

**EAST GOSHEN TOWNSHIP  
PLANNING COMMISSION  
Meeting Agenda  
Wednesday, August 3, 2011  
7:30 PM**

- A. Call to Order / Pledge of Allegiance / Moment of Silence
- B. Chairman will ask if anyone is going to record the meeting
- C. Review of Tracking Log / Determine need for Workshop Meeting
- D. Public Comment on Non-Agenda Items
- E. Approval of Minutes
  - 1. July 6, 2011**
- F. Acknowledge Receipt of New Applications
- G. Subdivision Plans
- H. Land Development Plans
- I. Conditional Uses, Variances & Special Exceptions
  - 1. Tru-Team Inc., (Adaptive Reuse of Historic Resource), 1422 Paoli Pike (CU)**
  - 2. New Cingular Wireless PCS, LLC d/b/a AT&T Mobility, 21 Edgewood Rd, (CU)**
- J. Ordinance Amendments
  - 1. Sign Ordinance Discussion
  - 2. No Impact Home Based Business (NIHBB)**
- K. Old Business
- L. New Business
- M. Any Other Matter
  - 1. YMCA Revised LS Plan**
- N. Meeting Dates of Importance
 

August 1 – 6, 2011	Goshen Country Fair	6:00 pm (M – F)
		5:00 pm (Sat)
August 3, 2011	Pension Committee	1:00 pm
	Planning Commission	7:00 pm
August 4, 2011	Farmer's Market	3:00 – 7:00 pm
	Park & Recreation Board	7:00 pm
August 8, 2011	Municipal Authority	7:00 pm
August 9, 2011	Board of Supervisors	7:00 pm
August 10, 2011	Conservancy Board	7:00 pm
August 11, 2011	Farmer's Market	3:00 – 7:00 pm
	Historical Commission	7:00 pm
- O. Correspondence / Liaison Reports
- P. Goals
- Q. Adjournment

- **Bold Items indicate new information to review for that topic.**

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

**Article Due Date**

**Delivery Date**

**August 3, 2011**

October 1, 2011

# 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 Yerkes/Consultant	Date to CCPC	Date to Abutting Prop. / ABC's	Extension	PC NLT Action Date	BOS NLT Action Date	Hearing Date	Drop Dead date
Tru-Team Inc., 1422 Paoli Pike	CU	SK	3/29/2011	3/29/11	4/1/11	na	3/30/11	2	8/3/11	9/6/11	9/6/11	9/25/11
New Cingular Wireless / ATT_21 Edgewood Rd.	CU	SK	7/8/11	7/8/11	7/22/11	na	7/22/11		8/3/11	8/23/11	8/23/11	9/6/11

Bold = New Application or PC action required

**draft**  
**EAST GOSHEN TOWNSHIP**  
**PLANNING COMMISSION MEETING**  
**July 6, 2011**

*The East Goshen Township Planning Commission held their regularly scheduled meeting on July 6, 2011 at the East Goshen Township building. Members present were: Chairman George Martynick, Dan Daley, Jim McRee, Susan Carty, Al Zuccarello, and Peter Mylonas. Also present were Township Manager, Rick Smith, Don McConathy (Supervisor), Erich Meyer (Park & Recreation Board), and Ginnie Newlin (Conservancy Board).*

**WORKSHOP SESSION – 7:00pm**

- A. The minutes of June 1, 2011 were reviewed.
- B. The various agenda items were reviewed.

**FORMAL SESSION**

**A. Pledge of Allegiance & Announcements**

George called the meeting to order at 7:30 pm and lead the Pledge of Allegiance. There was a moment of silence to remember our armed forces.

George asked if anyone would be recording the meeting. There was no response.

George asked those in attendance if there were any non-agenda items to be discussed. No response.

George announced that there would not be a workshop in July.

**B. Approval of Minutes**

Al moved to approve the minutes of the June 1, 2011 meeting. Jim seconded the motion. The motion passed unanimously.

**C. Acknowledge Receipt of New Applications - None**

**D. Subdivision/Land Development Plans – None**

**E. Conditional Use and Variances**

1. Tru-Team Inc. (Adaptive Reuse of Historic Resource) 1422 Paoli Pike (CU). There were no representatives for the applicant at the meeting. Rick explained that Mark Gordon contacted Dr. Zelenska on June 29, 2011 and on June 30, 2011 sent a copy of the extension form with a request for her to sign it and attend the July 6, 2011 meeting. Since the hearing is scheduled for July 12, 2011 and there has been no response from the applicant, he recommended the Planning Commission make a recommendation to the Board of Supervisors. Sue moved that the Planning Commission recommend that the Board of Supervisors deny the Conditional Use Application of Tru Team, Inc. for the adaptive reuse of the historic resource located at 1422 Paoli Pike, West Chester, PA 19380 for the following reasons:

- 1) Applicant has not provided the Township with the required information supporting the Conditional Use Application to adaptively reuse the current residential use as an office use. Specifically, Applicant has not provided the information required by Section 240-38.8 of the Zoning Ordinance or the information requested in a letter dated May 9, 2011 from the Township's Zoning Officer, Mark A. Gordon to Applicant. A copy of said letter is attached hereto and incorporated herein by reference.
- 2) Applicant has not complied with the outstanding comments in the Township Engineer's review letter dated April 29, 2011, a copy of which is attached hereto and is incorporated herein by reference.
- 3) As referenced in the Township Engineer's review letter dated April 29, 2011, the plan submitted with the Application does not comply with the following sections of the East Goshen Township Zoning Ordinance:

- a. § 240-31.C(3)(qq)- the proposed parking area encroaches into the required front yard;
  - b. §240-33.B(7)- the handicapped space is not 11 feet wide.
  - c. §240-33.C(8)- which requires any parking or off-street loading area of five or more spaces which abuts a lot in a residential district to have an appropriate screen;
  - d. §240-33.C(3)- which requires a minimum of 5% of a parking area to be landscaped;
  - e. §240-33.C(7)- which requires all parking areas for uses other than single family dwellings to be physically separated from any public street by a concrete curb and planting strip of at least 10 feet;
  - f. §240-33.C(9)-which requires parking areas to be illuminated after dusk;
  - g. §240-33.D(1)- which requires an off-street loading space;
  - h. §240-24.E- which requires a refuse storage area.
- 4) Applicant has not proven that its plan complies with the applicable area and bulk requirements for lots in the R-2 District. If Applicant seeks a modification of any of the area and bulk requirements pursuant to Section 240-38.6, it has not identified the modification that it seeks the Board to approve by conditional use.
  - 5) Applicant has not proven the applicable criteria in Section 240-38.7. Namely, Applicant has not demonstrated that the granting of conditional use approval is necessary for the preservation of the historic resource, that the proposal will not be destructive to the integrity of the historic resource and that the proposed modifications will not be out of character with the existing uses in the immediate neighborhood.
  - 6) Applicant has not proven compliance with the standards for conditional use in Section 240-31.C of the Zoning Ordinance. Specifically, it has not demonstrated that the proposed adaptive reuse shall not be detrimental to other property in the vicinity and that the use will not create significant traffic safety hazards or cause serious traffic congestion.

Jim seconded the motion. There was no further discussion. The motion passed unanimously.

#### **F. Ordinance Amendments**

1. Tree Ordinance – Rick commented that the Chester County Planning Commission has no further comments. Dan moved that the Planning Commission recommend that the Board of Supervisors approve these Tree Ordinance amendments for adoption. Al seconded the motion. The motion passed unanimously.
2. Wireless Communications – The Commission members reviewed the Final Draft of the amendment. Jim moved that the Planning Commission recommend that the Board of Supervisors approve this amendment to the Wireless Communication Facility Ordinance. Peter seconded the motion. The motion passed unanimously.
3. Sign Ordinance – George asked the Commission members to give him their feelings about signs, what kind, where they want them and don't want them, and any other restrictions. Rick commented that flashing signs are allowed in C1 which is a small area along West Chester Pike. Mark has provided a proposed definition for flashing signs on page 1. Open House real estate signs are not allowed, although real estate agents have their open house on Sunday and take the signs down immediately following because they know the township code inspectors aren't working on Sunday. Mark recommends allowing them but they must be removed the same day. Jim commented that an open house can be held on any day of the week. Dan feels that people will want to switch to an LCD type sign if/when they are allowed. He feels they should be prohibited in certain areas. Peter wants to be conservative. George is concerned that flashing signs may be distracting. Al commented that they are marketing tools, they cost less to run, and he feels a lot of people will change over once it is allowed. When he goes to Lancaster, he does glance at the signs on Route 30 but they haven't distracted him, they are just ugly. Jim is concerned about the brightness and the change they could make in our community. Sue mentioned that, in the samples Mark provided, there was a qualifier about a time to turn the sign off or turn down the brightness.

1 Public Comments:

- 2 1. Ginnie mentioned the new sign at the Main Line Garden Center on Paoli Pike. She does not like it and  
3 told them. East Goshen Township has been so careful over the years about signs. It would be upsetting if we  
4 became like Upper Darby and others that allow all kinds of signs.  
5

6 Discussion will continue at the next meeting.  
7

8 **G. Old Business - None**  
9

10 **H. New Business**

11 None  
12

13 **I. Liaison Reports**

14 None  
15

16 **J. Any Other Matter –**

- 17 1. YMCA Trees – Rick explained that, at the request of the YMCA, the township gave approval for some  
18 trees to be removed in the new parking lot for safety reasons. In his June 14, 2011 letter to the YMCA, Mark  
19 specifies that they need to replace 70 inches of trees and requests an amended landscape plan from them.  
20 2. Township Code – George reminded the Commission members that there are Webinars scheduled to  
21 review code information.  
22 3. Willistown development – Rick reported that the developer is working to get the intersection done  
23 because they can't occupy any units until the traffic light is operating.  
24 4. Jim mentioned that the Malvern Redevelopment has notified occupants along a section of King Rd. that  
25 they will have to evacuate.  
26

27 **H. Adjournment**

28 Motion to adjourn the meeting was made by Sue and seconded by Al. The meeting adjourned at 8:00 p.m.  
29  
30

31 Respectfully submitted, \_\_\_\_\_

32 *Ruth Kiefer, Recording Secretary*  
33  
34


# 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: 6/28/2011  
To: Planning Commission  
From: Mark Gordon, Township Zoning Officer   
Re: 1422 Paoli Pike / Historic Resource Adaptive Reuse / Conditional Use / Draft Motion

Dear Commissioners:

As you know a conditional use application (the "Application") was submitted by Tru-Team, Inc. ("Applicant") requesting an adaptive reuse of the existing historic structure on the above-referenced property as a medical office building. Applicant proposes to build a 2,797 square foot addition to the existing dwelling, pave a new parking lot for 16 vehicles to be accessed from the western driveway entrance and to remove the eastern driveway access.

At the May 4, 2011 Planning Commission meeting, Applicant granted the Township an extension of 60 days to review and rule on the Application. On May 9, 2011, I wrote Applicant a letter outlining the items that it must submit in order for the Planning Commission to evaluate the Application and make an informed recommendation to the Board. To date, Applicant has not submitted any additional information or documents. The conditional use hearing is scheduled for July 12, 2011. At this time, absent Applicant granting another extension, the Planning Commission must make a recommendation to the Board of Supervisors for the Application. I have drafted the following motion for your consideration:

**Draft Motion:**

Mr. Chairman, I move that the Planning Commission recommend that the Board of Supervisors deny the Conditional Use Application of Tru Team, Inc. for the adaptive reuse of the historic resource located at 1422 Paoli Pike, West Chester, PA 19380 for the following reasons:

- 1) Applicant has not provided the Township with the required information supporting the Conditional Use Application to adaptively reuse the current residential use as an office use. Specifically, Applicant has not provided the information required by Section 240-38.8 of the Zoning Ordinance or the information requested in a letter dated May 9, 2011 from the Township's Zoning Officer, Mark A. Gordon to Applicant. A copy of said letter is attached hereto and incorporated herein by reference.
- 2) Applicant has not complied with the outstanding comments in the Township Engineer's review letter dated April 29, 2011, a copy of which is attached hereto and is incorporated herein by reference.

- 3) As referenced in the Township Engineer's review letter dated April 29, 2011, the plan submitted with the Application does not comply with the following sections of the East Goshen Township Zoning Ordinance:
  - a. § 240-31.C(3)(qq)- the proposed parking area encroaches into the required front yard;
  - b. §240-33.B(7)- the handicapped space is not 11 feet wide.
  - c. §240-33.C(8)- which requires any parking or off-street loading area of five or more spaces which abuts a lot in a residential district to have an appropriate screen;
  - d. §240-33.C(3)- which requires a minimum of 5% of a parking area to be landscaped;
  - e. §240-33.C(7)- which requires all parking areas for uses other than single family dwellings to be physically separated from any public street by a concrete curb and planting strip of at least 10 feet;
  - f. §240-33.C(9)-which requires parking areas to be illuminated after dusk;
  - g. §240-33.D(1)- which requires an off-street loading space;
  - h. §240-24.E- which requires a refuse storage area.
- 4) Applicant has not proven that its plan complies with the applicable area and bulk requirements for lots in the R-2 District. If Applicant seeks a modification of any of the area and bulk requirements pursuant to Section 240-38.6, it has not identified the modification that it seeks the Board to approve by conditional use.
- 5) Applicant has not proven the applicable criteria in Section 240-38.7. Namely, Applicant has not demonstrated that the granting of conditional use approval is necessary for the preservation of the historic resource, that the proposal will not be destructive to the integrity of the historic resource and that the proposed modifications will not be out of character with the existing uses in the immediate neighborhood.
- 6) Applicant has not proven compliance with the standards for conditional use in Section 240-31.C of the Zoning Ordinance. Specifically, it has not demonstrated that the proposed adaptive reuse shall not be detrimental to other property in the vicinity and that the use will not create significant traffic safety hazards or cause serious traffic congestion.

# BOARD OF SUPERVISORS

EAST GOSHEN TOWNSHIP

CHESTER COUNTY

1580 PAOLI PIKE, WEST CHESTER, PA 19380-6199

July 7, 2011

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

Re: Tru-Team, Inc. Conditional Use Application  
1422 Paoli Pike, West Chester, PA  
TPN 53-4-118

Dear Board Members:

At their meeting on July 6, 2011 the Planning Commission unanimously approved a motion to recommend that the Board of Supervisors deny the Conditional Use Application of Tru Team, Inc. for the adaptive reuse of the historic resource located at 1422 Paoli Pike, West Chester, PA 19380 for the following reasons:

- 1) Applicant has not provided the Township with the required information supporting the Conditional Use Application to adaptively reuse the current residential use as an office use. Specifically, Applicant has not provided the information required by Section 240-38.8 of the Zoning Ordinance or the information requested in a letter dated May 9, 2011 from the Township's Zoning Officer, Mark A. Gordon to Applicant. A copy of said letter is attached hereto and incorporated herein by reference.
- 2) Applicant has not complied with the outstanding comments in the Township Engineer's review letter dated April 29, 2011, a copy of which is attached hereto and is incorporated herein by reference.
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  - b. §240-33.B(7)- the handicapped space is not 11 feet wide.
  - c. §240-33.C(8)- which requires any parking or off-street loading area of five or more spaces which abuts a lot in a residential district to have an appropriate screen;
  - d. §240-33.C(3)- which requires a minimum of 5% of a parking area to be landscaped;
  - e. §240-33.C(7)- which requires all parking areas for uses other than single family dwellings to be physically separated from any public street by a concrete curb and planting strip of at least 10 feet;



- f. §240-33.C(9)-which requires parking areas to be illuminated after dusk;
  - g. §240-33.D(1)- which requires an off-street loading space;
  - h. §240-24.E- which requires a refuse storage area.
- 4) Applicant has not proven that its plan complies with the applicable area and bulk requirements for lots in the R-2 District. If Applicant seeks a modification of any of the area and bulk requirements pursuant to Section 240-38.6, it has not identified the modification that it seeks the Board to approve by conditional use.
- 5) Applicant has not proven the applicable criteria in Section 240-38.7. Namely, Applicant has not demonstrated that the granting of conditional use approval is necessary for the preservation of the historic resource, that the proposal will not be destructive to the integrity of the historic resource and that the proposed modifications will not be out of character with the existing uses in the immediate neighborhood.
- 6) Applicant has not proven compliance with the standards for conditional use in Section 240-31.C of the Zoning Ordinance. Specifically, it has not demonstrated that the proposed adaptive reuse shall not be detrimental to other property in the vicinity and that the use will not create significant traffic safety hazards or cause serious traffic congestion.

I have enclosed a copy of the Township Engineer's review letter for your use. Please give me a call at 610-692-7171 or e-mail me at [rsmith@eastgoshen.org](mailto:rsmith@eastgoshen.org) if you have any questions or need additional information.

Sincerely,



Louis F. Smith, Jr.  
Township Manager

Enclosures

Cc: Tru-Team, Inc.



Yerkes Associates, Inc.

Consulting Engineers / Site Planners / Land Surveyors

April 29, 2011

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

Attn: Mark Gordon, Township Zoning Officer

Re: Tru-Team Inc. - 1422 Paoli Pike  
UPI#: 53-04-118  
Conditional Use Application Review

Dear Mark:

A Conditional Use Application, prepared by John Smirga, P.E. on behalf of Tru-Team, Inc., has been submitted to this office for review. The application includes the following drawings and documentation:

- Sketch Plat Development Plan for Zelensky (herein noted as Option 1), Sheet 1 of 2, dated 09-18-08, last revised 03-17-11
- Sketch Plat Development Plan for Zelensky - Option 2, Sheet 2 of 2, dated 09-18-08, last revised 03-31-11
- Conditional Use Application and Checklist, dated 03-28-11
- East Goshen Township, Board of Supervisors letter dated 03-30-11
- Various exterior and interior building and property photographs, 8 pages

Tru-Team, Inc. is the property owner and applicant and is applying for an adaptive reuse of an existing historic building as a medical business office. The property located at 1422 Paoli Pike contains an existing historic structure, a barn, two garages, and a shed. The property is accessible with two separate paved driveways to Paoli Pike. The driveway on the west side of the property provides access to a detached garage and the driveway on the east side property provides access to the barn. The proposed modifications shown on the Option 2 Sketch Plat include a 2,797 square foot addition to the existing dwelling, a paved parking lot for 16 vehicles that will be accessed from the western driveway entrance, and the removal of the eastern driveway access.

The site is situated within the R-2 Low Density Residential District. It is our understanding that the Board of Supervisors approved the Applicant's waiver request to not provide an Historic Resources Impact Study. The following comments are offered for consideration:

## Zoning Ordinance

### R-2 Low Residential Zoning District

1. Section 240-9.G – Within the R-2 zoning district, the maximum lot coverage by buildings is 25 percent and the maximum lot coverage by impervious surfaces is 35 percent. The plan should note the existing and proposed building coverage and impervious surface coverage.
2. Section 240-9.G – Within the R-2 zoning district, the maximum building height is three stories or 30 feet. The plan should note the height of the existing historic building and the height of the proposed addition. Architectural sketch drawings and sections that depict the height of the existing building and proposed addition should also be provided with the plan submission.

### General performance Standards

3. Section 240-24.E – Refuse storage areas shall be adequate in size, screened from view from any public right-of-way, and be situated to prevent blockage or interference with accessways or parking spaces. The plan should indicate the location of a refuse storage area.
4. Section 240-24.F – The narrative notes and the plan indicates that the proposed office will be connected to public sewer. Public sanitary sewer service availability will need to be discussed with the Municipal Authority.

### Conditional Use

5. Section 240-31.C (2) (d) – All conditional uses shall not be detrimental to other property in the vicinity and shall include proper use of adequate setbacks, buffering, berming, proper location of nuisance-causing facilities, screening, and proper control of operations to avoid conflicts. Where, in the opinion of the Board of Supervisors, the distance of setbacks and/or the methods of screening and buffering otherwise established by this chapter would be insufficient, additional screening, buffering and/or widths of setbacks shall be required as a condition of any approval. It is recommended that the proposed parking area and proposed building addition location be adjusted as necessary to provide sufficient separation from the southern property line for grading and landscape buffering and screening.
6. Section 240-31.C (2) (f) – All conditional uses shall not create significant traffic safety hazards or cause serious traffic congestion. A traffic study or assessment should be provided to address traffic ingress and egress from the proposed parking lot. Paoli Pike is classified as an Arterial Highway. Restrictions regarding left turns into and from the proposed parking lot may be necessary.

Off-Street Parking and Loading

7. Section 240-31.C.3.gg – The proposed parking area encroaches into the required front yard. Vehicle parking within the required front yard is permitted by conditional use if all the requirements of this section are met: justification of need; minimum setback of 20 feet from the street right-of-way line, except that additional parking shall not be located between the right-of-way line of Paoli Pike and the building setback line; stormwater management for the increased; and the submission of a landscape plan. The conditional use application should be amended to also include a request for conditional use approval per this section and the applicant will need to demonstrate to the Board's satisfaction that the requirements of this section are addressed.
8. Section 240-33.B. (7) - Handicapped accessible parking spaces must be provided in accordance with 2010ADA requirements. The minimum number of required handicapped parking spaces is one where the overall number of parking spaces ranges between four to 25 spaces. One handicapped space has been provided. However, such space shall be van accessible or 132 inches (11 ft.) wide (ADA Sect. 502). The handicapped spaces are 10 feet wide but should be widened to 11 feet, not including the 5 foot access aisle.
9. Section 240-33.C (8) - Any parking or off-street loading area of five or more spaces which abuts any lot in a residential district shall be provided with a suitable fence, wall, raised berm or evergreen planting at least four feet in height, designed to screen visibility and headlight glare from such residential lot. The property abuts residential lots and should be provided with suitable screening.
10. Section 240-33.C(3) – A minimum of five percent of a parking area shall be landscaped and continually maintained as such. Planting along the perimeter of a parking area shall not be considered as part of the five percent minimum parking area landscaping. The proposed parking lot should be reconfigured to address minimum landscaping requirements within the parking area.
11. Section 240-33.C(7) – All parking areas for any purpose other than single-family residences shall be physically separated from any public street by a concrete curb and a planting strip which shall not be less than 10 feet in depth measured from the street right-of-way line. A planting strip along the Paoli Pike right-of-way line and concrete curb should be incorporated into the parking lot design.
12. Section 240.33.C(9) - Parking areas shall be adequately illuminated if designed for use by more than three cars after dusk. If night time office hours are anticipated, then the parking lot design will need to provide adequate illumination.

13. Section 240.33.D.1 – The plan should indicate the location of an off-street loading space sufficient in size for the largest vehicle that may be utilized for pick-up and deliveries.

#### Historic Preservation

14. Section 240-38.4 – The parcel contains a barn which is not depicted on the plan. The location of the barn should be indicated on the plan and any proposal for the barn's removal should be reviewed by the Historical Commission.
15. Sections 240-38.6 and 38.7 – All area, and bulk regulations and design standards otherwise applicable in the underlying zoning district shall apply to the use or reuse of an historic resource. However, the Board, as part of the conditional use approval may grant modifications to the otherwise applicable area and bulk regulations applicable to the use or adaptive reuse of the historic resource.

The applicant will need to demonstrate to the Board's satisfaction that the granting of conditional use approval is necessary for the preservation of the historic resource for reasons other than purely economic grounds. Additionally, the Applicant will need to satisfactorily demonstrate that the proposal is not destructive to the integrity of the historic resource and/or the proposed modifications will not be out of character with the existing uses located in the immediate neighborhood.

#### Signage

16. Section 240-38.5.E – The narrative statement notes that the Applicant requests a sign in accordance with this section. A property, on which a historic resource is located and adaptively reused, shall be permitted one freestanding sign with a maximum area of 32 square feet. The proposed sign location should be indicated on the plan

#### General Comments:

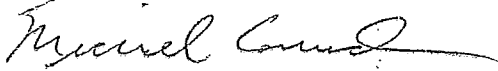
17. The plan or a separate existing conditions plan should indicate the location of all existing features, such as the barn, the source of water supply, drainage improvements, and any easements that cross the parcel.
18. The plan should address how access to the existing garage located along the eastern property line is to be maintained. The garage may need to be demolished in order to accomplish the proposed sanitary sewer connection to the existing sanitary sewer line.

The Applicant should address the above comments to the Board's satisfaction. Please contact our office if you have any questions concerning this review.

Sincerely,  
YERKES ASSOCIATES, INC.



Charles E. Jackson III



Michael Conrad, P.E.

Cc: John Smirga, PE

**BOARD OF SUPERVISORS**  
EAST GOSHEN TOWNSHIP

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

July 22, 2011

Dear Property Owner:

The purpose of this letter is to inform you that the Township has received a Conditional Use Application from New Cingular Wireless PCS, LLC requesting approval to upgrade their existing wireless communication facility on the Aqua PA, INC. water tank on Edgewood Rd. in East Goshen Township.

The applicant proposes to upgrade the existing telecommunications facility at 21 Edgewood Rd. West Chester, PA 19382 (AQUA Water Tower) for enhanced services and capacity, consisting of the addition of three (3) antennas at an overall height of 84 feet. The new antennas are only slightly higher than the existing AT&T antennas but are compliant with the height limitations. In accordance with §240-31.C.3(h)(2)(e). All Wireless Communications Facility upgrades are subject to Conditional Use Approval by the Board of Supervisors.

Pursuant to Township ordinance all property owners within 1000 feet of the proposed location of a wireless communication facility are notified of the meeting dates when the application will be discussed. The scheduled dates of the public meetings, for review and potential approval of this application, are as follows:

**August 3, 2011** - Planning Commission meeting (workshop 7:00 pm, formal meeting at 7:30 pm)  
**(Presentation of Application)**

**August 23, 2011**- Board of Supervisors meeting (7:00 pm)  
**(Conditional Use Hearing)**

All meetings and workshops are held at the Township Building and are open to the public. The application materials are available for review during normal business hours. If any person who wishes to attend the hearing has a disability and/or requires an auxiliary aid service or other accommodation to observe or participate in the hearing, he or she should contact the Township at 610-692-7171 to discuss how those needs may be accommodated.

Please give me a call at 610-692-7171 if you have any questions or need additional information.

Sincerely,



Mark A. Gordon  
Township Zoning Officer

Cc: Bob Layman, Township Manager; Westtown Township

# 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: 7/28/2011

To: Planning Commission

From: Mark Gordon, Township Zoning Officer

Re: No-Impact Home Based Business *mlb*

Dear Commissioners:

I came across a provision in the No-Impact Home Based Business (NIHBB) section of the ordinance (240-32.U) while reviewing an application for a NIHBB to be conducted in a condo at Summit House. The ordinance prohibits NIHBB's in Multi Family Dwellings. The MPC requires that they be allowed in all residential zoning districts however we made the ordinance more stringent and restrict NIHBB's to single family detached dwellings.

Since we have standards outlined that have to be met I don't see why we couldn't allow them in Multi Family dwellings such as Summit House and apartment communities in the Township.

If the Commission agrees I can draft a text amendment allowing the NIHBB in all residential dwelling units and forward it to the Board of Supervisors for consideration.

I've attached my correspondence with the Township Solicitor on this matter for your review.



## Mark Gordon

---

**From:** Mark Gordon [mgordon@eastgoshen.org]  
**Sent:** Tuesday, July 26, 2011 5:12 PM  
**To:** 'Kristin Camp'  
**Cc:** 'rsmith@eastgoshen.org'; 'gmartynick@comcast.net'  
**Subject:** RE: No Impact Home Based Business (NIHBB)

I will do a little digging to see if I can find any notes in the ordinance file. I remember it too and I figured we did it that way because of exactly what you said.

I'll pose the question to the PC and see how they feel about it and we'll go from there.

As always, thank you for your immediate response to my questions.

-Mark

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**From:** Kristin Camp [mailto:kcamp@buckleyllp.com]  
**Sent:** Tuesday, July 26, 2011 4:58 PM  
**To:** 'mgordon@eastgoshen.org'  
**Cc:** rsmith@eastgoshen.org  
**Subject:** RE: No Impact Home Based Business (NIHBB)

Mark: you are correct in that the East Goshen Zoning Ordinance is more stringent than the MPC on where NIHBB are permitted. I don't remember why we drafted it that way but I think it was a conscious decision to limit these uses to single family detached dwellings. That is not to say that the Ordinance can't be revised to allow such use in all dwelling units.

The planning rationale may have been that dwelling units in multi family settings may be smaller and have more neighbors in close proximity that could be bothered by the impacts of a NIHBB. It may also have been that the prior ordinance limited home occupations to single family detached dwellings. (I am not sure of this but I know when the MPC was amended to include a definition for NIHBB, we made amendments to the EGT ordinance.)

Another discussion topic I suppose.

**Buckley, Brion, McGuire,  
Morris & Sommer LLP**  
ATTORNEYS AT LAW

Kristin S. Camp, Esquire  
118 W. Market Street, Suite 300  
West Chester, PA 19382-2928  
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NEW IRS RULES RESTRICT WRITTEN FEDERAL TAX ADVICE FROM LAWYERS AND ACCOUNTANTS. WE INCLUDE THIS STATEMENT IN ALL OUTBOUND EMAILS BECAUSE EVEN INADVERTENT VIOLATIONS MAY BE PENALIZED. NOTHING IN THIS MESSAGE IS INTENDED TO BE USED, OR MAY BE USED, TO AVOID ANY PENALTY UNDER FEDERAL TAX LAWS. THIS MESSAGE WAS NOT WRITTEN TO SUPPORT THE PROMOTION OR MARKETING OF ANY TRANSACTION. CONTACT THE SENDER IF YOU WISH TO ENGAGE US TO PROVIDE FORMAL WRITTEN ADVICE AS TO TAX ISSUES.

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**From:** Mark Gordon [mailto:mgordon@eastgoshen.org]  
**Sent:** July 26, 2011 3:08 PM  
**To:** Kristin Camp

**Cc:** rsmith@eastgoshen.org

**Subject:** No Impact Home Based Business (NIHBB)

Hi Kristin,

I have a question on NIHBB's. I have an applicant that fits into the category however she owns a condo in a Multi Family Dwelling. The applicant lives in the R-5 district (240-12) and they are allowed, however the accessory use standards say NIHBB's are "...accessory use to a single-family detached dwelling."

I would argue that if all the standards are met in 240-32 then a NIHBB should be allowed in all dwelling units, hence the name "no-impact". We appear to make the requirements more stringent than the MPC outlines.

Any insight you have would be helpful.

The MPC defines it as:

"No-impact home-based business," a business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use. The business or commercial activity must satisfy the following requirements:

- (1) The business activity shall be compatible with the residential use of the property and surrounding residential uses.
- (2) The business shall employ no employees other than family members residing in the dwelling.
- (3) There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
- (4) There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.
- (5) The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
- (6) The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.
- (7) The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.
- (8) The business may not involve any illegal activity.

Twp Code:

240-6 Definitions

NO-IMPACT HOME-BASED BUSINESS -- A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic (whether vehicular or pedestrian) pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use. The business or commercial activity must comply with the standards in § 240-32U of this chapter. [Added 10-21-2003 by Ord. No. 129-L-03]

240-12.E Accessory Uses

(17) No-impact home-based business as accessory to a residential dwelling. [Added 10-21-2003 by Ord. No. 129-L-03]

#### 240-32 Accessory Uses

U. No-impact home-based business. Upon issuance of a permit by the Zoning Officer and payment of all applicable fees as determined by resolution of the Board of Supervisors, a no-impact home-based business shall be permitted by the Township in all zoning districts as an accessory use to a single-family detached dwelling. A no-impact home-based business must comply with all of the following criteria: [Added 10-21-2003 by Ord. No. 129-L-03]

- (1) The business activity shall be compatible with the residential use of the property and surrounding residential uses.
- (2) The business shall employ no employees other than family members residing in the dwelling.
- (3) There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature. Sales made via electronic media or other external solicitation shall be permitted.
- (4) There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.
- (5) The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical interference, including interference with radio or television reception, which is detectable in the neighborhood.
- (6) The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.
- (7) The business activity shall be conducted only within the dwelling unit and may not occupy more than 25% of the habitable floor area.
- (8) The business may not involve any illegal activity

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

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Date: 7/28/2011  
To: Board of Supervisors  
CC: Planning Commission  
Conservancy Board  
From: Mark Gordon, Township Zoning Officer *mg*  
Re: National Bank of Malvern / Y Parking Lot  
Enclosures

Dear Board Members:

The purpose of this memo is to update you on where we are in the progression of the new parking lot construction for the YMCA.

I have been working closely with the YMCA, the contractor for the project, Yerkes and Stantec to finalize the YMCA Parking Lot project. The Light standards for the parking lot are scheduled to ship to the site on August 15, 2011 and the final touches on the revised Landscape plan are being worked out.

## Landscaping:

The final revision to the LS Plan is underway which will finalize the new replacement trees to be installed and considering the weather lately the majority of large tree plantings are on hold until we experience more suitable planting weather.

## Lighting:

Temporary lighting is going to be installed so the Y can use the lot during the evening hours and will be turned off by the last employee out, around 10:30 PM. The lot will be closed off with barriers to discourage any use of the lot between 10:30 PM and the opening of the lot in the mornings.



## Mark Gordon

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**From:** Mark Gordon [mgordon@eastgoshen.org]  
**Sent:** Thursday, July 28, 2011 11:25 AM  
**To:** 'dkirkner@yerkes-assoc.com'; 'diroccobrosinc@verizon.net'; 'thkummer@comcast.net'; 'Mike Conrad'; 'Olivo, Charles'  
**Cc:** 'Bruce Griffin'; 'tryan@YMCABWV.org'; 'rsmith@eastgoshen.org'  
**Subject:** RE: Memo National Bank of Malvern  
**Attachments:** NationalBankMalvernLandscapingReplacementTrees.thk.doc; MeetingMinutesYMCA.thk.doc

One minor correction and one addition to Tom's memo:

The changes to the LS plan don't need to be approved by the Board of Supervisors. I will communicate with the Board and advise them that we are working closely with the Contractor and Engineer to amend the LS plan in order to accommodate the 20 new trees.

All of the proposed trees need to be located on the NB of Malvern lot and the next revision of the LS Plan should show this change. Also, some of the new replacement trees need to be shown within the planting area between the two parking lots in the general vicinity of the original trees along the property line.

I'll be inspecting the location of the temporary lighting to be installed near the Paoli Pike entrance of the lot tonight. This temporary lighting will allow the Y to utilize the parking lot until the light standards are delivered in mid to late August.

Thanks for all your cooperation with this matter.  
-Mark

**From:** [dkirkner@yerkes-assoc.com](mailto:dkirkner@yerkes-assoc.com) [<mailto:dkirkner@yerkes-assoc.com>]  
**Sent:** Wednesday, July 27, 2011 4:23 PM  
**To:** [mgordon@eastgoshen.org](mailto:mgordon@eastgoshen.org)  
**Subject:** Memo National Bank of Malvern

Sorry, Attached is memo regarding National Bank of Malvern from Tom Kummer

Dorothy Kirkner  
Secretary

# MEMORANDUM

Date: July 28, 2011

To: Michael Conrad, P.E., Brad Eldred, Inspector, Yerkes Associates, Inc.  
Mark Gordon, Zoning Officer, East Goshen Township  
Christina DiRocco, DiRocco Brothers, Inc.  
Chuck Olivo, P.E., Stantec

From: Thomas H. Kummer, R.L.A.

RE: National Bank of Malvern  
Replacement Trees and Lighting

Delivery: Via E-Mail to All Parties

## 1. Replacement Trees

As a follow-up to the project coordination meeting conducted at the Township offices on July 21, 2011 we note here that 20 replacement trees have been specified and added to the approved plan drawings sheet 12 of 14 revision number 4. It was agreed upon by all meeting attendees that the replacement trees should be planted during the Fall 2011 planting season. The contractor stated that these trees had not been secured and that the Fall planting was agreeable. It was agreed that at the time of planting stakes will be inserted at the preferred planting locations for these trees which will differ from locations shown on the revised plan drawing. The two Fraxinus (Ash) trees specified shall be changed to Shagbark Hickory (Carya ovata). Additionally, Mark Gordon noted that prior to installation, the proposed named replacement trees, quantity and locations would require approval by the East Goshen Township Board of Supervisors.

## 2. Lighting

The contractor has requested that an alternate light fixture and pole be approved for the project with stated reason that the specified pole/fixture cannot be provided by the manufacturer. The response from Yerkes Associates was that a letter verifying this claim be received from the manufacturer prior to consideration of an alternate, should an alternate be required then the applicant should provide a revised lighting plan showing isolines which verify compliance with Township lighting ordinance. As of this date although there has been various communications concerning the lighting aspect, we note that no resolution has been achieved.

### E-Mail

M. Gordon: [mgordon@eastgoshen.org](mailto:mgordon@eastgoshen.org)  
C. DiRocco: [diroccobrosinc@verizon.net](mailto:diroccobrosinc@verizon.net)  
T. Kummer: [thkummer@comcast.net](mailto:thkummer@comcast.net)  
M. Conrad: [mconrad@yerkes-assoc.com](mailto:mconrad@yerkes-assoc.com)  
C. Olivo: [charles.olivo@stantec.com](mailto:charles.olivo@stantec.com)

## Mark Gordon

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**From:** Bryan Del Monte [bryandelmonte@comcast.net]  
**Sent:** Thursday, July 14, 2011 4:46 PM  
**To:** mgordon@eastgoshen.org  
**Cc:** 'Mike Merwin'; CBChair@eastgoshen.org; 'Ruth Kiefer'; 'Don McConathy'; 'Rick Smith'  
**Subject:** Landscape Plane - National Bank of Malvern

Mark,

The Conservancy Board reviewed the landscape plan for National Bank of Malvern at our meeting yesterday and submits these recommendations:

- Yerkes should review the plantings proposed and provide comments to EGT.
- A red maple tree (AR) should be relocated to avoid blocking the entrance sign, thus avoiding future severe pruning.
- Hawthorne trees (CR) along the street should also be relocated to avoid future removal when growing larger than desired.
- White ash (FA) should be checked for susceptibility to ash borer.

Bryan Del Monte  
Chairman, Conservancy Board



## Mark Gordon

---

**From:** Bryan Del Monte [bryandelmonte@comcast.net]  
**Sent:** Friday, July 15, 2011 8:17 AM  
**To:** mgordon@eastgoshen.org  
**Cc:** 'Mike Merwin'; CBChair@eastgoshen.org; 'Ruth Kiefer'; 'Don McConathy'; 'Rick Smith'  
**Subject:** RE: Landscape Plane - National Bank of Malvern

Mark, I should have added that the CB praised the variety and types of plantings in this planting.

Bryan

**From:** Mark Gordon [mailto:mgordon@eastgoshen.org]  
**Sent:** Friday, July 15, 2011 8:13 AM  
**To:** 'Bryan Del Monte'  
**Cc:** 'Mike Merwin'; CBChair@eastgoshen.org; 'Ruth Kiefer'; 'Don McConathy'; 'Rick Smith'  
**Subject:** RE: Landscape Plane - National Bank of Malvern

Thanks Bryan,  
I'll forward these comments to Mr. Kummer (Landscape Architect) and ask him to incorporate them into his written comments to Stantec Engineering.  
-Mark

**From:** Bryan Del Monte [mailto:bryandelmonte@comcast.net]  
**Sent:** Thursday, July 14, 2011 4:46 PM  
**To:** mgordon@eastgoshen.org  
**Cc:** 'Mike Merwin'; CBChair@eastgoshen.org; 'Ruth Kiefer'; 'Don McConathy'; 'Rick Smith'  
**Subject:** Landscape Plane - National Bank of Malvern

Mark,

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- White ash (FA) should be checked for susceptibility to ash borer.

Bryan Del Monte  
Chairman, Conservancy Board

## **Meeting Minutes**

Date: July 21, 2011

RE: YMCA (National Bank of Malvern)  
Landscape Installation/Status

Attendees: Mark Gordon, East Goshen Township, Zoning Officer  
Mike Conrad, P.E., Yerkes Associates, Inc.  
Thomas Kummer, R.L.A.  
Christina DiRocco, DiRocco Brothers, Inc.

Location: East Goshen Township Office  
1580 Paoli Pike  
West Chester, PA 19380

Delivery: Via E-Mail to All Attendees

1. The following items as discussed appear in numerical sheet order.
  - a. Sheet 2 of 4. It was agreed that a portion of arbor vitae trees shown on the plans as existing were actually removed by others prior to start of construction and therefore are not part of any proposed construction improvements. Final grading in the area of prior plantings should include grading out of the shallow trench left as result of arbor vitae removal.
  - b. Sheet 4 of 14. Contractors attention is called to note referring to hatched areas located at existing evergreen trees. Note is self-explanatory concerning requirements.
  - c. Sheet 5 of 14. The amended soil area shown via detail on this and other sheets was discussed as to whether or not the amended soil had been installed. Contractor shall verify that such soils have been installed as part of grading and site work operations and shall coordinate verification with Brad Eldred, Inspector for Yerkes Associates, Inc. It was noted that these amended soil areas constituted a portion of DEP approval concerning stormwater control.

- d. Sheet 9 of 14. Planting details are shown on sheet 9 of 14. Contractors attention is called to the requirements of all details including notes. A site inspection revealed that plantings were being installed without vee shaped plant pit sides required to be backfilled with specified backfill mixture. Resolution of this was left open for contractor to respond. Details show staking and guying and specifying strapping or webbing. Contractor has installed wire guys. Contractor may elect to delete guying if desired as the area does not appear to be within a wind prone zone. Rain garden inlet specifies licorice root mulch 3" deep. This material was not observed on site. Discussion revolved around contractor increasing watering due to extreme weather conditions and to respond in terms of proposed revisions to offset installation not in accordance with details.
- e. Sheet 12 of 14. (Revised 6/14/11 showing additional trees as replacement for removed trees.)

This plan shows 20 additional trees. It was agreed that these trees be Fall planted and that the proposed locations as shown by plan will be adjusted. These locations will be field located at time of planting. Planting notes and specifications were discussed with item numbers 4, 10, 13, 16, 20, 22, 24 and 27 being highlighted as paramount during planting operations. Also, one maple tree and three hawthorn trees referred to in the Conservancy letter have already been installed and were previously approved.
- f. Sheet 13 of 14. Contractor's attention is called to proposed grass area at west end along Airport Road. This, as plan notes, is a BMP credit area. Minimum disturbance reduced grading is required, i.e., no compaction due to heavy equipment operations.
- g. Sheet 14 of 14. Discussion centered on "Seeding Notes and Specifications" for wetland, turf areas and turf area with amended soils. Contractor's attention is called to the varying requirements of each of these seeded area types. Soil amendment media is defined herein under item 1 a. and b. Discussion also included straw mulch organic binder/tackifier to hold and stabilize seeded areas.
- h. Phase I Plan. Discussion centered on 1) Contractor does not have a copy of this plan which specifies plantings specifically required for Phase I. 2) That there are discrepancies between the primary plant material list and materials proposed for Phases I and II. Thomas H. Kummer to coordinate with Stantec to resolve this issue.

The plant materials featuring discrepancies include AR, QP, AM, AU, CN, IG, PV, RF and CKF. Additionally, we note that Fraxinus should be removed from the plant list (part of 20 additional trees) and be replaced with Shagbark Hickory (Carya ovate).

2. Further, discussion included delay of plant material installation until Fall favorable planting conditions prevail. Approval of this delay would have been granted; however, planting operations had begun prior to this meeting which was originally intended as a landscape pre-construction meeting. Plant materials not procured and or planted as of this date may be planted during the Fall preferred planting season.

cc: Charles Olivo, P.E., Stantec

E-Mail Addresses

Mark Gordon	- <a href="mailto:mgordon@eastgoshen.org">mgordon@eastgoshen.org</a>
Christina DiRocco	- <a href="mailto:diroccobrosinc@verizon.net">diroccobrosinc@verizon.net</a>
Tom Kummer	- <a href="mailto:thkummer@comcast.net">thkummer@comcast.net</a>
Mike Conrad	- <a href="mailto:mconrad@yerkes-assoc.com">mconrad@yerkes-assoc.com</a>
Charles Olivo	- <a href="mailto:charlesolivo@stantec.com">charlesolivo@stantec.com</a>