

**EAST GOSHEN TOWNSHIP
PLANNING COMMISSION**

Agenda

**Wednesday, April 4, 2012
7:00 PM**

- A. Call to Order / Pledge of Allegiance and 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. March 7, 2012**
 - F. Acknowledge Receipt of New Application
 - 1. Anthony P. Renzi, Jr., 219 Ellis Lane (DV)**
 - G. Subdivision Plans
 - H. Land Development Plans
 - I. Conditional Uses and Variances
 - 1. Camp K-9 Paradise for Paws, LLC / 1303 West Chester Pike / CU**
 - 2. Anthony P. Renzi, Jr., 219 Ellis Lane / DV**
 - J. Ordinance Amendments
 - 1. Zoning Ordinance Review (Article IV)
 - 2. Apartment Height Text Amendment**
 - K. Old Business
 - 1. Sign Ordinance Discussion
 - a. Village Square Signage / Concept Renderings
 - b. Goshen Village Signage / Email Correspondence
 - c. Billboards**
 - L. New Business
 - M. Any Other Matter
 - N. Liaison Reports
 - O. Meeting Dates of Importance
 - April 06, 2012 Good Friday – Offices Closed
 - April 6-8, 2012 Goshen Fire Co. Easter Flower Sale – 1299 Boot Rd.
 - April 09, 2012 Municipal Authority 7:00 PM
 - April 11, 2012 Conservancy Board 7:00 PM
 - April 12, 2012 Historical Commission 7:00 PM
 - April 12, 2012 Farmer's Market 3-5:00 PM
 - April 14, 2012 Keep East Goshen Beautiful Day 8:30 AM
 - April 17, 2012 Board of Supervisors – 7:00 PM
 - CU Hearing for Camp K9
 - April 19, 2012 W C Area Council of Governments – 7:00 PM
 - @ East Goshen Township
 - April 24, 2012 General Primary Election
 - April 25, 2012 Friends of East Goshen 501c3 7:00 PM
 - P. Correspondence
 - Q. Goals
 - R. Adjournment
- Bold Items indicate new information to review for that topic.**

REMINDER – Summer Newsletter:

Article Submission Due Date

Posted to Website

May 2, 2012

July 1, 2012

Planning Commission Application Tracking Log

Application Name	Application (CU, LD, O, SD, ZHB, 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
Camp K-9	CU	Sk	2/28/2012	2/28/2012	na	na	3/1/2012		4/4/2012	4/24/2012	4/17/2012	4/28/2012
219 Ellis Ln. (Dim. Variance)	ZHB	SK	3/28/2012	3/28/2012	na	na	4/2/2012		5/2/2012	5/15/2012	TBD	5/27/2012

Bold = New Application or PC action required

Draft
EAST GOSHEN TOWNSHIP
PLANNING COMMISSION MEETING
March 7, 2012

The East Goshen Township Planning Commission held a regularly scheduled meeting on Wednesday, March 7, 2012 at the East Goshen Township building. Members present were: Chairman Susan Carty, George Martynick, Dan Daley and Megann Hedgecock. Also present were Mark Gordon, Township Zoning Office; Monica Close, Historical Commission; Ginnie Newlin, Conservancy Board; and Erich Meyer.

WORKSESSION – 7:00 PM

- A. Minutes of the February 1, 2011 meeting were reviewed.
- B. Mark announced that “texting” while driving in Pennsylvania has been banned starting tomorrow. The Malvern Institute has scheduled another meeting with the neighbors. YMCA submitted a permit to put a new, LED sign on Airport Road and an additional LED sign on Paoli Pike. He will write them a letter. Cornwallis/Wineberry connection road – Mr. Angelini purchased a 3rd property with the intention of subdividing and putting a new road through to connect Cornwallis and Wineberry.
- C. Mark reported that the cutoff for the Vision Partnership Grant was missed. They will try again in July.

FORMAL SESSION – 7:30 PM

A. Pledge of Allegiance & Announcements

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

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

Sue announced that there will not be a workshop in March.

Any non-agenda comments – Ginnie Newlin reported that a seminar was held at the Ridley Creek State Park today. The topics were preserving park areas, restoring meadows, planting and caring for trees. She was very pleased that five members of the East Goshen Township staff attended.

B. Approval of Minutes

The Chairman noted that the minutes of February 1, 2012 were approved.

C. Acknowledge Receipt of New Applications

D. Subdivision/Land Development Plans – None

E. Conditional Use and Variances – 1303 West Chester Pike

Brian Nagle, Esquire, was present along with Jason Morgera, owner of Camp Canine LLC and Jeff Lauffer, architect. Brian explained that a formal plan has been submitted. A traffic study was submitted with the application and shows no concerns. The Township requires 18 parking spaces and they are including 20. Jeff reviewed the plan for the Commission. There are 8 parking spaces in the front, 4 in the rear and an additional 2 in the back by the tree. On the west side of the building, the asphalt is 20 feet wide and there are 6 parking spaces. The existing handicapped space will be 9 feet wide with extra space for access to a van.

Questions/comments from Commission Members:

Dan – asked if the lighting in the back is adequate for the 2 additional spaces. Jeff will measure the light in that area.

Dan – asked about the width of the access lane on the east side of the building. Jeff said it is 12 feet from the face of the building to the curb. He feels the curb sits on the property line.

Dan – asked about the width from the front of the building to the island. Jeff said it is 36 feet, 9.5 inches from the walkway to the curb at the island. Dan suggested that the spaces in front could be turned straight

1 instead of angled. This would make it possible for someone, who has gone around the building, to pull into
2 an empty space instead of going onto Route 3 and making a "U" turn to come back. Jeff does not think there
3 is enough room. Mark mentioned that a 30° angled space must be 10 feet wide. The current spaces are 9 feet
4 wide. Mark feels the angled parking is best.

5 Megann – suggested that the traffic flow be changed to go across the front, then up the west side and around
6 the building. Brian pointed out that you can't have traffic coming in and out at the same entrance on Route 3.
7 Sue – asked if there is enough space for the people who parallel park on the west side to walk with their dog.
8 Mark feels that there is enough space.

9 Jason mentioned that there will be employees at the rear of the building to bring dogs in if there is a sever
10 congestion problem. This would only be for those who signed up in advance. Those who come to sign up at
11 the facility must come in the front.

12 Mark suggested that the handicapped space be located at the opposite end of the front spaces. Jeff pointed
13 out that the west side would be better because the walkway has a ramp at that end. Mark and Jeff will meet
14 at the site to review the parking spaces.

15 Mark mentioned that he is waiting for the Township's traffic study. The one provided does not address the
16 flow of traffic around the building. Brian asked Mark to provide him with a copy of the Township's report
17 so he can work with Mark on the traffic flow around the building.

18
19 Brian distributed information sheets about flooring products, fencing, canopy and trash cans. The trash will
20 be picked up once per week. They will start with 3 - 96 gallon containers. Jason passed around a sample of
21 the floor covering which should last 10 years and will be used inside and outside.

22
23 Brian distributed renderings of the proposed signs. Dan asked about grooming. Jason explained that some
24 dogs will come during the day just for grooming, probably between 10:30 am and 4:00 pm. There are 3
25 grooming tables.

26
27 Sue asked about exiting the building in an emergency. Jason will have boxes installed that the fire company,
28 which is behind the store, will have access to when he is not there.

29
30 Sue reviewed what is needed on the plan for the next meeting:

- 31 1. Dimensions
- 32 2. Corrected size and number of parking spaces
- 33 3. Lighting
- 34 4. Width of the driveway on the east side of the building
- 35 5. Would it be acceptable to Jason to indicate on the plan that at sometime in the future he may
36 put pervious paving in the rear, grassy area. Mark mentioned that they should leave a 20 foot buffer at the
37 property line with no parking. Brian asked if this would require additional storm water management. Mark
38 said no, as long as pervious pavers are used.

39
40 Public Comments:

41 Ginnie asked what will make it a paradise for paws. Jason answered that the dogs will be engaged in many
42 social activities. This facility is double the size of most existing facilities.

43
44 The next regular meeting will be Wednesday April 4, 2012. The Conditional Use Hearing will be Tuesday,
45 April 17, 2012.

46 47 **G. Old Business**

- 48 1. Village Square Signage - Ed McFalls of Hersheys Mill Commercial Holdings LLC, provided copies of
49 the proposed new sign at the entrance to the Village Square Shopping Center. It is similar to the sign at
50 Fairfield, it will be interior lit, and Giant, which bought Genuardis from Safeway, will be the anchor store. He
51 would also like to install a smaller sign, which would also be illuminated, on Boot Road at Clover Lane. This is
52 before the incline in the road so people will know the shopping center is ahead. Mark suggested that Ed put
53 stakes with orange ribbons where he is proposing to put this sign. The ordinance has be to checked to see how
54 many signs are allowed per road frontage

- 1
2 **H. New Business - None**
3
4 **I. Liaison Reports - None**
5
6 **J. Any Other Matter - None**
7
8 **H. Adjournment**
9 There being no further business, a motion to adjourn the meeting was made by George and seconded by Dan.
10 The meeting adjourned at 9:15 p.m.
11
12
13 Respectfully submitted, _____
14 *Ruth Kiefer, Recording Secretary*
15
16

Memorandum

East Goshen Township
1580 Paoli Pike
West Chester, PA 19380

Voice: 610-692-7171

Fax: 610-692-8950

E-mail: mgordon@eastgoshen.org

Date: 3/30/2012

To: Planning Commission

From: Mark Gordon, Zoning Officer 

Re: Camp K-9

Dear Commissioners,

The Camp K-9 Conditional Use Hearing for this application is advertised for April 17, 2012, I have enclosed the comments for the Traffic Engineer for your review. We have not received any revised plans from the applicant therefore I'm not sure if any of the comments addressed by the commission at your meeting on March 7th have been addressed.

DRAFT MOTION:

Madam Chairman, I move that we recommend that the Board of Supervisors approve the Conditional Use application for Camp K-9 Paradise For Paws, to operate a Kennel / Dog Daycare business on the property at 1303 West Chester Pike in accordance with the application and the plans dated _____ last revised on _____ along with the applicants' representation during their presentations to the Planning Commission and with the following conditions:

1. The applicant agrees to limit the number of dogs on the property to a maximum of 120 at any one time.
2. The applicant agrees to keep accurate accounting of the number of dogs on the property at all times.
3. The applicant is aware of and acknowledges the Township noise ordinance requirements for dog barking and will present a plan to the Board of Supervisors outlining how this operation will meet the standards of the ordinance. The plan will also address how Camp K-9 will address excessive dog barking noise complaints.
4. The applicant agrees to allow the Township to conduct a traffic count of the vehicles entering the property during the Peak AM and Peak PM hour to determine the amount of traffic generated by this use and to determine the traffic impact fee for the use.
5. The applicant agrees to pay the traffic impact fee outlined in the Township Code and the MPC for the new development minus the number of trips associated with the previous use.
6. The applicant agrees to install the reserved parking noted on the plan in the event that the need arises or when the Township determines it to be necessary.

7. The parking a vehicle access surfaces shall be repaired and all parking areas re-striped prior to the issuance of a use and occupancy certificate.
8. The wall existing wall and freestanding signs will be refaced and no additional sign area shall be added to these two signs.
9. Approval from the local Dog Warden shall be provided to the Township for this application.
10. The applicant will follow all applicable federal, State, County and Local laws and secure all proper permits prior to construction of the improvements depicted on the plans.

§ 156-5. Noise disturbances prohibited.

No person shall unreasonably make, continue or cause to be made or continued any noise disturbance.

A. Specific prohibitions. By way of example, but not by way of limitation, the following acts and the causing thereof are declared to be in violation of this chapter.

(4) Animals and birds. Owning, possessing or harboring any animal or bird which frequently or for continued duration howls, barks, meows, squawks or makes other sounds which create a noise disturbance across a residential real property boundary or within a noise sensitive zone.

Definitions

NOISE DISTURBANCE -- Any sound which endangers or injures the safety or health of humans or animals; annoys or disturbs a reasonable person of normal sensitivities; or endangers or injures personal or real property.

§137 Fees

§ 137-13. Applicability of impact fee.

This article shall be uniformly applicable to all development that occurs within a designated development subarea.

§ 137-14. Imposition of impact fee.

No building permit shall be issued for a development in a designated transportation district subarea, as herein defined, unless the applicant who submitted the subdivision or land development plan for approval, or his successor in interest to the plan or property to which the plan is subject, has paid the impact fee imposed by and calculated pursuant to this article.

- (3) The current owner of record who acquired the property subsequent to the time of violation without regard as to whether such current owner had actual or constructive knowledge of the violation.
- (4) The vendee or lessee of the current owner of record who acquired the property subsequent to the time of violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation. As an additional condition for issuance of a permit or the granting of an approval to any such owner, current owner, vendee or lessee for the development of any such real property, the municipality may require compliance with the conditions that would have been applicable to the property at the time the applicant acquired an interest in such real property.

Section 515.2. Jurisdiction. District justices shall have initial jurisdiction in proceedings brought under section 515.3.

Section 515.3. Enforcement Remedies.

(a) Any person, partnership or corporation who or which has violated the provisions of any subdivision or land development ordinance enacted under this act or prior enabling laws shall, upon being found liable therefor in a civil enforcement proceeding commenced by a municipality, pay a judgment of not more than \$500 plus all court costs, including reasonable attorney fees incurred by the municipality as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the municipality may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating the ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation.

(b) The court of common pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem judgment pending a final adjudication of the violation and judgment.

(c) Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than the municipality the right to commence any action for enforcement pursuant to this section.

Article V-A - Municipal Capital Improvement

** Compiler's Note: (a)(9) of Act 1996-58, which created the Department of Community and Economic Development and abolished the Department of Community Affairs, provided that housing, community assistance and other functions under Article V-A are transferred from the Department of Community Affairs to the Department of Community and Economic Development.*

(Art. added Dec. 19, 1990, P.L.1343, No.209)

Section 501-A. Purposes. To further the purposes of this act in an era of increasing development and of a corresponding demand for municipal capital improvements, to insure that the cost of needed capital improvements be applied to new developments in a manner that will allocate equitably the cost of those improvements among property owners and to respond to the increasing difficulty which municipalities are experiencing in developing revenue sources to fund new capital infrastructure from the public sector, the following powers are

granted to all municipalities, other than counties, which municipalities have adopted either a municipal or county comprehensive plan, subdivision and land development ordinance and zoning ordinance.

Section 502-A. Definitions. The following words and phrases when used in this article shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Adjusted for family size," adjusted in a manner which results in an income eligibility level which is lower for households with fewer than four people, or higher for households with more than four people, than the base income eligibility level determined as provided in the definition of low- to moderate-income persons based upon a formula as established by the rule of the agency.

"Adjusted gross income," all wages, assets, regular cash or noncash contributions or gifts from persons outside the household, and such other resources and benefits as may be determined to be income by rule of the department, adjusted for family size, less deductions under section 62 of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. 62 et seq.).

"Affordable," with respect to the housing unit to be occupied by low- to moderate-income persons, monthly rents or monthly mortgage payments, including property taxes and insurance, that do not exceed 30% of that amount which represents 100% of the adjusted gross annual income for households within the metropolitan statistical area (MSA) or, if not within the MSA, within the county in which the housing unit is located, divided by 12.

"Agency," the Pennsylvania Housing Finance Agency as created pursuant to the act of December 3, 1959 (P.L.1688, No.621), known as the "Housing Finance Agency Law."


* "Department," the Department of Community and Economic Development of the Commonwealth.

"Existing deficiencies," existing highways, roads or streets operating at a level of service below the preferred level of service designated by the municipality, as adopted in the transportation capital improvement plan.

"Highways, roads or streets," any highways, roads or streets identified on the legally adopted municipal street or highway plan or the official map which carry vehicular traffic, together with all necessary appurtenances, including bridges, rights-of-way and traffic control improvements. The term shall not include the interstate highway system.

"Impact fee," a charge or fee imposed by a municipality against new development in order to generate revenue for funding the costs of transportation capital improvements necessitated by and attributable to new development.

"Low- to moderate-income persons," one or more natural persons or a family, the total annual adjusted gross household income of which is less than 100% of the median annual adjusted gross income for households in this Commonwealth or is less than 100% of the median annual adjusted gross income for households within the metropolitan statistical area (MSA) or, if not within the MSA, within the county in which the household is located, whichever is greater.

 "New development," any commercial, industrial or residential or other project which involves new construction, enlargement, reconstruction, redevelopment, relocation or structural alteration and which is expected to generate additional vehicular traffic within the transportation service area of the municipality.

"Offsite improvements," those public capital improvements which are not onsite improvements and that serve the needs of more than one development.

Memorandum

East Goshen Township
1580 Paoli Pike
West Chester, PA 19380

Voice: 610-692-7171
Fax: 610-692-8950
E-mail: mgordon@eastgoshen.org

Date: 3/30/2012
To: Planning Commission
From: Mark Gordon, Zoning Officer
Re: Renzi Variance, 219 Ellis Ln. *mlb*

Dear Commissioners,

Mr. Renzi has submitted an application for zoning variance relief from the side yard in order to construct a detached garage at his property, 219 Ellis Ln. The request is for 8' of relief. Two of the neighboring property owners have submitted their support as part of the application. The lot is a very narrow lot and sloped in the side yard. I have drafted a motion for your consideration.

DRAFT MOTION:

Madam Chairman, this property is a narrow and deep lot; approximately 100' wide and ~417' deep and sloped significantly in the side yard such that a conforming structure could cause more impact to the environment and property than the proposed solution. The applicant did not create this condition nor will granting this relief alter the character of the neighborhood. I move that we recommend that the Board of Supervisors support Mr. Renzi's Variance request to build a garage with a side yard setback of no less than 8 feet which represents 12 feet of relief with the following condition(s).

1. The applicant shall follow all applicable federal, State and Local laws and secure all proper permits prior to construction of the improvements depicted in the variance application and the testimony of the applicant.

Memorandum

East Goshen Township
1580 Paoli Pike
West Chester, PA 19380

Voice: 610-692-7171
Fax: 610-692-8950
E-mail: mgordon@eastgoshen.org

Date: 3/30/2012
To: Planning Commission
From: Mark Gordon, Township Zoning Officer *mlb*
Re: Maximum Height of Apartment Buildings: Draft Motion

Dear Commissioners,

We have received the CCPC review letter for the proposed Zoning Ordinance amendment. I have drafted a motion for your consideration.

Draft Motion:

Madame Chairman, I move that we recommend that the Board of Supervisors approve the Zoning Ordinance text amendment, 129-C-2012, amending the Maximum Building Height requirement for Apartment buildings. This amendment will clarify and simplify an awkwardly written provision of the code.



THE COUNTY OF CHESTER

COMMISSIONERS

Terence Farrell
Kathi Cozzone
Ryan A. Costello

Ronald T. Bailey, AICP
Executive Director

PLANNING COMMISSION

Government Services Center, Suite 270
601 Westtown Road
P.O. Box 2747
West Chester, PA 19380-0990
(610) 344-6285 Fax: (610) 344-6515



RECEIVED
BY: _____

MAR 15 2012

March 9, 2012

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

Re: Zoning Ordinance Amendment - Maximum Height of Apartment Buildings
ZA-2-12-5540 - East Goshen Township

Dear Mr. Smith:

The Chester County Planning Commission has reviewed the proposed ordinance amendment as submitted pursuant to the provisions of the Pennsylvania Municipalities Planning Code, Section 609(e). The referral for review was received by this office on February 13, 2012. We offer the following comments to assist in your review of the proposed ordinance amendment.

DESCRIPTION OF THE AMENDMENT:

1. East Goshen Township proposes to amend Section 240-29.C(6) of its Zoning Ordinance, pertaining to the maximum permitted height of apartment buildings applicable to the R-4 High Density Suburban Residential, R-5 Urban Residential and C-4 Planned Highway Commercial zoning districts.

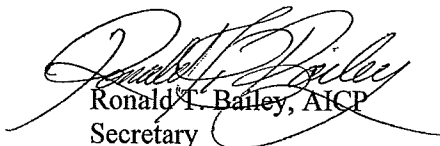
COMMENT ON THE AMENDMENT:

2. The proposed Ordinance language appears to be appropriate.

RECOMMENDATION: East Goshen Township should adopt the proposed zoning ordinance amendment.

We request an official copy of the decision made by the Board of Supervisors, as required by Section 609(g) of the Pennsylvania Municipalities Planning Code. This will allow us to maintain a current file copy of your ordinance.

Sincerely,


Ronald T. Bailey, AICP
Secretary

RTB/PF

Memorandum

East Goshen Township
1580 Paoli Pike
West Chester, PA 19380

Voice: 610-692-7171

Fax: 610-692-8950

E-mail: mgordon@eastgoshen.org

Date: 3/28/2011

To: Planning Commission

From: Mark Gordon, Township Zoning Officer 

Re: Sign / Billboard Ordinance

Dear Commissioners:

We talked about amending the sign ordinance at your March meeting however the Twp. solicitor has reviewed the ordinance and recommended some significant changes to address several aspects surrounding off premises signs (Billboards). With that said I propose to incorporate the changes to the Commercial signage at shopping centers into the change we are working on with the solicitor. We should have a draft for your May meeting.