

**EAST GOSHEN TOWNSHIP  
PLANNING COMMISSION**

**Agenda**

**Wednesday, June 2, 2010**

**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. **May 5, 2010**
- E. Acknowledge Receipt of New Applications
  - 1. **Liberty Towers, LLC, 352 Paoli Pike, (V)**
  - 2. **Benjamin Mudry, 1137 N. Chester Rd, (DV)**
  - 3. **The Hankin Group, New Kent Apt (Sketch Plan)**
- F. Subdivision Plans
- G. Land Development Plans
  - 1. Lieberman Earley & Co., 1345 Enterprise Drive (L/D)
  - 2. **National Bank of Malvern, 1305 Paoli Pike (L/D)**
  - 3. **The Hankin Group, New Kent Apt (Sketch Plan)**
- H. Conditional Uses and Variances
  - 1. Lieberman Earley & Co., 1345 Enterprise Drive (C/U)
  - 2. **Liberty Towers, LLC, 352 Paoli Pike (V)**
  - 3. **Benjamin Mudry, 1137 N. Chester Rd (V)**
- I. Ordinance Amendments
- J. Old Business
  - 1. **BP and Industrial Zone Parking Ordinance**
  - 2. Tree Ordinance Amendment
- K. New Business
- L. Any Other Matter
- M. Meetings and Dates of Importance

June 1, 2010	Board of Supervisors	7:00PM
June 2,, 2010	Planning Commission	7:00 PM
June 2, 2010	TAG	7:00 PM
June 3, 2010	Park and Recreation	7:00 PM
June 8, 2010	Board of Supervisors ws	7:00 PM
June 9, 2010	Conservancy Board	7:00 PM
June 10, 2010	Historical Commission	7:00 PM
June 14, 2010	Municipal Authority	7:00 PM
June 15, 2010	Board of Supervisors	7:00 PM
June 16, 2010	TAG	7:00 PM
June 22, 2010	Board of Supervisors ws	7:00 PM
June 30, 2010	Zoning Hearing – Mudry	7:30 PM

- N. Correspondence
- O. Goals
- P. 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**

August 11, 2010  
November 10, 2010

**Delivery Date**

October 1, 2010  
January 1, 2011

**EAST GOSHEN TOWNSHIP  
PLANNING COMMISSION  
APPLICATION HISTORY  
Wednesday, June 2, 2010  
7:00 PM**

**1. SUBDIVISION & LAND DEVELOPMENT PLANS**

**Lieberman Earley & Company, 1345 Enterprise Drive (L/D)**

November 19, 2009	EB Walsh – application of NPDES Permit
November 20, 2009	Application Plan
December 4, 2009	EB Walsh – 60-day extension
December 10, 2009	Memo – new hearing date
December 16, 2009	Lieberman Earley & Co. – continuance
December 29, 2009	Yerkes – L/D and C/U Plan Review

**National Bank of Malvern, 1305 Paoli Pike, L/D**

March 25, 2010	Yerkes – L/D Plan Review
<b>April 14, 2010</b>	<b>YMCA – Airport Road Sidewalk</b>
<b>April 19, 2010</b>	<b>Stantec Consulting – review of plans Plans</b>
<b>April 27, 2010</b>	<b>Yerkes – L/D Plan Review</b>
<b>April 27, 2010</b>	<b>Draft Motion</b>

**2. CONDITIONAL USE / VARIANCES / ZHB APPLICATIONS**

**Lieberman Earley & Company, 1345 Enterprise Drive (C/U)**

December 10, 2009 memo – new hearing date  
December 16, 2009 Lieberman Earley – 90 Day extension

**Liberty Towers, LLC, 352 Paoli Pike (DM)**

May 2010	Application
May 25, 2010	Residents notification
May 25, 2010	Draft motion

**Benjamin Mudry, 1137 N. Chester Rd. (DM)**

May 18, 2010	Application
May 20, 2010	Residents notification
May 25, 2010	Draft motion

**ORDINANCE AMENDMENTS**

**3. ANY OTHER MATTER**

June 2, 2010

Planning Commission  
Application Tracking Log

Application Name	Application (CU, LD, O, SD, V, SE, CA)	Type (Sk, P, F)	Date Filed	Start Date	Date to Verkes/Consultant	Date to CCPC	Date to Abutting Prop. / ABC's	Extension	PC NLT Action Date	BOS NLT Action Date	Hearing Date	Drop Dead date
1137 N. Chester Rd. (Mudry)	V	n/a	5/18/10	5/18/10	n/a	n/a	5/20/10		6/2/10	6/15/10	6/30/2010	7/17/2010
Liberty Towers	V	n/a	5/19/10	5/19/10	n/a	n/a	5/25/10		6/2/10	7/6/10	7/15/2010	7/18/2010
The Hankin Group		Sk	6/2/10	n/a	n/a	n/a	n/a		n/a	n/a	n/a	n/a
Leiberman Early (1345 Enterprise Drive)	CU	P/F	11/19/09	11/19/09	11/20/09	n/a	11/30/09	2	8/4/10	8/17/10	TBD	8/30/10
Leiberman Early (1345 Enterprise Drive)	LD	P/F	11/19/09	12/2/09	11/20/09	11/23/09	11/30/09	3	8/4/10	8/17/10	n/a	8/30/10

Bold = New Application or PC action required

B. TRACKING LOG

**EAST GOSHEN TOWNSHIP**  
**PLANNING COMMISSION MEETING**  
**May 5, 2010**

*The East Goshen Township Planning Commission held their regularly scheduled meeting on April 7, 2010 at the East Goshen Township building. Chairman George Martynick, and members Senya Isayeff, Megann Hedgecock, Susan Carty, Peter Mylonas, Charles Proctor, and Albert Zuccarello were present. Also present were Township Zoning Officer Mark Gordon, Don McConathy from the BOS, Chris Reardon (Historic Commission Member), and Ginny Newlin (Conservancy Board Member).*

**WORKSHOP SESSION – 7:00pm**

The minutes of April 7th were reviewed and corrected. Motion to be passed in the formal session. The various agenda items were reviewed.

**FORMAL SESSION**

**A. Pledge of Allegiance**

George called the meeting to order at 7:35 pm and led those in attendance in the Pledge of Allegiance and a moment of silence for our armed forces.

George asked those in attendance if there were any non-agenda items to be discussed. No public comment was made at this time.

George announced that there would not be a workshop meeting in May.

**B. Approval of Minutes**

The minutes of April 7th were discussed. Susan made a motion to approve the minutes of April 7, 2010 as amended in the workshop. Senya seconded the motion. No further comment was made and the motion passed. Al and Chuck abstained.

**C. Land Development**

National Bank of Malvern- Mr. Olivio and Patrick McKenna were present. George noted that PennDOT is concerned about the speed of the cars driving on Paoli Pike. They want the driveway ingress to be 16 feet instead of 14' to allow people to make the turn in more safely.

Al moved that the Planning Commission recommend that the Board of Supervisors approve the Land Development Application to construct a bank branch and associated parking along with additional parking for the abutting YMCA as depicted in the plans dated November 2009 and last revised April 19, 2010, with the following conditions:

1. The applicant will follow all applicable federal, State and Local laws and secure all proper permits prior to construction of the improvements depicted on the plans, including the NPDES Permit and the Chester County Conservation District Approval.
2. In the event that the parking for the YMCA is constructed prior to the bank building the applicant agrees to install all lighting and landscaping associated with the parking and driveway areas prior to the use of the new parking areas or driveway entrance.
3. The applicant shall provide in writing an executed maintenance agreement for the parking areas, landscaping and lighting for the parking and driveway areas to be constructed.
4. Should the Township require, the applicant agrees to construct a pedestrian side walk across their property along Airport Rd.

5. The YMCA has agreed to install a sidewalk if the National Bank of Malvern is required to do so by the Township, in their letter dated April 14, 2010 by Denise L. Day, President / CEO of The YMCA of the Brandywine Valley.
6. The Applicant agrees and offers the Township the opportunity for the placement of a plaque near the riparian buffer area on the East side of the property and on the West side of the Chester Creek measuring no larger than (9"X 12") and containing an inscription honoring Ms. Virginia Strong Newlin for her work on the Township Conservancy Board and her efforts to protect the Riparian Buffer along Chester Creek.
7. The applicant agrees to submit a supplemental traffic report to the Township six months after completion of the Paoli Pike entrance driveway and parking area to be used by the YMCA, for the intersection of Airport Road and Paoli Pike. If upon review of this supplemental traffic report, it is determined by the Township Traffic Engineer that the signal timing of the signal at the intersection needs to be modified, the applicant shall do so as required by the Township Traffic Engineer and the PA Department of Transportation, at their expense.
8. The Plan shall not be released for recording until all the escrow for the improvements depicted on the plans has been posted.  
Peter seconded the motion. The Applicant accepted the conditions. The motion passed unanimously.  
Ginnie thanked the Commission and the Applicant for honoring her.

#### D. Conditional Uses and Variances

None

#### E. Old Business-

**100 foot Riparian Buffer** - Peter feels that, after looking at the township map indicating 50' vs 100' and the 100 year floodplain, the issues are adequately addressed with the current 50' buffer. He also noted that, with a 100' buffer requirement, half of the National Bank of Malvern's parking lot would not fit. The goal of maintaining a clean stream is reached because of the current Township rules and regulations that the developer has to meet.

Sue thinks the 100' buffer is a good idea and preserving waterways is critical but, when they looked at the map, the floodplains fulfill more than 50' in most areas. She feels educating the public about protecting our streams is important. She wants to keep this issue open for future evaluation.

Al feels the 50' buffer is a good compromise. 100' is ideal in a perfect world, but East Goshen is built out at this point. With Eminent Domain there is a problem with overreach in a 2<sup>nd</sup> class township.

Chuck verified that this is a Land Use Restriction, not Eminent Domain. The increase in water quality is important but since the township is built out, the current 50' buffer is good.

Mark Gordon pointed out that a new Act 167 will go into effect when funding is available and will have more restrictions which will be county-wide. Mark wants to look at incentives to get developers to use a 100' buffer.

Senya feels that erosion of stream banks is because people mow up to the water's edge. A buffer is an area where you treat vegetation differently. What about the areas where the 100' buffer would be only 20' from a resident's back door? This would cause concerns among neighbors.

Ginnie verified that the buffer would be 100' from the water's edge unmowed. She stressed the fact that people don't understand how important even the 50' buffer is.

A Roll Call vote was taken which resulted in a unanimous decision to continue the 50' riparian buffer zone.

Ginnie thanked the Commission for their consideration of this issue and their offer to reevaluate it when the new

Act 167 is in place. She feels East Goshen is a progressive township that has requirements that are commendable so we are not environmentally backward. Chester Creek water tests have shown that the quality has greatly improved since the Reservoir Road project was initiated. She understands that we want our properties to look nice, but we are all beneficiaries of clean water.

Don asked George to send a summary of this decision to the Board of Supervisors.

**F. New Business**

**Tree Ordinances** - Tabled until the June meeting so the members can review the information that was just received.

**BP & Industrial Zone Parking Ordinance** - George noted that Tecniplast will have more parking spaces than they need, but they have purchased the lot next door in case they need it to meet requirements under the current ordinance. He feels the Commission should consider modifying the zoning to be more accommodating and to keep our industrial buildings full. Previously there was one tenant at 1345 Enterprise Drive and now there will be three. Tecniplast will use office and warehouse space to store things. The Commission may want to consider flex industrial; for example, 1 space per 1,000 sq. ft. for warehouse and 3 spaces per 1,000 sq. ft. for office use. The Commission members agreed that Mark should prepare a draft to the current ordinance for the Commission to consider.

**G. Liaison Reports**

**Historic Commission** – Chris provided dates for upcoming events as follows:

1. Living History Day – Sat. June 5<sup>th</sup>
2. Paoli Battlefield Archeology Walk – June 24<sup>th</sup>
3. East Goshen Town Walk – Thurs. July 22<sup>nd</sup>
4. Paoli Battlefield Illumination – Sept. 18<sup>th</sup>.

**Board of Supervisors** – Don reported that they plan to appoint members to TAG (Township Advisory Group) at their meeting on May 11<sup>th</sup>.

**H Adjournment**

Motion to adjourn the meeting was made by Susan and seconded by Megann. The meeting adjourned at 8:45 p.m.

Respectfully submitted, \_\_\_\_\_  
*Ruth Kiefer, Recording Secretary*

E THE HANKIN GROUP  
3.  
1pg

## Memorandum

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East Goshen Township  
1580 Paoli Pike  
West Chester, PA 19380

Voice: 610-692-7171  
Fax: 610-692-8950  
E-mail: [mgordon@eastgoshen.org](mailto:mgordon@eastgoshen.org)

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Date: 5/26/2010  
To: Planning Commission  
From: Mark Gordon, Township Zoning Officer *mlb*  
Re: New Kent Apartment Community

Dear Commissioners,

The Hankin Group has approach the Township with a concept sketch plan to demolish the existing commercial convenience facilities (New Kent Shops) and replace the commercial area with 2 apartment buildings with a total of 24 new units.

The property is approved for Apartments and at first glance this application would only require Land Development Approval. The calculations show that the proposed plan will comply with the current coverage requirements of the code.

Some things to think about:

- Traffic (Net change going to res. Dwellings?)
- Sewer (Net change going to res. Dwellings?)
- Tax rev. (Net change going to res. Dwellings?)
- SWM : Utilization of BMP's (rain gardens, pervious paving and concrete)
- Parking (Net change going to res. Dwellings?)

A representative from the Hankin group will attend your next meeting to introduce the sketch plan and to answer any questions you may have.



BOARD OF SUPERVISORS  
EAST GOSHEN TOWNSHIP

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

E. THE HANKIN GROUP  
3.  
'P'

May 26, 2010

Dear Property Owner:

The purpose of this letter is to inform you that The Hankin Group, owners and operators of the New Kent Apartment Community, has provided the Township with a conceptual sketch plan proposing to demolish the existing retail stores on the New Kent Property and to construct two residential apartment buildings in that location.

Pursuant to Township policy, property owners and residents within 1000 feet of the subject property are notified of sketch plans submitted and proposed projects of this nature that are submitted to the township for consideration.

**This application is scheduled to be discussed during the meeting outlined below:**

**June 2, 2010** - Planning Commission meeting (workshop at 7:00 pm, formal meeting @ 7:30 pm)

All meetings are held at the Township Building and are open to the public and are subject to change. The variance application is available for review during normal business hours. Please give me a call at 610-692-7171 or email me at [mgordon@eastgoshen.org](mailto:mgordon@eastgoshen.org) if you have any questions or need additional information.

Sincerely,



Mark A. Gordon  
Township Zoning Officer

Cc: All Township Boards and Commissions  
Neal Fisher, Jr. P.E., The Hankin Group (Via Email)

H. LIBERTY TOWERS  
2.  
6 pgs

**EAST GOSHEN TOWNSHIP  
ZONING HEARING BOARD APPLICATION**

1580 PAOLI PIKE, WEST CHESTER, PA 19380-6199  
PHONE (610)-692-7171 - FAX (610)-692-2850

Name of Applicant: Liberty Towers, LLC  
c/o Lemanowicz, LLP  
Applicant Address: 1012 N. Bethlehem Pike, Suite 200B-3 Lower Gwynedd, PA 19002  
Telephone Number: 267-419-8498 Fax Number: 215-565-2739  
Email Address: rjl@lemanowiczlaw.com  
Property Address: 352 Paoli Pike, West Chester, PA 19380  
Tax Parcel Number: 53-004-0080.0100 Zoning District: C-2 Acreage: 43,560 s.f.

**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:**

See attached Memorandum of Law in Support of Application.

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

See attached Memorandum of Law in Support of Application.

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.



Signature of Applicant

5/18/10

Date

Richard J. Lemanowicz, Attorney for Applicant

**\*Please review the formal application and review procedures on page three.**

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**EAST GOSHEN TOWNSHIP**  
**ZONING HEARING BOARD APPLICATION**  
1580 PAOLI PIKE WEST CHESTER, PA 19380-6199  
PHONE (610)-692-7171 FAX (610)-692-8950

MAY 19 2010

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: Liberty Towers, LLC

**Application Process Checklist (Administration use only):**

<u>Item</u>	<u>Date Complete</u>
1. Completed Township Application Form: .....	<u>5-19-10</u>
2. All related materials submitted: .....	<u>"</u>
3. Township application and review fees paid: .....	<u>"</u>

Application accepted on 5-19-2010 by MARK GORDON

Official Signature [Signature] Title ZONING OFFICER

**Review Process Checklist**

<u>Item</u>	<u>Date</u>
1. Start date: .....	<u>5-19-2010</u>
2. Date of first formal Planning Commission Meeting following complete application: .....	<u>6-2-2010</u>
3. Date sent to CCPC: .....	<u>NA</u>
4. Date sent to Township Engineer: .....	<u>NA</u>
5. Date presented to Planning Commission: .....	<u>5-26</u>
6. Date sent to CB: .....	<u>"</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>6-2</u>
12. Date by which Board of Supervisors must act: .....	<u>7-6</u>
13. Drop Dead Date; (Day 60): .....	<u>7-18</u>
14. Zoning Hearing Date: .....	<u></u>
15. Dates of public advertisement:..... & .....	<u></u>

**LEMANOWICZ, LLP**

By: Richard J. Lemanowicz  
1012 North Bethlehem Pike, Suite 200B-3  
Lower Gwynedd, PA 19002  
Telephone No.: (267)419-8498  
Facsimile No.: (610)825-2076

Attorney for Applicant:  
Liberty Towers, LLC

<b>In Re:</b>  <b>352 Paoli Pike</b> <b>West Chester, PA 19380</b> <b>Parcel No.: 53-004-0080.0100</b>	<b>EAST GOSHEN TOWNSHIP ZONING HEARING BOARD, CHESTER COUNTY, PENNSYLVANIA</b>  <b>May 18, 2010</b>
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**MEMORANDUM IN SUPPORT OF ZONING HEARING BOARD APPLICATION**

Liberty Towers, LLC, hereinafter the Applicant, hereby submits an Application to construct and operate a wireless communications facility on the real property located at 352 Paoli Pike, West Chester, Pennsylvania.

The subject real property is located within the jurisdictional boundaries of East Goshen Township, Chester County, Pennsylvania. The subject real property is shown as parcel 53-004-0080.0100 on the current tax maps for East Goshen Township. The property is owned by Thorndale Investment Group and is approximately 43,560 square feet in area. The Applicant leased a one-hundred foot (100') by sixty foot (60') area of the subject property from the Owner for construction and operation of the proposed facility. The zoning classification of the property is C-2 Local Convenience Commercial District.

The Applicant's proposed facility includes the following: one (1) antenna support structure; nine (9) T-Mobile communications antennas; twelve (12) AT&T communications antennas; six (6) Metro PCS communications antennas; nine (9) Clearwire communications antennas; nine (9) Sprint communications antennas; one (1) T-Mobile wireless communications facility equipment cabinet; six (6) AT&T wireless communications facility equipment cabinets;

one (1) Clearwire wireless communications facility equipment cabinet; two (2) Metro PCS wireless communications facility equipment cabinets; four (4) concrete equipment pads; one (1) Sprint equipment shelter; coaxial cable; utility meters; and fencing. The proposed antenna support structure will be a galvanized steel monopole and one-hundred and fifty feet (150') tall. T-Mobile's proposed antennas will be attached to the antenna support structure at an elevation of one-hundred and forty-five feet (145') above ground level; AT&T's proposed antennas will be mounted at one-hundred and thirty-five feet (135') above ground level; Metro PCS's proposed antennas will be mounted at one-hundred and twenty-five feet (125') above ground level; Clearwire's proposed antennas will be mounted at one-hundred and fifteen feet (115') above ground level; and Sprint's proposed antennas will be mounted at one-hundred and five feet (105') above ground level. The proposed antennas will not extend above the height of the antenna support structure. Coaxial cable will connect the antennas to the proposed wireless communications facility equipment cabinets. T-Mobile's, AT&T's, Clearwire's and Metro PCS's proposed equipment cabinets will be placed on their proposed concrete equipment pads, respectively. The concrete equipment pads will be ten feet (10') by twenty feet (20') in area. Sprint's proposed equipment will be located inside an equipment shelter. A security fence will enclose the antenna support structure, the equipment cabinets, the equipment pads and the utility meters.

The proposed communications facility will be occupied by T-Mobile, AT&T, Metro PCS, Clearwire and Sprint. Each of these carriers is a federally licensed wireless communications service provider. In the subject area of East Goshen Township, wireless communications services are inadequate. The lack of adequate wireless communications services in this area creates a significant gap in wireless communications services that prevents

wireless communications service users from making mobile telephone connections, receiving mobile telephone connections, and connecting to the national land based telephone network. Constructing and operating the proposed facility on the subject property will resolve the significant gap in wireless communications services in the subject area and allow each of the carrier's to provide adequate personal wireless communications service in the subject area of East Goshen Township.

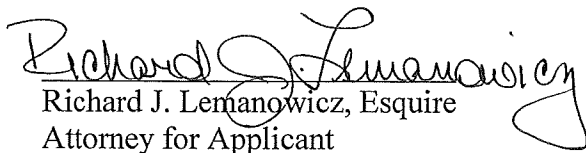
The subject property is located within a C-2 Zoning District. According to section 240-15.B of the East Goshen Township Zoning Ordinance, hereinafter the Ordinance, wireless communications facilities are not a permitted use on property located within a C-2 Zoning District. In order to construct and operate the proposed wireless communications facility on the subject real property, the Applicant hereby requests the following relief from the East Goshen Township Zoning Hearing Board.

1. A variance from section 240-15.B of the Ordinance to allow construction and operation of the proposed facility in a C-2 zoning district; and
2. A variance from section 240-15.G of the Ordinance to permit a rear yard setback of less than 50' as required by the Ordinance.

The Applicant hereby requests that the required public hearing on this Application be placed on the next available agenda of the East Goshen Township Zoning Hearing Board.

Respectfully Submitted,

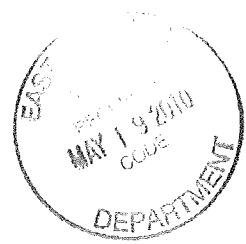
LEMANOWICZ, LLP

By:   
Richard J. Lemanowicz, Esquire  
Attorney for Applicant

Date: May 18, 2010

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2010 MAY 19 PM 12 26



May 18, 2010

**VIA FEDERAL EXPRESS**

Mark Gordon  
East Goshen Township  
1580 Paoli Pike  
West Chester, PA 19380-6199

**RE: Application to the Zoning Hearing Board of East Goshen Township  
Premises: 352 Paoli Pike, East Goshen Township (PA-504)**

Dear Mr. Gordon:

Enclosed please find the Application of Liberty Towers, LLC to the Zoning Hearing Board of East Goshen Township with regard to the above-mentioned property. The following documents are being submitted in support of our Application:

1. One (1) copy of the completed Zoning Hearing Board Application;
2. Eleven (11) 11" x 17" copies of the Site Plans with a latest revision date of 12/11/09; and
3. A check in the amount of \$350.00 to cover the filing fee for the Application.

Should you have any questions or need additional information, please feel free to contact my office.

Very Truly Yours,

*Beth McWilliams*

Beth McWilliams

Enclosures

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

May 25, 2010

Dear Property Owner:

The purpose of this letter is to inform you that Liberty Towers, LLC has applied for a Zoning Variance requesting relief from the zoning ordinance. The applicant is requesting that the Zoning Hearing Board grant relief to allow a Wireless Communications Facility use in the C-2 Zoning District, and for dimensional relief from the rear yard setback requirements. If granted the relief the applicant proposes to construct a 150 foot tall Wireless Communications tower behind the Wawa store at 1594 Paoli Pike.

The applicant requests relief from the following sections of the Township Zoning Ordinance: §240-15.B and §240-15.G.

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

**This application is scheduled to be discussed during the meetings outlined below:**

**June 2, 2010** - Planning Commission meeting (workshop at 7:00 pm, formal meeting @ 7:30 pm)

**July 6, 2010** - Board of Supervisors meeting (workshop at 7:00 pm, formal meeting @ 8:00 pm)

**July 15, 2010** - Zoning Hearing Board (meeting @ 7:30 pm) **(Zoning Hearing)**

All meetings are held at the Township Building and are open to the public and are subject to change. The variance application is available for review during normal business hours. Please give me a call at 610-692-7171 or email me at [mgordon@eastgoshen.org](mailto:mgordon@eastgoshen.org) if you have any questions or need additional information.

Sincerely,



Mark A. Gordon  
Township Zoning Officer

Cc: All Township Boards and Commissions  
Richard J. Lemanowicz, Esq. (Via Email and First Class Mail)



H. LIBERTY TOWERS  
2.  
1pg

## Memorandum

East Goshen Township  
1580 Paoli Pike  
West Chester, PA 19380  
Voice: 610-692-7171  
Fax: 610-692-8950  
E-mail: [mgordon@eastgoshen.org](mailto:mgordon@eastgoshen.org)

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Date: May 25, 2010  
To: Planning Commission  
From: Mark Gordon, Township Zoning Officer   
Re: DRAFT MOTION: Liberty Towers ZHB Application (Submitted 05/19/2010)

Dear Commissioners,

This application is the same as the application Liberty Towers filed with the Township in December of 2009.

Liberty Towers has the burden to prove a hardship as stated in the Hertzberg Case. The PA State Supreme Court stated that hardships are established in use variance cases by evidence that supports the following tests:

- (1) The physical features of the property are such that it cannot be used for a permitted purpose.
  - a. **The property at 1594 Paoli Pike has a permitted use.**
- (2) That the property can be conformed for a permitted use only at a prohibited expense.
  - a. **The property at 1594 Paoli Pike has a permitted use; see (1)**
- (3) That the property has no value for any purpose permitted by the zoning ordinance.
  - a. **The property at 1594 Paoli Pike has a permitted use; see (1)**

The applicant has not proven, with evidence, of a hardship and therefore the applicant is not entitled to a variance.

### **Draft Motion:**

I move that we recommend that the Board of Supervisors oppose these variance requests based on the fact that the applicant has not provided evidence of any hardship(s) to support either the use or the dimensional zoning variance request, as required by law. Granting these variance requests for a wireless communications tower use in the center of the community, next to two elementary schools and adjacent to the Township historic district, would have a significant negative impact on the quality of life and greatly alter the essential character of the neighborhood.

H. MUDRY  
3.  
13pgs

2010 MAY 18 AM 7 41

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

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

Name of Applicant:

Benjamin Mudry

Applicant Address:

1137 N. Chester Rd. West Chester PA 19380

Telephone Number:

610-334-0610

Fax Number:

—

Email Address:

bkmudry@verizon.net

Property Address:

1137 N. Chester Rd. West Chester PA 19380

Tax Parcel Number:

53-02-0032

Zoning District:

R-3

Acreage:

1.013

**Purpose of Application (check one)**



Variance



Use Variance



Dimensional Variance)



Special Exception



Appeal determination of the Zoning Officer



Other

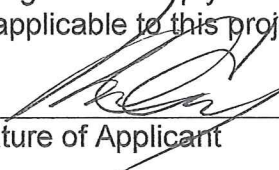
**Sections of Zoning Ordinance in which relief is sought:**

Part II Chapter 240, Article II, 240-10 G, Single Family Detached  
Dwelling, Minimum Side Yard 20 feet, 1, 1

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

Applicant requests a variance that will allow the addition of a non-covered  
16'5" x 20' deck to the east side of the existing non-conforming structure.  
Height of deck to be no more than 30".

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.

  
Signature of Applicant

5/14/2010  
Date

**\*Please review the formal application and review procedures on page three.**

# EAST GOSHEN TOWNSHIP ZONING 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: \_\_\_\_\_

## Application Process Checklist (Administration use only):

<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 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 complete application: .....	_____
3. Date sent to CCPC: .....	_____
4. Date sent to Township Engineer: .....	_____
5. Date presented to Planning Commission: .....	_____
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. Zoning Hearing Date: .....	_____
15. Dates of public advertisement: .....	_____ & _____

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

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

## **Procedures for the processing and review of Subdivision, Land Development, Conditional Use, Variance, and Special Exception Applications**

**August 19, 2002**

**2<sup>nd</sup> Revision: March 2, 2006**

1. In order for any application to be considered by the Planning Commission it must be submitted to the Township with all required documentation as per the Township Code and with all applicable fees paid. The Township will use a checklist to verify all required documentation has been submitted. Until the application is complete the application will not be considered "filed" by the Township staff. The Planning Commission will acknowledge receipt of the application at their next regularly scheduled meeting.
2. All materials to be considered at the next regular meeting of the Planning Commission must be submitted with at least eleven (11) copies to the Township Staff by not later than close of business the previous Tuesday. Any materials submitted after that time will be held for the following meeting and not provided to the Commission at the upcoming meeting.
3. The application review cycle for Subdivision and Land Development Applications shall begin with the next regular meeting of the Commission after the complete application is filed. The application review cycle for Conditional Use, Variance, and Special Exception Applications shall begin the day a complete application is filed with the Township.
4. Applicants should not distribute material to the Commission during a meeting unless it is directly related to the initial presentation of the application. All materials for the Planning Commission, including any material to be used at a meeting, must be delivered to the Township Staff not later than close of business the previous Tuesday.
5. The burden of supplying necessary materials to the Planning Commission in a timely manner is on the applicant. Late delivery of material may require an extension on the part of the applicant or a recommendation for denial of the application by the Planning Commission.
6. Formal application presentations to the Planning Commission will only be made at the regular meeting after the complete application is submitted and accepted by the Township staff.
7. The application will remain on the Planning Commission's agenda until such time as the Commission has made its recommendation to the Board of Supervisors and or Zoning Hearing Board.
8. Applicants are encouraged to attend each Planning Commission meeting in order to answer questions or address issues concerning their application.
9. Applications will be voted on only during the regular Planning Commission meetings.
10. The Chairman, in his sole discretion, may waive or modify any of this procedure.

## **Zoning Hearing Board Procedural Rule for Hearing Continuances: ADOPTED: May 13, 2009**

1. The Zoning Hearing Board may grant one application for hearing continuance. Subject to the limited circumstances referenced in paragraph 2 below, the rescheduled hearing shall be held unless the applicant withdraws the application.
2. The continuance after the first one shall only be granted in an extraordinary circumstance.
3. The Zoning Hearing board has the sole discretion whether to grant any continuance.

Benjamin K. Mudry  
1137 N Chester Rd  
West Chester, PA 19380  
610-933-5750 (office)  
610-334-0610 (mobile)  
[bkmudry@verizon.net](mailto:bkmudry@verizon.net)

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May 14, 2010

East Goshen Township  
Zoning Hearing Board  
1580 Paoli Pike  
West Chester, PA 19380-6199

Subject: Application for Dimensional Variance to East Goshen Township Code Chapter 240, Article II, 240-10, G., Single Family Detached Dwelling, Minimum Side Yards

Dear Board Member:

I am writing this letter to request that the Board be so kind as to grant a Dimensional Variance to allow for the addition of a non-covered 16'5" x 20' deck, to the East side of the existing non-conforming structure at the address listed in the header above.

I am requesting the variance because the north edge of the deck, as currently planned, would only be 14 feet from the North property line (in line with the existing non-conforming structure) whereas the current code requires a 20 foot side yard clearance. The distance to the other property lines exceeds 50 feet.

The sliding glass door from the house to the exterior East side yard would not allow practical access to a deck built to accommodate the code. The slider door is the only access to the outside on the East side of the house. Additionally, the access manhole cover for the well that supplies water for the house is located further south along the East side of the house just outside the footprint of the house.

If I build the deck to conform to the code and to avoid covering the well access I would have either a small or oddly shaped deck that I cannot walk out onto from the house. The existing ground level brick patio measures 15' x 16', therefore I would only be extending 1.5' one way and 4' the other.

The deck, as planned, would not in any way impede access, by emergency or other vehicles, to the rear of either my property or that of my neighbors'. The neighbor to the north will not even be able to see the deck due to the fence that runs along our common property line. The neighbor to the east would have a minimal view of it as well.

I have consulted with both of these neighbors and have attached letters from them attesting to the fact that they would in no way be negatively impacted, esthetically or otherwise. The neighbor to the south cannot even view the deck from their house.

Additionally, please find attached, for your reference, a simple scale drawing of the existing, non-conforming structure in relation to the north property line, the proposed deck, the existing brick patio, as well as explanatory photographs.

Should any questions arise please don't hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'Benjamin K. Mudry', with a stylized, cursive script.

Benjamin K. Mudry

To: East Goshen Township

From: Michael Edson

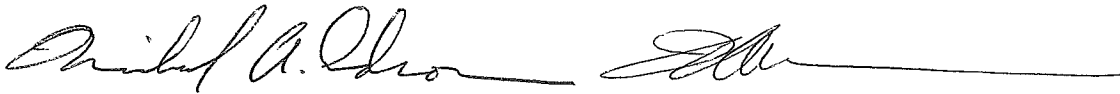
Regarding: Construction of Deck at the Mudry Home

Date: 10 February 10, 2010

To Whom It May Concern:

Please be advised that we have no objections whatsoever to our neighbor, Mr. Ben Mudry, building a deck onto his home. Should you have any further questions related to this matter, please do not hesitate to contact us.

Sincerely,

Handwritten signatures of Michael and Irene Edson. The signature on the left is "Michael A. Edson" and the signature on the right is "Irene Edson".

Michael and Irene Edson

1135 N. Chester Rd.

610-719-6444

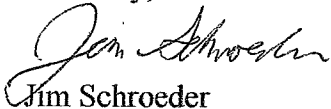
East Goshen Township  
February 2, 2010

Re: Zoning Variance for 1137 N. Chester Rd, West Chester.

To Whom It May Concern:

I am the owner of the property at 1143 N. Chester Rd, which adjacent to Ben Mudry. Mr. Mudry has my permission to build a deck attached to his house that will require a zoning variance. I believe the granting of this variance will not detract from the view or value of my property.

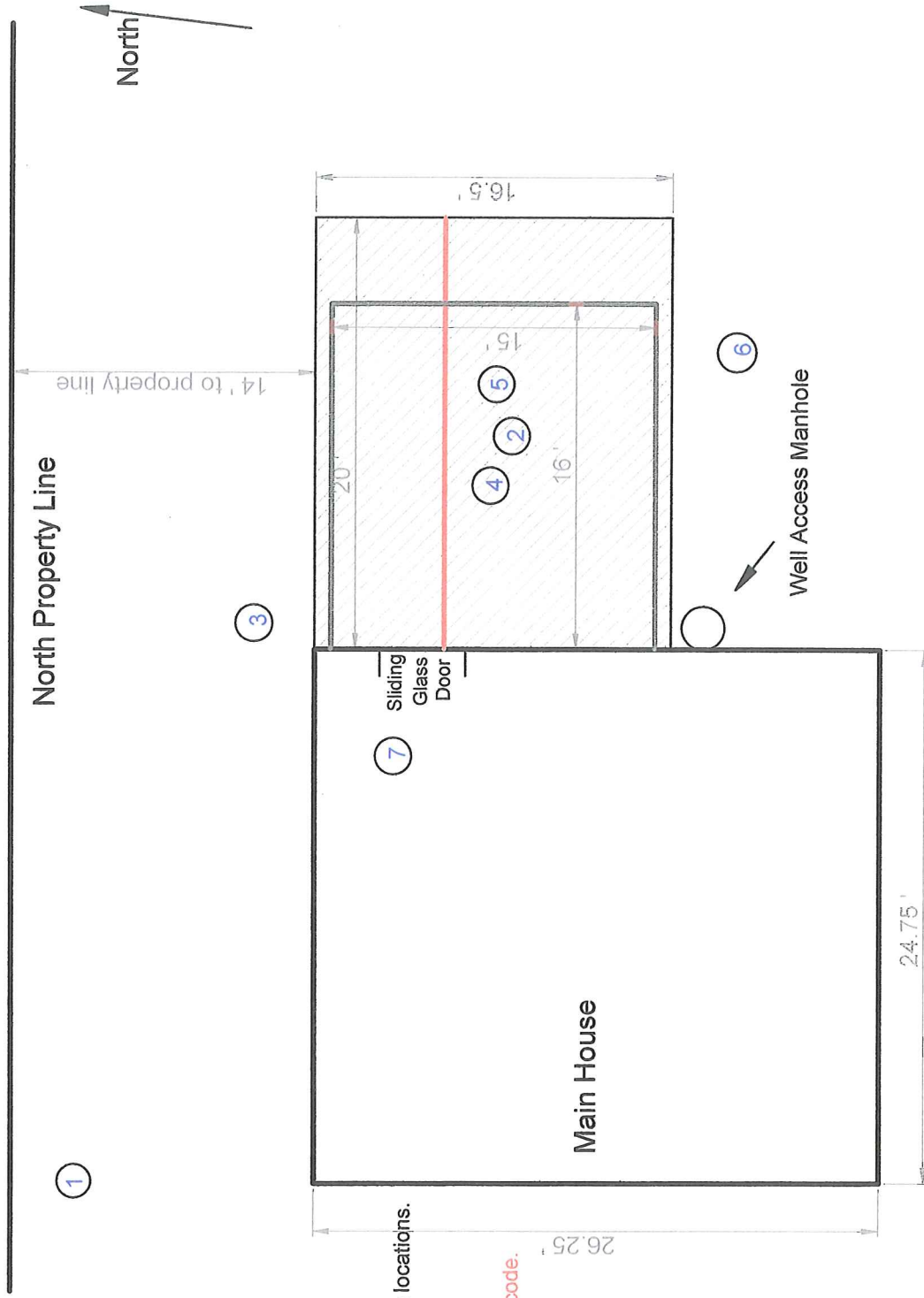
Sincerely,



Jim Schroeder  
1143 N. Chester Rd  
West Chester, PA 19380



North  
Chester  
Road



Key:

#

Circled numbers correspond to numbered photo locations.

Dark red lines show existing brick patio.

Bright red line shows north deck edge if built to code.



Filled in area = proposed deck area.

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Photo 1. Taken facing East showing North property boundary and existing non-conforming structure. Property line is between fences.



Photo 2. Taken facing North toward Schroeder property from center of deck area.



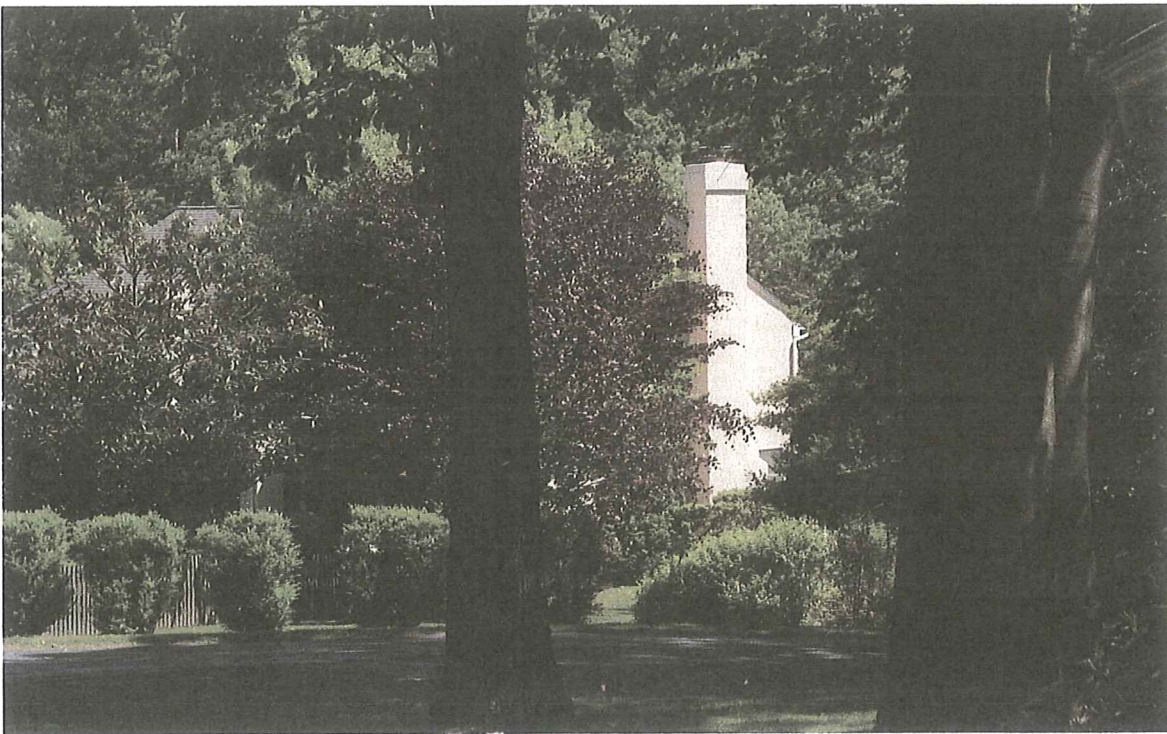


3. Facing South along East elevation where deck would meet house.





4. Facing East taken from center of proposed deck area towards Edson property.



5. Facing South towards third neighboring property from approximate center of proposed deck area.





6. Facing West viewing Southern end of East elevation. Note that well access manhole (covered by leaves in this photo) is located immediately to the right of the basement window and up against house.





7. Facing East from interior of home through sliding glass door. Note that edge of screen door is approximately where North edge of deck would be if deck is built to code.

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

May 20, 2010

Dear Property Owner:

The purpose of this letter is to inform you that Mr. Benjamin Mudry, 1137 N. Chester Rd., has applied for a Zoning Variance requesting relief from the zoning ordinance. Mr. Mudry is requesting dimensional relief from the side yard setback requirements of the ordinance; §240-9-G. The applicant proposes to construct a 330 square foot deck that will encroach 6 feet into the required 20' side yard setback area.

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

**This application is scheduled to be discussed during the meetings outlined below:**

**June 2, 2010** - Planning Commission meeting (workshop at 7 pm, formal meeting @ 7:30 pm)

**June 15, 2010** – Board of Supervisors meeting (workshop at 7:00 pm, formal meeting @ 8:00 pm)

**June 30, 2010** – Zoning Hearing Board (meeting @ 7:30 pm) **(Zoning Hearing)**

All meetings and hearings are held at the Township Building and are open to the public. This application and all associated information are available for review during normal business hours. Please give me a call at 610-692-7171 or email me at [mgordon@eastgoshen.org](mailto: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

H. MUDRY  
3.  
'pg

## **Memorandum**

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

**Voice:** 610-692-7171  
**Fax:** 610-692-8950  
**E-mail:** [mgordon@eastgoshen.org](mailto:mgordon@eastgoshen.org)

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**Date:** May 25, 2010  
**To:** Planning Commission  
**From:** Mark Gordon, Township Zoning Officer *mb*  
**Re:** DRAFT MOTION: Mudry, 1137 N. Chester Rd.

Dear Commissioners,

This application is for dimensional relief from the side yard setback. The home is nonconforming with and the applicant proposes to construct a deck that will increase the non conformity slightly in the side yard area. This relief is minor and the applicant has support from his neighbors.

**Draft Motion:**

I move that we recommend that the Board of Supervisors support this dimensional variance request to reduce the side yard setback from 20 feet to 14 feet for the new deck as depicted in the application. the dimensional variance relief sought by the applicant will have no adverse effect on the essential character of the neighborhood, the hardship was not created by the applicant and the relief sought is the minimal relief needed to construct the new deck.



J. OLD BUSINESS  
2.  
2pgp

## Memorandum

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East Goshen Township  
1580 Paoli Pike  
West Chester, PA 19380

Voice: 610-692-7171  
Fax: 610-692-8950  
E-mail: [mgordon@eastgoshen.org](mailto:mgordon@eastgoshen.org)

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Date: 5/27/2010  
To: Planning Commission  
Cc: Rick Smith, Township Manager  
From: Mark Gordon, Township Zoning Officer  
Re: Parking Amendment in BP and I Districts



Dear Commissioners,

As requested I have taken your thoughts and included them in a draft (redline) revision of the parking ordinance. I have amended the current parking standards for Multiple Principal Use Building, Industrial wholesale and warehousing uses and for Office uses.

Minimum Off-Street Parking Requirements

Use	Minimum Off-Street Parking Spaces	Plus the Following Minimum Off-Street Parking Spaces
E. 8. Office	<del>5-3</del> per 1,000 sq. ft. of gross floor area or 1 space per employee of the largest shift, whichever is a larger number of spaces	----
F. Industrial, wholesale and warehousing uses		
1. Industrial, wholesale, warehousing uses	<del>1 per employee on the largest shift</del> <u>1 per 1,000 sq. ft. of Gross floor area</u> <u>or 1 space per employee on the largest shift</u> <u>whichever is the larger number of spaces</u>	1 per company vehicle based at <del>at</del> the facility plus a minimum of 4 spaces per principal building for visitors
2. Multiple principal use building	<del>5-3</del> per 1,000 sq. ft. of gross floor area allocated for office use and 1 space per 1,000 sq. ft. of gross floor area allocated for industrial, wholesale and warehousing uses <del>(not including loading and unloading space).</del> <u>or 1 space per each employee on largest shift, whichever is a larger number of spaces (except portions of buildings that are primarily offices shall be calculated based upon the office standard)</u> <u>Other uses within a multiple principal use building shall be calculated using the appropriate parking requirements.</u>	

EAST GOSHEN TOWNSHIP  
PLANNING COMMISSION  
1580 PAOLI PIKE, WEST CHESTER, PA 19380-6199

TO PC  
FYI

May 19, 2010

East Goshen Township  
Board of Supervisors  
1580 Paoli Pike  
West Chester, Pa. 19380


Re: Riparian Buffer

Dear Board Members:

As you know the Planning Commission has been discussing Riparian Buffers with the Conservancy board for the last year or so. The current riparian buffer is 50 feet from the stream bank and outlined in chapter 195 "Stormwater Management" of the Township Code. During our discussions the Township staff created with our Geographic information System to graphically approximate the current 50' buffer, the proposed 100' buffer and the floodplain areas. The Conservancy Board has requested the Planning Commission consider a dimensional amendment to the code requiring a 100' riparian buffer.

After much discussion and research, on May 5, 2010 the Planning Commission decided to abstain from making any recommendation to amend the Township code regarding the Riparian Buffer set-backs. The Commission believes that it is prudent to defer any amendments to the stormwater requirements at this time because Chester County is working on a county wide watershed plan as part of Act 167 requirements, which will most likely include stringent Stormwater Quality standards.

Very truly yours,

  
For George Martynick  
Chairman