

**EAST GOSHEN TOWNSHIP  
PLANNING COMMISSION  
Workshop Agenda  
Wednesday, February 16, 2011  
7:00 PM**

- A. Call to Order / Pledge of Allegiance
- B. Chairman will ask if anyone is going to record the meeting
- C. Public Comment on Non-Agenda Items
- D. Conditional Uses and Variances
  - 1. Liberty Towers, LLC / 1594 Paoli Pike / ZV**
- E. Ordinance Amendments
  - 1. Wireless Ordinance (Provided with 2/2/2011 Packet)
- F. Old Business
- G. New Business
- H. Correspondence
- I. Goals
- J. Liaison Reports
  - 1. ABC Liaisons**
- K. Any Other Matter
  - 1. Toll Bros. Development / Willistown Twp. at Line Rd. and Paoli Pike**
- L. Meeting Dates of Importance

February 21, 2011	President's Day – Office Closed	
February 22, 2011	Board of Supervisors	7:00 pm
February 28, 2011	Deer Management	7:00 pm
March 01, 2011	Board of Supervisors	7:00 pm
March 02, 2011	Planning Commission	7:00 pm
March 03, 2011	Zoning Hearing Board	
	- Liberty Towers	7:00 pm
March 03, 2011	Park & Recreation	7:00 pm
March 08, 2011	Board of Supervisors	7:00 pm
March 09, 2011	Conservancy Board	7:00 pm
March 10, 2011	Historical Commission	7:00 pm
- M. Adjournment

- **Bold Items indicates new information to review for that application.**

**REMINDER – Newsletter Article Submission Due Date:**

**Article Due Date**

**Delivery Date**

May 11, 2011

July 1, 2011

# 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@eastgoshe.org](mailto:mgordon@eastgoshe.org)

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Date: 2/10/2011  
To: Planning Commission  
From: Mark Gordon, Township Zoning Officer *mlg*  
Re: Liberty Towers Zoning Variances

Dear Commissioners,

As you can see the applicant has supplied the Township with an amendment to the number and breadth of the relief being sought in order to construct and operate a Wireless Communication Support Structure at 1594 Paoli Pike.

I have asked the Township Engineer to review and comment on the application and we will have a report from him on 2/14 so I will forward that to you via email at that time.

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)**

I don't believe the applicant can prove, with evidence that hardships exist and therefore the applicant is not entitled to these variances.

## 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 requests, 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 surrounding neighborhoods.

January 28, 2011

**VIA EMAIL AND REGULAR MAIL**

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: 1594 Paoli Pike, East Goshen Township (PA-504)**

Dear Mr. Gordon:

As you know, we represent Liberty Towers, LLC, with respect to the above-mentioned application. By way of this letter, we hereby amend our application to request the following zoning relief:

1. A variance from section 240-15.B and 240-31.C(3)(h)[2][a][i] to allow construction and operation of the proposed facility in a C-2 zoning district;
2. A variance from section 240-15.G and 240-27.C(2)(b)[1] and 240-23.D(9) of the Ordinance to permit a rear yard setback of less than 50';
3. A variance from section 240-15.G to allow an increase of impervious cover on the project site above the maximum 45%;
4. A variance from section 240-23.A and 240-23.B(1) to permit two (2) principal uses and buildings on the subject property;
5. A variance from section 240-23.C and a variance or waiver from section 240-31.C(3)(h)[2][a][iii] to allow the proposed structure to exceed the height regulations specified in the Ordinance;
6. A variance from section 240-23.D(5)(a) to allow two (2) nonresidential principal buildings on the subject property separated by less than twice the minimum side yard requirement for each building;
7. A variance from section 240-31.C(3)(h)[2][c] to allow more than three(3) equipment cabinets to be installed on the proposed concrete pad;
8. A variance from section 240-31.C(3)(h)[2][f] to allow the base of the tower to be setback less than 40% of the tower height from the adjacent property line(s);
9. A variance and/ or waiver from section 240-31.C(3)(h)[2][o] to utilize existing parking spaces on the project site to service the proposed facility.

Attached please find a revised Memorandum of Law in Support of our Application. Should you have any questions or need additional information, please feel free to contact my office.

Very Truly Yours,

A handwritten signature in dark ink, appearing to read "Richard J. Lemanowicz", written in a cursive style.

Richard J. Lemanowicz

**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>1594 Paoli Pike West Chester, PA 19380 Parcel No.: 53-004-0080.0100</b>	<b>EAST GOSHEN TOWNSHIP ZONING HEARING BOARD, CHESTER COUNTY, PENNSYLVANIA</b>  <b>January 28, 2011</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 and 240-31.C(3)(h)[2][a][i] to allow construction and operation of the proposed facility in a C-2 zoning district;
2. A variance from section 240-15.G and 240-27.C(2)(b)[1] and 240-23.D(9) of the Ordinance to permit a rear yard setback of less than 50';
3. A variance from section 240-15.G to allow an increase of impervious cover on the project site above the maximum 45%;
4. A variance from section 240-23.A and 240-23.B(1) to permit two (2) principal uses and buildings on the subject property;
5. A variance from section 240-23.C and a variance or waiver from section 240-31.C(3)(h)[2][a][iii] to allow the proposed structure to exceed the height regulations specified in the Ordinance;

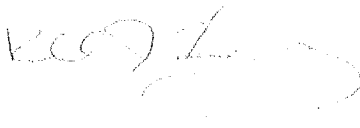
6. A variance from section 240-23.D(5)(a) to allow two (2) nonresidential principal buildings on the subject property separated by less than twice the minimum side yard requirement for each building;
7. A variance from section 240-31.C(3)(h)[2][c] to allow more than three(3) equipment cabinets to be installed on the proposed concrete pad;
8. A variance from section 240-31.C(3)(h)[2][f] to allow the base of the tower to be setback less than 40% of the tower height from the adjacent property line(s);
9. A variance and/ or waiver from section 240-31.C(3)(h)[2][o] to utilize existing parking spaces on the project site to service the proposed facility;

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: January 28, 2011





Commonwealth of Pennsylvania  
Pennsylvania Historical and Museum Commission  
**Bureau for Historic Preservation**  
Commonwealth Keystone Building, 2<sup>nd</sup> Floor  
400 North Street  
Harrisburg, PA 17120-0093  
[www.phmc.state.pa.us](http://www.phmc.state.pa.us)

10 December 2009

Catherine Spahr  
CMX  
910 Century Drive  
Mechanicsburg, PA 17055

TO EXPEDITE REVIEW USE  
BHP REFERENCE NUMBER

RE: ER 2010-0247-029-A  
FCC: Liberty Towers Proposed 150-Foot Cell Tower, 1594 Paoli Pike, E. Goshen Twp.,  
Chester Co.

Dear Ms. Spahr:

The Bureau for Historic Preservation (the State Historic Preservation Office) has reviewed the above named project in accordance with Section 106 of the National Historic Preservation Act of 1966, as amended in 1980 and 1992, and the regulations (36 CFR Part 800) of the Advisory Council on Historic Preservation as revised in 1999 and 2004. These regulations require consideration of the project's potential effect upon both historic and archaeological resources.

**ARCHAEOLOGY:** In our opinion no archaeological resources will be affected by this project.

**STRUCTURES:** In our opinion this project will have an effect on the National Register listed **Goshenville Historic District**. Furthermore, it is our opinion that construction of a 150-foot modern structure will visually adversely affect the historic and architectural qualities that make the property eligible. To comply with the regulations of the Advisory Council on Historic Preservation, you must follow the procedures outlined in 36 CFR 800.6, when the effect is adverse. You will need to notify the Advisory Council of the effect finding and continue to consult with the Bureau for Historic Preservation to seek ways to avoid or reduce the effects on historic properties. We strongly recommend that alternative locations be considered that are not in close proximity to historic properties.

If you need further information in this matter please contact Ann Safley at (717) 787-9121.

Sincerely,

A handwritten signature in black ink, appearing to read 'Douglas C. McLearen'.

Douglas C. McLearen, Chief  
Division of Archaeology & Protection  
DCMcL/ras

# 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: 2/10/2011  
To: Planning Commission  
From: Mark Gordon, Township Zoning Officer *MLG*  
Re: 2011 PC ABC Liaisons

Dear Commissioners,

Please take a moment to identify the PC liaisons for the other Township ABC's. Some ABC's have not seen a PC member at one of their meetings in over a year! I don't even know them all, sorry!

AL	WCRPC
Sue	CB
George	
Dan	
Peter	HC
Megann	
Jim	

# BOARD OF SUPERVISORS

EAST GOSHEN TOWNSHIP

CHESTER COUNTY

1580 PAOLI PIKE, WEST CHESTER, PA 19380-6199

February 11, 2011

Re: Land Development Plan  
Toll Brothers Development / Applebrooke Meadows  
Paoli Pike and Line Road  
Willistown Township

Dear Property Owner:

The purpose of this letter is to inform you that a Final Land Development Plan has been submitted to Willistown Township to construct Phase 1 of 3, for the Applebrook Meadows project. Phase I consists of 54 townhomes. The entire project proposes 139 townhomes on the 41.7-acre tract of land at the southeast corner of Paoli Pike and Line Road in Willistown Township. Pursuant to Township Policy, East Goshen Township notifies Township property owners within 1,000 feet of proposed development projects which abut the Township boundary.

The Willistown Township Planning Commission holds their meetings at 7:30 PM on the 1<sup>st</sup> and 3<sup>rd</sup> Wednesday of each month. The Willistown Township Board of Supervisors holds their meetings at 7:30 P.M. on the 2<sup>nd</sup> And 4<sup>th</sup> Monday of the month.

All meetings are open to the public and they are held at the Willistown Township Office which is located at the Greentree Office Plaza, 40 Lloyd Ave., Suite 208, Malvern PA 19355, 610-647-5300.

Please give me a call at 610-692-7171 or e-mail me at [mgordon@eastgoshen.org](mailto:mgordon@eastgoshen.org) if you have any questions or need additional information.

Sincerely,



Mark Gordon  
Township Zoning Officer

Cc: Hugh Murray, Sr., Township Manager, Willistown twp.