

**EAST GOSHEN TOWNSHIP
PLANNING COMMISSION
Agenda
Wednesday, September 5, 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. August 1, 2012**
- F. Acknowledge Receipt of New Applications
 - 1. 437 Gateswood Drive / Mr. Voigt (V)**
- G. Subdivision Plans
- H. Land Development Plans
- I. Conditional Uses and Variances
 - 1. 440 Gateswood Drive / Mr. Hagman (V)**
 - 2. 437 Gateswood Drive / Mr. Voigt (V)**
- J. Ordinance Amendments
 - 1. Wireless Communications Facility (12 Ft Height)**
- K. Old Business
 - 1. Zoning Ordinance Review (Article IV)
 - 2. Zoning Ordinance Review (Article V)
- L. New Business
- M. Any Other Matter
- N. Liaison Reports
- O. Meeting Dates of Importance

Sept 05, 2012	Pension Committee	1:00 PM
Sept 05, 2012	Planning Commission	7:00 PM
Sept 06, 2012	Farmers Market	3-7:00 PM
Sept 06, 2012	Park Commission	7:00 PM
Sept 10, 2012	Zoning Hearing Board	7:00 PM
Sept 10, 2012	Municipal Authority	7:00 PM
Sept 10, 2012	Commerce Dev Commission	7:00 PM
Sept 11, 2012	Board of Supervisors (Police WS)	7:00 PM
Sept 12, 2012	Conservancy Board	7:00 PM
Sept 13, 2012	Farmers Market	3-7:00 PM
Sept 13, 2012	Historical Commission	7:00 PM
Sept 18, 2012	Board of Supervisors	7:00 PM
Sept 19, 2012	Planning Commission WS	7:00 PM
Sept 20, 2012	Farmers Market	3-7:00 PM
Sept 25, 2012	Applebrook Golf	
Sept 25, 2012	Board of Supervisors (Police WS)	7:00 PM
Sept 27, 2012	Zoning Hearing Board	7:30 PM
Sept 29, 2012	Township Yard Sale (Sept 30 – Raindate)	9-1:00 PM
- P. Correspondence
- Q. Goals
- R. Adjournment

Bold Items indicate new information to review for that topic.

REMINDER – Fall Newsletter:

Article Submission Due Date

October 1, 2012

Posted to Website

Jan. 2, 2012

Draft
EAST GOSHEN TOWNSHIP
PLANNING COMMISSION MEETING
August 1, 2012

The East Goshen Township Planning Commission held a regularly scheduled meeting on Wednesday, August 1, 2012 at 7:00 p.m. at the East Goshen Township building. Members present were: Chairman Susan Carty, George Martynick, Dan Daley, Jim McRee, Adam Knox, Nathan Cline, and Al Zuccarello. Also present were Mark Gordon, Township Zoning Officer; Charles Proctor, Township Supervisor; Monica Close, Historical Commission; Joseph Zulli, Park and Recreation Commission; and Erich Meyer.

A. WORKSESSION – 7:00 PM

1. Ordinance Review – Sue mentioned that Article V is the longest. There are 3 more regular meetings. She suggested that the shorter articles, VII, VIII and IX be covered in a workshop in October. Sue spoke with Ellen Carmody of the Historical Commission and suggested that they have a combined special meeting to do a preliminary review of the historic ordinance. Then, Sue could present that review to the Planning Commission.

2. The minutes for the June 20th workshop meeting were reviewed. The minutes for the July 11th meeting were reviewed and corrected.

B. FORMAL SESSION – 7:30 PM

1. Sue called the meeting to order at 7:30 pm and Mark Gordon 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.

2. **Minutes** – Sue noted that the minutes of the June 20, 2012 workshop were approved. She also noted that the minutes for the July 11, 2012 meeting were reviewed and approved as corrected.

3. Land Development Plans

A. SNC Lavilin/Mars Drinks/1301 Wilson Drive (D) – The applicant was represented by Andrew Eberwein, of Edward B Walsh & Associates Inc., Project Manager. They received the review from Yerkes and the 4 items will be added to the drawings. In answer to George's question, as far as Andrew has been told, there are no plans to develop the corn field.

Al moved that the Commission recommend that the Board of Supervisors approve the Land Development application for Mars Drinks submitted by SNC Lavilin for the parking lot changes proposed to the property at 1301 Wilson Drive, West Chester, PA 19380, as depicted in the plans dated 2/17/2012 and last revised 6/7/2012, with the following conditions:

1. The applicant will address the Township Engineer's comments from the Yerkes letter dated 7/24/2012 to the satisfaction of the Township.

2. The applicant will follow all applicable federal, state and local ordinances and secure all proper permits prior to development of the property.

George seconded the motion. Dan abstained. The motion passed.

4. Conditional Uses and Variances

A. 440 Gateswood Drive (V) – The applicant, Christopher Hagman is out of town on business. He was represented by his father, Kenneth Hagman, 43 Old Barn Dr., West Chester. Mark explained that Christopher Hagman has applied for a Zoning Variance seeking relief from the side yard setback requirement in order to build a one-car garage. The setback is 20 feet and the applicant is requesting 10 feet.

Mr. Hagman mentioned that the neighbor behind 440 Gateswood Drive provided a letter stating that he approved the plan. Mr. Hagman provided photos of the site. The proposed garage will be 18' x 25', 1 story high. The existing garage is not big enough to hold cars, children's toys and woodworking equipment. The proposed garage will be used for woodworking and car repair and to

1 store a boat. Also, his son recently installed a patio, so they want to allow space for a buffer between
2 it and the proposed garage. The garage can't be moved back on the lot because the lot narrows in the
3 rear.

4 Sue commented that she doesn't feel there is a hardship as it is defined for the Planning Commission
5 to consider. Jim mentioned that he struggles with their desire to have this garage large enough to
6 store a boat. Al commented that there are 5 criteria for a hardship. Setbacks are made to give the
7 neighbors space. The Commission can only give approval when the applicant is present. Mr.

8 Hagman wondered if this will be worth the time to go forward. Mark explained the process.

9 Public Comments:

10 Louis Silva, 441 Gateswood Dr, lives across the street and supports the plan. He doesn't think he
11 will see the roof. It will have very little visual impact. Many houses in the neighborhood have sheds
12 at the end of their driveway. He has lived here for 24 years and would like to do the same thing.

13 Sue gave Mr. Hagman some options, he can request an extension to prepare plans or come to the
14 September 5th meeting.

15
16 **5. Old Business – None**

17
18 **6. New Business - None**

19
20 **7. Ordinances Amendments**

21 A. Wireless Communication Amendment – Mark explained that the equipment shelters for
22 wireless communications facilities are now a standard 10 feet tall. Our ordinance only permits them
23 to be 8 feet tall. This amendment fixes that. The Commission reviewed the plan. Adam moved that
24 the Planning Commission recommend that the Board of Supervisors support the Zoning Ordinance
25 amendment modifying the permitted height for equipment shelters within wireless communications
26 facilities to ten (10) feet tall. Jim seconded the motion. There was no further discussion.

27 The motion passed unanimously.

28 Mark mentioned that this will change the height of the fence, posts and screening on the Liberty
29 Towers project.

30
31 **8. Chuck Proctor continued his presentation on Zoning, Variances, Special Exceptions and Conditional**
32 **Use.**

33
34 **C. ADJOURNMENT**

35 There being no further business, a motion to adjourn the meeting was made by George and seconded by Nate.
36 The meeting adjourned at 10:00 p.m.

37
38
39 Respectfully submitted, _____
40 *Ruth Kiefer, Recording Secretary*
41
42

Planning Commission Application Tracking Log

Application Name	Application (CU, LD, O, SD, V, SE, CA)	Type (Sk, P, F)	Date Filed	Start Date	Date to Verkes/Consultant	Date to CCPC	Date to Abutting Prop. / ABC's	Extension	PC NLT Action Date	BOS NLT Action Date	Hearing Date	Drop Dead date
440 Gateswood Dr.	V	S	7/24/2012	7/24/2012	NA	NA	7/25/2012	1	9/5/2012	9/18/2012	9/27/2012	10/22/2012
437 Gateswood Dr.	V	S	8/28/2012	8/28/2012	NA	NA	8/29/2012		9/5/2012	9/18/2012	9/27/2012	10/26/2012

Bold = New Application or PC action required

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: 8/29/2012
To: Planning Commission
From: Mark Gordon, Zoning Officer *mlg*
Re: 440 Gateswood Drive

Dear Commissioners,

Mr. Hagman has applied for a Zoning Variance seeking relief from the side yard setback requirement in order to build a one car garage.

DRAFT MOTION TO SUPPORT:

Madame Chairman, I move that we recommend that the Board of Supervisors support the Zoning Variance application for the property at 440 Gateswood Drive because the relief sought will not alter the character of the neighborhood, with the following conditions:

1. The garage shall encroach no more than ten (10) feet into the side yard setback area.
2. The applicant will follow all applicable Federal, State and Local ordinances and secure all proper permits prior to construction of the new garage.

Chris & Theresa Hagman
440 Gateswood Drive
West Chester, PA 19380
August 26, 2012

East Goshen Township Planning Commission
1580 Paoli Pike
West Chester, PA 19380

Dear Committee:

We feel that the setback requirements for our garage proposal would cause us a hardship and lead us to not be able to use our yard to its fullest potential.

We would like to build our garage so that we had adequate storage space for our family and our growing activities.

We have 3 young children and as they grow they are becoming more involved in various activities that require various items that we need to store. We would also like for them to enjoy our back yard in the way that we envisioned when we purchased our home over 3 years ago.

If we were to put our garage 20 feet from the property line, the space between the property line and garage would not be usable since they would be on the other side of the garage and out of sight from our patio and indoor living space.

Also if we were to place the garage 20 feet from the property line it would then be 4 feet behind the corner of our house and require us to alter our new patio.

The garage would also serve us in other capacities as I am involved in the automotive and boat restoration hobby and I have many tools that I utilize frequently for numerous home related projects.

Since we purchased our home over 3 years ago we have completed countless projects that have added a lot of value inside and out of the home as well as curb appeal. This has not only improved our home but added value to the neighborhood as well.

We ask that you allow us to go ahead with our project so we can continue to enjoy our home as we envisioned as well as continue to add value to our neighborhood.

Thank you for your consideration.

Sincerely,

Chris & Theresa Hagman

We have talked with the Hagman's at 440 Gateswood Drive concerning their detached garage plans. We believe that their proposed 10' setback will have no impact on our properties and give our support for them to proceed.

 Kevin Dougherty

 Nancy McIntyre

 MANUEL OLIVEIRA

 Louis W. Voigt

 GEORGE SCHMITT

 LINDA FERN

 DAVID L. MANSON

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: 8/29/2012
To: Planning Commission
From: Mark Gordon, Zoning Officer *mlg*
Re: 437 Gateswood Drive

Dear Commissioners,

Mr. Voigt has applied for a Zoning Variance seeking relief from the side yard setback requirement in order to build an attached two car garage.

DRAFT MOTION TO SUPPORT:

Madame Chairman, I move that we recommend that the Board of Supervisors support the Zoning Variance application for the property at 437 Gateswood Drive because the relief sought will not alter the character of the neighborhood, with the following conditions:

1. The garage shall encroach no more than ten (14) feet into the side yard setback area.
2. The applicant will follow all applicable Federal, State and Local ordinances and secure all proper permits prior to construction of the new garage.

BOARD OF SUPERVISORS

EAST GOSHEN TOWNSHIP

CHESTER COUNTY

1580 PAOLI PIKE, WEST CHESTER, PA 19380-6199

August 29, 2012

Dear Property Owner:

The purpose of this letter is to inform you that Mr. Louis Voigt has submitted a Zoning Hearing Board application requesting a Zoning Variance for his property at 437 Gateswood Drive, West Chester, PA, 19380. Mr. Voigt is seeking dimensional relief from the side yard setback requirement of §240-9.G of the Township Zoning Ordinance.

Mr. Voigt proposes to build an attached garage and is requesting fourteen (14) feet of relief from the twenty (20) foot side yard setback requirement of the ordinance.

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

The meeting dates and times scheduled for the review and discussion of this application are outlined below and subject to change.

September 5, 2012 - Planning Commission meeting (workshop at 7:00 pm, formal meeting @ 7:30 pm)

September 18, 2012 - Board of Supervisors meeting (7:00 pm)

September 27, 2012 - Zoning Hearing Board (**Zoning Variance Hearing, 7:30 PM**)

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

Sincerely,



Mark A. Gordon
Township Zoning Officer

Cc: All Township Authorities, Boards and Commissions

RECEIVED
BY: _____
AUG 28 2012

**EAST GOSHEN TOWNSHIP
ZONING HEARING BOARD APPLICATION**

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

Name of Applicant: Louis W. Voigt
Applicant Address: 437 Gateswood Drive
West Chester
Telephone Number: 610.431.3782 Fax Number: _____
Email Address: lwvoigt@comcast.net
Property Address: same -
Tax Parcel Number: 53-04Q-0045 Zoning District: R-2 Acreage: .61 Acre

Purpose of Application (check one)

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

Sections of Zoning Ordinance in which relief is sought:

Section 240-9.6 and 240-28.D.(3)(b)

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

REQUEST SIDEYARD DIMENSIONAL SETBACK RELIEF
PER ENCLOSED DRAWING DOCUMENTATION FOR AN ATTACHED
GARAGE TO BE ABLE TO HAVE THE ATTACHED GARAGE LOCATION
COMPLIMENT ACCESS TO THE EXIST. HOME & PATIO, BACKYARD DESIGN

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

Louis W. Voigt
Signature of Applicant

August 23, 2012
Date

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

Lou & Lise Voigt, 437 Gateswood Drive - Proposed Attached Garage

Future Use of Property per the proposed Attached Garage Location:

- Adjacent to the garage & covered entry way; a patio, barbeque area will be designed and installed to allow for access to the house, garage and rear-backyard area.
- The garage allows for a covered entry into rear left corner of house. This location of the house along with the existing garage will be renovated for future accessible living space that will entail a bedroom and bathroom.

Pros & Cons of proposed garage location:

Pros:

- Per existing lot size, narrow shape & location of existing home on lot, the garage location is conceptually and aesthetically the most pleasing. The garage is parallel to the existing home which is the preferred logical approach. It is the best fit for existing home & lot conditions.
- Does not have a negative impact on the backyard landscaping design. The location accommodates for landscaping 'screening' for the neighbor and also allows for plenty of back yard space for patio, pool, etc. and keeping close access to the house.
- Garage design allows large SUV's, trucks, trailers, etc. and storage area for household goods. The existing 20'x20' garage is very small for standard vehicles & storage requirements.
- Garage location remains a safe distance away from several large trees in the back yard.
- The garage location also eludes a major economic impact due to a 5-6 foot grade elevation change from existing drive way to the 'tree-line' area of back yard.

Cons:

- Garage location does not meet side yard setback of 20 feet.

Dimensional Variance for our proposed Attached Garage

Lou & Lise Voigt, 437 Gateswood Drive

Dear Neighbor,

I may have spoken to you in the years or months past that we wanted to build an attached garage but unfortunately due to our narrow lot size and other factors we have to submit for a zoning variance to the township. We are finally submitting documentation to the township.

I've located the garage per the enclosed rendering which we feel is very complimentary to the neighborhood. The garage will be attached to our house per a connecting covered entry. The finishes will blend right in with our home and will be professionally landscaped.

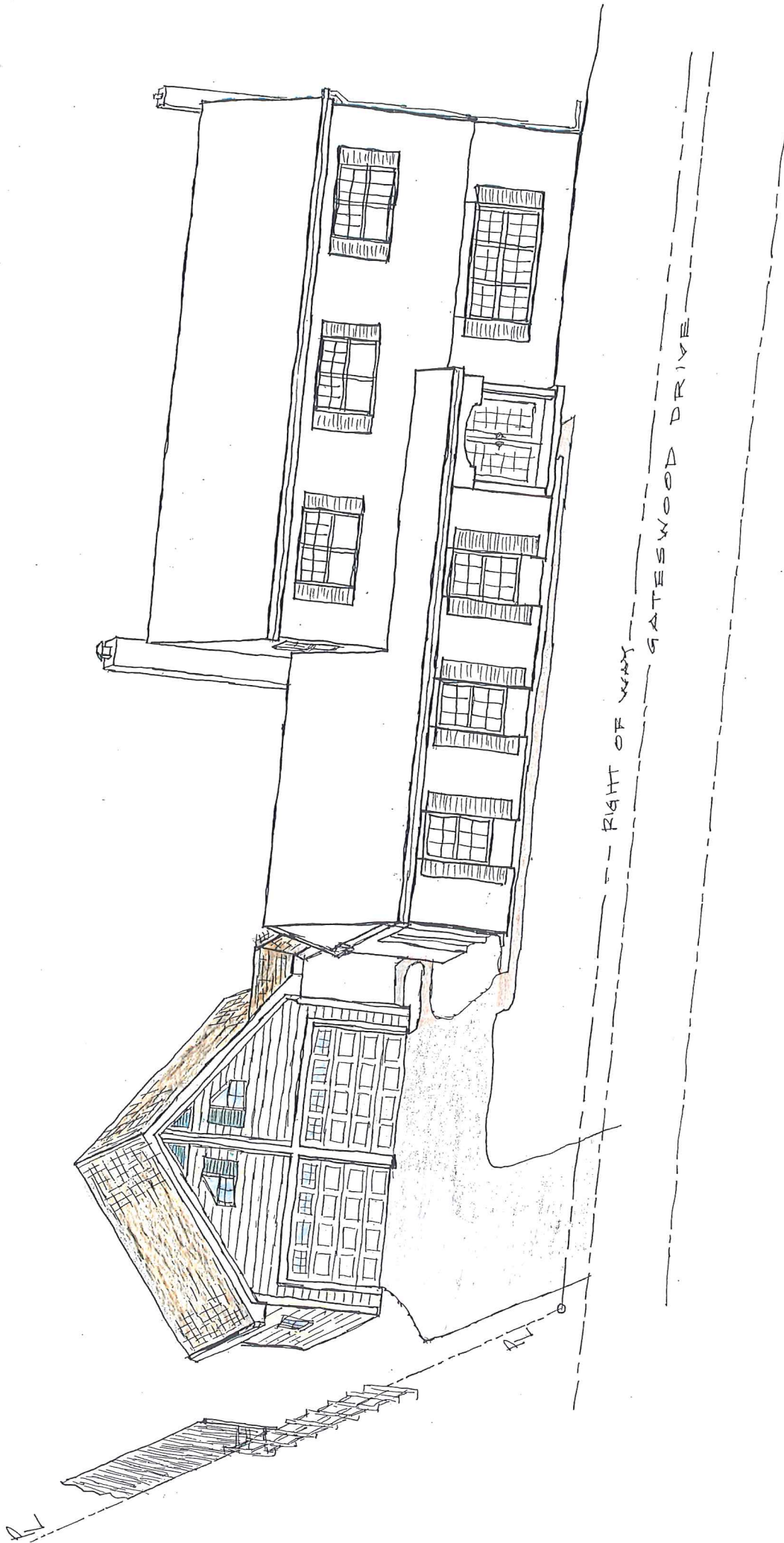
I would like your support of our attached garage by signing & printing your name below. Thank you for your help!

Lou & Lise Voigt

.....

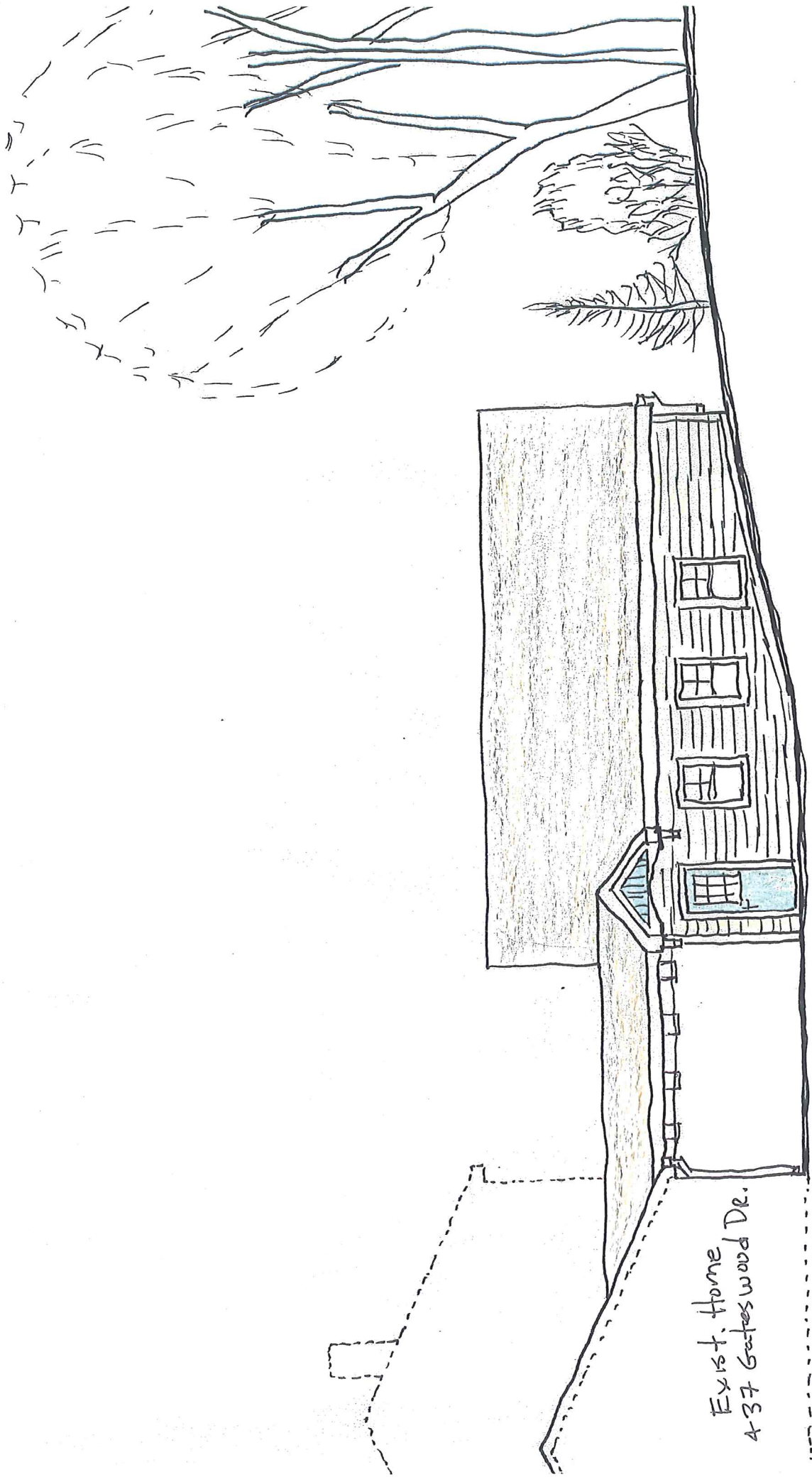
Cassandra Callaghan
Joyce Jefferis
Louis A. Silva
Joanne M. Fell
Michael X. Stein
William F. Rigby
David L. Manson
Melvin Cox
Kathleen K. Potts
Chris Bensen Bensen (Teresa Bensen)
Edward A. Peterson
M. J. Naftzger

CASSANDRA CALLAGHAN (Richards)
Joyce Jefferis (Richards)
LOUIS A. SILVA (Gateswood)
Joanne M. Fell (Gateswood)
Michael X. Stein (Richards)
WILLIAM F. RIGBY (Gateswood)
DAVID L. MANSON (Gateswood)
MELVIN COX (Gateswood)
Kathleen K. Potts (Allison)
Chris Bensen Bensen (Gateswood)
Edward A. Peterson (Gateswood)
M. J. NAFTZGER (439 GATESWOOD)



Louise Voigt - Attached Garage

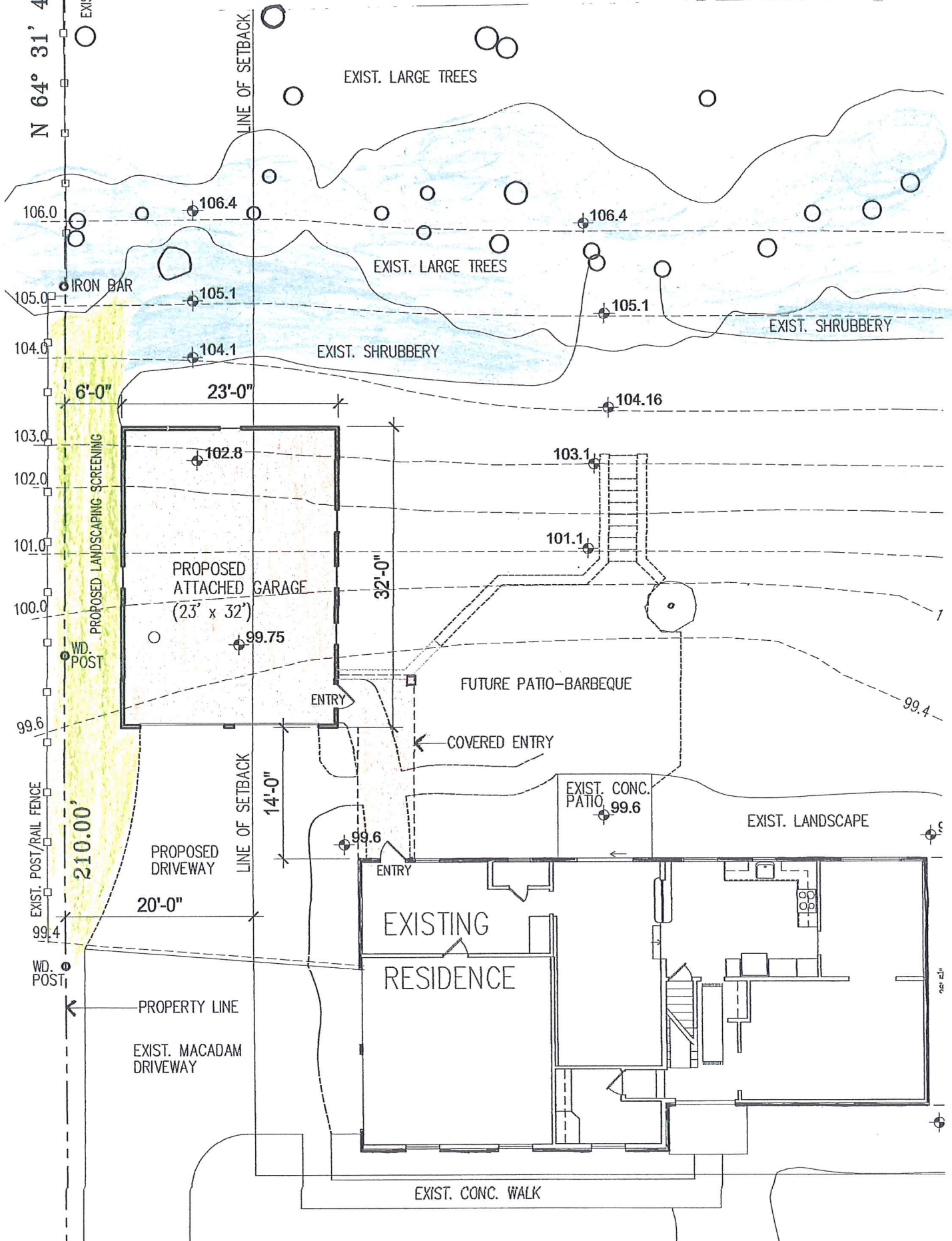
August 23, 2012



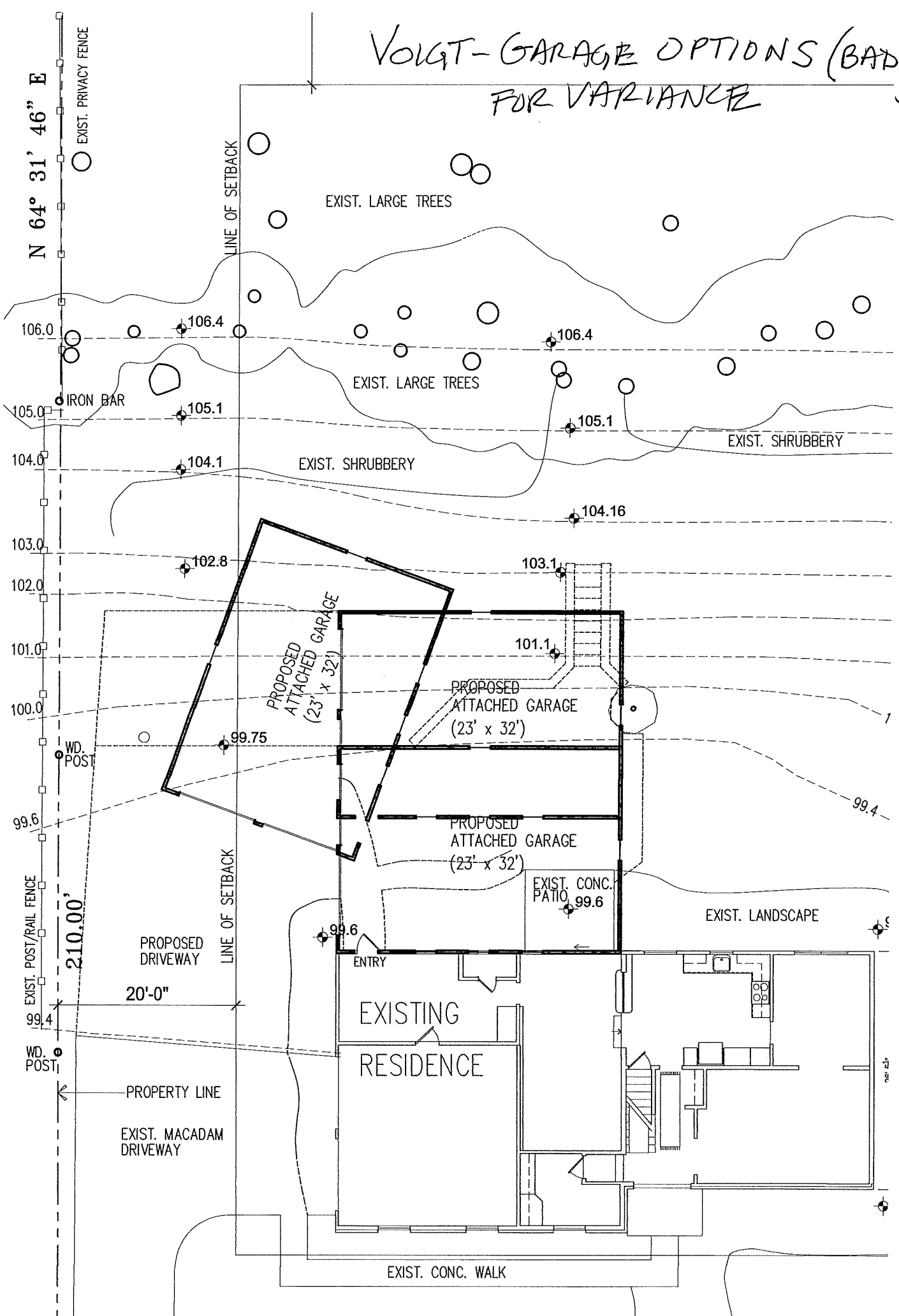
Exst. home
437 Gateswood Dr.

Lise & Lou Voigt - SIDE ELEVATION ATTACHED GARAGE August 23, 2012

Lou & Lise Voigt - 437 Gateswood Drive
PROPOSED ATTACHED GARAGE - SITE PLAN
August 23, 2012



VOIGT-GARAGE OPTIONS (BAD) FOR VARIANCE



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: 8/30/2012
To: Planning Commission
From: Mark Gordon, Zoning Officer *mlb*
Re: WCF Equipment Height (12 ft.)

Dear Commissioners,

It turns out that equipment shelters for the Wireless Communications facilities are not standardized and the proposed Verizon Wireless shelter needs to be 10' 7" therefore the draft ordinance you reviewed last month has been modified to allow equipment and shelters to be 12 feet tall. Liberty Towers is amending the site drawings and will build a 12 foot fence and columns. I already forwarded this to the CCPC and the Board of Supervisors has blessed the change as well.

DRAFT MOTION TO SUPPORT:

Madame Chairman, I move that we recommend that the Board of Supervisors approve the Zoning ordinance amendment modifying the permitted height for Equipment shelters within wireless Communications Facilities to twelve (12) feet tall.

EAST GOSHEN TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA

ORDINANCE NO. -2012

**AN ORDINANCE OF EAST GOSHEN TOWNSHIP,
CHESTER COUNTY, PENNSYLVANIA, AMENDING
CHAPTER 240 OF THE EAST GOSHEN TOWNSHIP
CODE, TITLED, "ZONING", TO ADD A DEFINITION FOR
CONTRACTOR'S ESTABLISHMENT; TO ALLOW SUCH
USE BY RIGHT IN THE C-1 COMMUNITY COMMERCIAL
DISTRICT; AND TO AMEND SECTION 240-31.C(3)(h) TO
ALLOW THE MAXIMUM HEIGHT OF A WIRELESS
COMMUNICATIONS EQUIPMENT BUILDING TO BE 12
FEET.**

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

SECTION 1. Section 240-6 shall be amended by adding the following definition:

"CONTRACTOR'S ESTABLISHMENT- A commercial use which involves administrative offices and the storage of supplies, equipment, machinery and materials for contractors and tradesmen such as but not limited to builders, masons, carpenters, plumbers and trade businesses."

SECTION 2. Section 240-14.B shall be amended to add a new subparagraph (15) which shall provide as follows:

"(15) Contractor's Establishment."

SECTION 3. Section 240-31.C(3)[h][2][d] shall be amended as follows:

"[d] Wireless communications equipment building or pad. Either one single-story wireless communications equipment building not exceeding 500 square feet in area, or a concrete pad not exceeding 500 square feet in area that houses the equipment necessary for the proper functioning of the tower and commercial communications antenna(s) may be located on the property where the tower is located. This pad must be setback a minimum of ten feet from any property line and the combined height of the pad and any structures erected on such pad may not exceed twelve feet. Each unrelated company sharing commercial communications antenna(e) space on the tower may have its own building or pad provided that the total area of all buildings or pads on the site shall not exceed 500 square feet, unless otherwise approved by the Board."

SECTION 4. Section 240-31.C(3)[h][3][d] shall be amended as follows:

“[d] Wireless communications equipment. A concrete pad not exceeding 10 feet by 20 feet in area that contains up to three metal boxes housing the equipment necessary for the proper functioning of the antenna may be located on the property where the commercial communications antenna will be located. This pad must be setback a minimum of ten feet from any property line and the combined height of the pad and boxes may not exceed twelve feet. Each unrelated company having an antenna on the existing structure may have its own concrete pad provided that the total area of all pads for all carriers located on the structure shall not exceed 500 square feet, unless otherwise approved by the Board.”

SECTION 5. Severability. If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts hereof. It is hereby declared as the intent of the Board of Supervisors that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

SECTION 6. Repealer. All ordinances or parts of ordinances conflicting with any provision of this Ordinance are hereby repealed insofar as the same affects this Ordinance.

SECTION 7. Effective Date. This Ordinance shall become effective in five days from the date of adoption.

ENACTED AND ORDAINED this ____ day of _____, 2012.

ATTEST:

**EAST GOSHEN TOWNSHIP
BOARD OF SUPERVISORS**

Louis F. Smith, Secretary

Senya D. Isayeff, Chairman

Thom Clapper Ph.D, Vice-Chairman

E. Martin Shane, Member

Carmen Battavio, Member

Charles W. Proctor, III, Esquire, Member

WESTTOWN TOWNSHIP PLANNING COMMISSION MEETING

Stokes Assembly Hall
1039 Wilmington Pike, Westtown Township
June 6, 2012 - 7:30PM

RECEIVED
BY: _____
JUN 8 2012

Call to Order

Chairman Lees led those present in the Pledge of Allegiance to the Flag and called the meeting to order.

Present

Commissioners – Hatton, Whitig, Adler, Lees, Walter, Pomerantz, and Rohrbach. Also present were Township Manager Robert Layman, former Supervisor Tom Foster, five guests and those mentioned below.

Adoption of Agenda

The Agenda was adopted with one change, the Announcements will be placed before the Reports.
RH/BW.

Approval of Minutes

The minutes of the Planning Commission meeting of March 7, 2012, were approved as submitted (DW/BW).

Announcements

An update on Westtown's revision of the Act 537 Plan was distributed to the Planning Commission. Chairman Lees asked that it be read for the benefit of residents present. Mrs. Adler announced the Brandywine Conservancy Program on Renewal Energy on June 19th, and the CRC Watershed Association Rain Garden Workshop on June 14th.

Reports

Dick Pomerantz reported on the Board meeting of May 21st. There was a large group of residents present at the Workshop interested in the proposed Act 537. Discussion of this issue took up most of public section of the Workshop. Following the Workshop, this group moved to the regular meeting. At the regular meeting the Board adopted the Ordinance amending the Accessory Dwelling section of the Zoning Ordinance, approved the execution of the Vision Partnership Grant for the Open Space Plan, approved the agreement with Natural Lands Trust for the Open Space Plan, awarded the 2012 Road Restoration contract to Innovative Construction Services, and the Oakbourne Roof Restoration contract. The remainder of the meeting consisted of public comment on the proposed Act 537 Plan. Those present spoke at length of their reasons for opposing the proposed plan.

Mr. Pomerantz also reported on the Board meeting of June 4th. This was attended by a very large group of residents interested in the sewer issue. Many came to contest the accuracy of the information prepared by URS as a basis for the Board's decisions concerning the proposed Act 537 Plan. The meeting was contentious and lengthy. The Township's proposal was for a low-pressure system (grinder pump). Many residents also oppose the grinder pump system. The Board indicated that they were considering an alternative plan involving an on-site management program. DEP, however, had indicated that it was possible that this plan would not be approved. In that case, Westtown would be required to proceed with the 2007 All-Gravity plan. A task force is being organized consisting of the Township Manager, representative citizens, and Board members. The Planning Commission will eventually be asked to review the plan to be submitted to DEP. Copies of the presentations made to the residents in April, material describing the 2007 Act 527 Plan, and maps will be distributed to the PC prior to that review.

Non-agenda Public Comment

None at this time.

Tract 2012-3, PNC/Rite Aid at Routes 3 and 352

PC received McCormick Taylor review letter dated 5/ 31/ 2012, Stubbe review letter dated 5/15/ 2012, revised Lighting, Signage and Zoning Plans dated 5/2/2012 and related material, and Chester County Planning Commission (CCPC) review letter dated 5/22/2012.

Present for the developer were Attorneys Joseph Brion and Michael Gill, and representatives from Bohler Engineering, Rite Aid, Traffic Planning and Design (TPD), and Pineville Pintzuk.

Speaking for the developers, Michael Gill said that they had received copies of all the review documents and had made additional changes to the plans based on the review comments. The impervious surface has been reduced, the entrance on Route 352 has been aligned with the apartment driveway on the east side of the road, and the signage has been revised to reduce the non-compliance with the Zoning Ordinance. Mr. Gill stated they will continue to work with Mr. Stubbe to revise the lighting plan, but that PNC has very specific concerns relating to lighting issues. The height of the light poles will be reduced to Ordinance standards.

Relating to the McCormick Taylor review, Mr. Gill said it was his understanding the PC found the two uses acceptable (comment 2). Both the CCPC and McCormick Taylor reviews recommended reduced parking. Mr. Gill said PNC did not wish to reduce parking. He further stated removing one or two spaces as discussed would not significantly affect the impervious cover (Comment 3). Mr. Gill argued that a bank does not require a loading space. The Bohler engineer gave a brief summary of the preliminary storm water management plan. Every effort will be made to avoid the co-permitting situation (Comment 5). Mr. Gill said the required Traffic Impact Study will be prepared for the actual Land Development submission. Concerning the western access on Route 3 (Comment 9), the TPD representative argued it improved the circulation on the site and emphasized that the proposed three access points are a significant reduction from the existing six access points. PC asked if tractor trailers delivering to Rite Aid would use this access. Rite Aid representative said no, and also said such deliveries would be scheduled during off-hours. Mr. Gill said he believed the PC was not requesting sidewalks along Route 3 (Comment 11), and that pedestrian routes between the uses and adjacent uses would be discussed during Land Development review.

Relating to the CCPC review Mr. Gill said that the pedestrian access would be considered during Land Development review. He repeated that the applicant was comfortable with the number of spaces shown on the plan. Mr. Pomerantz asked about number of customers and duration of their stay at the pharmacy and the bank. The Rite Aid representative said the customers stayed for 10 to 15 minutes and the number varied. The applicant indicated they didn't expect more than 4-5 cars in each lane of the bank drive-thru and that the bank needed parking for approximately 20 employees.

Mr. Gill stated that the other items would be considered during Land Development review. The purpose of this appearance at the PC is to prepare for the Zoning Hearing Board application. He emphasized that the number of non-conforming conditions was being reduced. As the Westtown Zoning Ordinance exempts directional signs from permitting and they are not included in the total signage calculation, the requirements for variances for signs is reduced.

Chairman Lees indicated that while many of the items would require further discussion in Land Development review, it appeared that the Planning Commission supported the proposed re-development concept.

Alternative Energy Amendment

Present were John Snook and Tony from the Brandywine Conservancy. In addition to sample alternative energy ordinances previously provided to the Planning Commission, copies of the draft Kennett Township Ordinance were distributed and Mr. Snook's summary of issues. Mr. Snook identified some of the issues which the Commission should consider before he could proceed with preparing a draft Ordinance.

1. Scope of Ordinance -What is to be included – solar, wind, geothermal, outdoor wood-fired boilers,

manure digesters.

2. Type of Use. – Should the energy systems be permitted as a use by right or a conditional use.
3. Scale – Should the size of the installation be limited? Should larger installations require conditional use approval.
4. Accessory Use vs Principal Use – Consider the implications of permitting as a principal use.
5. Placement of System – visibility from public streets and other properties.

Mr. Snook described the possible complications of each of the system types and the provisions used by various municipalities to control undesirable situations. He also explained various terms such as "community net metering" and "virtual net metering".

Chairman Lees thanked Mr. Snook and Mr. _____ and indicated that the Commission will proceed. The PC will review the Kennett and Minnesota drafts for a discussion at the next meeting on July 18th and then ask Mr. Snook to return for further consultation.

Rain Gardens.

The Board of Supervisors has asked the PC to consider a resident's request that Westtown adopt some specifications relating to the installation of rain gardens and their maintenance. Mr. Hatton asked if this was covered by the provisions for property maintenance. Mrs. Adler will see if the Township Engineer can provide some information.

Public Comment

Tom Foster recommended checking with the Chester-Ridley-Crum Creek Association which regularly conducts workshops on rain gardens.

Tom Lownes, 1428 Bobolink Ln., commented that the sound system in the meeting room does not work well. He also asked what was the Planning Commission's role in the present situation involving public sewers. He further asked if the PC would be involved in the financial aspects of the sewer program. Mr. Lees responded that the PC would eventually be asked to comment, but at this time has not been involved. The Board of Supervisors is responsible for the financial aspects of the program.

Dick Pomerantz said that he had asked the Township Solicitor if competitive bidding was required for professional service firm contracts. Competitive bidding is not required. Westtown Township frequently approves such contracts. Mr. Pomerantz would like the PC to recommend to the Board that all professional service firm contracts not be approved on a sole source, non-competitive bidding process. The PC discussed but did not decide to take any action.

Adjournment (EA/RH) 9:40pm.

Elaine L. Adler
Planning Commission Secretary

BOARD OF SUPERVISORS

EAST GOSHEN TOWNSHIP

CHESTER COUNTY

1580 PAOLI PIKE, WEST CHESTER, PA 19380-6199

FYI

August 8, 2012

Ms. Paige Fenimore
3 Treemont Drive
Malvern, PA 19355

Re: Malvern Institute / Barn Alteration Plan

Dear Ms. Fenimore:

I write to respond to your email of July 30, 2012. On August 5, 2011, I issued the enclosed zoning determination addressed to Debra A. Shulski, Esquire, as counsel for the Malvern Institute. In that zoning determination I concluded that in order for the Malvern Institute to proceed with its plans to convert the use of the barn from storage associated with the treatment facility into administrative offices for the treatment facility, it was necessary for Malvern Institute to seek the following zoning relief:

- (1) A variance from § 240-40.C(2)(c) to expand the nonconforming use by more than 25%;
- (2) A special exception pursuant to § 240-40.C(2)(e) in order to alter or expand the nonconforming use in a nonconforming structure; and
- (3) A special exception pursuant to § 240-26.B(7)(b) to expand or alter a structure in the floodplain.

I disagree with your opinion that the Malvern Institute is required to obtain a variance and special exception from § 240-40.C(2)(d) to allow the use of the outside of the lot for recreational activities, therapy sessions and resident lounging. The Township believes that these uses are part of the principal use of the lot as a treatment facility and may be continued pursuant to §240-40.C(1) as a nonconforming use of land. The treatment facility use has always involved as part of the principal use certain activities which occurred outside, including passive and active recreational activities and activities related to therapy for the residents. The outside of the property has historically been used for some aspect of the treatment center use.

I also disagree that the uses which are occurring outside are "accessory uses" which must be separately permitted pursuant to some use provision in the Zoning Ordinance. The uses which occur outside are not separate from the principal use and thus must be allowed to continue as part of the nonconforming use.

Finally, I disagree with your opinion that in order to change the use of the barn from storage to office space, Malvern Institute requires a special exception and variance from §240-40.C(3). The existing use of the barn for storage related to the treatment center has never been changed to a lawful use, nor is it viewed as a separate use from the principal use as a treatment facility. Malvern Institute proposes to continue to use the barn for a nonconforming use-

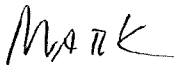
offices related to the principal use as a treatment facility. It is not proposing to convert a lawful use to a nonconforming use. The use of the barn has always been part of the nonconforming treatment center use and will continue to be used as part of the nonconforming treatment center if the necessary zoning relief that I outline above is obtained.

If you disagree with the conclusions that I make in this letter, you have the right to appeal my determination to the Zoning Hearing Board within 30 days of your receipt of this letter by filing an application with the Zoning Hearing Board and paying the associated application fee via check, payable to East Goshen Township in the amount of \$450.00 to:

East Goshen Township
Ms. Ruth Kiefer, Zoning Hearing Board Secretary
1580 Paoli Pike
West Chester, PA 19380

Ms. Kiefer must be in receipt of your complete application and application fee within thirty (30) days of the date of this determination.

Sincerely,



Mark A. Gordon
Township Zoning Officer

Cc: Board of Supervisors
Planning Commission ✓
Kristin S. Camp, Esquire

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

August 5, 2011

Debra A. Shulski, Esquire
Riley Riper Hollin & Colagreco
P.O. Box 1265
Exton, PA 19341-1265

Re: Malvern Institute / Barn Alteration Plan

Dear Debbie:

After our site meeting at the Malvern Institute on July 26, 2011, I reviewed the Zoning Ordinance and the plans provided to the Township for the proposed project to convert the barn on the Malvern Institute property into administrative offices. I also reviewed your letter dated June 20, 2011. My comments are as follows:

Background:

The Malvern Institute started operations in 1948. The Township adopted its first Zoning Ordinance in 1953 and the Institute became a nonconforming use at that time.

The original structure on the property is 2 ½ stories and has a footprint of +-3,100 sq feet. There is also a barn, detached garage and a springhouse on the property. The Institute constructed a 10,000 sq foot addition in 1982. The Zoning Ordinance in effect at that time did not limit the expansion of nonconforming uses.

The Institute meets the definition of a "treatment center" under the 1997 Zoning Ordinance. The standards for a treatment center are set forth in §240-31.C.(3)(mm). Treatment centers are permitted in the I-2 Zoning District as a conditional use. The Institute is located in the R-2 Zoning District and the buildings comply with the R-2 setbacks, not the setbacks required for treatment centers in §240-31.C.(3)(mm).

Proposal:

The Malvern Institute proposes to convert the barn into office space and to move the administrative offices from the main building into the barn. The existing floor space in the barn consists of a basement and one floor of space above the basement level. The Malvern Institute plan proposes to add an additional second floor area in the barn and to convert the storage use to office use for the administrative offices for the facility.

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EAST GOSHEN TOWNSHIP

The barn is situated in a Special Flood Hazard Area (SFHA), **Flood Zone A**, and is therefore a nonconforming structure. The definition of **Flood Zone A** is: "Areas subject to inundation by the 1-percent-annual-chance flood event generally determined using approximate methodologies." Because detailed hydraulic analyses have not been performed, no Base Flood Elevations (BFEs) or flood depths are shown. Mandatory flood insurance purchase requirements and floodplain management standards apply.

Zoning Requirements:

Nonconforming structures and nonconforming uses:

§240-40.B.(3)(b) - states that "if a nonconforming structure is used or occupied by a nonconforming use, any alteration or enlargement of the structure shall be in compliance with the limitations of Subsection C".

§240-40.C.(2)(c) - limits the total increase in area of the nonconforming use of a structure to a maximum of 25% of the total floor area. It states that "Floor area shall be based upon the total floor area of the structure at the time the use first became nonconforming." This section also states that "if prior to the effective date of this restriction the use had been expanded by a percentage greater than 25%, it shall not be entitled to any further expansion under this section."

§240-40.C.(2)(e) - states that "the alteration or expansion of a nonconforming use of a structure or of land shall be permitted only if a special exception is granted by the Zoning Hearing Board pursuant to Article IX."

Floodplain regulations:

§240-26.B.(7)(b) - states that "the modification, expansion, enlargement, alteration, repair, reconstruction or improvement of any kind to a nonconforming use or structure located in a floodway-fringe or approximated floodplain must be authorized as a special exception by the Zoning Hearing Board..."

Conclusion:

The Malvern Institute is a nonconforming use operating in nonconforming structures. The nonconforming use has been expanded by greater than 25% since it was classified as a nonconforming use. The barn is presently used for storage and the proposed plan increases the floor area of the nonconforming use and structure. In order to proceed with the alteration and expansion of the nonconforming use in the barn, I conclude that the following zoning relief is needed:

- a. A variance from §240-40.C(2)(c) to expand the nonconforming use by more than 25%.
- b. A special exception pursuant to §240-40.C.(2)(e) in order to alter or expand a nonconforming use in a nonconforming structure.

BOARD OF SUPERVISORS
EAST GOSHEN TOWNSHIP

- c. A special exception pursuant to §240-26.B.(7)(b) to expand or alter a structure in a floodplain (note: the minimum flood proofing standards outlined in §240-26.B.(10) are applicable to this proposal).

You may apply for both the variances and special exceptions in one application since they involve the same facts and property. Please give me a call at 610-692-7171 or e-mail me at mgordon@eastgoshen.org if you have any questions or need additional information.

Sincerely,



Mark A. Gordon
Township Zoning Officer

Cc: Board of Supervisors
Planning Commission
Kristin S. Camp, Esquire

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

FYI

August 21, 2012

Dear Property Owner:

The purpose of this letter is to inform you that Doris Ernst, owner of 1483 Quaker Ridge, West Chester, PA 19380 has submitted a Zoning Hearing Board application appealing the determination of the Zoning Officer and the issuance of a building permit for the installation of a basement egress window at the rear of the home at 1484 Quaker Ridge.

Pursuant to Township policy, property owners within 1000 feet of the subject property are notified of Zoning Hearing Board applications.


The Hearing date for this matter is:

September 10, 2012 - Zoning Hearing Board (7:30 pm) (Zoning Hearing)

All hearings are held at the Township Building and are open to the public. The Zoning Hearing Board Application is 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 proceedings, he or she should contact East Goshen Township at 610-692-7171, to discuss how those needs may be accommodated.

Please give me a call if you have any questions or need additional information.

Sincerely,



Mark A. Gordon
Township Zoning Officer

Cc: Mr. Robert J. Carey, Esq.
Ms. Kristin Camp, Esq. Township Solicitor