

EAST GOSHEN TOWNSHIP
PLANNING COMMISSION MEETING
August 7, 2013

The East Goshen Township Planning Commission held a regularly scheduled meeting on Wednesday, August 7, 2013 at 7:00 p.m. at the East Goshen Township building. Members present were: Chairman Susan Carty, Dan Daley, Adam Knox, Al Zuccarello, George Martynick, Jim McRee, and Nathan Cline. Also present were Mark Gordon, Township Zoning Officer; Michael Conrad, Consulting Engineer; Erich Meyer, Park & Recreation Commission, and Ginnie Newlin, Conservancy Board.

COMMON ACRONYMS:

BOS – Board of Supervisors
BC – Brandywine Conservancy
CPTF – Comprehensive Plan Task Force
CVS – Community Visioning Session

A. CALL TO ORDER

Sue called the meeting to order at 7:00 pm and led those present in the Pledge of Allegiance. There was a moment of silence. Sue asked if anyone would be recording the meeting. There was no response.

B. WORKSHOP DISCUSSION – 7:00 TO 7:30 PM

1. QVC – Mark reviewed the history of their satellite receivers. Jim pointed out that it seems they are proposing plantings that could be shorter than the dishes. Also, he commented on item #3 in the proposed motion and feels it is too restrictive. Mark explained that, if QVC wants to install a dish that is larger than the largest one they have now or wanted to increase the area size, they would have to come to the township for approval. George mentioned that uplink and downlink dishes are different sizes. Mark commented that these are downlinks to check links from around the world.
2. 1410 Linden Lane – Mark gave a history of the subdivision which was built in the 1970's. There are 4 lots that abut the stream. Two are additional to existing lots and 2 are separately owned. 1410 & 1412 had floodplain issues but the developer was finally granted variances for them but never built on them. The Applicant, Mr. Ruddy, is the 3rd owner. He wants to add fill to the lot which will move the flood waters. FEMA wants Township approval and the Township wants FEMA approval. Engineering was done and the first plan reviewed. Mr. Ruddy answered the comments in the Yerkes review letter and submitted a new plan. There is not another meeting scheduled with the Planning Commission

C. APPROVAL OF MINUTES

1. Sue noted that the minutes for the July 3, 2013 meeting were approved as corrected.

D. PUBLIC COMMENT ON NON-AGENDA ITEMS

1. Art Polishuk, 1424 Grand Oak Lane – The PSATS bulletin that Sue mentioned is not a part of the packet on the website. Also, he commented that the Township bought a new plot plan copier but there are no plot plans on the website.

E. CONDITIONAL USE & VARIANCES

1. **1365 Enterprise Drive – QVC Inc.** - Applicant was represented by Greg Davis of Saul Ewing, and Heckendorn Shiles Architects. QVC has been in this building for almost 30 years. The satellite compound has always been there. It is 300 ft. from the property line. The dishes are

receiving not transmitting so noise should not be an issue. Greg provided photos of the site which is next to an existing building. The existing commuter parking lot will be removed to expand the dish area and filled with crushed stone. An 8 ft. estate fence will be installed. In order to receive the signals, they can't have plants higher than the 8 ft. fence. The new dishes will be the same color as the existing dishes. A light color is used because of the heating system. In the summer a dark color will absorb more heat which would cause distortion in the signal they receive. Jim asked about the height of the dishes and pads. George commented that height is important because they can stagger them and add more dishes by raising some of them. George asked if they are c/ku band or is there something additional. It was explained that the reason for the larger dishes is that they are receiving more signals.

Public Comments:

1. Art Polishuk, 1424 Grand Oak Lane, feels the dishes are visible at times from Paoli Pike. Arborvitae trees are a favorite of the deer. He suggests that they look at something else.
2. Ginnie Newlin asked if the plan will go to the Conservancy Board for review. Mark doesn't feel it is necessary since this is not a land development plan.
3. Ron Woodworth – 1550 Colonial Dr. – asked how the signal is pulled down and if there is any interference. Greg answered there is no interference. There are lightening detectors on the dishes and on the building.

Al made a motion that the Planning Commission recommend that the Board of Supervisors approve the Conditional Use application of QVC, Inc. to increase the number of satellite dishes on their property from 6 to 12 with the following conditions:

1. The entire fence line along the southern edge of the satellite area shall be screened with deer resistant vegetation as depicted on the Landscape Plan dated 7/2/2013, with the stipulation that in 18 months the Township can reevaluate the screen and suggest replacement or embellishment.
2. The vegetative screening shall be maintained so long as the satellite use exists on the property.
3. Any future changes to the satellite dishes within the satellite yard may occur so long as the size of the dish(s) isn't increased more than the largest dish in this plan, so long as the height of the dish(s) does not exceed the allowable building height of 30 feet, and so long as the dish(s) is installed within the existing fenced-in satellite yard depicted on the proposed satellite yard plan dated 7/18/2013. Adam seconded the motion. There was no further discussion. The motion passed unanimously.

2. 1551 Colonial Lane – John Mullin of Mullin Engineering represented the applicant Sunny Ridge Farms, LLC. The Yerkes review letter was received. Comment #4 addressed landscaping issues. John suggested a site walk with Township staff. Adam would like to have a member of the Conservancy Board at the walk. Michael Conrad spoke about disturbance to steep slopes. John agreed to attend the Conservancy Board meeting next Wednesday, August 14. Mark will provide a copy of the plan for the CB. The site walk will be scheduled after the CB meeting.

Comment #16 – Curbs – John mentioned that there are no curbs in the rest of the roads in this area. Mike Conrad explained the need for curbs.

Comment #9 – They haven't been able to locate the existing water supply.

Public Comment

Ron Woodworth, 1550 Colonial Dr. – He is upset that there has been no communication with the neighboring residents. He is concerned about the traffic from the proposed townhouse development on the other side of Rt. 352. Has a study been done? Has a study been done about the existing wells and the impact this development will have on them? He agrees that the

property needs to be developed and understands the need for a maximum return on investment. But a house should be placed facing Cornwallis. There is a stop sign there which is not heeded. He feels a house there will help slow down the traffic. From his perspective there is no concern from the developer or the township about how many houses will be built. He wants a guarantee that if his well goes dry it will be replaced.

3. 1410 Linden Lane – Donald C. Ruddy, applicant, was present. He explained his proposal to build a single family dwelling on the lot which is on a floodplain. He proposes to fill in the flood plain area to raise the elevation of the house moving it out of the floodplain. 60% of the footprint of the house is out of the floodplain. Fill would be needed to get the other 40% out of the floodplain. The site plan has been revised to comply with Yerkes letter of June 4, 2013. The house will have public sewer and water.

Mark explained that there are 3 other lots next to this one that are in the floodplain. 1 is individually owned. The other 2 are owned by existing residents as additional land.

Mr. Ruddy has someone who is interested in buying the lot and building the house.

Jim asked if Mr. Ruddy's engineering study considered water coming from the Hicks farm. Mr. Ruddy suggested referring to the FEMA map.

Jim asked if the person buying the lot is a developer who will sell it or someone who will live in the house. Mr. Ruddy didn't know.

Jim asked if anyone has considered what would happen if the other 3 property owners want to do the same thing.

Mike Conrad spoke about some of the additional items the homeowner might want to do to the house in the future, so the Planning Commission has to consider those things.

Stormwater Management was discussed. There is nothing in the plan showing how the water flow will be handled.

Jim suggested that the width of the house be reduced by 10 feet.

Mark asked what his hardship is for the 10 feet of relief. He also pointed out how the house size can be reduced.

Dan commented that this is a FEMA studied area. Though the applicant has done extensive studies, the FEMA map doesn't agree.

Mike Conrad explained the FEMA study. He commented that the culvert was not included in the study. In his few the study was conservative and did not consider any constriction of the culvert. Mark mentioned that one culvert was removed by the Township and replaced with two deep, oval culverts which helped with the water flow.

Al asked Mr. Ruddy if he is an engineer. Mr. Ruddy replied that he was a chemical engineer.

Al commented that 35-40 years ago when he was on the West Goshen Planning Commission, they were told that 25 year storms were going to occur every 5-10 years and upstream building was the cause.

Public Comment:

John & Christina Vagnozzi, 1408 Linden La, represented by Vincent Donohue, attorney, of Lamb McErlane. Mr. Donohue thanked Al for the observation and accuracy about storms. Mr. Donohue pointed out that there is nothing to meet the hardship requirement. The issue isn't just the 100 year floodplain on this property. It also includes runoff from other properties that run into Clarks Creek. He does not consider this a building lot.

Mrs. Vagnozzi gave out photos showing their property and the surrounding area before and after flooding in July 2011. They feel strongly that these changes will bring water into their house.

Mr. Donohue mentioned that they are going to hire a Stormwater attorney for the hearing. The concern is stormwater problems upstream that are failing.

Walt Cotter, 1406 Linden La, recalled that this area originally was a swamp which was filled in several times by the developer. What they did in 1970 they would not be able to do today. The culvert was replaced because the water took it away. They have 3 sump pumps, a generator and a dehumidifier in their house.

Jean Cotter, Walt's mother, commented that they had to install a new basement floor because the water came up through the cracks.

Linda Polishuk, 1424 Grand Oak Lane – commented that most stormwater specialists are saying that the 2 year storms that are occurring more often are the problem. She feels the Township should not allow any development on these types of land.

Art Polishuk, 1424 Grand Oak Lane – complained that the documents aren't on the website.

Janne Gengler, 1414 Linden Lane – commented that the current storms have been worse than in the past. At reassessment 5 years ago, they were assessed on the extra lot. They appealed it stating that it was in a floodplain and not buildable, so they don't pay taxes on it.

Kathleen Lowery, 1407 Linden Lane – stated that there have been times when they couldn't get to their house in a bad storm. How will the township get an ambulance down there?

Mark suggested that Mr. Ruddy give an extension so he can redesign the plan and meet with the Township engineer to discuss what was brought up at this meeting. Mr. Ruddy did not want a deadline on the extension. So Mark suggested a withdrawal. Mr. Ruddy agreed to withdraw his application and will supply a letter.

Sue thanked the residents for their time and input.

F. ADJOURNMENT

The next meeting will be held on Wednesday, September 4, 2013 at 7:00 pm. There being no further business, a motion to adjourn the meeting was made by Dan and seconded by Adam. The meeting adjourned at 10:00 pm.

Respectfully submitted, _____
Ruth Kiefer, Recording Secretary