure as discussed at the Planning
- 17 Commission meeting.
- 18 7. The PLCS shall install directional signage on the Property in order to direct parents to the pick
- 19 up/drop off up location.
- 20 8. Student and staff parking shall be located so as to minimize interference with vehicles in the pick
- 21 up/drop off queue.
- 22 9. The PLCS shall submit a plan and procedure to the Board of Supervisors at the conditional use
- 23 hearing that outlines the specific aspects of conditions 5, 6, 7 & 8.
- 24 10. On or before November 1, 2009 and annually thereafter the PLCS shall provide the Township
- 25 with a written report that outlines the effectiveness of the student pick up/drop off procedure, and
- 26 suggested revisions if any, through and until the 3rd anniversary after full occupancy of the
- 27 building for intended use.
- 28 11. The Board of Supervisors, upon the recommendation of the Township Traffic Engineer,
- 29 specifically reserves the right to impose changes to the pick up/drop off procedure and impose
- 30 restrictions on vehicles making left turns when exiting the Property in order to ensure the safety
- 31 of the students and all others following its review of the aforementioned report.
- 32 12. The PLCS shall maintain the landscaping that exists on the Property and it shall specifically
- 33 remove and continue to remove the multi-flora rose, vines and invasive species from the
- 34 Property. It is the intention of this condition to insure that the existing landscaping, including
- 35 that which screens the Property from the abutting residences, remains in a viable condition.
- 36 13. The PLCS shall install the additional plantings as recommended by the Conservancy Board on
- 37 their site visit on March 28, 2009, on or before September 30, 2010.
- 38 14. The PLCS is specifically permitted to allow students to utilize the school grounds for such
- 39 activities as lunch, teaching, unstructured recreational activities (i.e. no organized or team sports),
- 40 and special school wide events, provided that all activities take place at least 50 feet from any
- 41 property line. The PLCS shall submit a plan that depicts the area to be used for these activities.
- 42 15. The existing basketball pole located on the Property shall be removed.
- 43 16. At least two weeks prior to any school wide event to which parents of more than 50% of the
- 44 students are invited the PLCS shall provide the Westtown East Goshen Police Department with
- 45 their plan, for the Westtown East Goshen Police Department's review and approval, to address
- 46 parking and traffic control issues.
- 47 17. The PLCS use of the Property shall be in accordance with the testimony and evidence presented
- 48 at the meeting and hearings at which this matter was discussed.
- 49 18. The applicant must comply with all federal, state and local laws, ordinances and regulations that
- 50 may govern use of the building.
- 51 19. These 21 conditional apply to this applicant and the Board of Supervisors reserved the right to
- 52 reevaluate the intended use of future applicants.
- 53 20. The township and applicant will meet within 60 days of the 3rd anniversary of full occupancy to
- 54 review the effectiveness of student/parent drop off procedures.

21. Should enrollment exceed 250 on-site students, the applicant shall seek to amend this conditional use approval through the Board of Supervisors.

Peter seconded the motion. No further discussion or public comment was heard. The motion passed unanimously.

Senya asked about taxation of school properties, citing a recent Daily Local News article that indicated that if a non-profit organization purchases a building, property taxes do not need to be paid, and asked Mr. Hanak about PALCS's current court case concerning this very issue. Mr. Hanak explained that they have set up a separate, non-profit organization that owns the building, because the school has a limited extension by the state. The debate is whether the foundation can receive the same tax exemption as the school. PALCS is very community oriented and would be willing to pay a fee equivalent to township taxes as a sign of good faith. They are currently maintaining the township website and would like to connect the township building and the IBM building with fiber-optic lines once they school is in place.

H. Ordinance Amendments

Ordinance amendments are not ready for review and will be addressed at the next meeting.

I. New

1. Township Clean-up Day – Members cannot make the 4/18 clean-up and agree it reschedule it for 5/9; they will meet at 8am.
2. Workshop – a workshop has been scheduled for 4/15. Goals will be discussed along with ordinance amendments for signs, generators and multi-use parking. Chuck has reviewed the generator code and there are many issues to be addressed. Given that future development is likely to be small businesses vs. large warehouses, Senya recommends reviewing and possibly adopting something like West Goshen or West Chester's parking ordinances.
3. State Ethics Commission – The state requires all elected or appointed officers to complete and return this form; due 5/1/09.
4. National Bank of Malvern – West Goshen Township sent a letter regarding this application as they are concerned about increased traffic from the additional parking. Chuck noted that a lot of YMCA programs have been moved back to the borough location and the impact of the summer pool has yet to be recognized but the issue will need careful consideration. Megann said improvements to the intersection may be warranted and pedestrian traffic should also be addressed. Marty said the bank will need to provide a traffic study.
5. Comprehensive Plan – Members identified the Top 10 items on the list via e-mail. Items were color-coded to identify the applicable board. Redevelopment of vacant lots and establishing a shared parking strategy are top on the PC list.
5. Uniforms – Given the fact that PC volunteers put in equal time and effort as other EGT boards, Senya feels it is unfair that they cannot benefit from having township attire. Marty noted that the BOS eliminated \$300,000 from their budget and regrettably this was one of the items; the BOS does not feel the PC fit the criteria for having shirts. Senya said Lands End sells polo shirts for \$18 and Oxford shirts for \$19 and suggested PC members personally purchase their own apparel.

J. Other

Zoning – Megann reported that she attended a very informative zoning course. Three ideas she suggests EGT consider are: 1.) mapping the township for future cell tower sites, 2.) consider overlaying districts for repeat ordinances, and 3.) modification of the adult entertainment ordinance. Don said NexG is similar to public utilities and does not need conditional use approval to place micro cells on top of PECO poles. Eleven sites have been approved by PECO and installed in the township. Don would encourage the PC to refer future applicants to this 3rd party cell provider before seeking variances, etc.

K. Liaison Reports

HC – Chuck participated in the Chester County National History Day Competition at Immaculata College and was extremely impressed with the entries; kids were imaginative, creative and articulate. The Awards Banquet is scheduled for 4/14.

L. Adjournment

Motion to adjourn the meeting was made by Sue and seconded by George. The meeting adjourned at 9:28 p.m.

Respectfully submitted, _____
Tracie Hill, Recording Secretary

**EAST GOSHEN TOWNSHIP
PLANNING COMMISSION WORKSHOP MEETING
APRIL 15, 2009**

The East Goshen Township Planning Commission held a workshop meeting on April 15, 2009 at the East Goshen Township building. Chairman Senya Isayeff, Vice-Chair George Martynick and members Megann Hedgecock, Sue Carty and Al Zuccarello were present. Also present were Township Zoning Officer Mark Gordon and Township Solicitor Kristin Camp.

WORKSHOP SESSION – 7:00pm

A. Call To Order/Pledge of Allegiance

Senya called the meeting to order at 7:00pm and introduced the PC members to the Township Solicitor Kristin Camp, explaining that (2) members were real estate lawyers, (1) a civil engineer, (2) school teachers (one retired, one not), a demolition/environmental contractor and a Corporate 500 sales manager and former planning commission member for West Goshen Township. They are meeting to discuss possible ordinance amendments regarding adult entertainment restrictions, religious uses and signage, specifically related to digital signs.

The East Goshen Township (EGT) Comprehensive Plan was last updated in 2004. Kristin said most municipalities update their ordinances, following an update to the comprehensive plan to ensure that ordinances follow what the plan suggests. It is difficult to analyze every aspect of every ordinance as they are always subject to interpretation/ambiguity so most ordinances are amended as the result of a problem and she summarized the current Keystone case. EGT is very developed, where as other townships have task forces in place to establish effective zoning ordinances; this is unnecessary for EGT. She recommended members start by comparing the comprehensive plan to the related ordinances. Kristin did not find any inconsistencies.

Senya asked for a guidance on the “mechanics” of updated parts of ordinances and Kristin recommended “general code publishers” on-line which is very comprehensive and Chester County Planning Commission, where you can look up ordinances from other townships to use as a basis for your own. Al said the “intent” of the ordinance is clear but the “spirit” of the law always seems to get circumvented and Sue is concerned about technical or ideological influences. Kristin agreed but said stormwater and zoning regulations make it harder to get around things now a days. Also, you can not “prohibit” uses only impose “requirements” for specific zoning areas to control them. The NPC gives property owners the right to amend an ordinance and sees this happening more and more in developed townships. The applicant suggests an ordinance change to the Board of Supervisors (BOS), who are under no legal obligation to do anything, but the applicant does all the research.

ADULT ENTERTAINMENT

Members are concerned about adult entertainment establishments coming to the township. Kristin said EGT’s definition adequately defines what adult entertainment is and restricts it to the I-2 District, specifically applauding the definition of a massage parlor. Senya read Sec. 240-31, Adult Uses. Kristin emphasized that one must start with the definitions, then go to uses. There is always a fine line and if the applicant is in question, she encouraged the township to request additional information from the applicant.

SIGNS

Although not exclusionary, Kristin said the billboard ordinance could be challenged based on the size restriction, as the 50 sq. ft. size really isn’t a billboard. Off-premises signs are prohibited in the C-1 District but allowed in the I-2 District according to Sec. 240-22K of the ordinance. A recent case in West Goshen declared an ordinance invalid, as allowed by the NPC, and the BOS had 180-days to revise it (known as a curative amendment).

Electronic signs are coming but the township can prohibit scrolling/flashing signs vs. slowing fading from one message to another every 1-2 minutes which could be acceptable. Speed of traffic impacts sign restrictions and traffic engineers/industry standards can define this. The intensity of the lighting should also be regulated. Kristin will look into it and provide information to the PC for their consideration. The EGT definition of a sign area is all encompassing. Members discussed the Chalfont and Swiss Farm signs; they want to be fair to all applicants and Kristin agreed it is important to be consistent. The current ordinance appears to allow larger signs in residential zones then commercial zones.

RELIGIOUS ESTABLISHMENTS

Kristin suggested revising the definition of "place of worship" in the EGT ordinance as the need for "at least 12 people" seems unnecessary. West Pikeland also allows places of worship by special exception and requires conditional use to expand the size of a building. Individuals cannot declare their home a place of worship because there can only be one principal use (in this case a residence). Building codes will help prohibit potential places of worship. When reviewing the ordinance, Kristin said to consider the following: allowable locations, lot size requirements, parking requirements, setbacks, impervious limits and accessory uses permitted within a church such as daycare, shelters and special events (ie. weddings or community organizations).

ANTENNAS

Mark explained that NexG is PUC regulated and they are putting repeaters/utility poles in the township without being regulated by the township. Senya said there are 12 NexG locations in the township and would like to review PUC's licenses; they should be able to impose reasonable regulations as they are concerned about future development. Kristin agreed to review.

GENERATORS

Al said he found no references to generator specifications in the EGT ordinance, other then General Performance Standards under Sec. 240-24. Generators are allowed as an accessory use in all districts but would like to develop provisions for setback requirements, screening, noise control, maximum decibels, vibrations, outdoor storage, lighting/color, electrical emissions and disturbances. Chuck said a 6' fence in a residential area seemed inappropriate. Al will start with the websites Kristin recommended.

SHIRTS

Recognizing budgetary constraints by the BOS, members agreed to personally purchase matching golf shirts for \$18 from LL Bean. LL Bean is having a sale and does free embroidery. Shirts will say *East Goshen Township Planning Commission*. Members will email the specifics to Senya, who will order them.

B. Adjournment

Motion to adjourn the meeting was made by Sue and seconded by George. The meeting adjourned at 8:28 p.m.

Respectfully submitted, _____

Tracie Hill, Recording Secretary

610-356-9550
FAX 610-356-5032

Herbert E. MacCombie, Jr., P.E.
CONSULTING ENGINEERS & SURVEYORS, INC.
1000 PALMERS MILL ROAD
MEDIA, PA 19063

F, ANGELINI
2.
1 pg

James W. MacCombie, P.E., P.L.S.
Herbert E. MacCombie, III, Technician

REPLY TO:
P.O. BOX 118
BROOMALL, PA 19008-0118

April 20, 2009

**DESCRIPTION
OF
TWENTY FEET WIDE STORM SEWER EASEMENT
ACROSS LOT 1
VINCENT ANGELINI SUBDIVISION
CORNWALLIS DRIVE
EAST GOSHEN TOWNSHIP, CHESTER COUNTY, PA.**

ALL THAT CERTAIN twenty (20) feet wide Storm Sewer Easement **SITUATE** in the Township of East Goshen, County of Chester, Commonwealth of Pennsylvania, as shown on that certain "Plan of Subdivision for Vincent Angelini Cornwallis Drive" prepared by Herbert E. MacCombie, Jr., P.E. Consulting Engineers and Surveyors, Inc., Broomall, Pa. Dated January 29, 2009 and being more specifically described as follows to wit:

BEGINNING at a point along a line of the lands of the now or late Charles W. Porter, also being the Northeasterly right-of-way line of Cornwallis Drive, as widened twenty five (25) feet from the centerline; thence extending from said point and place of beginning along the aforementioned Northeasterly right-of-way of Cornwallis Drive, N 47°06'06"W, a distance of 20.06 feet to a point; thence extending from said point and leaving said Northeasterly side of Cornwallis Drive through a portion of the lands of lot 1, N 47°25'00"E, a distance of 255.20 feet to a point along a line of the lands of lot 2; thence extending from said point along a line of the lands of lot 2, S 42°35'00"E, a distance of 20.00 feet to a point along a line of the lands of Charles W. Porter; thence extending from said point along a line of the lands of Porter, S 47°25'00"W, a distance of 253.62 feet to the first mentioned point and place of beginning.

Containing: 5,088 S.F. of land more or less.

BOARD OF SUPERVISORS
EAST GOSHEN TOWNSHIP
CHESTER COUNTY
1580 PAOLI PIKE, WEST CHESTER, PA 19380-6199

F. Angelini
2.
1 pg.

April 29, 2009

Dear Property Owner:

The purpose of this letter is to inform you that Vincent Angelini Sr. has submitted a Plan to subdivide his property at 957 Cornwallis Drive. The applicant proposes to subdivide the two existing residential parcels into three residential building lots.

Pursuant to Township policy, property owners within 1000 feet of a proposed subdivision are notified of pending applications. The subdivision plan and application will be discussed at the following meetings.

May 6, 2009 - Planning Commission meeting (workshop at 7 pm, formal meeting @ 7:30 pm) **(The applicant will make a presentation at this meeting)**

June 3, 2009 - Planning Commission meeting (workshop at 7 pm, formal meeting @ 7:30 pm) **(Recommendation to the Board of Supervisors)**

July 7, 2009 – Board of Supervisors meeting (workshop at 7 pm, formal meeting @ 7:30 pm)

All meetings and workshops are held at the Township Building and are open to the public. The dates and actions of the Township are subject to the timely submission of complete plans and materials by the applicant and subject to change. The applicant shall address all comments raised by the Township during the plan reviews and prior to approval.

The plans are available for review by the public during normal business hours. Please give me a call at 610-692-7171 or email me at mgordon@eastgoshen.org if you have any questions or need additional information.

Sincerely,



Mark A. Gordon
Township Zoning Officer

CC: All Township Authorities, Boards and Commissions



Yerkes Associates, Inc.

Consulting Engineers / Site Planners / Land Surveyors

April 30, 2009

East Goshen Township
1580 Paoli Pike
West Chester, Pennsylvania 19380

Attn: Louis (Rick) F. Smith, Jr., Township Manager

RE: Vincent J. Angelini 3-Lot Subdivision
UPI#'s 54-04-64 & 54-04-64.1 - 957 Cornwallis Drive
Preliminary Subdivision Plan Review

Dear Rick:

We have received for the review a revised 3-Lot Preliminary/Final Subdivision Plan and correspondence for Vincent J. Angelini prepared by Herbert E. MacCombie, Jr. P.E., as follows:

Plans dated 01-29-09

- Sheet 1 of 7: Plan of Subdivision
- Sheet 2 of 7: Grading and Erosion Control Plan
- Sheet 3 of 7: Conservation Narrative
- Sheet 4 of 7: Topographic Plan of Property
- Sheet 5 of 7: Detail Sheet
- Sheet 6 of 7: Detail Sheet
- Sheet 6 of 7: Landscape Plan

Correspondence

- Drainage Analysis, dated 01-19-09, with Pre- & Post-Development Plans
- Plan Submission Letter dated 03-25-09
- East Goshen Fire Marshal letter dated 06-26-07
- Brandywine Science Center, Inc. well testing
- East Goshen Township review application dated 04-03-09
- Legal descriptions dated 04-20-09 (received 04-24-09)

The site and site plan have been significantly revised since our last review letter of August 15, 2007 and subsequent Stormwater and E&S review letter of November 5, 2007 for Lot #2. Plans for a three lot subdivision were originally prepared by Policelli

Professional services since 1874

1444 Phoenixville Pike, P.O. Box 1568, West Chester, PA 19380-0078 / Tel: 610-644-4254 / Fax: 610-640-0771

Vincent J. Angelini 3-Lot Subdivision
April 30, 2009
Page 2 of 8

Engineering, Inc., and submitted for review in June 2007. A review letter was issued on June 18, 2007. The plans were revised and resubmitted and a follow-up review letter was issued on August 15, 2007. A meeting with the applicant was held on October 1, 2007 and the applicant decided to withdraw the subdivision plan from further review. Subsequently, a stormwater management / erosion and sedimentation plan was prepared for existing Lot 2 (Parcel 54-04-64.1) and a review letter was issued on November 5, 2007.

The current plans that have been submitted address the 3-Lot Subdivision, erosion and sedimentation controls and stormwater management. The owners and applicant are Vincent J. & Michele Angelini. The site is located and is accessed from the east side of Cornwallis Drive north of the intersection with King George Court Drive. The site is in the R-2 Zoning Residential District and consists of two existing parcels being 54-04-64 (Lot #1) and 54-04-64.1 (Lot #2) with a combined total area of 4.0387 acres. Parcel 54-04-64 is 1.69 acres gross and 1.6182 acres net. Parcel 54-04-64.1 is 2.3487 acres gross and 2.3259 acres net. Parcel 54-04-64 is a conventional shaped lot containing an existing dwelling with detached 2-bay garage and gravel driveway, shed, walkways, lawn, trees and is served by on-site water and public sewer. Parcel 54-04-64.1 is an existing flag lot which had contained an earlier existing dwelling and dirt driveway and was served by on-site water and sewer. The existing septic system was abandoned and subsequently removed. A new dwelling has been built on the lot including a detached garage, walkways, paved/stone driveway, and stormwater management facilities. It has been connected to public sewer and is served by an on-site well.

The plan depicts the re-subdivision of the two existing lots into three new lots. Lot #1 will remain a conventionally shaped lot with access from Cornwallis Drive, and will be 1.0791 acres gross and 1.0093 acres net. The plan indicates that the existing dwelling and detached garage, driveway, and shed are to be razed. A new dwelling with attached garage, paved driveway, landscaping, and underground seepage bed are proposed. The Lot will be served by public sewer and on-site well. Lot #2 will be a flag lot within the center of the subdivision and will be 1.0985 acres gross and 1.0775 acre net. A new dwelling with attached garage, paved shared driveway access with Lot #3 from Cornwallis Drive, landscaping and underground seepage bed are proposed. Lot #3 will also be a flag lot to the rear of the site and will be 1.8607 acres gross and 1.8374 acres net. The existing dwelling, detached garage, and paved driveway will remain. Landscaping and modifications to the existing stormwater management facilities include an above ground basin and underground seepage beds. All lots are to have public sewer and individual on-site well water.

The plans have been reviewed per site visit and for compliance with applicable Preliminary and Final Plan Township Ordinance Requirements. The following comments are based on the current submission and our August 15, 2007 review letter. The numbering has been revised to suit the new submission, where applicable old comment numbers have been noted in parenthesis.

Vincent J. Angelini 3-Lot Subdivision
April 30, 2009
Page 3 of 8

Zoning Ordinance

R-2 Zoning

1. The Zoning Compliance Chart should be revised to indicate a required, existing and proposed maximum building height of 30 feet not 35 feet. Also, the asterisk after the front yard dimension for Lot #3 should be clarified.

Subdivision and Land Development

Preliminary / Final Plan Requirements

2. Sections 205-30.B (10) & 205-33.B (10): All existing natural and man-made features should be shown. The existing landscaping to the rear of Lot 3 should be shown.
3. (18.) Sections 205-30.D (2) & 205-33.E: Landscaping has been provided. The applicant has requested a waiver from having to provide a landscape planting plan to be sealed by a Registered Landscape Architect. We have no objection to this request conditioned upon the applicant addressing any comments from the Township Conservancy Board.
4. (18a.) Section 205-33.B (19): The proposed placement of each building shall be shown. Lot #1 shows the placement of the proposed dwelling, but Note #1 on Sheet 1 indicates that the exact size and location of the dwelling is not known at this time. This appears to be a remnant note from the previous plan. It should either be removed or a note should be placed on the plan that a separate E&S and building permit plan will need to be submitted for review for Lot #1 when the dwelling location and size has been determined.
5. Section 205-39: A waiver has been requested on the plan from having to provide a Traffic Impact Study. We have no objection to the waiver request.

Driveways

6. (19.) Section 205-57.C: Where driveways are used jointly by more than one property owner the appropriate easement restrictions are to be noted on the final plan.
 - a. The plan notes a driveway easement across Lot #3 for the benefit of Lot #2. The driveway maintenance agreement should be submitted to the Township Solicitor for review and approval prior to final plan approval.
 - b. The plan indicates the extinguishing of the previously proposed driveway easement between Lot #3 and the adjacent property. The plan proposes a

Vincent J. Angelini 3-Lot Subdivision
April 30, 2009
Page 4 of 8

planter barrier to restrict access across the lots. We have the following comments.

- i. If the driveway is to remain there is no guarantee in the future that the proposed barrier will remain in place. Both properties are in common ownership at this time, however in the future they may be in separate ownership and may be cause for conflict for future owners. In order to protect both properties the applicant should provide a cross-access easement and a maintenance agreement for the benefit of both properties for review and approval by the Township Solicitor. In addition, the planter barrier should extend the full driveway width. A detail should be provided showing that the planter barrier is to be installed as a permanently affixed structure to the ground.
- ii. Otherwise, if a cross-access easement and a maintenance agreement for the benefit of both properties are not prepared then the driveway should be completely removed from the property line to the turn in the driveway on Lot #3. The removed driveway area should be shown to be stabilized, seeded, and mulched to establish a lawn area. This would be a benefit for the stormwater management design and the planter barrier would not be necessary.

Conservation Plan, Erosion and Sedimentation Control, Chapter 195, Ord. No. 129-M-03, SDLO 205-35 & 37, Chapter 131

7. (27) SLDO Section 205-35.G: No alterations of grading shall be done within a distance of five feet from an adjoining tract. The plan shows grading to the adjoining property lines and should be revised to be no closer than 5 feet.

A 5 foot grading setback line should be shown on the plan along the common property lines.

8. (33) Chapter 131-4.C & Ord. 129-M-03 – Sections 305.A & B; 407.A: The plan notes an area of disturbance of 2.3243 acres. In accordance with PADEP, the plan proposes over an acre of disturbance and therefore will be required to be submitted to the Chester County Conservation District and PADEP for an NPDES Permit. A letter of adequacy from CCCD and NPDES Permit will be required for Final Plan approval. The graphic area of disturbance appears to be missing and should be drawn on the plan. The graphic should be identified in the legend.

Vincent J. Angelini 3-Lot Subdivision
April 30, 2009
Page 5 of 8

Stormwater Management Chapter 195, Ord. 129-M-03, SLDO Sect. 205-37

9. Sections 304.D.1 & 304.D.3: All stormwater management facilities are to be located on the plan and described in detail and all design calculations, assumptions and criteria should be provided.
- a. The stormwater calculations indicate additional stormwater management for runoff from area "A-3" to be retained by an underground seepage bed. Area "A-3" should be clearly labeled and outlined on the drainage area plan. The site plans should show the location of the "A-3" underground retention bed and details for construction. Area "A-3" should be accounted for in the Summary of Discharges. Percolation, catch basin and discharge pipe data should be provided as shown for the other basins.
 - b. The stormwater management for the Trench Area is for the benefit of the applicant's adjacent property, whereby part of the stormwater management is on Lot #3. Since, in the future both properties could be in separate ownership a stormwater access and maintenance agreement should be prepared for the benefit of both properties for review and approval by the Township Solicitor.
 - c. The plan shows a new stormwater pipe connection from the existing driveway trench grate to an existing inlet on the adjacent property. Based on the invert elevations this connection is an overflow for the trench grate. The stormwater management calculations for this system should be provided to show that the trench grate will not overflow, back-up into the seepage bed system and that discharge is no greater than existing conditions. Also, the outlet to this overflow system could not be located as shown on the plan. The plan should note that the outlet should be found, cleared and opened.
 - d. On the applicant's adjacent property, the two existing inlet grates have sheet metal covers with small perforations. These inlet grates appear to have limited inflow capacity and become easily clogged. The existing grates should be replaced with conventional grates for proper drainage.
 - e. The length of pipe, slope and inverts should be provided for the outlet pipe on the Basin B-2 for Lot 1 Detail and likewise provided on the Typical Detention Basin Section for Spread Basin "A-1" on Lot #3 on the Details on Sheet 6.
 - f. All design elevations for the level spreader details on Sheet 6 should be provided.
 - g. The Typical Detention Basin Section detail on Sheet 6 indicates a 2.5 inch orifice that was not accounted for in the calculations. The calculations or design should be revised accordingly.

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Vincent J. Angelini 3-Lot Subdivision
April 30, 2009
Page 6 of 8

- h. Anti-seep collar details and calculations should be provided for Detention Basin "A-1" on Lot #3.
 - i. Overall dimensions for the seepage beds should be added to all details on Sheet 6.
 - j. Time of Concentration paths should be provided on the Drainage Area Plans.
 - k. Basins should be shown to drain within 24 hours or as required by the Conservation District based on actual percolation rates.
10. Section 304.D.9: Final contours should be shown. The top of berm for Spread Basin "A-1" on Lot #3 should be indicated on Sheet 2 as indicated on the detail in Sheet 6. The grading should be adjusted to provide the 10 ft. top width.
11. Section 404.A.1: Storage volume provided for the basins is to be based on the greater of either the difference in runoff of the predevelopment or post development 2-year storm or 1 inch of runoff of the contributing area. Appropriate comparative calculations should be provided to show that the greater of the two criteria is being satisfied. Infiltration rates should be incorporated in the comparative analysis.
12. Section 404.C: Percolation testing has been assumed in the calculations. The Engineers letter states that percolation results will be performed at the time of construction. The permeability, infiltration rate, and limiting zone (bedrock, high water table, etc.) should be provided or determined to verify the rates used in the infiltration bed calculations. Likewise, percolation testing will be required for the PADEP NPDES Permit approval.

Stormwater General Comments

- 13. The stone discharge side of the level spreader detail on Sheet 6 should be shown to be exposed and not to be covered by fill.
- 14. The stormwater details on Sheet 6 should be arranged and labeled in a manner that is more readily discernable. Related details should be placed next to each other and labeled consistently.
- 15. The pipe invert and catch basin bottom elevation on the plan for Spread Basin "A-1" Sheet 2 should match the detail on Sheet 6.
- 16. The pipe invert on the plan for Spread Basin "B-2" Sheet 2 should match the detail on Sheet 6.

Vincent J. Angelini 3-Lot Subdivision
April 30, 2009
Page 7 of 8

17. The pipe size for the 25 LF of perforated HDPE pipe on the Spread Basin "B-2" for Lot #1 Detail on Sheet 6 should be 12 in. per calculations.
18. The pipe size for the 60 LF of perforated HDPE pipe for Spread Basin "B-1" for Lot #1 should be 12 in. on Sheet 2 per calculations.
19. The pipe size (left side) for the 25 LF of perforated HDPE pipe on the Spread Basin "A-1" for Lot #3 Detail on Sheet 6 should be 12 in. per calculations.
20. The grate inlet for the existing drywell on Lot #3 is on the adjacent Lot. A note should be added to the plan that the owner of Lot #3 will have to right to access the adjacent lot in order to maintain the drywell grate inlet.

Sanitary Sewage Disposal

21. (33)SLDO Sections 205-68.D & E: The applicant shall comply with all requirements of the Chester County Health Department and the Pennsylvania Department of Environmental Protection and shall so certify prior to final plan approval. Sewage Facility Planning Modules should be submitted to the Township for review and approval.

The plan submission letter states Sewage Facilities Planning Modules have been submitted to the East Goshen Municipal Authority. A letter should be received from the Municipal Authority stating that there is sufficient capacity in the existing sanitary sewer system for the proposed dwellings prior to final approval.

Legal Descriptions

22. Legal descriptions submitted have been submitted to show compliance with Sections 205-33.B (7), (12) and (13), the following comments should be addressed on the Plan of Subdivision Sheet 1:
 - a. The physical centerline for Cornwallis drive should be drawn and 25 ft. dimension to the Ultimate right-of-way should be shown for clarity.
 - b. Some of the sub-distances to the title line are missing and they should all be labeled.
 - c. Lot #1: The total distances of 286.85 ft., 270.2 ft. and 169.61 ft. are missing from the plan and should be labeled.
 - d. Lot #2: The total distances of 424.17 ft., 286.85 ft. and 40.19 ft. are missing from the plan and should be labeled.
 - e. Lot #3: The 40.19 ft. is missing from the plan and should be labeled.
 - f. Lateral Easement for Lot #1 Across Lot #2: In the deed the distances of 33.72 ft. and 29.47 ft. do not match the plan. The plan and/or deed should be revised accordingly to match.

Vincent J. Angelini 3-Lot Subdivision
April 30, 2009
Page 8 of 8


- g. Driveway Easement for Lot #2 across Lot #1: The bearing of S 42°35'00" E does not match the plan. The plan and/or deed should be revised accordingly to match.
- h. Driveway Easement for Lot #3 across Lot #2: The total distances of 286.43 ft. and 35.25 ft. are missing from the plan and should be labeled.
- i. If the driveway connection between lot 3 and the adjacent property is to remain, a legal description for an access easement should be shown on the plan and prepared for review.
- j. A stormwater easement legal description for access across Lot #3 for the Trench Area stormwater management should be shown on the plan and prepared for review.

General Comments

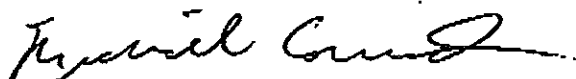
23. Sheet 2 appears to indicate an alternate lateral line extension across Lot #3 which should be clarified or removed.

The plans are not recommended for preliminary/final plan approval at this time. The plans should be revised to address the concerns noted above and be resubmitted for review. Please do not hesitate to call if you have any questions concerning this review letter.

Sincerely,
Yerkes Associates, Inc.



Charles E. Jackson III



Michael Conrad, P.E.

Cc: Herbert E. MacCombie, Jr.

RILEY
RIPER
HOLLIN &
COLAGRECO
ATTORNEYS AT LAW

DEBRA A. SHULSKI
Debbie@RRHC.com
Extension 210

Please reply to Exton Office

April 24, 2009

RECEIVED
BY: _____
APR 27 2009

Louis F. Smith, Jr.
Township Manager
East Goshen Township
1580 Paoli Pike
West Chester, PA 19380

Re: The Malvern Institute
Zoning Hearing Board Application
Our File: 4905-02

Dear Rick:

Malvern Institute hereby withdraws, without prejudice, its pending Zoning Hearing Board Application filed with the Township on October 29, 2008.

Thank you for your attention to this matter.

Very truly yours,

Debra A. Shulski
DEBRA A. SHULSKI

DAS/kch

cc: Ross Unruh, Esquire (via email only)
Peter Schoor (via email only)
Ernest J. Ritacco (via email only)

BOARD OF SUPERVISORS
EAST GOSHEN TOWNSHIP

CHESTER COUNTY

1580 PAOLI PIKE, WEST CHESTER, PA 19380-6199

April 9, 2009

Dear Property Owner:

The purpose of this letter is to inform you that Cindy Speaker has submitted an application for a zoning variance for her property at 1418 West Chester Pike, West Chester, PA. The applicant is proposing to construct an addition at the rear of her house and install a deck. The required side yard setback is 20 feet and her lot is only 52 feet wide. The existing house is non-conforming with respect to the side yard requirements.

A variance is required from the 20 foot side yard set back requirement set forth in §240-10G of the Zoning Ordinance.

Pursuant to Township policy, property owners within 1,000 feet of the subject property are notified of variance applications. The Planning Commission will review the application first and make a recommendation to the Zoning Hearing Board. The Board of Supervisors may, if they choose, take a position on this application. The Zoning Hearing Board will hold a public hearing and make the final decision on this application. The public meetings for the project's review and potential approval are as follows:

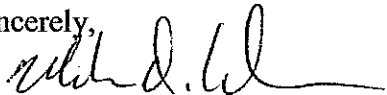
April 14, 2009 - Board of Supervisors meeting (workshop at 7:00 pm, formal meeting at 8:00 pm)

May 13, 2009 – Zoning Hearing Board meeting (formal hearing at 7:30 pm)

The date for the Zoning Hearing Board public hearing on this application has not been determined as of the date of this letter and you will receive a separate letter once that date has been selected.

All workshops and meetings are held at the Township Administration Building and are open to the public. The application and plans are available for review during normal business hours. I would also note that there is additional information under the heading "Criteria for Variance Requests" in the "Forms & Applications" section of the Township's web page at eastgoshen.org. Please give me a call at 610-692-7171 or email me at mgordon@eastgoshen.org if you have any questions or need additional information.

Sincerely,



Mark A. Gordon
Township Zoning Officer

Cc: All Township Authorities, Boards and Commissions
Cindy Speaker

H. C. SPEAKER
3.
1pg

NAT'L BANK OF MALVERN
1. 2 pages

EAST GOSHEN TOWNSHIP ZONING AND HEARING BOARD APPLICATION

1580 PAOLI PIKE WEST CHESTER, PA 19380-6199
PHONE (610)-692-7171 FAX (610)-692-8950

Name of Applicant: National Bank of Malvern
Applicant Address: 2 West King Street, POB 38
Malvern, PA 19355
Telephone Number: 610-647-0100 Fax Number: 610-647-2404
Email Address: info@natbankmal.com
Property Address: North side of Paoli Pike, east of Airport Road
Tax Parcel Number: UPI # 53-3-1.9A Zoning District: BP Acreage: 4.56

2009 MAR 31 AM 11:09

Purpose of Application (check one)

- ☒ Variance (Type: ☐ Use Variance ☒ Dimensional Variance)
☐ Special Exception
☐ Appeal determination of the Zoning Officer
☐ Other _____

Sections of Zoning Ordinance in which relief is sought:

Section 240-21.G - relief from 50-foot minimum side yard for Bank drive-through canopy structure
Section 240-33.B(5)(b) - relief from restriction against off-street parking between building setback line and street right-of-way line

Description of the Zoning Relief requested and the future use of the property:

Applicant proposes to construct a bank branch that requires a side yard variance on the west property line for the drive-through and for parking in the front yard on the Paoli Pike frontage for the Bank and on the Airport Road frontage for YMCA leased parking area on the north side of the property.

We hereby acknowledge that we have read this application and state that the above is correct and agree to comply with all provisions of the East Goshen Township Zoning Ordinance applicable to this project and property.

By: GAWTHROP GREENWOOD, PC March 31, 2009
Signature of Applicant Robert F. Adams Date
Attest: rfadams@gawthrop.com
Attorney for Applicant

***Please review the formal Planning Commission review procedure on page three.**

2032

EAST GOSHEN TOWNSHIP ZONING AND HEARING BOARD APPLICATION

1580 PAOLI PIKE WEST CHESTER, PA 19380-6199
PHONE (610)-692-7171 FAX (610)-692-8950

This checklist outlines the steps and items needed to insure completeness of the application and to insure the application follows the process and conforms to the timeframe outlined by the state of Pennsylvania and East Goshen Township. This checklist is broken into two parts, the Application process and the Review Process. The application process must be completed in its entirety prior to the applications advancement into the Review Process.

Applicant Name: National Bank of Malvern

Application Process Checklist (Administration use only):

<u>Item</u>	<u>Date Complete</u>
1. Completed Township Application Form:	<u>3-31-09</u>
2. All related materials submitted:	<u>3-31-09</u> (submitted 2/23/09)
3. Township application and review fees paid:	<u>3-31-09</u>

Application accepted on 3-31-09 by MARK GORDON

Official Signature [Signature] Title Zoning Officer

Review Process Checklist

<u>Item</u>	<u>Date</u>
1. Start date:	<u>4-1</u>
2. Date of first formal Planning Commission Meeting following complete application:	<u>4-1</u>
3. Date sent to CCPC:	<u>-</u>
4. Date sent to Township Engineer:	<u>4-1</u>
5. Date presented to Planning Commission:	<u>5-6</u>
6. Date sent to CB:	<u>4-7</u>
7. Date sent To MA:	<u>4-7</u>
8. Date sent to HC:	<u>4-7</u>
9. Date sent to PRB:	<u>4-7</u>
10. Date sent to TAB:	<u>4-7</u>
11. Date by which the PC must act:	<u>5-6</u>
12. Date by which Board of Supervisors must act:	<u>5-12</u>
13. Drop Dead Date; (Day 60):	<u>5-30</u>
14. Zoning Hearing Date:	<u>5-13</u>
15. Dates of public advertisement:	<u>&</u>

BOARD OF SUPERVISORS
EAST GOSHEN TOWNSHIP

CHESTER COUNTY
1580 PAOLI PIKE, WEST CHESTER, PA 19380-6199

H. NAT'L BANK OF MALVERN
4
1 pg

April 9, 2009

Dear Property Owner:

The purpose of this letter is to inform you that the National Bank of Malvern has submitted a Zoning Hearing Board application requesting Zoning Variances for their property located at 1305 Paoli Pike, West Chester PA, 19380. The applicant proposes to construct a bank branch and parking areas on the property. Parking proposed on the North side of this property will be leased to the YMCA. The variances requested are: 1. A dimensional side yard variance from §240-21.G of the Township Ordinance on the west property line for the bank drive-through canopy. 2. A variance from §240-33.B(5)(B) of the Township ordinance restricting parking between the building set-back line and the street right-of-way line.

The property is zoned Business Park (BP); where a bank use is a permitted conditional use. Prior to pursuing the Conditional Use and Land Development Planning for the proposed new bank, the property owner seeks the above-mentioned relief from the Township Zoning Ordinance requirements.

Pursuant to Township policy, property owners and residents within 1000 feet of the properties seeking zoning relief; are notified of Zoning Variance applications.

The meeting dates and times when this application will be discussed are outlined below.

May 6, 2009 - Planning Commission meeting (workshop at 7 pm, formal meeting @ 7:30 pm)

May 12, 2009 – Board of Supervisors meeting (workshop at 7:00 pm, formal meeting @ 8:00 pm)

May 13, 2007 – Zoning Hearing Board (meeting @ 7:30 pm) (**Zoning Hearing**)

All meetings are held at the Township Administration Building and are open to the public. The application and plans are available for review during normal business hours. Please give me a call at 610-692-7171 or email me at mgordon@eastgoshen.org if you have any questions or need additional information.

Sincerely,



Mark A. Gordon
Township Zoning Officer

Cc: All Township Authorities, Boards and Commissions
Ross Unruh, Esq. Zoning Hearing Board Solicitor
Rick Craig, P.E., Township Engineer, West Goshen Township

H. METRO
7⁵ pgs

Conditional Use Application and Checklist

East Goshen Township

To: Township Zoning Officer

Name of Applicant: Metro PCS, LLC

Applicant Address: 510 Virginia Drive, Fort Washington, PA 19034

Telephone Number: 610-438-5540

Fax: _____

Email Address: _____

Property Address: 1201 North Chester Road, East Goshen, PA

Tax Parcel Number: 53-2-41.1E

Zoning District: R-2

Acreage: 5.8

Description of proposed use:

Applicant is proposing a stealth telecommunications facility consisting of the collocation of six (6) antennas at a height of approximately 51' within an existing church steeple (which is currently occupied by another telecommunication provider). The associated equipment will be placed on the ground outside the church on a proposed 10' x 10' concrete pad.

Conditional Use is provided in Zoning Ordinance Section: 240-31.C.3(h)(2)(e)

We hereby acknowledge that we have read this application and state that the above is correct and agree to comply with all provisions of the East Goshen Township Zoning Ordinance applicable to this project and property.

Debra A Shulski
Signature of Applicant

4-16-09
Date

Debra A. Shulski, Esquire

Attorney for Applicant

Attest: Kathleen Kaptan 4-16-09

*** Review the formal Planning Commission review procedure on page three.**

Conditional Use Application and Checklist

Township Administration use only:

This checklist outlines the steps and items needed to insure completeness of the application and to insure the application follows the process and conforms to the timeframe outlined by the state of Pennsylvania and East Goshen Township. This checklist is broken into two parts, the Application process and the Review Process. The application process must be completed in its entirety prior to the applications advancement into the Review Process.

Application Checklist:

<u>Item</u>	<u>Date Complete</u>
1. Completed Township Application Form:	_____
2. All related materials submitted:	_____
3. Township application and review fees paid:	_____

Application accepted as complete on _____ by _____

Official Signature: _____ Title: _____

Review Process Checklist

<u>Item</u>	<u>Date</u>
1. Start date:	_____
2. Date of first formal Planning Commission Meeting following Submission of complete application:	_____
3. Sent to Twp. Engineer:	_____
4. Date presented to Planning Commission:	_____
5. Abutting Property Letter sent:	_____
6. Date sent to CB:	_____
7. Date sent To MA:	_____
8. Date sent to HC:	_____
9. Date sent to PRB:	_____
10. Date sent to TAB:	_____
11. Date by which the PC must act:	_____
12. Date by which Board of Supervisors must act:	_____
13. Drop Dead Date; (Day 60):	_____
14. Conditional Use Hearing Date:	_____
15. Dates of hearing advertisement:..... & _____	_____
16. Property Posted:	_____

**STATEMENT OF PROPOSED USE
AND NARRATIVE OF COMPLIANCE
WITH CONDITIONAL USE STANDARDS**

I. BACKGROUND

The subject property is owned by the United Church of Christ and is situated at 1201 North Chester Road in East Goshen Township ("Property"). The property is presently zoned R-2 Residential District. The property contains an existing church and an existing telecommunication facility is already located within the steeple of the church. Metro PCS, LLC ("Metro") has a Lease Agreement with the property owner to permit the use of the Property.

As the accompanying plans demonstrate, Metro proposes a stealth telecommunication facility consisting of the collocation of six (6) antennas at a height of approximately 51' within the existing church steeple. The associated equipment will be placed on the ground outside of the church on a proposed 10' x 10' concrete pad. Access will be provided by the existing driveway and parking lot the site.

II. STATEMENT OF PROPOSED USE

The applicant requests Conditional Use approval pursuant to Section 240-31.C.3(h)(2)(e) of the Zoning Ordinance to permit the proposed telecommunication facility use on the property.

III. COMPLIANCE WITH CONDITIONAL USE STANDARDS

Collocation of telecommunication antennas on existing structures is permitted by conditional use approval pursuant to Section 240-31.C.3(h)(2)(e) of the Zoning Ordinance, subject to compliance with the following requirements, all of which the applicant has or will demonstrate compliance with at the time of the hearing:

- (i) The height shall not exceed 10 feet in height above the highest point on the existing structure.

The proposed antennas will be located entirely within the steeple of the church and will not extend beyond the height of the existing structure.

- (ii) The Applicant proves that the location is necessary to satisfy their function in the Applicant's wireless communication system

The Applicant will present propagation plots at the time of the hearing to demonstrate the need for the proposed coverage.

- (iii) The Applicant submits a plan showing each of the contiguous properties, identified by tax parcel number and owner, depicting all buildings and structures located on such properties.

The plans submitted as part of this application are in compliance with this Section.

- (iv) The antennas are reasonably concealed.

The antennas are entirely concealed within the existing Church Steeple and not visible to the public.

- (v) The installation of up to three metal boxes may be permitted on a concrete pad not exceeding 10 x10 feet in area to house the equipment.

See attached plans submitted as part of this Application which demonstrate compliance with this Section.

- (vi) Evergreen landscape screening having a minimum planted height of six feet.

See attached plans submitted as part of this Application which demonstrate compliance with this requirement.

- (vii) Structure erected prior to 4-7-98.

The existing church was erected well before April 7, 1998.

- (viii) Compliance with requirements of Subsection C(3)(h)(2)(a) iii, [k],[o],[q], [r],[t],[u],[w],[x],[y] and [z] as follows:

c(3)(h)(2)(a)(iii) – height not taller than 120 feet –

The antennas are proposed at a height of 51 feet and are well within this requirement.

- [k] Licensed by the FCC

Metro is licensed by the FCC – See license submitted as part of this application.

- [o] Parking

Adequate parking is proposed by the existing church facility to accommodate the periodic monthly maintenance trips.

- [q] Site Plan

Site plans have been submitted as part of this application.

[r] No signage

No signage is proposed.

[t] Maintenance required to be described

The proposed facility is unmanned and will only require several monthly maintenance trips.

[u] Vehicular access

There will be no interference with the existing church vehicular access.

[w] Abandonment

The Applicant will agree at the time of the hearing that if non-use for 6 months or longer, the facility will be removed.

[x] Notification – Notice of the Planning Commission meeting and hearing required to be given by the Township.

[y] Interference –

The Applicant will provide testimony demonstrating compliance at the time of the hearing.

[z] Annual Report

Applicant will agree to comply at the time of the hearing.

In addition to establishing compliance with the applicable Conditional Use Standards, the applicant believes that the proposed use is suitable for the property and is in the best interest of the community and the requested relief shall be granted for the following reasons:

1. The proposed facility is necessary in order for Metro to provide telecommunications service in accordance with its Federal Communications commission license and the Telecommunications Act of 1996.

2. The addition of a telecommunication facility, a passive communications use, is a suitable and appropriate use of the Property especially since the property is already being used for a telecommunications facility and the proposed facility is a stealth design which will not be visible. The proposed use is consistent with the spirit, purpose and intent of the Ordinance.

3. The proposed use will not substantially injure or detract from the use of neighboring properties or from the character of the neighborhood and the use of the properties adjacent to the Property will be adequately safeguarded.

4. The proposed use will serve the best interest of the Township, the convenience of the community, and the public welfare by making wireless telecommunications service available and will foster competition among the other approved wireless providers.

5. The proposed use will be entirely consistent with the logical, efficient and economical extension of public services and facilities within the Township including police and fire protection.

6. The proposed facility will be designed in accordance with all applicable safety and industry standards, and will not endanger the safety of persons or property.

7. The proposed use will not over crowd the land or create an undue concentration of population.

8. The proposed use will not impair an adequate supply of light and air to adjacent property.

9. The proposed facility will be fully automated and unattended on a daily basis and will be visited only for periodic maintenance or emergency repair.

10. The proposed use will not adversely affect transportation or unduly burden public facilities.

11. The proposed collocation within an existing church steeple eliminates any visual impact and eliminates the proliferation of new towers.

12. The telecommunications facility complies with all applicable standards established by the Federal Communications Commission.

13. The telecommunications facility shall not cause radio frequency interference with other communications facilities located in the Township.

14. The applicant is licensed by the Federal Communications Commission to operate the telecommunications facility.

15. The telecommunications facility shall comply with all applicable Federal Aviation Administration and Commonwealth Bureau of Aviation Regulations.

16. The surrounding neighborhood will not be subjected to objectionable noise, lighting, glare, heat, ventilation, smoke, fumes, vapors, dust, dirt, gases or radioactive or

7077

electrical disturbances by the proposed use or change. No signs or lights will be mounted on the telecommunications facility.

17. The telecommunications facility will be maintained in a safe manner in accordance with the requirements of the Township's Building Code.

For all of the reasons stated above, Metro respectfully requests that the Board grant the above mentioned relief.

Detailed Plans of the proposed use have been submitted to the Township, to be incorporated by reference herein, for consideration before the Board of Supervisors

Respectfully submitted,

RILEY ROPER HOLLIN & COLAGRECO

Date: 4-16-09

By:

Debra A. Shulski

Christopher H. Schubert, Esquire

Debra A. Shulski, Esquire

Attorneys for Applicant

DEBRA A. SHULSKI
Debbie@RRHC.com
Extension 210

RILEY
RIPER
HOLLIN &
COLAGRECO
ATTORNEYS AT LAW

Please reply to Exton Office

H. METRO PCS
5.
3 pgs

April 17, 2009

via Overnight Mail

Louis F. Smith, Jr.
Township Manager
East Goshen Township
1580 Paoli Pike
West Chester, PA 19380

RECEIVED
BY: [illegible]
APR 17 2009

Re: Metro PCS Pennsylvania, LLC
Conditional Use Application
Property: 1201 North Chester Road/United Church of Christ
Site No: PH715A

Dear Rick:

Enclosed for filing please find the Conditional Use Application of Metro PCS Pennsylvania, LLC ("Metro") for the property located at 1201 North Chester Road ("Property") and owned by the United Church of Christ. The property contains an existing church and an existing telecommunications facility is already located within the steeple of the church.

Metro is similarly proposing a stealth telecommunication facility consisting of the collocation of six (6) antennas at an approximate height of 51 feet within the existing church steeple. The associated equipment will be placed on the ground outside of the church on a proposed 10' x 10' concrete pad.

The Applicant is requesting conditional use approval pursuant to §240-31.c.3(h)(2)(e) of the Zoning Ordinance to permit the proposed telecommunications use on the Property.

Enclosed as part of this submission are the following documents:

1. Eight (8) copies of the Conditional Use Application and Conditional Use Narrative pursuant to §240-31.c.3(h)(2) of the Zoning Ordinance;
2. Eight (8) sets of the Plans;
3. One (1) copy of the FCC License; and
4. Two checks made payable to East Goshen Township in the amounts of \$350 and \$2,000 to cover the costs of the application fee and escrow fee.

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Louis F. Smith, Jr.
Township Manager
East Goshen Township
April 17, 2009
Page 2 of 2

Please advise when this matter will be reviewed by the Planning Commission and when the hearing will be scheduled before the Board of Supervisors.

Thank you for your attention to this matter. If you have any questions, please feel free to give me a call.

Very truly yours,


DEBRA A. SHULSKI

DAS/kch
Enclosures

cc: Grady Jones (w/Encl.)(via email only)
Lee Peart (w/o Encl.)(via email only)
Estee Williams (w/o Encl.)(via email only)
Christine Johnson (w/o Encl.) (via email only)
Christopher H. Schubert, Esquire (w/o Encl.)(via email only)

Federal Communications Commission Wireless Telecommunications Bureau

Radio Station Authorization (Reference Copy Only)

This is not an official FCC license. It is a record of public information contained in the FCC's licensing database on the date that this reference copy was generated. In cases where FCC rules require the presentation, posting, or display of an FCC license, this document may not be used in place of an official FCC license.

Licensee: MetroPCS AWS, LLC

ATTN Mark A. Stachiw
MetroPCS AWS, LLC
8144 Walnut Hill Lane, Suite 800
Dallas, TX 75231

FCC Registration Number (FRN): 0015005598	
Call Sign: WQGA731	File Number:
Radio Service: AW - AWS, 1710-1755/2110-2155 MHz bands	

Grant Date	Effective Date	Expiration Date	Print Date
11/29/2006	11/29/2006	11/29/2021	07/11/2007

Market Number: REA001	Channel Block: D	Sub-Market Designator: 0
Market Name: Northeast		

1st Build-out Date	2nd Build-out Date	3rd Build-out Date	4th Build-out Date

Special Conditions or Waivers/Conditions AWS operations must not cause harmful interference across the Canadian or Mexican Border. The authority granted herein is subject to future international agreements with Canada or Mexico, as applicable.

This authorization is conditioned upon the licensee, prior to initiating operations from any base or fixed station, making reasonable efforts to coordinate frequency usage with known co-channel and adjacent channel incumbent federal users operating in the 1710-1755 MHz band whose facilities could be affected by the proposed operations. See, e.g., FCC and NTIA Coordination Procedures in the 1710-1755 MHz Band, Public Notice, FCC 06-50, WTB Docket No. 02-353, rel. April 20, 2006.

Conditions

Pursuant to Section 309(h) of the Communications Act of 1934, as amended, 47 U.S.C. Section 309(h), this license is subject to the following conditions: This license shall not vest in the licensee any right to operate the station nor any right in the use of the frequencies designated in the license beyond the term thereof nor in any other manner than authorized herein. Neither the license nor the right granted thereunder shall be assigned or otherwise transferred in violation of the Communications Act of 1934, as amended. See 47 U.S.C. Section 310(d). This license is subject in terms to the right of use or control conferred by Section 706 of the Communications Act of 1934, as amended. See 47 U.S.C. Section 606.

To view the geographic areas associated with the license, go to the Universal Licensing System (ULS) homepage at <http://wireless.fcc.gov/uls/> and select "License Search". Follow the instruction on how to search for license information

H. RICHARD MILLER
6
3 pgs

**EAST GOSHEN TOWNSHIP
ZONING AND HEARING BOARD APPLICATION**

1580 PAOLI PIKE WEST CHESTER, PA 19380-6199
PHONE (610)-692-7171 FAX (610)-692-8950

Name of Applicant: RICHARD MILLER

Applicant Address: 16 RESERVOIR ROAD
WEST CHESTER PA 19380

Telephone Number: 610-251-2500 Fax Number: 610-889-9564

Email Address: RICHARD@LIPOWLAW.COM

Property Address: 16 Reservoir Road, West Chester PA 19380

Tax Parcel Number: 53-06-0079 Zoning District: R3 Acreage: 1.4

2009 MAR 30 PM 1 12

Purpose of Application (check one)

- ☒ Variance (Type ☒ Use Variance ☐ Dimensional Variance)
☐ Special Exception
☐ Appeal determination of the Zoning Officer
☐ Other _____

Sections of Zoning Ordinance in which relief is sought:

240-10 et al. including but not limited to 240-10(B)(1), 240-10(D), 240-10(G), 240(E)18 AND 19.

Description of the Zoning Relief requested and the future use of the property:

Use of area over garage as two one bedroom (one bath each) apartments. Variance to be limited to the current owner
and will revert to previous status if sold or transferred by current owner.

We hereby acknowledge that we have read this application and state that the above is correct and agree to comply with all provisions of the East Goshen Township Zoning Ordinance applicable to this project and property.

Richard M Miller
Signature of Applicant

3-30-09
Date

Attest: _____

***Please review the formal Planning Commission review procedure on page three.**

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EAST GOSHEN TOWNSHIP ZONING AND HEARING BOARD APPLICATION

1580 PAOLI PIKE WEST CHESTER, PA 19380-6199
PHONE (610)-692-7171 FAX (610)-692-8950

This checklist outlines the steps and items needed to insure completeness of the application and to insure the application follows the process and conforms to the timeframe outlined by the state of Pennsylvania and East Goshen Township. This checklist is broken into two parts, the Application process and the Review Process. The application process must be completed in its entirety prior to the applications advancement into the Review Process.

Applicant Name: RICHARD MILLER

Application Process Checklist (Administration use only):

<u>Item</u>	<u>Date Complete</u>
1. Completed Township Application Form:	<u>3-30-09</u>
2. All related materials submitted:	<u>"</u>
3. Township application and review fees paid:	<u>"</u>

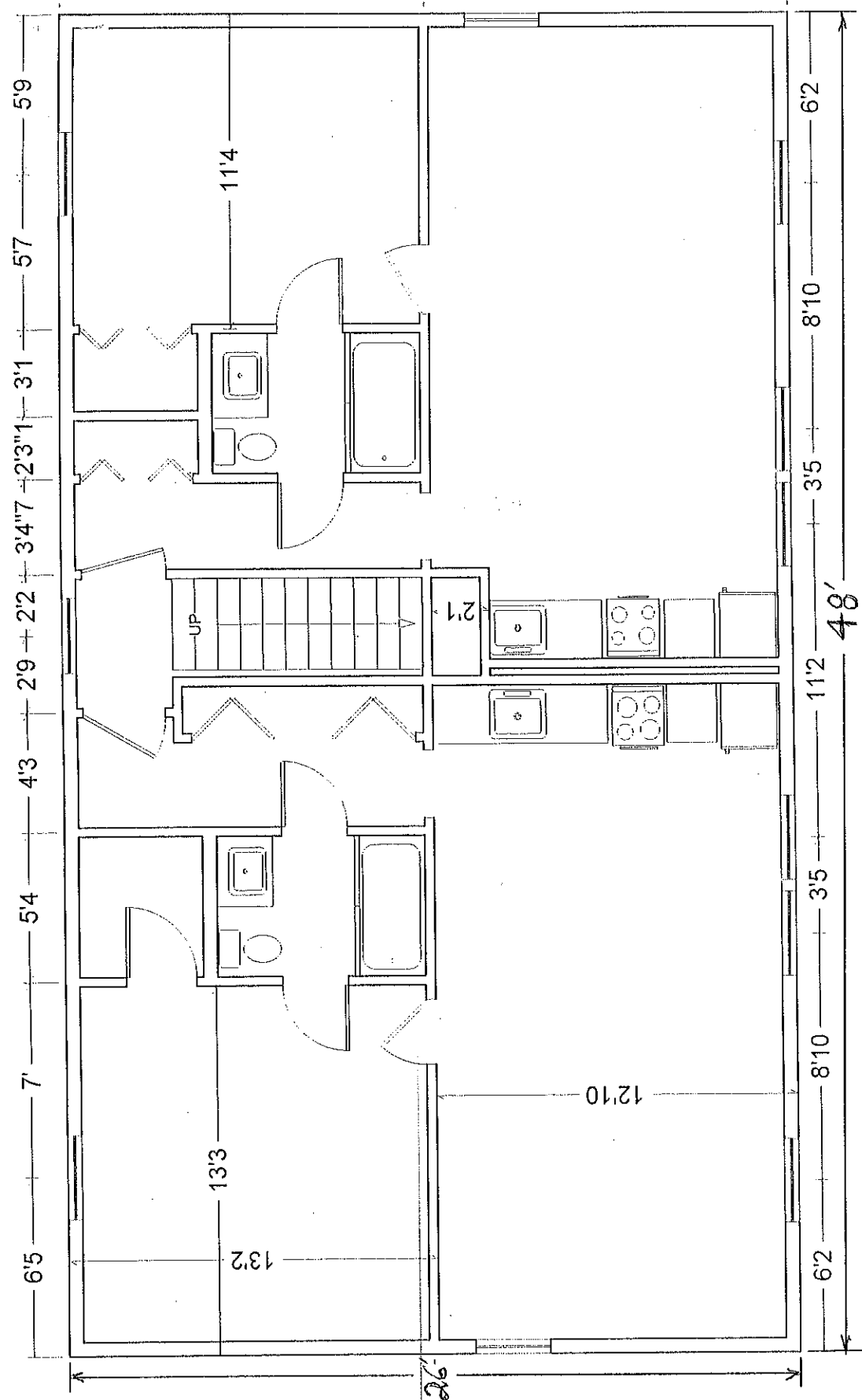
Application accepted on 3-30-09 by MARK GORDON

Official Signature [Signature] Title ZONING OFFICER

Review Process Checklist

<u>Item</u>	<u>Date</u>
1. Start date:	<u>3-31-09</u>
2. Date of first formal Planning Commission Meeting following complete application:	<u>4-1-09</u>
3. Date sent to CCPC:	<u>"</u>
4. Date sent to Township Engineer:	<u>"</u>
5. Date presented to Planning Commission:	<u>5-6-09</u>
6. Date sent to CB:	<u>4-7-09</u>
7. Date sent To MA:	<u>"</u>
8. Date sent to HC:	<u>"</u>
9. Date sent to PRB:	<u>"</u>
10. Date sent to TAB:	<u>"</u>
11. Date by which the PC must act:	<u>5-6-09</u>
12. Date by which Board of Supervisors must act:	<u>5-12-09</u>
13. Drop Dead Date; (Day 60):	<u>5-29-09</u>
14. Zoning Hearing Date:	<u>5-27-09</u>
15. Dates of public advertisement:	<u>&</u>

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6.

1pg

RICHARD N. LIPOW
ATTORNEY AT LAW
629 SWEDESFORD ROAD
SWEDESFORD CORPORATE CENTER
MALVERN, PENNSYLVANIA 19355
(610) 251-2500

ADMITTED IN THE COMMONWEALTHS
OF PENNSYLVANIA AND MASSACHUSETTS

RICHARD@LIPOWLAW.COM

April 9, 2009

Fax: 610-692-8950

Mark A. Gordon
East Goshen Township
Director of Code Enforcement / Zoning Officer
1580 Paoli Pike
West Chester, PA 19380

RE: 16 Reservoir Rd. ZV application

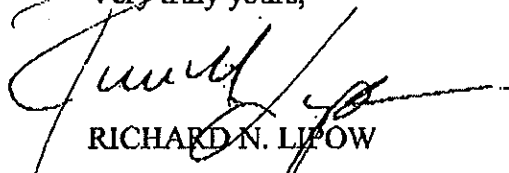
Dear Mr. Gordon:

Mr. Miller has provided me with a written request that the pending application be modified to reflect that the relief requested *not* be limited to his occupancy and/or ownership of the subject property.

Please consider the application revised.

Thank you.

Very truly yours,



RICHARD N. LIPOW

C: Addressee by First Class Mail

BOARD OF SUPERVISORS
EAST GOSHEN TOWNSHIP

CHESTER COUNTY
1580 PAOLI PIKE, WEST CHESTER, PA 19380-6199

H. R. MILLER
6,
1 pg

April 9, 2009

Dear Property Owner:

The purpose of this letter is to inform you that Richard Miller submitted a Zoning Hearing Board application requesting a Zoning Variance for his property located at 16 Reservoir Rd., West Chester PA, 19380. The applicant proposes to create two one-bedroom apartments above the attached garage on the property.

This property is located in the R-3 Zoning District (Medium Density Residential District). The proposed apartment uses are not permitted in the R-3 District therefore the applicant is requesting a variance for the use of the property; in order to allow the two proposed apartments.

Pursuant to Township policy, property owners and residents within 1000 feet of the properties seeking zoning relief are notified of Zoning Variance applications.

This application will be discussed on the following dates and times.

May 6, 2009 - Planning Commission meeting (workshop at 7 pm, formal meeting @ 8:00 pm)

May 12, 2009 - Board of Supervisors meeting (workshop at 6:30 pm, formal meeting @ 8:00 pm)

May 27, 2007 - Zoning Hearing Board (meeting @ 7:30 pm) (Zoning Hearing)

All meetings are held at the Township Administration Building and are open to the public. The application and plans are available for review during normal business hours. Please give me a call at 610-692-7171 or email me at mgordon@eastgoshen.org if you have any questions or need additional information.

Sincerely,



Mark A. Gordon
Township Zoning Officer

Cc: All Township Authorities, Boards and Commissions
Ross Unruh, Esq. Zoning Hearing Board Solicitor

I. ORDINANCE
4 pgs

Memo
East Goshen Township
1580 Paoli Pike
West Chester, PA 19380

Voice (610) 692-7171

Fax (610) 425-8950

E-mail rsmith@eastgoshen.org

Date: April 15, 2009

To: Ron Bailey, Executive Director
Senya Isayeff, Chairman ✓

From: Rick Smith, Township Manager

Re: Conditional Use Notification Ordinance Amendment

PS

Gentleman

The Board of Supervisors has made some grammatical changes to the version of the Conditional Use Notification Ordinance that you previously reviewed. Please review this version. I appreciate your efforts. Thanks.

Rick

TOWNSHIP OF EAST GOSHEN
CHESTER COUNTY, PENNSYLVANIA

ORDINANCE NO. _____

AN ORDINANCE OF THE TOWNSHIP OF EAST GOSHEN, CHESTER COUNTY, PENNSYLVANIA, AMENDING THE CODE OF ORDINANCES OF EAST GOSHEN TOWNSHIP, CHAPTER 240, TITLED "ZONING", TO BE CONSISTENT WITH ACT 39 OF 2008, SPECIFICALLY SECTION 240-31 TO SPECIFY NOTICE PROCEDURES REGARDING FINAL DECISIONS BY THE BOARD OF SUPERVISORS ON CONDITIONAL USE APPLICATION AND SECTION 240-55 TO REMOVE FROM THE JURISDICTION OF THE ZONING HEARING BOARD APPEALS WHICH CHALLENGE THE PROCEDURAL VALIDITY OF A ZONING ORDINANCE AMENDMENT AND SECTION 240-59 REGARDING FINAL DECISIONS BY THE ZONING HEARING BOARD ON ZONING HEARING BOARD APPLICATIONS.

BE IT ENACTED AND ORDAINED, by the Board of Supervisors of East Goshen Township, Chester County, Pennsylvania, that Chapter 240 of the East Goshen Township Code, titled "Zoning" is amended as follows:

SECTION I. Section 240-31, titled "Conditional uses; additional standards for specific principal uses," Subsection B(6)(g) is deleted in its entirety and shall be replaced by the following:

"(g) Notice of decision.

- [1] A copy of the final decision, or where no decision is called for, a copy of the findings shall be delivered to the applicant personally or mailed to him not later than the day following the date of the decision. To all persons who have filed their names and addresses by the last day of the hearing with the Board of Supervisors, the Supervisors shall provide (in person, by mail or otherwise), not later than the day following the date of the decision, a brief notice of the decision or findings and a statement of the place where the full decision or findings may be examined.

SECTION II. Section 240-55, titled "Zoning Hearing Board," Subsection E.(1)(b) shall be deleted in its entirety and marked "Intentionally Omitted."

SECTION III. Section 240-59, titled "Hearings and procedures" Subsection D(11) is deleted in its entirety and shall be replaced by the following:

"(11) Notice of decision.

- [a] A copy of the final decision, or where no decision is called for, a copy of the findings shall be delivered to the applicant personally or mailed to him not later than the day following the date of the decision. To all persons who have filed their names and addresses by the last day of the hearing with the Zoning Hearing Board, the Board shall provide (in person, by mail or otherwise), not later than the day following the date of the decision, a brief notice of the decision or findings and a statement of the place where the full decision or findings may be examined.
- [b] When a decision has been rendered in favor of the applicant because of the failure of the Zoning Hearing Board to meet or render a decision as hereinabove provided, the Township shall give public notice of said decision within 10 days in the same manner as provided in Subsection 240.59D(1).

SECTION IV. SEVERABILITY. If any provision, sentence, clause, section or part of this ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts hereof. It is hereby declared as the intent of the Board of Supervisors that this Ordinance would have been adopted had such unconstitutional, illegal or invalid provision, sentence, clause, section or part thereof not been included herein.

SECTION V. REPEALER. All ordinances or parts of ordinances conflicting with any provision of this Ordinance are hereby repealed insofar as the same affects this Ordinance.

SECTION V. EFFECTIVE DATE. This Ordinance shall become effective five (5) days after enactment as by law provided.

ENACTED AND ORDAINED this _____ day of _____, 2009.

**BOARD OF SUPERVISORS
EAST GOSHEN TOWNSHIP**

ATTEST: _____
Joseph Gill, Secretary

E. Martin Shane, Chairman

Carmen R. Battavio,
Vice-Chairman

Joseph M. McDonough, Member

Donald R. McConathy, Member

Thom Clapper, Ph.D., Member

F:\Data\Shared Data\Admin Dept\townshipcode\MPC Amendments Act 39 & 40 of 2008\MPC Amendments (Act 39 and 40 of 2008)
Ordinance V5.DOC